

Questions and Answers

Proposed Rule to Reclassify Arroyo Toad from Endangered to Threatened



Description

The arroyo toad (*Anaxyrus californicus*) is a small, stocky toad that is about 2 to 3 inches in length. The skin of this toad is light olive green, gray, or light brown in color with a light-colored stripe shaped like a “V” across the head and eyelids. The belly is white or buff colored, usually without spots.

The most favorable breeding habitat for arroyo toads consists of slow-moving streams with shallow pools, nearby sandbars and adjacent stream terraces. Arroyo toads breed and deposit egg masses in shallow, sandy pools that are usually bordered by sand and gravel flood terraces. Outside of the breeding season, arroyo toads are essentially terrestrial and are known to use a variety of upland habitats including but not limited to sycamore-cottonwood woodlands, oak woodlands, coastal sage scrub, chaparral, and grassland.

Questions and Answers

Q. What action is being taken?

A. The U.S. Fish and Wildlife Service is reopening a comment period on a proposed rule to reclassify the arroyo toad from endangered to threatened status under the Endangered Species Act (ESA). The Service is reopening the comment period to ensure ample opportunity is provided to the public to weigh in on this proposed rule, share all peer reviews with the public, and encourage peer reviewers that did not respond during the first comment period to do so during this reopening period.

Q. What factors does the Service use to determine that a species is endangered or threatened?

A. Under the ESA, the Service determines that a species is endangered or threatened based on any one or a combination of five factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) Overutilization for commercial, recreational, scientific, or educational purposes;
- (3) Disease or predation;
- (4) Inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence

Q. Why is the arroyo toad proposed to be downlisted from endangered to threatened?

A. Since the arroyo toad was listed as an endangered species under the ESA in 1994, its status

has improved. The Service's proposal is based on the following conclusions: (1) arroyo toads still occupy the same river basins as when the species was listed; (2) the known range of the species has been expanded with discovery of the Fort Hunter Liggett population in Monterey County; (3) threats to the arroyo toad remain similar to when the species was listed, but conservation efforts are ongoing to reduce effects from current threats, e.g., efforts are being made to remove nonnative plant species (tamarisk and giant reed) and introduced predators (bullfrogs, green sunfish, crayfish) from arroyo toad habitats; (4) federal land management plans on national forests and military bases have been approved and implemented, which provide conservation benefits to the species; and (5) some arroyo toad populations and habitat areas have been conserved on non-federal lands (Lower and Middle San Luis Rey River, Upper Santa Ysabel Creek, Lower Cottonwood Creek) through Habitat Conservation Plans and grants.

After careful review and analysis of the best available scientific and commercial information regarding threats to the species, the Service has determined that the imminence, severity and magnitude of ongoing threats to the arroyo toad do not indicate that the species is in danger of extinction throughout all or a significant portion of its range; thus it no longer meets the definition of endangered.

Some threats such as drought, climate change, disease and wildfire suppression are poorly understood, or have been only slightly reduced where arroyo toads occur. Therefore, the Service has determined the species still requires protection under the ESA. A 'threatened' species is one that is likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

Q. What are the current threats to the arroyo toad?

A. The arroyo toad has specialized breeding habitat requirements and is particularly vulnerable to habitat destruction and alteration due to short- and long-term changes in river hydrology. The arroyo toad is negatively affected by the alteration of riparian wetland habitats from agriculture and urbanization, construction of roads, site-specific damage by off-highway vehicle use and other recreational activities, overgrazing and mining activities. Other threats to arroyo toads are nonnative predators, particularly American bullfrogs and predatory fish, drought, wildfires and fire suppression. Climate change is a new threat identified since listing that poses a risk to arroyo toads from reduced water levels limiting breeding and larval development, increasing potential mortality of adult and sub-adult toads, and reducing breeding and upland habitat.

Q. What has helped improve the status of the species?

A. Since listing, the types of threats to arroyo toads remain the same and are ongoing, but efforts are in place to reduce the effects of these identified threats to the species. These efforts are being implemented in approximately 17 arroyo toad populations on federal lands through the U.S. Forest Service's Land Management Plans for each of the four southern California National Forests (Los Padres, Angeles, San Bernardino, and Cleveland), and through Integrated Natural Resources Management Plans on Marine Corps Base Camp Pendleton and Fort Hunter Liggett.

Since listing, some arroyo toad habitat on non-federal lands has been conserved through grant funding and/or completion of regional Habitat Conservation Plans. These conserved lands

benefit arroyo toad populations in the Lower and Middle San Luis Rey River, Upper Santa Ysabel Creek, and Lower Cottonwood Creek basins.

Additionally, portions of arroyo toad populations and their habitat on non-federal land in the Lower Sweetwater River Basin are protected under the San Diego County Multiple Species Conservation Program. Portions of a population on non-federal land in the Upper Sweetwater River Basin are protected because it is within State Park lands. In Mexico, four populations are within or partially within a national park.

The species still faces ongoing threats to its long-term survival, primarily from introduced predators (bullfrogs, crayfish and green sunfish) that persist where 28 populations occur. Efforts are being made to remove these predators for five of the populations, but these introduced predators remain the most serious ongoing threat to the arroyo toad. Nonnative plant species, particularly tamarisk and giant reed, persist where 15 populations of arroyo toads occur, but are being reduced at seven of those locations.

Threats such as drought and those identified subsequent to listing – climate change, disease and wildfire suppression – are poorly understood and have been only slightly reduced where arroyo toads occur.

While these threats will continue into the foreseeable future, the imminence, intensity or magnitude of these ongoing threats does not indicate the arroyo toad is in danger of extinction throughout its range; thus the Service is proposing downlisting to threatened status.

Q. When can the arroyo toad be removed from the ESA’s protections (delisted)?

A. The Recovery Plan for the Arroyo Toad considers the species to be recovered when there are 15 additional self-sustaining populations in coastal plain, coastal slope, desert slope and desert river basins, including known populations on non-federal lands. These populations should be distributed between the three identified Recovery Units – Northern, Southern and Desert.

Q. What kind of information is the Service looking for in developing a final rule on reclassifying the species?

A. The Service intends that any final action resulting from this proposal will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, tribes, the scientific community, industry, or any other interested parties.

The Service seeks comments concerning:

- (1) Reasons why we should or should not reclassify arroyo toad under the ESA (16 U.S.C. 1531 *et seq.*);
- (2) New biological or other relevant data concerning any threat (or lack thereof) to this species;
- (3) New information concerning the population size or trends of this species;
- (4) New information on the current or planned activities within the range of the species that may adversely affect or benefit the species;
- (5) New information or data on the projected and reasonably likely impacts to arroyo toads or its habitat associated with climate change.

(6) New information or data on the projected and reasonably likely impacts to arroyo toads or its habitat associated with drought.

Q. What's the deadline and where do I submit my comments?

A. The Service will be accepting comments through from October 17 through November 17, 2014. Comments may be submitted electronically at the Federal eRulemaking Portal at <http://www.regulations.gov>. In the Search box, enter Docket No. FWS–R8–ES–2014–0007. Comments can also be sent by U.S. mail or hand-delivery to:

Public Comments Processing
Attn: FWS–R8–ES–2014–0007
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

Q. What happens next?

A. The Service will compile and assess all comments received during the public comment period and seek the expert opinions of appropriate and independent specialists with scientific expertise to ensure our determinations are based on scientifically sound data, assumptions, and analyses. The Service will consider all comments and information received during the comment period on this proposed rule as we prepare the final determination. Accordingly, the final decision may differ from this proposal.