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Environmental group taking federal agencies to court

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An environmental group that once operated from a remote New Mexico ranch is exerting profound influence over development and recreation in fast-growing San Diego and Riverside counties by repeatedly suing federal agencies ---- and winning.

The Center for Biological Diversity, founded in 1989 and now based in Tucson, Ariz., has filed a total of 184 lawsuits since 1993 against the U.S. Fish and Wildlife Service and other agencies, accusing them of lax enforcement of the Endangered Species Act.

And nine times out of 10 the center prevails, said Kieran Suckling, the founder and executive director for the organization that claims 6,000 dues-paying members, in an interview last week.

"They're sort of my heroes," said Cindy Burrascano, the conservation chairwoman for the San Diego County chapter of the California Native Plant Society. "They actually expect the government agencies to follow the laws they were created to enforce. And they are willing to go to court to make sure that happens."

But Ramona rancher Bill Tulloch, who recently was pushed off Cleveland National Forest pasture after the center sued the U.S. Forest Service, thinks the organization is bad news.

"I think they are just one of these nut case environmental groups," Tulloch said. "They're not really interested in protecting the environment; they just want to shut the country down."

But even adversaries acknowledge the group's growing clout in the courtroom.

"They're a heavy, heavy player," said Justin Cole, a San Diego Off-Road Coalition board member who compares the group to an aggressive pit bull. "A lot of agencies are very intimidated by them because they are sued all the time by these people. When they say jump, the government says, 'How high?' "

Suits interfere with planning

Borre Winckel, the executive director for the Building Industry Association's Riverside chapter, said the group's steady barrage of litigation is endangering western Riverside County's efforts to properly plan for growth by working with federal agencies that enforce the species law.

"They have been doing a lot of damage with this critical-habitat matter," Winckel said. "And we in Riverside County have a disproportionate impact from this group, which finds it financially rewarding to sue the U.S. Fish and Wildlife Service on a perpetual basis."

And nothing is sacred, said U.S. Rep. Ken Calvert, R-Riverside.

"You've got to remember, these are the same guys that believe Camp Pendleton should be turned into a park and declared off-limits to military training," Calvert said. "The Marines have done a great job of protecting the environment just by being there. They are an open-space buffer against development."

While critical-habitat lawsuits have yet to substantially restrict activities at the Marine Corps base in North County, they have bogged down the workload at the Fish and Wildlife Service.

Miel Corbett, Southern California liaison for the agency in Sacramento, said the agency has had to put off until late 2002 ---- if not later ---- decisions on whether 200 rare plants and animals should be protected by being added to the endangered species list.

The Center for Biological Diversity has succeeded in shutting down some areas. One of those is the popular Algodones Dunes along Interstate 8 east of San Diego, where 50,000 acres has been declared off-limits to off-roaders.

Cole, who likes to ride dune buggies there, said center members aren't content with closure; rather, they insist on intimidating riders by constantly patrolling the dunes and snapping pictures, he said.

"They have their own command station set up, and everybody has two-way radios," Cole said.

Story is backward

David Hogan, the center's San Diego County-based Southern California representative, said the off-road crowd has the story backward.

"It is the off-roaders who are intimidating conservationists by shouting threats and riding dangerously close to them," he said. And Hogan said center members are not about to apologize for their presence, nor they have any intention of leaving.

On the contrary, the group is gearing up to expand its work in Southern California.

Suckling said the center is preparing to open in May a key regional office, to be staffed by 10 people, in the Riverside County mountain town of Idyllwild. The group intends to close the purchase of three buildings totaling 4,500 square feet for $182,000 by the end of the month, he said.

"That's going to dramatically increase our presence in Southern California and give us the ability to really do something about the unparalleled urban sprawl and loss of biodiversity there," he said.

But already the group has built a reputation among Southern California politicians, administrators, industry leaders and recreationists as a group to be reckoned with, said Ellen Bauder, a vernal-pool plants expert at San Diego State University.

"You could say that they are the David in the David-and-Goliath tale from the Bible," Bauder said.

