

Habitat plan permits halted

CONSEQUENCE: Riverside County growth and transportation projects may be delayed.

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By JENNIFER BOWLES / The Press-Enterprise

Riverside County's growth plan could be put on hold.

The U.S. Fish and Wildlife Service, pending a final court order, has stopped issuing permits nationwide for so-called habitat conservation plans, key to the growth plan's being finalized for western Riverside County.

Such plans protect endangered wildlife in some areas while allowing destruction of their habitat elsewhere to make room for new homes or new roads.

The federal wildlife agency stopped issuing the permits Oct. 9 after U.S. District Judge Emmett Sullivan sided with environmentalists who claimed habitat plans, approved by the Interior Department, include aspects that go against the intention of the Endangered Species Act. He issued a one-page order Sept. 30 granting a motion by the Spirit of the Sage Council, and said a final order would follow with details.

"We're going to have to wait and see what the judge determines," Jane Hendron, spokeswoman for the Fish and Wildlife Service's Carlsbad office, which is reviewing the county's plan, said Wednesday.

The county has been working on its growth plan for four years, finally approving a housing plan earlier this month and a plan for species preserves in the summer. The Coachella Valley is working on a similar plan that will require such a permit.

Riverside County Supervisor Marion Ashley said the county had been expecting its permit as early as December. He said the permit is key to the rest of the plan.

"This is vital because in order to move ahead with highway projects, to handle the growth, we need this (permit)," he said.

At issue in the lawsuit was the no-surprises policy built into habitat conservation plans under the Clinton administration. The policy was seen as a way to give developers assurances that once they comply with a plan they won't have to face any further building restrictions even if new species are listed under the Endangered Species Act.

"Having the 'no surprises' clause removed gives no landowner, no developer any reason to participate in the multispecies habitat plan," said Borre Winckel, executive director of the Riverside County chapter of the Building Industry Association.

Leeona Klippstein, executive director of the Spirit of the Sage Council, said the clause offers no protection to the species.

"The Endangered Species Act is supposed to give certainty to endangered species,"

she said. "By giving assurances to developers, it takes away the purpose of the act itself."

Ashley said he felt confident that Riverside County would wind up in a good position to get its permits despite the judge' s final order. The plan already takes into account not only species protected by the Endangered Species Act but dozens more that could be in the future.

"It' s going to be hard," he said, "to surprise Riverside County."

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