

Department of the Interior
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
Phone: 805/644-1766
Fax: 805/644-3958

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Contact: Lois Grunwald, 805/644-1766

SERVICE PROPOSES CRITICAL HABITAT FOR ENDANGERED ARROYO TOAD

A new proposal to designate 138,713 acres of critical habitat for the endangered arroyo toad (*Bufo californicus*) was announced today by the U.S. Fish and Wildlife Service. The critical habitat includes lands in portions of Monterey, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego counties in California.

“The Service is proposing critical habitat only for those lands essential to the species’ conservation, based on the best scientific information currently available,” said Diane Noda, field supervisor for the Ventura Fish and Wildlife Office. “We will continue working cooperatively with landowners to conserve this rare amphibian and its habitat.”

Today’s announcement is a result of legal challenges stemming from the Service’s Feb. 7, 2001 designation of critical habitat for the arroyo toad and the associated economic analysis. In response to the lawsuits, the U.S. District Court for the District of Columbia set aside the designation. It also granted the Service’s request to re-propose critical habitat and prepare a new economic analysis that identifies the impacts associated with the proposal. This analysis is underway and will be released separately for public review and comment.

The Service has removed 43,647 acres originally designated as critical habitat in 2001. Some of the acreage removed from the original designation includes mission-critical training areas on Fort Hunter Liggett in Monterey County and lands covered under the nearly finalized Western Riverside Multiple Species Habitat Conservation Plan. Based on new information on arroyo toad habitat, critical habitat along certain stream segments has been reduced, while other stream segments have been added to the proposal. Some acreage was also removed from the former designation because of refinements in the mapping process.

About 54,375 acres proposed as critical habitat are managed by Federal, State, and local agencies and 81,256 acres are privately owned. An additional 3,082 acres are on trust lands of five Native American tribes. A significant percentage of the stream, riparian, and upland habitats for the arroyo toad are on lands managed by the U.S. Forest Service and the Department of Defense. Some of the areas designated as critical habitat for the arroyo toad overlap areas of critical habitat for other Federally listed species, such as the coastal California gnatcatcher.

With one exception, critical habitat is not being designated in areas covered by approved or nearly

finalized Habitat Conservation Plans (HCP) that authorize the “take” of arroyo toads. The Service is proposing critical habitat on lands along the Sweetwater River in San Diego County because the activities that occur in this area are outside the authority of the San Diego Multi-Species Conservation Plan.

The Service is proposing critical habitat within areas where HCPs have been proposed but remain in draft form. If a draft HCP that addresses the arroyo toad as a covered species is ultimately approved, the Service will reassess the critical habitat boundaries in light of the HCP, but funding constraints may influence the timing of such a review.

While more precise mapping made it possible to exclude many significant urban or developed areas within the critical habitat boundaries, the Service was not able to remove all developed areas due to mapping limitations. Federal agencies will not be required to consult with the Service in these developed areas –where none of the specific habitat elements needed by the arroyo toad exist.

Critical habitat identifies specific geographic areas that are essential for the conservation of a threatened or endangered species, and that may require special management considerations. However, a designation does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other special conservation area. It does not allow government or public access to private lands and does not close areas to all access or use.

The Endangered Species Act directs Federal agencies to protect and promote the recovery for Federally listed species; consequently, Federal lands provide the greatest protection for endangered and threatened species. Where a listed species occurs on Federal lands, consultation with the Service is required when projects or activities may affect the species. For private and non-Federal landowners, however, consultations are required only in cases where activities that may affect the arroyo toad or its critical habitat require Federal funding, licensing or permitting.

In 30 years of implementing the Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service’s Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service and state wildlife management areas.

The arroyo toad is a small, buff-colored toad that measures between two and three inches in length and has dark-spotted, warty skin. Its call is a soft, high, whistled trill that is commonly mistaken for the call of an insect. Arroyo toads prefer shallow pools and open, sandy stream terraces. They use adjacent upland habitat for feeding and shelter.

The arroyo toad historically occurred in isolated coastal and desert stream areas west of the Mojave

Desert, from Monterey County south to the northwestern portion of Baja California, Mexico. About 75 percent of the toad's historical habitat has been eliminated as a result of urban development, dam construction, water diversions, agriculture, and recreational activities. Other factors in the arroyo toad's decline include encroachment of non-native plants in its preferred habitat and the introduction of non-native species such as bass, sunfish, and bullfrogs that prey on arroyo toads. The arroyo toad currently occurs in streams in Monterey, Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, and San Diego counties.

A complete description of the Service's proposed rule was published in today's Federal Register. Copies of the rule can be obtained by downloading the document from the Federal Register Web site or from <http://ventura.fws.gov>, by writing to the address below, or by calling 805/644-1766. Comments can be submitted electronically to: fwlartoch@rl.fws.gov, or can be sent to the Field Supervisor, Ventura Fish and Wildlife Office; 2493 Portola Road, Suite B; Ventura, CA 93003. Comments will be accepted until May 28, 2004. Requests for a public hearing must be submitted no later than June 13, 2004.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 544 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 63 Fish and Wildlife Management offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies.