

Vernal pool habitat up for federal review

Government could opt to increase acreage to protect plants, animals

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WASHINGTON Controversy still swirls around the Central Valley's vernal pools, the seasonal wetlands now returning to the center of political struggle.

Under legal pressure, the Bush administration this month is reconsidering what Valley lands should be deemed critical habitat for endangered vernal pool species.

In time, several Valley counties could find themselves back in the same critical habitat zone from which local officials thought they had escaped.

"I'm very concerned," Rep. Dennis Cardoza, D-Merced, said. "We need to rally the troops who had fought this in the first place."

That's probably going to entail meetings between ranchers and environmental regulators in Cardoza's Merced office, as well as a Fish and Wildlife Service presentation in Modesto this month.

Fervent lobbying will ensue on both the grass-roots and Capitol Hill fronts.

But environmentalists are rallying, too, as a public comment period runs through Jan. 28.

"This is a particularly good move if it results in more critical habitat," Center for Biological Diversity attorney Kassie Siegel said of the review. "Critical habitat needs to be enlarged."

Carol Witham, president of the California Native Plant Society, said that more critical habitat should be established for vernal pools "if they follow scientific reasoning, instead of political reasoning."

The renewed tussling comes over a 2003 Bush administration plan designating 740,000 acres in 30 California counties as vernal pool critical habitat.

Vernal pools are home to tiny crustaceans and various plants protected under the Endangered Species Act.

The Bush plan marked a considerable reduction from the 1.7 million acres originally proposed in 2002.

Critical habitat is the area considered "essential to the conservation of the species."

Though often feared by private property owners, the most immediate impact hits the government itself.

Federal agencies must consult with environmental regulators, and potentially modify planning, when government work touches on critical habitats.

Citing potential economic impacts running into the tens of millions of dollars, the Bush administration in its 2003 plan removed five counties in their entirety from the critical habitat region.

That pleased many in Merced, Madera, Sacramento, Butte and Solano counties.

"I don't think it will have much of an impact on our ability to restore the species," Assistant Interior Secretary Craig Manson said at the time. "We think there are far better ways to protect endangered species than by designating critical habitat."

Stanislaus County ranchers were perplexed, though, as they wondered why similar land across the Merced County line got a break while theirs did not.

Environmentalists were even more unhappy, with the Butte Environmental Council claiming in a lawsuit that the Fish and Wildlife Service shrunk the acreage without proper public notice or sufficient scientific study.

The federal agency ultimately agreed to reconsider the vernal pool decisions but wanted until March 2006 to do so.

A federal judge is giving the administration until July 31 to complete its work.

"The Fish and Wildlife Service cannot avoid its mandatory duties under the Endangered Species Act on the grounds that the budget and staff are inadequate," U.S. District Judge William Shubb concluded.

Shubb further noted that nine years already had passed between the listing of the species and the designation of the critical habitat.

First, the Fish and Wildlife Service will reconsider designating as critical

habitat property within the San Luis National Wildlife Refuge, Sacramento National Wildlife Refuge and other state and federal areas.

The Bush administration removed 136,000 acres of such land, contending that it already enjoyed sufficient protection.

The agency also will redo part of the original economic analysis, which had concluded the critical habitat designations could "potentially impose total economic costs to public and private entities of \$124 million per year over 20 years."

The new study will examine the specific impact on the five excluded counties.

"There are so many levels on which these decisions coming out are flawed," Siegel said, adding that the original vernal pool economic study was "a particularly bad one."