



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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JUN 18 2009

Leslie Markham
Deputy Chief, Forest Practice
California Department of Forestry and Fire Protection
135 Ridgeway Avenue
Santa Rosa, California 95402

RECEIVED

JUN 22 2009

COAST AREA OFFICE
RESOURCE MANAGEMENT

Subject: Extension of Regulatory Protection to the Federally-Listed California Red-Legged Frog (*Rana draytonii*) in Mendocino County, California

Dear Ms. Markham:

On May 23, 1996, the U.S. Fish and Wildlife Service (Service) determined threatened status for the California red-legged frog (*Rana draytonii*; formerly *Rana aurora draytonii*) pursuant to the Endangered Species Act of 1973, as amended (Act) (61 *Federal Register* (FR) 25813). The California red-legged frog is currently found primarily in wetlands and streams in coastal watersheds of central California, and has been extirpated from 70 percent of its former range. Based on the best available information at the time, the historic range of the California red-legged frog was described as extending along the coast from the vicinity of Point Reyes National Seashore in Marin County, and inland from the vicinity of the City of Redding in Shasta County, southward to northwestern Baja California, Mexico (61 FR 25814). The listing rule described an intergrade zone between the California red-legged frog and the closely related (and non-listed) northern red-legged frog (*Rana aurora*; formerly, *Rana aurora aurora*) that extended approximately from the Walker Creek watershed in Marin County north to southern Mendocino County. Consequently, the 1996 listing rule did not extend the Act's protection to California red-legged frogs in Mendocino County (61 FR 25814).

Recent research on the genetics of red-legged frogs indicates that the intergrade zone between the California red-legged frog and the northern red-legged frog likely occurs within a narrower geographic area than previously known, and that the range of the California red-legged frog extends about 60 miles (100 kilometers) further north. In our designation of critical habitat on April 13, 2006 (71 FR 19244) we acknowledged this new research and changed the extent of the

geographic range to reflect the entire range of the subspecies, which includes southern Mendocino County.

Red-legged frogs in the Point Arena Hydrographic Unit (as defined by the California Interagency Watershed Mapping Committee) in southern Mendocino County have been found to contain genetic characteristics of both northern red-legged frogs and California red-legged frogs. The Greenwood Creek watershed in the northern portion of the Point Arena Hydrographic Unit contains both northern red-legged frogs and California red-legged frogs. This watershed also represents the northernmost known occurrence of California red-legged frog genes along the California coast. Because these two species cannot be readily distinguished in the field based on appearance or vocalizations alone, we are extending the regulatory protections of the Act to all red-legged frogs that occur in the following southern three coastal hydrographic units in Mendocino County, including the area of overlap in the Greenwood Creek watershed: Point Arena, Garcia, and Gualala (see Enclosure).

The Service's responsibilities include administering the Act, including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultations for projects with Federal involvement pursuant to section 7 of the Act or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

We anticipate that information from future surveys for California red-legged frogs and northern red-legged frogs will help us better understand the geographic extent of both species in Mendocino County. The Service will periodically review new survey information and genetic analyses regarding California red-legged frogs and northern red-legged frogs in Mendocino County and inform you of any adjustments, as necessary, to the jurisdictional boundaries for California red-legged frogs in Mendocino County.

The Service is interested in coordinating with the California Department of Forestry and Fire Protection to provide technical assistance for projects that may result in take of California red-legged frogs in the Point Arena, Garcia, and Gualala hydrographic units in southern coastal Mendocino County. We are also interested in coordinating with the California Department of Forestry and Fire Protection to develop measures to conserve the species.

For more information on life history aspects of the California red-legged frog, please visit our website at <http://www.fws.gov/arcata/es/listedspecies.html>. To view all Federal Register documents pertaining to the California red-legged frogs, please visit our species profile website

at <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=D02D>. To view the Federal Code of Regulations, please visit the U.S. Government Printing Office's website at <http://www.gpoaccess.gov/cfr/index.html>.

We look forward to the opportunity to work with the California Department of Forestry and Fire Protection on future consultations and conservation measures pertaining to this unique California amphibian. Please contact staff biologist Bill McIver by telephone at (707) 822-7201 or by email at bill_mciver@fws.gov should you have further questions regarding this matter.

Sincerely,



for Randy A. Brown
Acting Field Supervisor

Enclosure



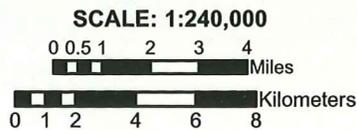
U.S. Fish & Wildlife Service

California Red-Legged Frog (*Rana draytonii*) Range Definition for Mendocino County

Sheet 1 of 1



Produced by the Arcata Fish and Wildlife Office
 Arcata, California
 Current to: May 2009
 Basemap (Date): 2000-2009
 File:N:\Public\Goldsmith\CRLF\CRLF Range Map.mxd



CRLF Range Boundary



UTM Zone 10
 NAD 1983