

New protections set for Twain's jumping frog

By TRACIE CONE Associated Press Writer

Posted: 03/16/2010 03:08:11 PM PDT



FILE - This undated file photo... ((AP Photo/U.S. Fish & Wildlife Service, Marc Hayes, File))

FRESNO, Calif.—Mark Twain celebrated them, hungry gold prospectors ate them, and rural landowners cursed the name of the California red-legged frog.

Now, the jumping frog, whose dwindling numbers empowered anti-sprawl advocates while thwarting farmers, ranchers and developers across California, is getting an established habitat to protect its recovery.

Maybe.

Biologists with the U.S. Fish and Wildlife Service hope their third attempt at rules protecting the threatened and iconic amphibian will stick when they are published Wednesday in the Federal Register.

One previous attempt was overturned by a lawsuit, another by malfeasance.

"It's not common to do this three times, but this is an icon species for California," spokesman Al Donner said.

The California red-legged frog got its first break on the road to fame in 1867, when Twain published "The Celebrated Jumping Frog of Calaveras County" in newspapers and a collection of short stories.

Even then, prospectors and city dwellers were hunting the frogs by the millions for their meaty legs.

Fast forward to 1996, when much of the famous jumper's range had been paved and plowed under, leaving suitable habitat in just 28 of 58 California counties and landing the frog on the federal threatened species list.

Finding a protective balance since then has been a biological tightrope act. Its potential presence has been used by environmental advocates to rein in everything from pesticide spraying to golf

course development at Pebble Beach. San Francisco Bay Area housing tracts have also been halted.

The biggest headaches were suffered by cattle ranchers, who own or manage 30 million acres in California and stand to face tighter scrutiny when a red-legged frog shows up in a stock pond.

"We never want additional restrictions placed on the group providing the majority of habitat for imperiled species," said Matt Byrne, executive vice president of the California Cattlemen's Association.

Because the red-legged frog has become California's poster species for regulation, attempts to designate critical habitat have been closely scrutinized.

Federal biologists first asked for 4 million acres of habitat in 2001, but developers who were then in rapid-build mode sued, saying it was overly broad because it included regions conducive to frogs even if none lived there.

In 2006, the U.S. Fish and Wildlife Service slashed the habitat to 450,000 acres but left off all protections for frogs in the Sierras, including Calaveras County, where the annual jumping contest endures, with nonnative bullfrogs.

After an investigation found that a Bush administration Interior Department official pressured government scientists to alter the findings, the biologists had to start over.

The result is the new 1.6 million-acre proposal that will be written into the Federal Register on Wednesday. It's a result of improvements in both science and the satellite mapping technology that allowed biologists to more accurately pinpoint the range of the frogs, Donner said.

"This rule is really a biologically sound middle ground between those two bookends," Donner said.

The new rule protects designated habitat up to a mile from a water source, rather than 200 feet as the 2006 plan set out. Unlike the original plan, the latest revision avoids areas that already are compromised, such as fragmented habitat, and those close to intensively farmed areas and land on the fringe of development.

Cattle ranchers get to keep the rule in the 2006 report that protects them from violating the Endangered Species Act if they accidentally kill the frogs as part of their normal duties.

The Center for Biological Diversity, which once sued to ban some pesticide use in frog habitat, said the new plan seems to be something the group can live with.

"The California red-legged frog is an excellent indicator of the quantity and quality of water in the state. If we restore the habitat for the frog, we'll be benefiting all of us," said Noah Greenwald, the group's endangered species program director.