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Judge says vernal pools unprotected

By: North County Times

SAN DIEGO -- A federal judge has concluded that the city of San Diego's endangered species preservation plan does not adequately protect vernal pools or seven imperiled species in the seasonal ponds that fill with winter rain and evaporate in spring.

U.S. District Judge Rudi Brewster ruled late Friday that San Diego's strategy to allow 12 percent of remaining ponds to be bulldozed is arbitrary and unacceptable. Brewster ordered the city to rework its strategy, known formally as the San Diego Multiple Species Conservation Plan. For the time being, no development can take place on sites with pools.

It was unclear how the ruling might affect a 20,000-acre species plan approved a few years ago for North County cities or the county's efforts to craft a similar plan for a 300,000-acre swath of unincorporated North County.

Jane Hendron, a spokeswoman for the U.S. Fish and Wildlife Service in Carlsbad, said her agency is studying the ruling and had no immediate comment. The same went for Tom Oberbauer, county project manager for the North County rural plan targeted for completion in late 2007.

In 1998, a year after San Diego's plan was adopted, the Center for Biological Diversity and other environmental groups sued, saying it did not adequately protect the Riverside fairy shrimp, San Diego fairy shrimp, Orcutt's grass, Otay Mesa mint, San Diego button celery, San Diego Mesa mint and spreading navarretia. The judge agreed.

"If this type of destruction is treated on a case-by-case basis as an unimportant loss, it does not take long before life on this planet is in jeopardy," Brewster wrote.

Scientists estimate that 90 percent of Southern California's once-widespread vernal pools have been paved over.