

# Endangered frog habitat sparks California farm lawsuit

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Tiny frogs and toads used to swarm over the Sierra Nevada. Now, the government says nearly 2 million acres of land needs to be preserved to prevent them from going extinct.

California ranchers and logging groups say those protections are hurting their ability to make a living. So another conflict over the Endangered Species Act is going to court.

The California Farm Bureau and two ranchers' associations sued the U.S. Fish and Wildlife Service on Monday, challenging a year-old decision to designate more than 1.8 million acres of rural California as "[critical habitat](#)" for three [species](#) of frogs and toads that are protected by the Endangered Species Act.

Loggers and ranchers who harvest timber or graze cattle on public lands worry the new restrictions on land use will eventually make it more difficult - if not impossible - to make a living in the Sierra, said Shaun Crook, a Tuolumne County cattle rancher whose family also owns a logging company.

"It has the economic impact of putting you out of business is what that reality could be," said Crook, president of the Tuolumne County Farm Bureau.

Even though the designation was made a year ago, Crook said federal

officials haven't yet told him how the protections will affect his cattle, which graze on federal lands. But he said he and other ranchers worry that major tracts of land will be put off limits or they'll be required to install fencing around protected areas.

The case affects a wide swath of the Sierra Nevada region, from Lassen to Inyo counties. It includes portions of Placer and El Dorado counties. Most of the land is owned by the government and is in designated wilderness areas, where the "highest level of conservation protection" on federal land is required, according to the Fish and Wildlife Service.

The critical habitat designation subjects farmers "to substantial regulatory burdens that impose, among other things, study costs, risk assessments, mitigation fees, operational changes, permit fees, and consulting expenses," said the lawsuit, filed in U.S. District Court in Washington, D.C. "In some cases, these burdens put the rancher's livelihood at risk." The farm groups are represented by the Pacific Legal Foundation, a Sacramento nonprofit that fights for conservative and property-rights causes.

At issue is the fate of the Sierra Nevada yellow-legged [frog](#) and mountain yellow-legged frog, named for the yellow on the undersides of their legs and abdomens. The third species is the Yosemite toad, named for the national park where it was first discovered.

All have been listed as "threatened" since 2014 under the Endangered Species Act. Designation of critical habitat is typically the final step in the process of officially listing an animal as endangered.

Farm groups also opposed the 2014 decision, but environmentalists have long-argued that the frogs need extra protections in order to survive.

"Other habitat management, like livestock grazing in some areas, has an

impact, and of course climate change and drought can impact them as well," said Jenny Loda, a staff attorney at the Center for Biological Diversity. If land is overgrazed, the vegetation might not hide the frogs from predators, she said.

Loda called the farm groups' lawsuit "a mean-spirited attack against these really vulnerable frogs and the toad."

A spokeswoman for Fish and Wildlife couldn't be reached for comment.

Environmentalists say extra protections are critical for the frogs that have been hit with a one-two punch from nonnative predatory fish and the chytrid fungus, a disease that is devastating amphibians around the world.

In 2006, the Center for Biological Diversity sued the state, alleging the Sierra frog species are disappearing in large part because state fisheries managers have for decades been introducing hungry non-native trout for anglers to catch in the frogs' alpine lake habitat.

In response to the suit, the state began reviewing its stocking program and limiting hatchery releases in certain lakes. The environmental group had hoped to ban such stocking entirely in lakes where the frogs were present, but in 2015, a state appellate court ruled that the hatchery program could continue and that the state's environmental reviews were adequate.

Meanwhile, state officials are considering placing another frog species under protection. In June, the California Fish and Game Commission formally declared the foothill yellow-legged frog a candidate species for listing as threatened under the state's Endangered Species Act. The frogs live in lower elevations from Oregon to Los Angeles County. State biologists say the species has disappeared from more than half of its

range in California and Oregon.

Crook, the Tuolumne rancher, said that his concern is that the restrictions on land use to protect the frogs may someday extend beyond public lands into private property.

"Every ranch has springs and has ponds and, when you look at that map, it basically takes all of the foothills, and makes it habitat," he said.

"There's a huge fear there as well."

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