

Staff Summary for April 15-16, 2026

17. Western Spadefoot**Today's Item**Information Action

Consider and potentially act on the petition, the Department's evaluation report, and comments received to determine whether listing the northern and southern populations of western spadefoot (*Spea hammondi*) as threatened and endangered species, respectively, under the California Endangered Species Act (CESA) may be warranted.

Summary of Previous/Future Actions

- | | |
|--|--------------------------|
| • Received petition | September 24, 2025 |
| • Transmitted petition to Department | October 6, 2025 |
| • Public receipt of petition | October 8-9, 2025 |
| • Published notice of receipt of petition | October 17, 2025 |
| • Approved Department's request for 30-day extension | December 10-11, 2025 |
| • Public receipt of Department's petition evaluation report | February 11-12, 2026 |
| • Today potentially determine petitioned actions may be warranted, initiating Department's one-year status review | April 15-16, 2026 |

Background

In September 2025, the Commission received a CESA petition to list northern and southern populations of western spadefoot as threatened and endangered, respectively, from the Center for Biological Diversity (Exhibit 1).

California Fish and Game Code Section 2073.5 requires that the Department evaluate the petition and submit a written evaluation with a recommendation to the Commission; the Commission publicly received the Department's evaluation report (exhibits 2 and 3) at its February 2026 meeting. The evaluation report delineates each of the categories of information required for a petition, evaluates the sufficiency of the available scientific information for each of the required components, and incorporates additional relevant information that the Department possessed or received during the review period. Based on the information contained in the petition and other relevant information, the Department concludes that there is sufficient information to indicate the petitioned actions may be warranted.

At today's meeting, the Commission will receive a presentation on the Department's petition evaluation, receive a presentation from the petitioner, and hold a public hearing to receive oral testimony. After public comment, the commission may reach a decision on whether listing may be warranted, close the public hearing and continue the meeting on the petition for the purpose of deliberation, or continue both the public hearing and the meeting on the petition to a subsequent date.

If the Commission determines the listings may be warranted, pursuant to Section 2074.2 of the Fish and Game Code the Department will undertake a one-year status review before the Commission can make a final decision on listing. CESA and the Commission's listing

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regulation require that the petition contain specific scientific information related to the status of the species. CESA and case law interpreting it make clear that the Commission must accept a petition when the petition contains sufficient information to lead a reasonable person to conclude there is a substantial possibility the requested listing could occur. The requested listing is tied to the species' status, that is, whether the species' continued existence is in serious danger or is threatened by a number of factors, and in no way relates to economic consequences that might result from listing. If the Commission determines the petitioned actions may be warranted, northern and southern populations of western spadefoot become candidate species for listing as either threatened or endangered pursuant to Fish and Game Code Section 2074.2. Candidate species are protected during the remainder of the listing process pursuant to Fish and Game Code Section 2085.

Significant Public Comments

1. The Large-Scale Solar Association (LSA) requests that the Commission postpone its decision until the June 2026 meeting, to allow time to work on a solution that supports species conservation and continued clean-energy development. LSA states that adding western spadefoot as a new CESA candidate species could jeopardize solar projects facing strict federal Investment Tax Credit deadlines. LSA is working with the Center for Biological Diversity to develop a plan to allow for limited, conditioned take during the species candidacy period and would like to present their proposal at the June 2026 meeting. (Exhibit 5)
2. Rancho Mission Viejo (RMV) argues the existing Southern Subregion Habitat Conservation Plan (SSHCP) already protects western spadefoot habitat and keeps major breeding sites monitored and managed. RMV states that the petition relies on outdated or limited studies that do not reflect recent, healthier populations. If listing moves forward, RMV asks that activities covered under the SSHCP remain allowed without extra permits. (Exhibit 6)
3. Tejon Ranch states that its existing, enforceable conservation measures already protect western spadefoot and should be fully considered before any CESA listing decision. Tejon Ranch provides examples of survey data and mitigation plans across its projects that address key threats to the species. (Exhibit 7)

Recommendation

Commission staff: Determine that listing western spadefoot may be warranted; direct staff to issue a notice reflecting this finding and indicating that the northern and southern populations of western spadefoot are candidate species for listing as endangered or threatened.

Department: Accept the petition for further consideration under CESA.

