

Questions and Answers
Draft Economic Analysis for
Proposed Critical Habitat for
Central Population of California Tiger Salamander
July 15, 2005

Q. Beyond the lost development costs, what were the other costs found in the analysis?

A. The analysis found that there would be an estimated \$4.9 million impact on two transportation projects in San Benito County.

In a separate analysis of regional economic impacts, looking at just three counties (Contra Costa, San Benito and Monterey), the consultant projected a regional impact reduction of only 0.01 percent, of which \$2.6 million is a loss in residential construction and \$1.7 million on other outputs.

Q. What is critical habitat?

A. Critical habitat is a term used in the Endangered Species Act. It refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and that may require special management considerations. Areas not occupied by the species may be designated if these areas are essential to the conservation of the species. Critical habitat is determined using the best available scientific and commercial information about the physical and biological needs of the species. These needs include: space for individual and population growth, and for normal behavior; food, water, light, air, minerals or other nutritional or physiological needs; cover or shelter sites for breeding, reproduction and rearing of offspring, and habitat that is protected from disturbance or is representative of the historical and ecological distribution of a species.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands. In 30 years of implementing the Endangered Species 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.

Q. Do listed species in critical habitat areas receive more protection?

A. No. An area designated as critical habitat is not a refuge or special conservation area. Listed species and their habitats are protected by the Endangered Species Act whether or not they are in an area designated as critical habitat.

Q. What protection do the species receive as listed species?

A. The Endangered Species Act forbids the import, export or interstate or foreign sale of protected animals and plants without a special permit. It also makes "take" illegal--forbidding

the killing, harming, harassing, possessing or removing of protected animals from the wild. Federal agencies must consult with the Service to insure that projects they authorize, fund or carry out are not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of designated critical habitat.

Permits may be issued by the Service for activities that are otherwise prohibited under the Act, if these activities are for scientific purposes or to enhance the propagation or survival of the affected species, or for “take” that is incidental to otherwise lawful activities.

In addition, the Endangered Species Act requires that Federal agencies not only take action to prevent further loss of a species, but also pursue actions to recover species to the point where they no longer require protection and can be delisted.

Q. What is the purpose of designating critical habitat?

A. Critical habitat may benefit listed species by identifying habitat that is essential to their conservation, and by making sure Federal activities do not affect the long-term survival of the species.

Q. How do you determine what areas to designate as critical habitat?

A. Biologists consider physical and biological habitat features needed for life and successful reproduction of the species. For the vernal pool crustaceans these “primary constituent elements” are those habitat components that are essential for the primary biological needs of foraging, sheltering, reproduction and dispersal. These primary constituent elements are found in areas that support vernal pools or other ephemeral ponds and depressions and their associated watersheds.

The primary constituent elements of critical habitat for the vernal pool plants are those habitat components that are essential for the primary biological needs of germination, growth, reproduction and dispersal. These primary constituent elements are found in areas that support vernal pools, swales or other ephemeral ponds and depressions and their associated watersheds.

Boundaries of the critical habitat units were determined by using geographic information systems (GIS) databases such as occurrence records and other survey reports, vernal pool maps, satellite imagery, and other habitat and landscape information databases. Unit boundaries were determined to include sufficient area to maintain the hydrologic function of the vernal pool complexes within the unit. Developed areas were excluded where feasible.

Q. How will the designation of critical habitat affect Federal agencies that undertake, permit, or fund projects?

A. Section 7 of the Endangered Species Act requires Federal agencies to consult with the Service on actions they authorize, fund or carry out that may affect critical habitat. Through this consultation process, the Service can ensure that permitted actions do not change (adversely modify) critical habitat in such a way that it appreciably diminishes the value of the habitat for the conservation of the species. We also analyze Federal actions to determine if they may jeopardize the existence of a listed species, regardless of whether those actions also affect the species’ critical habitat.

Q. Does the designation of critical habitat create preserves?

A. No. The designation of critical habitat 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 will not result in closure of private or state areas to all access or use.

Q. What happens if my private property is designated critical habitat for these vernal pool species?

A. The designation of critical habitat on privately-owned land does not mean the government wants to acquire or control the land. Activities on private lands that do not require Federal permits or funding are not affected by a critical habitat designation. Critical habitat does not require landowners to carry out any special management actions or restrict the use of their land. However, the Act prohibits any individual from engaging in unauthorized activities that will actually harm listed wildlife. It is the *listing* of the species that provides protection for them, rather than designation of critical habitat.

If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with us to determine how the action may affect these vernal pool species or their designated critical habitat. The Service will work with the Federal agency and the private landowner to modify the project to minimize the impacts.

More questions?

Please call 916/414-6600 or write to us at:

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