



ENDANGERED SPECIES

Judge upholds amphibian critical habitat

Michael Doyle, E&E News reporter
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A federal judge has upheld critical habitat designated for the Yosemite toad, pictured here, and two other vulnerable amphibian species. Rob Grasso/National Park Service

A federal judge has upheld the sprawling 1.8-million-acre critical habitat designated for the Yosemite toad and two other vulnerable amphibian species.

In a 16-page decision issued late yesterday, the Washington, D.C.-based judge rejected a challenge to the critical habitat brought by the California Cattlemen's Association, the California Wool Growers Association and the California Farm Bureau Federation.

The 2017 Trump administration appointee, U.S. District Judge Trevor McFadden, concluded the farm and ranching groups lacked the necessary standing to sue.

"Ultimately, the cattlemen have failed to establish that any of their members have suffered an injury in fact traceable to the [habitat designation]," McFadden wrote. "Nor have they shown that the relief sought would redress the injuries alleged."

The conservative Pacific Legal Foundation represented the California farmers and ranchers.

Environmentalists hailed the decision, which also affects the Sierra Nevada yellow-legged frog and the northern population of mountain yellow-legged frogs.

"This is a huge victory for these incredible, highly imperiled frogs," said Jenny Loda, a biologist and attorney with the Center for Biological Diversity, adding that "the livestock industry won't be robbing them of habitat protection they desperately need."

The Fish and Wildlife Service has listed the two frog species as endangered and the Yosemite toad as threatened under the Endangered Species Act. In 2016, the federal agency designated the critical habitat for the amphibians, spanning 16 California counties.

"The Cattlemen's main beef is with costs arising from participating in [ESA] consultations and associated delays in receiving permits," McFadden noted.

McFadden, though, questioned how much of a burden was actually imposed.