Exhibits

1. [Petition, received September 24, 2025](#)
2. [Department memo, received January 7, 2026](#)
3. [Department petition evaluation report, dated January 2026](#)
4. [Department presentation](#)

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5. [Letter from Shannon Eddy, Executive Director, Large-Scale Solar Association, received May 30, 2026](#)
6. [Letter from Laura Coley Eisenberg, Senior Vice President, Regulatory Compliance & Open Space Management, Rancho Mission Viejo, received March 30, 2026](#)
7. [Letter from Hugh F. McMahon IV, Executive Vice President, Real Estate, Tejon Ranch Co, received April 1, 2026](#)

Motion

Moved by _____ and seconded by _____ that the Commission, pursuant to Section 2074.2 of the California Fish and Game Code, finds that the petition to list northern and southern populations of western spadefoot (*Spea hammondi*) as threatened and endangered species, respectively, does provide sufficient information to indicate that the petitioned actions may be warranted based on the information in the record before the Commission, and directs staff to issue a notice reflecting this finding and indicating that western spadefoot is a candidate for threatened and endangered species status.

OR

Moved by _____ and seconded by _____ that the Commission, pursuant to Section 2074.2 of the California Fish and Game Code, finds that the petition to list northern and southern populations of western spadefoot (*Spea hammondi*) as threatened and endangered species, respectively, does not provide sufficient information to indicate that the petitioned actions may be warranted based on the information in the record before the Commission.

OR

Moved by _____ and seconded by _____ that the Commission, pursuant to Section 2075.5 of the California Fish and Game Code, closes the public hearing and the administrative record for the Commission's decision on the northern and southern populations of western spadefoot, and continues its deliberation and decision to a future meeting.

PETITION TO LIST THE NORTHERN AND SOUTHERN POPULATIONS OF WESTERN SPADEFOOT (*Spea hammondi*) AS THREATENED AND ENDANGERED, RESPECTIVELY, UNDER THE CALIFORNIA ENDANGERED SPECIES ACT



Photo credit: James Bettaso, U.S. Fish and Wildlife Service

CENTER FOR BIOLOGICAL DIVERSITY

September 2025

**NOTICE OF PETITION TO THE
STATE OF CALIFORNIA FISH AND GAME COMISSION**

For action pursuant to Section 670.1, Title 14, California Code of Regulations (CCR) and sections 2072 and 2073 of the Fish and Game Code relating to listing and delisting endangered and threatened species of plants and animals.

The Center for Biological Diversity submits this petition to list the northern population of western spadefoot as threatened and list the southern population of western spadefoot as endangered throughout their respective ranges in California pursuant to the California Endangered Species Act (California Fish and Game Code § 2050 et seq.). This petition demonstrates that both populations of western spadefoot clearly warrant listing based on the factors specified in the statute.

I. SPECIES BEING PETITIONED

Common name: Western spadefoot
Scientific name: *Spea hammondi*

II. RECOMMENDED ACTION: List the northern population of western spadefoot as **threatened** and list the southern population of western spadefoot as **endangered**

III. AUTHOR OF PETITION:

Sofia Prado-Irwin, PhD
Center for Biological Diversity


spradoirwin@biologicaldiversity.org

I hereby certify that, to the best of my knowledge, all statements made in this petition are true and complete.

Signature:



Date: September 24, 2025

The **Center for Biological Diversity** is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

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I. Executive Summary

The Center for Biological Diversity submits this petition to list the two distinct populations of western spadefoot (*Spea hammondi*), the northern and southern populations, as threatened and endangered, respectively, throughout their ranges in California pursuant to the California Endangered Species Act (“CESA,” California Fish and Game Code § 2050 et seq.). As outlined in this petition, without the protection of CESA, both populations of western spadefoot are highly likely to become further imperiled in the near future.

The two populations of western spadefoot, northern and southern, are genetically distinct and separated by a geographical barrier, the Transverse Ranges in Southern California. Habitat destruction and fragmentation are the most severe threats to both populations, but both are also threatened by climate change, invasive species, pollutants, and disease. Habitat loss and fragmentation have been particularly severe in Southern California. Genetic data shows that the southern population has become highly fragmented and exhibits very small effective population sizes, making it extremely vulnerable to extirpation. The southern population of western spadefoot therefore meets the standard for listing as an endangered species, as it is in danger of extinction throughout all or a significant portion of its range (California Fish and Game Code § 2062). Such genetic data is not available from the northern population, but historical occurrence data and patterns of severe habitat loss indicate the northern population has also experienced significant declines and continues to be threatened by habitat destruction, fragmentation, and other factors. The northern population of western spadefoot therefore meets the standard for listing as a threatened species, as it is likely to become endangered in the foreseeable future in the absence of special protection and management efforts (California Fish and Game Code § 2067).

