



# News Bulletin

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[www.fws.gov/southwest/es/arizona/](http://www.fws.gov/southwest/es/arizona/)

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## **Fish and Wildlife Service Will Propose Critical Habitat for the Chiricahua Leopard Frog by Dec. 8, 2010**

A May 6, 2009, Order from the Federal District Court in Arizona that concluded the case *WildEarth Guardians v. Kenneth Salazar, et al.* requires the Fish and Wildlife Service to publish in the Federal Register a proposal to designate critical habitat for the Chiricahua leopard frog by Dec. 8, 2010.

Critical habitat, as defined in section 3(4) of the Endangered Species Act (ESA), includes:

1. The specific areas within the geographical area occupied at the time the species was listed in accordance with the provisions of section 4 of the ESA, on which are found those physical or biological features (1) essential to the conservation of the species and (2) which may require special management considerations or protections, and
2. specific areas outside the geographical area occupied by the species at the time it was listed in accordance with the provisions of section 4 of the ESA, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species.

Based on the best scientific and commercial information available to us, we will propose critical habitat units and define the physical or biological features essential to the conservation of the species in Arizona and New Mexico. Critical habitat will not be designated outside of the U.S. The recovery plan for the species and survey data will inform our delineations and help us define physical or biological features. Public and stakeholder comments on the proposed rule will be accepted during a formal comment period, the details of which will be outlined in the proposed rule. The Service will seek peer review of the proposal at the same time. Then, based upon those comments and reviews, and any additional information submitted or collected, the rule will be finalized by December 8, 2011. In the final rule, the Secretary has the authority to exclude any area from critical habitat if he or she determines the benefits of such exclusion outweigh the benefits to designating the area as critical habitat, unless failure to designate will result in the extinction of the species. Benefits and costs include economic impacts, impacts to National Security, and any other relevant impact (section 4(b)(2) of the ESA), which will be evaluated in an Economic Analysis and National Environmental Policy Act document.

Critical habitat helps to delineate key areas for conservation of species. Once designated, Federal actions that may affect critical habitat require interagency consultation pursuant to section 7 of the ESA. If the species is already present in a critical habitat area, consultation will normally be required regardless of the designation if adverse effects may occur. On non-Federal lands designated as critical habitat, consultation is not required, unless a Federal action (e.g. Federal funding, permitting, or project) is proposed on those non-

Federal lands. During consultation we work with the Federal action agency to incorporate measures that minimize adverse effects while allowing the proposed project to proceed.

Additional information on the Chiricahua leopard frog is available at <http://www.fws.gov/southwest/es/arizona/CLF.htm> and the Chiricahua leopard frog recovery program web site is at [http://www.fws.gov/southwest/es/arizona/CLF\\_Recovery\\_Home.htm](http://www.fws.gov/southwest/es/arizona/CLF_Recovery_Home.htm).

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit [www.fws.gov](http://www.fws.gov).

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