



9. ENDANGERED SPECIES: FWS to restore critical habitat for Calif. red-legged frog (09/18/2008)

April Reese, *Land Letter* Western reporter

Under a proposal unveiled by the U.S. Fish and Wildlife Service this week, the California red-legged frog -- a species long caught in a tug-of-war between environmentalists and developers -- could get back a sizeable chunk of the critical habitat it lost under a 2006 plan.

Under the [proposal](#), published in the *Federal Register* on Tuesday, FWS would designate 1.8 million acres of critical habitat for the frog, covering parts of 28 counties, primarily in the southern and northern coast ranges and the foothills of the Sierra Nevadas. That is a 300 percent increase from the 450,000 acres the agency designated for the frog in 2006.

FWS decided to revisit the 2006 critical habitat designation for the frog after the Interior Department's Office of the Inspector General determined that Julie MacDonald, former deputy assistant secretary for fish, wildlife and parks, had altered scientific evaluations of several species listed under the Endangered Species Act. The revision of critical habitat for the California red-legged frog was one of eight decisions that FWS chief Dale Hall determined should undergo new analyses ([E&ENews PM](#), July 20). MacDonald, who worked at the California Resources Agency before joining the Department of Interior, resigned in May of last year.

"Our biologists basically approached the new designation as a blank slate," said Al Donner, a spokesman for the U.S. Fish and Wildlife Service's California and Nevada region. "They determined that expanded critical habitat was needed."

Two years ago, FWS winnowed its 2001 critical habitat designation for the frog from a little under 4 million acres to about 450,000 acres. The new designation more than triples the revised designation, although it is still about half the original one.

Donner said the new designation covers all of the areas biologists have determined the frogs need, based on the recovery plan for the species and the latest scientific information. The new proposal excludes areas covered in habitat conservation plans, he added.

"This zeroes in on where you have good populations or good habitat the frogs can get to," Donner said, adding that the frogs move back and forth between wetlands and dry land.

A 'celebrated' and controversial frog

The frog, which is the subject of Mark Twain's short story, "The Celebrated Jumping Frog of Calaveras County," has lost about 70 percent of its native habitat, primarily to development.

Due in large part to its proximity to fast-growing areas and agricultural lands in California, the frog has been at the center of a maelstrom of controversy almost since the day it was listed 12 years ago. The species has been a subject of two court battles -- one launched by environmental groups to force FWS to designate critical habitat after the species was listed and one instigated by developers after FWS followed through in creating critical habitat.

FWS's new proposal spurred kudos from environmental groups and chagrin from developers.



Once an abundant frog throughout much of central and southern California, the California red-legged frog is now rare. Courtesy of USGS.

Paul Campos of the Home Builders Association of California called the designation "troubling" and predicted greater financial hardship for homebuilders if the proposal is finalized. "This will have a detrimental impact on the folks I work for, homebuilders, who are already at Depression-era economics," he said. "And this will make it even more difficult for an important industry to recover in the state."

Campos said he also feels the proposal was the result of political pressure in the aftermath of the MacDonald controversy.

But Jeff Miller, a conservation advocate with the Center for Biological Diversity, said the proposal reverses an "illegal" move to strip thousands of acres from the frog's official territory. "No endangered species can survive without its habitat intact, and the red-legged frog desperately needs protection of adequate wetlands habitat throughout its former range," he said.

In 2007, the Center for Biological Diversity and other groups filed lawsuits alleging that FWS failed to properly designate and protect critical habitat areas for 19 endangered species, including the California red-legged frog. Donner said the new

critical habitat proposal was in the works before that lawsuit was filed.

The FWS proposal for a new critical habitat designation for the frog is the latest development involving species caught up in the MacDonald controversy. In December of last year, the U.S. District Court in Idaho cited MacDonald's interference in its decision to overturn FWS's rejection of a petition filed by the Western Watersheds Project to list the sage grouse under the ESA.

The other FWS decisions up for review include those involving the white-tailed prairie dog, two decisions for Preble's meadow jumping mouse, 12 species of Hawaiian picture-wing flies, the arroyo toad, Southwestern willow flycatcher and Canada lynx.

FWS is accepting comments on the California red-legged frog critical habitat proposal through Nov. 17.

To read the proposal and view the maps of critical habitat, [click here](#).

April Reese writes from Santa Fe, N.M.