

February 17, 2011

Re: Designation of Critical Habitat for the Sonoma County Distinct Population  
Segment of the California Tiger Salamander

To Whom It May Concern:

The Student Animal Legal Defense Fund (SALDF) at Lewis & Clark Law School submits the following comment on the proposal by the United States Fish and Wildlife Service (FWS) to designate critical habitat for the Sonoma County distinct population segment of the California tiger salamander (*Ambystoma californiense*) under the Endangered Species Act (ESA). While SALDF supports the efforts of FWS to designate critical habitat for the Sonoma County California tiger salamander, it has concerns about FWS decreasing the protected area from the original amount of about 74,223 acres to 50,855 acres.

### I. History

The history of designation of critical habitat for Sonoma County California tiger salamander reveals a trend of reducing the amount of protected land until no land is left protected. In 2005, the amount of land designated as critical habitat for the Sonoma County DPS was incrementally reduced from 74,223 acres to 0 acres in the final rule. This exclusion of critical habitat for the California tiger salamander prompted the Center for Biological Diversity (CBD) to sue FWS on the grounds that the final designation of critical habitat was not based on the best scientific data available. In a settlement agreement with the CBD, FWS renewed the designation of 74,233 acres in Unit 1 (the Santa Rosa Plan Unit). This proposed rule reduces that designation to 50,855 acres based on the purposes to better delineate the areas that contain the physical or biological features essential to the conservation of the species.

### II. Challenges

The unique life cycle of the California tiger salamander makes it especially susceptible to negative consequences of habitat destruction, modification, and fragmentation (CBD 2004). California tiger salamanders require vernal pools, grasslands, and oak woodlands as part of their habitats (CBD 2004). The vernal pools are especially important in breeding; in very dry years breeding might not occur at all (CBD 2004). It takes California tiger salamanders about 4 to 6 years to reach breeding age, and less than 50% of the salamanders breed more than once in their lifetime (CBD 2004). The Center for Biological Diversity identifies the minimum acceptable habitat for California tiger salamanders as a breeding pond complex surrounded by about 1,000 acres (CBD 2004). The range of habitats that California tiger salamanders require, coupled with the strong influence their habitats have on breeding cycles make it essential to designate critical habitats for the conservation of the species.

The California tiger salamander's life cycle also makes it challenging to detect them for most of the year. The salamanders spend the majority of the year in underground burrows, and this might have led FWS to erroneously conclude that there are no tiger salamanders in the 100-year floodplain of the Santa Rosa Plain. FWS should

not exclude land from protection merely because it did not find tiger salamanders on the land.

### III. Recommendations

The definition of critical habitat in the ESA includes “specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of § 1533 of this title, upon a determination by the Secretary that such areas are essential for the conservation of the species.” 16 U.S.C.S. § 1532 (Lexis 2011). FWS should ensure that it is not excluding land essential for the conservation of the California tiger salamander just because it did not find the salamanders already occupying those lands. FWS should keep in mind that habitat fragmentation is one of the threats to the tiger salamander, so it should strive to create contiguous protected areas rather than isolated areas of protection. To facilitate the conservation of the California tiger salamander, FWS should ensure that the salamanders will have enough protected land to support an increase in the population.

While SALDF does not want to question FWS methods for determining what land should be designated as critical habitat for the California tiger salamander, it does want to make sure that land is not being excluded for cursory reasons such as not finding salamanders on the land. SALDF recommends that FWS designates the original 74,233 acres as critical habitat for the California tiger salamander. If FWS cannot designate this amount of protected land, SALDF recommends that FWS designate the full 50,855 acres proposed in the revised Unit 1 area as critical habitat for the tiger salamander.

### IV. Conclusion

FWS should designate the original 74,233 acres as critical habitat for the Sonoma County California tiger salamander to ensure the species has enough room to increase its numbers. If this is not possible, FWS should designate proposed 50,855 acres as critical habitat without making any further reductions to the size of Unit 1. Conservation of the California tiger salamander will not be successful without addressing the primary reason for its degradation: habitat loss. Designating appropriate amounts and types of land as critical habitats is the best way for FWS to help conserve the California tiger salamander.

Sincerely,

Meera Gajjar  
Treasurer, Student Animal Legal Defense Fund