



9. **ENDANGERED SPECIES:** Group sues over trimming of habitat for peninsular bighorn sheep (06/18/2009)

April Reese, E&E Western reporter

Two months after the Fish and Wildlife Service removed thousands of acres from its critical habitat designation for endangered peninsular bighorn sheep in Southern California, a cadre of environmental groups has filed a notice of intent to sue over the decision.

The groups, which include the Center for Biological Diversity, the Sierra Club, the Desert Protective Council, Desert Survivors and the San Bernardino Valley Audubon Society, argue that the government's new critical habitat **designation** covering 376,938 acres -- down 55 percent from the original 844,897 acres -- abandons key migration corridors, alluvial terraces and canyon bottoms necessary for the species' comeback.

"This habitat reduction is a huge blow to peninsular bighorn recovery," said Joan Taylor, conservation chair for the local Sierra Club group in the Coachella Valley.

Stephanie Weagley, a spokeswoman in FWS's Carsbad, Calif., office, said she could not discuss the legal notice, citing agency policy.

The agency's 2000 recovery plan for peninsular bighorn sheep, however, notes the importance of canyon foraging habitats, which provide ewes with the nutrients they need to nurse their lambs. The canyons also are important for sheep migration and the intermixing of bighorn groups, which is key for maintaining genetic diversity.

But the Agua Caliente band of Cahuilla Indians, who filed suit to have their lands removed from the original 2001 critical habitat designation, successfully argued that including tribal areas in the habitat area impinged upon the tribe's sovereignty. The 423-member tribe's reservation stretches across more than 31,500 acres in the Palm Springs area, extending into the Santa Rosa and San Jacinto mountains. The Building Industry Legal Defense Foundation also filed suit, claiming FWS's economic analysis was flawed.

The new habitat designation removes all tribal lands -- about 4,790 acres -- and about 38,759 acres of private land from the original critical habitat designation ([Land Letter](#), April 16).

Habitat conservation plans

The tribe and FWS say the lands removed from the critical habitat designation will be adequately protected by a pair of habitat conservation plans covering parts of the Coachella Valley. The habitat plans -- one of which covers tribal lands -- protects important habitat areas near the base of the mountains and prohibits development in a mountainous area used for lambing, officials said.

Nancy Conrad, a spokeswoman for the Agua Caliente Band of Cahuilla Indians, said that the tribe's **plan** would essentially provide the same protections as a federal critical habitat designation. "Just because it's the tribe's plan, that doesn't mean that it's not effective and isn't doing what people want to see," she said.

But while the conservation plans may protect habitat in certain areas in the northern part of the sheep's range, that range extends much farther south, all the way to the Mexican border, and FWS must secure adequate habitat along that entire corridor, said Ilene Anderson, a biologist with the Center for Biological Diversity.

The peninsular bighorn sheep population dropped from 1,171 sheep in 1974 to 276 by 1996. Since the species was granted endangered status in 1998, the population has increased to about 800 animals -- progress Anderson attributes to a reintroduction effort and the 2001 critical habitat designation.

Development pressure

But the winnowed plan could open the door to new development, particularly as key habitat linkages are removed under the new habitat designation, Anderson said.

"Certainly fragmenting the habitat, which is what they've done with this new designation, is going to be problematic, because those areas have substantial development inside of them, and the linkage between these ewe groups -- they're the basis for the population



California's endangered peninsular bighorn sheep prefer bottomland habitat areas that area also ripe for commercial and residential development. Photo courtesy of the Fish and Wildlife Service.

because the rams follow them -- reduces the habitat," she said. "And eventually, you'll get inbreeding."

In the most recent example of a development threat to the Coachella Valley's endangered bighorn, the Palm Desert City Council in March approved a luxury home development to be built within 240 yards of lambing pens that are part of a captive breeding program for the sheep. According to the Bighorn Institute, the animals need a buffer of at least 400 yards away from humans while raised in captivity to be able to thrive when released in the wild.

Unlike other bighorn sheep populations, peninsular bighorn sheep inhabit lower-lying areas, putting them in direct conflict with human development, which also tends to occur in bottomlands. Peninsular bighorn sheep prefer valleys to the dense chaparral vegetation on mountain slopes because the brush obstructs their ability to watch for predators.

Anderson said she hopes FWS will agree to make improvements to the critical habitat plan within the next 60 days; if not, the groups will forge ahead with a lawsuit.

April Reese writes from Santa Fe, N.M.



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