Western spadefoots rely on temporary wetlands connected to suitable upland grassland or shrubland habitat, most commonly vernal pool complexes. Urban development, intensive agriculture, extractive development, and roads have led to increasing destruction of vernal pools and other wetlands, reducing available habitat. An estimated 90%-95% of California’s historic vernal pools have been lost, and those that remain are subject to significant development pressure. Currently at least six major development projects are likely to begin imminently or within the next few years that would significantly impact western spadefoot.

The western spadefoot currently receives no state or federal species-specific protections. The species was proposed for listing as threatened under the federal Endangered Species Act (“ESA”) in 2023, but a final listing decision is unlikely to happen soon. The current federal administration has focused on limiting the application and reach of the ESA and is unlikely to increase protections for western spadefoot. Recent changes to the Clean Water Act have also weakened protections for aquatic habitats, leaving the species even more vulnerable. To halt the species’ decline and give it a chance of recovery, it is imperative to list the northern and southern populations of western spadefoot as threatened and endangered under CESA.

II. Introduction

This petition summarizes the available scientific information regarding the taxonomy and natural history of the western spadefoot (*Spea hammondi*), its range, distribution, abundance, population genetics, and population trends in California. It also discusses the threats affecting its ability to survive and reproduce and the limitations of existing management measures in protecting the species. As demonstrated below, the two distinct conservation management units of the western spadefoot (northern and southern populations) meet the criteria for protection as “threatened” and “endangered,” respectively, under the California Endangered Species Act (CESA) and would benefit greatly from such protection.

III. Life History (Species Description, Biology, and Ecology)

A. Species Description

The western spadefoot is a small- to moderate-sized, round anuran. Despite commonly being referred to as the “western spadefoot toad,” they are not true toads, as they are not members of the family Bufonidae. To reflect this, we refer to the species as the western spadefoot throughout this petition.

Adults

The western spadefoot is a small- to moderate-sized, round anuran (**Figure 1**). Adult snout-to-vent length ranges from 3.8-6.3 cm (1.5-2.5 in) (Stebbins, 2003). The average snout-to-vent lengths of metamorphs is about 2.5 cm (Alvarez & Kerss, 2023). Adult and juvenile dorsal coloration varies between greenish, grayish, or brownish with irregular dark and light stripes or markings and tubercles with dark orange or reddish tips. Ventral coloring is solid cream or light gray. Western spadefoots have large eyes with pale gold irises and vertical pupils in bright light and big round pupils in the dark. They have teeth on their upper jaw, short and stout limbs, and a wedge-shaped, keratinized black spade on each hind foot, which they use for digging. The male mating call has been described as “hoarse” and “snore-like,” lasting on average 0.5 to 1 second with a mean pulse rate of 29.4 to 44.5 pulses per second (Brown, 1976).

Tadpoles

Tadpoles have a large, round body and a thin, vertically flattened tail (**Figure 1**). Total length has been recorded up to 7.5 cm (3 in) (Stebbins & McGinnis, 2012). Dorsal coloration can be brownish, gray, or greenish with dark mottling. Ventral coloration is pale and iridescent. Their eyes are set relatively close together when viewed from above, and they have a beaked upper mandible, a notched lower mandible, and oral papillae that encircle the mouth (Stebbins, 2003). Some populations develop predaceous and cannibalistic tadpoles that have a beaked upper jaw, a notch in the lower jaw, and enlarged jaw muscles (Stebbins, 2003).

Eggs

Western spadefoot eggs are light olive green or sooty above and whitish below (Stebbins & McGinnis, 2012). They are enclosed in two jelly envelopes and form irregular cylindrical

clusters of about 10 to 42 eggs (average 24) with a diameter of 3.2 to 5.7mm (0.1 to 0.2 in). Eggs are attached to underwater plant stems or other submerged objects in temporary and permanent ponds and quiet parts of streams (Stebbins, 2003; Stebbins & McGinnis, 2012).

