

■ Developers and environmentalists square off in debate over land use.

By Ann Griffith
Daily Bulletin

It's about an inch long, burrows in sand as soft as sifted flour and for two weeks a year emerges to hover over flowers to drink like a humming bird.

The Delhi Sands flower-loving fly is unique and rare, endangered in fact. But to developers and local government leaders it is just a fly that costs time and money.

The expensive battle over the insect's survival demonstrates how endangered species laws work – and don't work – in projects throughout the Inland Valley. It is also a test of the Endangered Species Act, which was controversial enough when it was used to protect bald eagles and spotted owls.

But in San Bernardino County it is a shield for less appealing creatures: rare sucker fish, bugs and rodents. Does the world really need another fly? On the other hand, does Fontana really need another housing tract?

In August, insect experts successfully pressured Fontana leaders to protect the fly from progress. The City Council was poised to approve 202 homes in one of the final phases of Southridge Village, the city's largest housing tract at the base of the Jurupa Mountains and part of the fly's dwindling habitat.

Like other endangered species, the fly's fate depends

on money and politics, and saving it isn't easy. The Endangered Species Act designed to protect rare wildlife as long as it isn't an insect pest (and nobody has made the legal argument that the fly is a pest), instead, leaves plenty of room for businessmen and politicians who want to build even when rare animals are in the way.

Even though projects that destroy all endangered habitat on a property are illegal, in this instance one almost was approved.

There are loopholes in the law such as the fact that developers control the search for endangered species on their land. And there are other factors that contribute to the vulnerability of endangered species. Poor funding of regulators makes it all but impossible for federal agents to keep track of local projects or how they might affect species.

The U.S. Fish and Wildlife Service lists 355 animals and 567 plants as endangered and 120 animals and 135 plants as threatened. The endangered classification means the animal is in danger of extinction within the foreseeable future throughout all or a significant portion of its range. Threatened animals and plants are those "likely" to become endangered within the foreseeable future.

The act protects the habitat of endangered animals and plants, which puts it in direct conflict with developers. It argues that species in danger of extinction should be saved because they are "of esthetic, ecological, educational, historical, recreational and scientific value to the nation and its people."

The Delhi Sands flower-loving fly is the only fly on the list.

But the truth is, nobody seems to know very much about the Delhi Sands loving-fly, its place in the ecosystem or whether it could ever be any benefit to humans. In its larval phase, the Delhi Sands flower-loving fly preys on smaller insects; as an adult it lives on flower nectar. The flies are limited to eight known sites, which total 155 acres in Riverside and San Bernardino Counties. None of the sites is known to be home to more than 100 flies.

If the fly survives, who will pay the price? Not those who profited by the previous decades of development that wiped it out in most of its range.

"You get into these very difficult situations of asking people with the last fragments of habitat to bear the brunt of conservation ... the burden of those who came before," said Lindell Marsh, an Irvine attor-

ney. "There's a sense that people aren't going to be taken care of fairly."

Because of that, landowners, as a precautionary measure, sometimes clear brush and other habitat to kill wildlife before endangered species are discovered. In some cases they have to for fire prevention.

But I would bet you that the amount of fire protection has gone up in the last few years," Marsh said.

In Southridge, the Endangered Species Act worked only because three concerned insect specialists trespassed onto land to find the fly where developers and councilmen had sworn there were none.

Greg Ballmer, a UC Riverside entomologist, and other experts, found a half dozen Delhi Sands flies on the property in the weeks before the City Council considered the project.

Before Ballmer showed up, city leaders accepted the claim by developer Ten-Ninety, Ltd. that there were no endangered species on the land. The Huntington Beach company did not return repeated calls for comment.

"Neither the developer nor the city wanted those flies to be there, so they were looking for any shred of evidence that showed they weren't," said Ballmer, who revealed his findings to the City Council in August.

"It's a lot like politics. Money is what counts. If you have enough money, you can force your opinion."

January 17, 1999
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The city does desperately need money. It's \$700 million in debt, with nearly half of that incurred to build new roads, sewer lines and to provide other services in Southridge. Property tax from the the project would help.

Today that part of the Southridge project is on hold while the company works with the U.S. Fish and Wildlife Service to preserve the fly, possibly by building fewer homes and setting aside some land for habitat. But the cooperation didn't just happen, it was forced by the Fish and Wildlife Service. Agency officials came to Fontana at the urging of Ballmer and his associates after they found the fly.

Companies pay for consultants to look for endangered species. Often that is the only study of what wildlife exists on property. Developers must report to the Fish and Wildlife Service only if they discover an endangered species.

Consultants sometimes even conduct their studies when wildlife is dormant and they are unlikely to find it, said San Bernardino County biologist Gerald Braden. Often species are difficult to find and the consultants are underqualified, he added.

The consultant on Ten-Ninety's project found flies only after Ballmer's discovery was discussed at a council meeting. Fontana Community Development Director Ray Bragg said the consultant simply hadn't finished his report.

"You have to feel sorry for the

developer in this case," Bragg said, adding that the company bought the land 10 years ago, before the fly was listed as endangered in 1993. "He buys this land in good faith. He goes to develop it, and, 'Sorry, you've got an endangered species.'"

The battle between environmentalists and local governments and developers is being waged throughout San Bernardino County, where there is more undeveloped land than in neighboring counties, which were largely built up before the 1973 Endangered Species Act.

