



Big Loss for Calaveras County's Famous Jumping Frog

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(This article was published in the Marin Scope Community Newspaper of Dec. 31 - Jan. 7, 2003)

At the beginning of the month, the red-legged frog – Calaveras County's famous jumper – seemingly suffered a huge loss. A federal court ruled that the endangered species' living requirements have to be reassessed.

Two species of red-legged frogs, *Rana aurora aurora* and *Rana aurora draytonii*, live in coastal habitats from northern Baja California up to the Pacific Northwest. In Mark Twain's time, when he supposedly wrote about a red-legged frog in a Calaveras County contest, the frogs were common enough that tens of thousands of them could be consumed for food in the Bay Area and Central Valley, seemingly without making a dent. But their populations have declined steadily over past decades of human growth on the west coast. In 1992, when biologists sought protected status for the species, there were only a handful of populations with 300 or more individuals apiece.

Ecologists and herpetologists have offered up a variety of reasons for the disappearance of frogs in general. Pesticides, overexposure to ultraviolet rays, and climate change may all be contributing to the lessening number of frogs. But it is loss of habitat that is key to frog's steady decline in the coastal ranges.

Critical habitat was at the heart of the court decision made November 6. After years of evaluating which regions were critical habitat for red-legged frogs, the U.S. Fish and Wildlife Service had set aside over 4 million acres in 28 California counties. Most of the acreage in California represents the state's last wetlands. The plan had been approved as of March 2001, but it was challenged in a lawsuit by the Home Builders of Northern California and other developers on economic grounds.

"The service concluded the designation of millions of acres would have immaterial economic impacts," said Paul Campos, lawyer for the Home Builders Association, in a recent newsletter.

This past July, the Fish and Wildlife Service settled the suit. Only 200,000 acres of habitat kept the designation of critical habitat, some of which were on national forest land. The rest was once more up for debate.

In an attempt to preserve the work on the plan that had come before, the law group Earth Justice, along with several other organizations including the Jumping Frog Research Institute, appealed that decision.

But the federal justice in the Ninth Circuit Court of Appeals, which applies to California and other states in the western region, cited a decision made in New Mexico with regard to cattle and critical habitat for the endangered willow flycatcher. The cattle organizations said that the baseline approach of the Fish and Wildlife service did not fully consider all economic costs of designating critical habitat, including those for impacts on the local cattle industry.

The Fish and Wildlife Service agreed with the interpretation, and it has agreed to review what it had planned for red-legged frog habitat. The decision gives the Service three years to come up with a new plan that takes into account the economic issues raised by the Home Builders Association.

Earth Justice has until January 7 to determine whether it is worth appealing the decision all the way to the Supreme Court.

“This is not the end of the road for critical habitat,” said Michael Sherwood, an Earth Justice lawyer handling the case. If the parties pursue an appeal and win, he said, the case of the red-legged frog could be a landmark for protection of species that are in danger of losing their living spaces.

In the end, this may not be a death knell for the red-legged frog, but a stage in the fight to save it and other endangered species.