Center for Biological Diversity lawsuits have triggered a flurry of "critical habitat" designations in recent months totaling nearly 6 million acres in California for the arroyo Southwestern toad, Peninsular bighorn sheep, California coastal gnatcatcher bird, Southwestern willow flycatcher bird and other animals.

On March 6, the federal government issued its largest such designation in the state to date4.1 million acres for the California red-legged frog, the amphibian that Mark Twain made famous in his tale, "The Celebrated Jumping Frog of Calaveras County." That critical territory includes 57,000 acres along Murrieta, DeLuz and San Mateo creeks in Southwest Riverside County and North San Diego County.

More critical habitat coming

Hundreds of thousands more acres are expected to be added during the next year as the Fish and Wildlife Service makes final critical-habitat decisions for other species. One of those is the Quino checkerspot butterfly, once one of Southern California's most common butterflies and now confined to San Diego and Riverside counties.

Nationwide, the center's efforts have triggered a third of all critical-habitat designations since 1990, totaling 39 million acres, Hogan said.

Declaring critical habitat does not mean land is destined to become part of a wildlife reserve. But the designation does require affected landowners to consult with the Fish and Wildlife Service and make plans to reduce damage to habitat or make amends for damage.

The center also has been the driving force behind Fish and Wildlife Service decisions to classify 115 rare animals and plants as endangered or threatened, 83 of them in California.

And a recent legal settlement led the Forest Service last month to launch a rewrite of management plans for four Southern California national forests: Cleveland, San Bernardino, Angeles and Los Padres.

Founded by philosophy major

It was outrage over destruction of other forests that led to the group's founding.

In the late 1980s, Suckling was a philosophy major studying at State University of New York on Long Island when he decided to move to the New Mexico wilderness. He thought the wide-open West would provide the ideal inspiration for finishing a doctoral thesis on the philosophical implications of animals becoming extinct.

Taking a $5-an-hour job with the Forest Service, he scouted ancient Douglas fir, white fir, subalpine fir and ponderosa pine forests of western New Mexico and eastern Arizona with crew leader Peter Galvin for Mexican spotted owls. But despite finding 70 pairs, the agency refused to curb logging.

Disillusioned by the inaction, the duo teamed up with Todd Schulke, an animal rights activist from Del Mar, to form the Greater Gila Biodiversity Project in 1989. Their first project was lobbying for curbs on timber cutting and cattle grazing, and they were quite successful.

But it was not long before enemies discovered the location of their base: a dilapidated wooden house without electricity on a remote 1,000-acre New Mexico ranch that they rented for $17 a month.

After receiving death threats and having tires slashed, members relocated to Silver City, N.M., in 1993 and changed their name to the Southwest Center for Biological Diversity.

"We had people living all over the property," Suckling said of Silver City. "We had two people living in tepees. We had a plywood shack. And we had this terribly rundown trailer. The neighbors were quite amused."

Hogan catches up with group

It was in Silver City that Hogan caught up with the group.

His motivation for joining the cause was the paving over of once-pristine Carmel Valley in San Diego County while the California native, now 31, was growing up in Solana Beach.

"Chaparral, sandstone bluffs and rare Torrey pines were replaced by shopping centers, parking lots and Orange County-style tract homes," said Hogan, who graduated from Torrey Pines High School in 1988. "I watched the utter destruction of an area of sublime beauty."

After shifting from an advocacy campaign to one centered on litigation at Silver City, group leaders decided they needed a more high-profile base, in a big city, to make an even bigger splash. And in late 1995, while changing its name a second time, the organization opened its Tucson headquarters. Later, the group also opened an office in Berkeley.

Operating on an annual budget of $1 million, the center now has six offices in four states with 18 full-time employees and five contract biologists.

After learning how to secure grants from private foundations, the group has much more money than it did in the early days. But it still cannot afford to pay big-money lawyers, Suckling said.

Then again, with its reputation for winning nearly nine times out of 10, center employees don't have to look for charitable-minded lawyers willing to argue their side anymore. Lawyers fresh out of law school and anxious to cut their teeth on high-profile cases look them up.