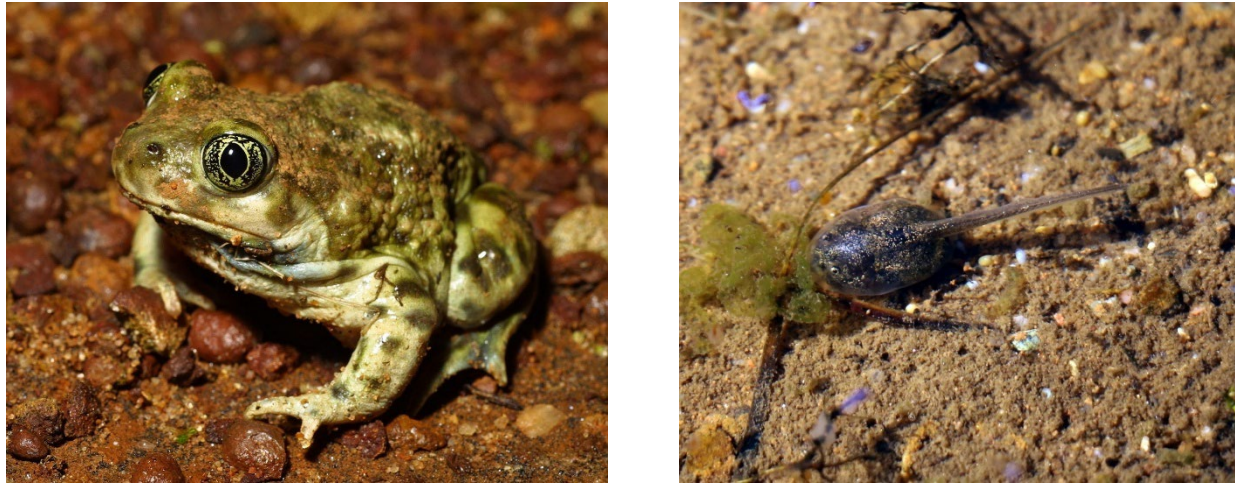


Figure 1. *Western spadefoot adult (left) and tadpole (right). Photos by Chris Brown/USGS (left) and Joanna Gilkeson/USFWS (right).*

B. Taxonomy and Population Genetics

The western spadefoot's scientific name is *Spea hammondi*. It is in the family Scaphiropodidae, which consists of two genera of North American spadefoots: *Scaphiopus* and *Spea* (Blackburn & Wake, 2011). Species in these genera were formerly in the family Pelobatidae. However, based on phylogenetic analyses identifying divergences in mitochondrial DNA, this has since been revised (García-París et al., 2003). Scaphiropodidae now consists of the North American spadefoots while Pelobatidae consists of spadefoots in Europe, central and western Asia, and northwestern Africa (García-París et al., 2003).

Spea was considered a subgenus in the genus *Scaphiopus* until phylogenomic analyses demonstrated that these two genera were distinct (Tanner, 1989; Wiens & Titus, 1991). Although the recognition of *Spea* as a full genus is refuted by some (e.g., Hall, 1998), this nomenclature is generally accepted (Crother et al., 2017; Tanner, 1989; Wiens & Titus, 1991).

Two closely-related species now known as the Great Basin spadefoot (*Spea intermontana*) and the Mexican spadefoot (*Spea multiplicata*) were previously considered to be conspecifics (i.e., subspecies) of *Spea hammondi*, but differences in morphology, breeding behavior, and reproductive biology indicate that they are reproductively isolated and constitute distinct species (Brown, 1976; Hall, 1998).

Spadefoots west of the Sierra Nevada Mountains and in Baja California are currently considered one species: western spadefoot (*Spea hammondi*). However, genetic analyses indicate that there are two genetically distinct populations, or management units—a northern and a southern population—divided by the Transverse Ranges (**Figure 2**) (García-París et al., 2003; Neal et al., 2018).

