

# Point Reyes Light

TOMALES BAY PUBLISHING CO.

Point Reyes Light - December 1, 2005

## Red-legged frogs lose critical habitat

By Jacob Resneck

Federally listed as "threatened," the California red-legged frog's jumping prowess was first celebrated in 1865 by Mark Twain comedic sketch *The Celebrated Frog Jumping Contest of Calaveras County*. And now the largest native frog in the western US will lose protection for much of its "critical habitat" in West Marin under a draft proposal released by US Fish and Wildlife. This will bring relief to farmers in the area who would otherwise have to make expensive accommodations to the frogs.

After being sued by environmental groups in 1999, Fish and Wildlife released a proposal in 2004 that would designate some 4.1 million acres statewide which included virtually all of West Marin, nearly 200,000 acres. But now Fish and Wildlife has released a draft that slashes the red-legged frog's critical habitat in West Marin by 75 percent, and 80 percent statewide.

Critical habitat areas require landowners to consult with Fish and Wildlife before undertaking any development that could threaten the threatened species' survival.

**Fish and Wildlife Service sued by everybody**

After environmentalists filed their lawsuit in 1999, a coalition of developers and builders filed a countersuit that resulted in the new proposal. Environmental advocates say that Fish and Wildlife biologists, under intense political pressure from the Washington, have caved to business interests and the Bush administration.

### **Survey showed political pressure pervasive throughout federal agency**

Brendan Cummings of the Center for Biological Diversity cited a survey conducted by the Union of Concerned Scientists, an environmental advocacy group that polled 1,400 staff members at Fish and Wildlife earlier this year.

Directed by management not to complete the survey, 30 percent did so anyway. The results, released this February, found that:

- **44 percent** of those working on endangered species reported that they "have been directed, for non-scientific reasons, to refrain from making findings that are protective of species."
- **20 percent** of agency scientists revealed they have been instructed to compromise their scientific integrity.

- **56 percent** reported cases where commercial interests (or political intervention) had induced the reversal or withdrawal of scientific conclusions or decisions.

- **42 percent** reported they could not openly express "concerns about the biological needs of species and habitats without fear of retaliation" in public. Some 30 percent felt they could not do so even inside the agency itself.

- **32 percent** felt they are not allowed to do their jobs as scientists.

Cummings said that political pressure on Fish and Wildlife often leaves environmental advocates with little alternative than to sue.

"Fish and Wildlife Service does very little for endangered species unless they're pushed and pulled by litigation," he said.

### **Builders are happy, environmentalists regroup**

Builders have praised the revised proposal, arguing that it takes a more balanced approach between wild animals and human needs.

"We're happier with this than we were with the original," spokesman Dennis Oliver of California Alliance for Jobs said. The group, he said, represents heavy industry contractors and unions working to improve the state's infrastructure.

"The original [proposal] simply did not take into account the impact on the state's economy," he said. "Frogs and human beings have to coexist -- we have to set aside human habitat as well."

Already environmental groups are mustering their forces to challenge the newest proposal.

"We're going to be fighting for the red-legged frog with every fiber of our being," said attorney Brent Prater of the Center for Biological Diversity, one of several environmental groups that sued Fish and Wildlife. "We're not going to give up just because a handful of developers find it expedient to have the species go unprotected."

### **Critical Habitat in West Marin**

In West Marin, 22,559 acres along Walker Creek of mostly private land and 25,995 acres in the southwest section of the Point Reyes National Seashore would be designated critical habitat under the new proposal. Environmental advocates charge that the reduced areas of critical habitat is inadequate for the species to recover enough to be taken off the federal registry of threatened species.

Marin Resource Conservation District Manager Nancy Scolari, who routinely helps West Marin ranchers with the permitting process, said that in her experience only one project was ever affected by red-legged frog habitat.

She recalled a project designed to prevent sediment runoff from a ranch into Walker Creek which had created "beautiful habitat" for the native frog.

"Because of the frog, you have take extra precautions and consult with the Fish and Wildlife Service," she said. That in itself isn't a problem, though the permits can be expensive and Fish and Wildlife staff can be few and far between when a rancher has questions, she said.

"They're spread so thinly around the state they can be hard to reach -- and I think they'd agree with that assessment," she added.

### **Public Comment open till February**

The new proposal is open to public comment until Feb. 1, 2006.

In March, the US Department of Interior is expected to make a final declaration which -- barring legal challenge -- will dramatically shrink the frog's critical habitat in California.

Nickles stressed that the comment period is open and welcomed public input before the plan is certified by the federal agency.

"If there are places that people feel that [red-legged frogs] should be included then we would like people to tell us," he said.