

# San Francisco Chronicle

August 20, 2005

## Judge restores protection for endangered salamander

by Bob Egelko  
Chronicle Staff Writer

A federal judge, in a strongly worded ruling Friday, rejected the Bush administration's attempt to reduce endangered species protection for the California tiger salamander in Sonoma and Santa Barbara counties.

Populations of the amphibian inhabit coastal ranges in the Santa Rosa area, part of northwestern Santa Barbara and portions of Central California, living in upland burrows and breeding in ponds.

The U.S. Fish and Wildlife Service declared the Sonoma and Santa Barbara populations endangered species in 2003 in response to environmental lawsuits and a court order. The listing, reserved for species on the verge of extinction, prohibits development that would harm the salamander or significantly damage its habitat. The agency did not decide the status of the Central California salamander.

Farmers, homebuilders and others whose development or commercial activities were restricted by the listing sued in 2004, claiming that the government had exaggerated the threat to the salamander and that the Sonoma and Santa Barbara salamanders are part of a single statewide species, rather than distinct populations.

In response, the Fish and Wildlife Service issued a new order later in 2004, reclassifying the Sonoma and Santa Barbara salamander populations as threatened -- rather than endangered -- and listing the Central California salamander as threatened. One consequence of the change to threatened status, which has not yet taken effect, would be to allow routine ranching activities regardless of their impact on the creature or its habitat.

In Friday's ruling, U.S. District Judge William Alsup of San Francisco said the diminishing of protection for the Sonoma and Santa Barbara salamanders was contrary to the recommendations of the federal agency's scientific advisers and was not supported by any evidence or analysis.

"Brute force and ipse dixit were substituted without even a semblance of agency reasoning," Alsup said. "Ipse dixit" is a legal term that, roughly translated, means "because we said so."

He ordered the continuation of endangered status for both populations but said the government could try to reduce their protection in the future, if there was evidence to support the change.

Alsup upheld the government's decision to list the Central California salamander as threatened.