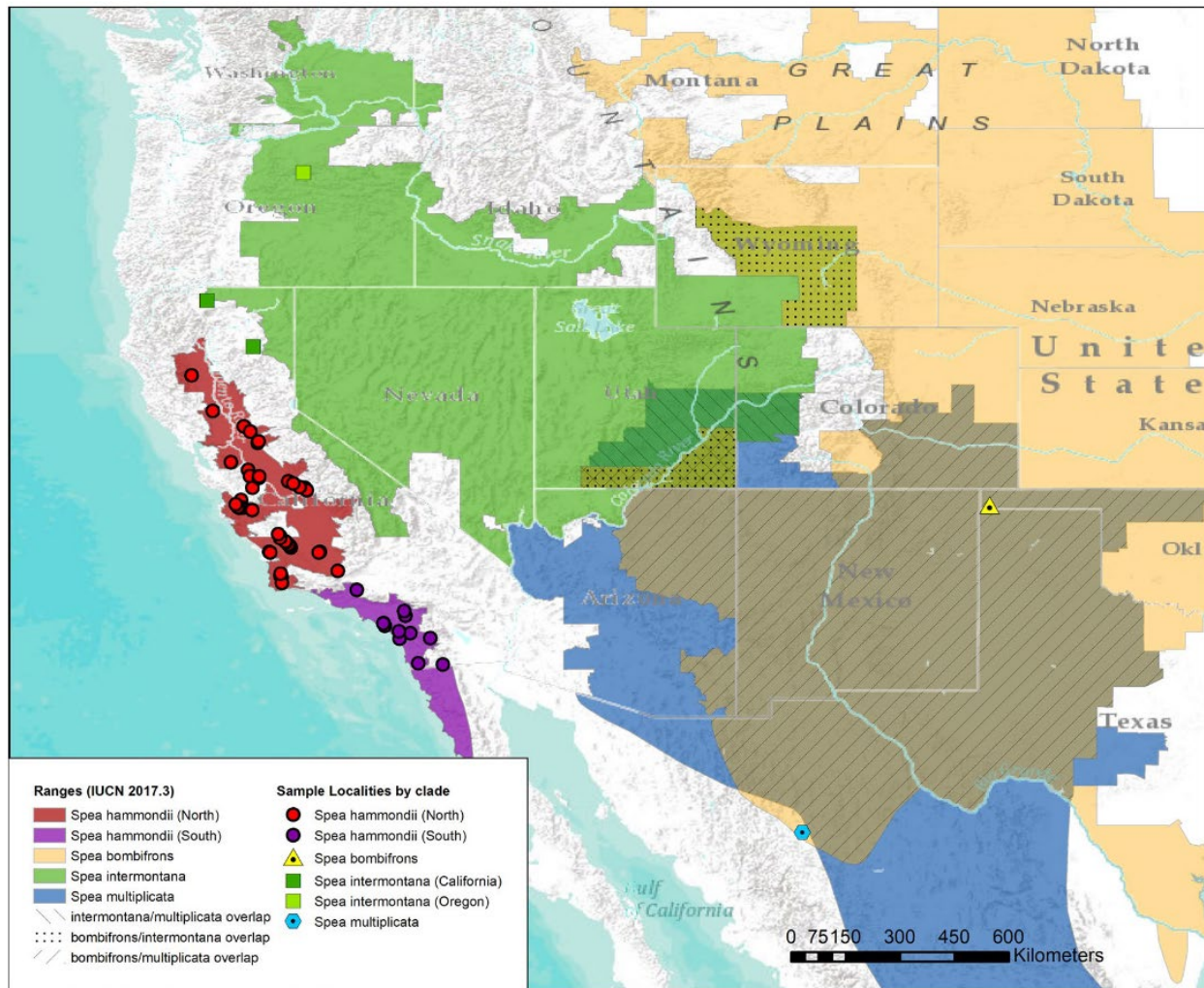


Figure 2. North (red) and South (purple) distinct genetic populations of western spadefoot (*Spea hammondii*) in California. Other *Spea* species ranges include the Plains spadefoot (*Spea bombifrons*, yellow); Great Basin spadefoot (*Spea intermontana*, green); and Mexican spadefoot (*Spea multiplicata*, blue). Source: Neal et al., (2018).

In a study analyzing two mitochondrial genes (cytochrome *b* and 16S RNA), researchers found that western spadefoots from Alameda County, CA and San Diego County, CA do not make up a monophyletic clade (García-París et al., 2003). Western spadefoots sampled from San Diego County were found to share a common ancestor with the Plains spadefoot (*Spea bombifrons*) while western spadefoots from Alameda were found to share a common ancestor with a clade formed by Plains spadefoot (*Spea bombifrons*), Great Basin spadefoot (*Spea intermontana*), and the San Diego County western spadefoots (**Figure 3**) (García-París et al., 2003). This suggests that the northern population of western spadefoot is genetically distinct from the southern population.