"I think reasonable people can reach a balance, but I think there are unreasonable people on both sides," said Frank Williams, executive officer of the Building Industry Association of Southern California, Baldy View Chapter. "(Fish and Wildlife) agencies are full of these left-wing extremists who have no practical business experience."

Braden used to be a Fish and Wildlife worker. Now he studies endangered species for a planned West Valley endangered species preserve. He says animals and plants often have hidden benefits to humans.

"Species have evolved over millions of years, and you can't replace them," Braden said. "Half of pharmaceutical drugs come from plants and animals."

But in San Bernardino County, the disagreement comes down to this: Is it important to save wildlife with an unknown human benefit? Even in an era of rapid extinction -

500 species, subspecies and varieties of animals and plants have disappeared since the Pilgrims landed on Plymouth Rock - many argue that some species are pests because they block the path of human progress.

San Bernardino County Supervisor Jerry Eaves can see no redeeming value in saving a fly that burrows underground for 12 months of the year. He actually sees the fly's demise as a kind of progress.

"It's called evolution," he told a resident who complained that animals around the country are becoming extinct.

Ballmer acknowledges that it's not easy to appreciate the fly, which at more than 1 inch is larger than most flies.

"If it landed on you, you'd probably freak out and flick it off, but if you saw it land on a flower, you'd probably say 'What is that?' and be drawn closer to look at it."

But does the fly's capacity to fascinate some people justify blocking a housing tract? Or more?

When the Delhi Sands fly was found on county land, an ambulance driveway at the new hospital in Colton had to be moved, delaying completion and raising the cost by more than \$1 million. And Fontana may default on bond payments because homes just south of Interstate 10 at Sierra Avenue can't be built on fly habitat and no property tax is coming in.

Other endangered species have similar effects on development.

The 1998 listing of the San Bernardino kangaroo rat has stalled mining operations, housing development and a dam project in the county.

Eaves said Secretary of Interior Bruce Babbitt reneged on an agreement to not list the rodent if the county proceeded with a regional solution - creation of multispecies preserves. The experience deepened his distrust of regulators.

January 17, 1999
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Photo by Tom Zasadzinski/Daily Bulletin
SET FREE: Debbie House releases a San Bernardino kangaroo rat after measuring it and determining its sex. The species is endangered.

"They're the world's best extortionists," Eaves said of Fish and Wildlife and Babbitt. "They're totally unreasonable; they lie, they don't want to cooperate. It's a misuse of power."

Plans for the preserve resumed last week, when the Board of Supervisors voted to go forward with it and spend \$250,000 despite the listing of the rat. Part of the process is studying where species live and therefore where to put the regional preserves. The expense will be in the millions of dollars.

Members of nonprofit groups throughout the country have taken the matter into their own hands. Some have successfully sued to protect species. But, they say, many other creatures slip away unnoticed.

In the Inland Valley, the Spirit of the Sage Council filed a lawsuit Thursday against the county for allowing a Buddhist Temple north of Rancho Cucamonga where the San Bernardino kangaroo rat lives.

The county should have required an environmental impact report to study the effects of the project, said Leona Klippstein, the group's conservation program director.

Neither side trusts the other.

"We've known all along that Jerry Eaves and the supervisors had no intention of protecting the species," she said.

In October the group won a similar lawsuit against the county and Mitsubishi Cement Corp. after officials allowed expansion of a mine on endangered species habitat.

The Superior Court ordered the company to either abandon the plan or prove with scientific studies that the company could prevent species from dying off on the property.

As for Williams of the Building Industry Association, he thinks the act is taken too far.

In 1972 as a member of the Florida House, he urged Congress to pass the Endangered Species Act, a move he since has regretted.

"They have carried a good thing to extremes," he said. "I thought it would protect the Florida alligator, the manatee and the bald eagle: Three species."

Instead it protects more than 1,000 species, including an inch-long fly in San Bernardino County. Conservationists see that as a small victory.

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SAN BERNARDINO KANGAROO RAT



- It looks like a small brown and gray pocket mouse. About 5 inches long. It has a long tail with fur on the end.
- It lives underground near rivers.
- It is nocturnal and lives on plant seeds.
- Predators include owls, snakes, coyotes and man.
- Number unknown. A habitat of 28,000 acres in 1930 has been reduced to 3,500 acres today.

SOUTHWESTERN WILLOW FLY CATCHER



- A greenish-brown songbird with a yellowish breast. Four inches long.
- It spends eight months of the year in Central and South America and four summer months in San Bernardino County breeding in dense groups of cottonwood and willow trees.
- It perches on limbs, looking for insects to catch and eat them.
- Predators include hawks, other birds, weasels, raccoons and snakes.
- As of 1995, there were an estimated 300 to 500 pairs of birds.

DELHI SANDS FLOWER-LOVING FLY



- A brown fly a little longer than an inch with dark brown spots down its abdomen.
- It burrows underground in soft, fine sand, where it stays for up to two years before emerging for a few weeks in the summer to mate and lay eggs.
- Larvae eat smaller bugs, adults drink the nectar of flowers.
- Predators include ants, dragonflies, birds and man.
- Since last year, there were eight known habitats comprising 155 acres. No site has more than 100 adults.

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January 17, 1999