



## California Tiger Salamander Not Threatened with Extinction

By: Robert Uram & Keith Garner

Sheppard, Mullin, Richter & Hampton LLP has prepared a detailed comment package on behalf of the Central California Tiger Salamander Coalition ("Central California CTS Coalition") stating that the California tiger salamander (CTS) is not in danger of becoming extinct in the foreseeable future in response to the proposed listing of the species' Central California population by the U.S. Fish and Wildlife Service ("Service"). Organizations included in the Central California CTS Coalition include:

California Alliance for Jobs	California Natural Resources Group
California Association of Winegrape Growers	California State Association of Counties
California Building Industry Association	Construction Materials Association of California
California Business Properties Association	Consulting Engineers and Land Surveyors of California
California Cattlemen's Association	Home Builders Association of Northern California
California Chamber of Commerce	International Council of Shopping Centers
California Farm Bureau Federation	International Mass Retail Association
California Mining Association	Wine Institute

Based on the review of information on the status of, and threats facing, the species, the Central California CTS Coalition believes that the Central California population of the California tiger salamander is not currently threatened with extinction or likely to become threatened with extinction in the foreseeable future.

The Central California CTS Coalition bases its conclusion on the following major points:

- The proposed listing proposal did not use the best available scientific and commercial information

- The species' range covers slightly over 9 million acres, an area that is not significantly different than it was in 1917 when it was first mapped
- The Central California area contains approximately 4.1 million acres of suitable habitat.
- There are more known breeding sites of the California tiger salamander in the Central California area today than at any time in California history
- Based on known breeding sites, the Central California area may support well over 800,000 individual CTS
- Existing local, state, and federal regulatory mechanisms provide ample protection to the salamander

Using the best available information on the amount and location of future urban and agricultural development, approximately 90% of existing California tiger salamander habitat and 85% of the species' known breeding sites are not threatened by potential development in Central California. While listing the salamander would provide some additional protection for the species in Central California, it is clear that the panoply of existing laws and regulations provides substantial protection for the species. A review of recent development projects shows that development which does affect California tiger salamander habitat is likely to be regulated. Among other things, the comments of the coalition identified:

- The proposed listing proposal did not use the best available scientific and commercial information;
- The California tiger salamander is not currently threatened with extinction or likely to be threatened with extinction in the foreseeable future; and
- Existing local, state, and federal regulatory mechanisms provide protection to the salamander.

Any development project which may affect the California tiger salamander is likely to be required to set aside approximately one-half to one-third of potentially impacted upland habitat as permanent open space and to compensate for losses of aquatic habitat at ratios of at least one-to-one based on existing regulatory programs. These protections will continue whether or not the California tiger salamander is listed throughout Central California under the Endangered Species Act. The Service summarily indicated that existing regulatory mechanisms are inadequate in its listing proposal.

The Central California CTS Coalition also believes further division of the CTS population within Central California into separate "distinct population segments" is inadvisable and unwarranted. The legislative history of the Endangered Species Act admonishes that this classification is to be used sparingly and only upon a showing that such action is warranted. The Central California CTS Coalition concludes that there is no basis upon which to further subdivide the population in Central California as there are no morphological, life history, and behavioral differences within individual salamanders within the range, nor is there an observable pattern or significant amount of genetic variation within the range.

For a complete copy of the Executive Summary submitted to the U.S. Fish and Wildlife Service on behalf of the Central California CTS Coalition please contact Robert Uram at [ruram@sheppardmullin.com](mailto:ruram@sheppardmullin.com) or Keith Garner at [kgarner@sheppardmullin.com](mailto:kgarner@sheppardmullin.com)