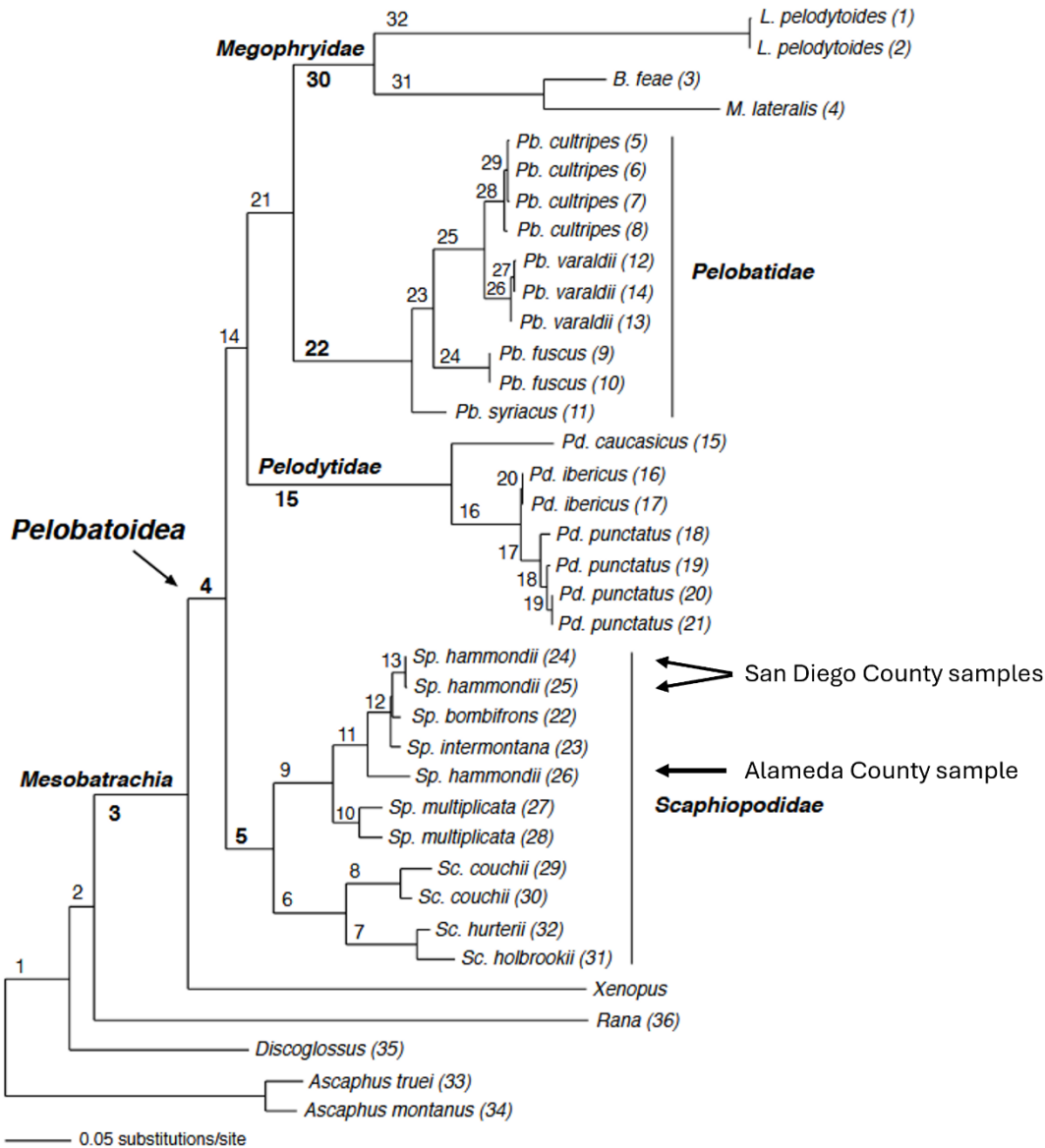


Figure 3. Phylogenetic tree indicating that western spadefoots from San Diego County (24 and 25) may be genetically distinct from western spadefoots from Alameda County (26). Source: García-Paris et al. (2003).

Neal et al. (2018) provide further evidence that northern and southern populations of western spadefoot are discrete populations. Investigating five nuclear protein-coding genes (AKAP9, NTF3, RAG1, Rhod1, and SIA) and one mitochondrial gene (ND2), the researchers demonstrated that the species consists of two genetically distinct clusters separated by the Transverse Ranges (Neal et al., 2018). Furthermore, the authors found that the two genetic clusters are ecologically distinct, with niche models resulting in unexpected differences in habitat suitability between the two groups (Neal et al., 2018). Results from an ecological niche modeling study further support the conclusion that the northern and southern populations are distinct, as they had separate glacial refugia and distinct dispersal corridors during and after the last glacial maximum (21,000 years ago), therefore the two populations likely have not met for many

thousands of years (Gherghel & Martin, 2020). The authors argue that “[t]he strength of the genetic isolation suggests the two clusters may in fact represent distinct species” and “recommend that each cluster be considered its own conservation unit with potentially unique management needs” (Neal et al., 2018).

In Southern California, the genetic health of western spadefoot populations is deteriorating due to loss of habitat and connectivity between breeding pools. Neal et al. (2020) identified at least two genetic clusters of spadefoots in Orange County: inland and coastal populations. The analyses indicate long-term evolutionary divergence between the coastal and inland populations, potentially reflecting the strong philopatry and limited movement observed by Baumberger et al. (2019). However, Neal et al. (2020) also note that the genetic isolation found in their study and the limited movement documented by Baumberger et al. (2019) may be a result of spadefoots being relegated to marginal habitat in hilly terrain that may prevent them from moving longer distances and increasing gene flow. The researchers hypothesize that prior to intense urbanization and development, spadefoots in Southern California may have been able to move further distances across well-connected pond networks in the flat Los Angeles Basin (Neal et al., 2020).

Neal et al. (2020) also found genetic differentiation among adjacent ponds and estimated very low effective population sizes (N_e of 1.2 to 12.2) and numbers of effective breeders (N_{eb} of 1.4 to 19.8) at breeding ponds. These estimates are as low or lower than the estimated effective population sizes for the federally and state endangered California red-legged frogs (*Rana draytonii*) (Richmond et al., 2014) and the federally threatened California tiger salamanders (*Ambystoma californiense*) (Wang et al., 2011).

Although minimum viable effective population size has been found to vary depending on the species (Frankham, 1995; Frankham et al., 2014; Traill et al., 2010), general conservation management practice over the past few decades has followed a 50/500 rule, under which an effective population size of 50 is assumed sufficient to prevent inbreeding depression in the short term (over the duration of five generations) and an effective population size of 500 is assumed sufficient to retain evolutionary potential in perpetuity (Clarke et al., 2024; Frankham et al., 2014; Traill et al., 2010). However, the 50/500 rule was based on limited data from animal breeders and domestic and laboratory animals, and Frankham et al. (2014) recommended revising it to a 100/1000 rule to more accurately reflect the needs of wild populations and facilitate more effective conservation management.

The Orange County western spadefoot populations are small and isolated, and their effective population sizes are dangerously low, well below these conservation thresholds (Neal et al., 2020). This makes them extremely vulnerable to extirpation; they have a high genetic risk of severe inbreeding as well as a high demographic risk of being wiped out by extended drought or landslides due to flooding after wildfire. To prevent local extinction of these populations, Neal et al. (2020) “strongly recommend a combined approach of 1) assisted migration to counteract the negative effects of inbreeding depression (Frankham et al. 2019) among both natural and artificial ponds within Inland and Coast regions, and 2) construction of additional, artificial breeding sites with sufficiently long predicted hydroperiods (Pyke 2004) to enhance the ability of

spadefoots to naturally establish local metapopulations as effective strategies to maintain this declining vernal pool specialist on the Southern California landscape.”

There is no population genetic information available for the northern population. However, as detailed below (**Habitat Loss and Fragmentation**), much of the historical habitat north of the Transverse ranges—including the vast majority of grassland vernal pool complexes that once existed throughout the Central Valley—has been lost, and remaining habitat is highly fragmented. Given this habitat loss and fragmentation, it is likely their populations are on a similar trajectory of genetic isolation, low genetic diversity, and risk of extirpation. Genomic studies of western spadefoot populations in central and northern California would be extremely valuable in further understanding the status of the northern population.

C. Life Cycle

Western spadefoots are a cryptic species with a biphasic life cycle that requires connected aquatic and terrestrial habitats. Adults are almost entirely fossorial except when they emerge aboveground and migrate to vernal pools during seasonal rains to breed in large aggregations and lay their eggs. Eggs and tadpoles are aquatic until juveniles metamorphose and exit the pools.

Terrestrial Adult Ecology and Behavior

Little is known about the terrestrial activity of western spadefoots. They spend most of their lives in self-made underground burrows, though sometimes they temporarily take refuge in burrows constructed by small mammals, like gophers, squirrels, or kangaroo rats (Stebbins, 2003; US Fish and Wildlife Service, 2005). They aestivate, or go into long-term torpor or dormancy, during the dry season. One study in Southern California found that western spadefoots spent 125 to 220 days in their aestivation burrows, though the authors acknowledge the study was limited due to small sample size (n=15), male bias (80% were male), and a drought year (Baumberger et al., 2019). Therefore, this information may not fully encompass the species’ aestivation patterns or preferences, but it provides some insight regarding how long individuals may stay underground.

Adults are nocturnal and emerge from their summer burrows to forage and breed after rains in the late fall through late spring. The factors that trigger emergence are not well understood, though the sounds and vibrations from rain striking the ground seem to trigger the emergence of other North American spadefoot species (Couch’s spadefoot [*Scaphiopus couchii*] and the Mexican spadefoot [*Spea multiplicata*]) (Dimmitt & Ruibal, 1980). In addition, flooding or wetting the soil where spadefoots are burrowed causes them to emerge (Dimmitt & Ruibal, 1980; Ruibal et al., 1969). Ruibal et al. (1969) also found that some Mexican spadefoots were active in their burrows and moved towards the surface prior to heavy rains, which suggests that the sounds and vibrations of rain may not be the only cues that trigger spadefoots to move to the surface. Recent research on western spadefoots suggests they may be more active outside of their burrows than was previously thought, with emergences throughout the year rather than during a specific seasonal window (Alvarez & Woodall, 2024). Additional research on western spadefoot movement would be extremely useful in understanding their habitat use and needs throughout the wet and dry seasons.

Breeding Season Ecology and Behavior

Western spadefoots are generally active on the surface from October to May, with breeding occurring from January to May. However, they are opportunistic breeders, and the timing of surface activity can vary depending on rainfall and region. For example, western spadefoot breeding was observed between January and March in San Luis Obispo and Riverside counties after warm heavy rains (Morey & Reznick, 2004). And in San Diego County they bred after substantial rains in August as well as from October to December (Cass, 2007; Ervin et al., 2005). Western spadefoot breeding vocalizations and larvae were also documented from May to August in Kern County (Groff et al., 2012). In addition, Goldberg (2023) found that western spadefoots exhibit reproductive readiness throughout the year, further supporting the notion that they are opportunistic breeders that react to environmental conditions.

Western spadefoots form large (> 1,000 individuals), highly vocal breeding aggregations mostly in vernal pools (Jennings & Hayes, 1994), though they may also breed in intermittent streams, reservoirs, irrigation ditches, and even road ruts (Baumberger et al., 2019; Stebbins, 2003). Multiple bouts of breeding may occur in one season, though later aggregations include fewer individuals (Morey, 2005). Amplexus is pelvic. Females lay 300-500 eggs in irregular cylindrical clusters of 10-42 eggs attached to underwater plant material or the tops of submerged rocks (Morey, 2005; Stebbins, 2003).

Western spadefoots appear to exhibit strong site fidelity to natal pools and breeding sites, at least in coastal and inland Southern California populations (Baumberger et al., 2019; Neal et al., 2020). However, researchers suggest that this may be due to extensive habitat loss and the lack of flat, connected pond networks resulting from decades of intense urbanization throughout the region, which limits their movement (Neal et al., 2020). Limited information is available regarding site fidelity and movement patterns of the northern western spadefoot populations.

Eggs, Tadpoles, and Juvenile Ecology and Behavior

Eggs develop at temperatures of 9 to 30°C (Brown, 1967). In nature, they usually hatch in 3-4 days (Morey, 2005). Larval development time varies depending on resource availability, water temperature, and water volume (Denver et al., 1998; Jennings & Hayes, 1994). In San Luis Obispo and Riverside counties, larval development lasted an average of 58 days with a range from 30 to 79 days (Morey, 1998; Morey & Reznick, 2004). However, reduced water volume has been found to accelerate metamorphosis (Denver et al., 1998), and in laboratory experiments larvae metamorphosed in as few as 14 days (Morey, 1998; Morey & Reznick, 2004). Earlier metamorphs that had less time to develop were smaller compared to metamorphs that emerged later from pools that held water for longer, which could affect their chances for survival (Morey & Reznick, 2004).

Tadpoles stop eating and exhibit reduced movement prior to metamorphosis (Denver et al., 1998). Once they have developed forelimbs, they take short terrestrial excursions away from natal ponds at night and take refuge in moist cracks around the edges of the drying pool (Morey, 2005). At complete metamorphosis, when the tail is completely resorbed, tadpoles lose 30% or more of their body mass and weigh an average 3.7 g with a range of 1.5 to 10.4 g (Morey, 1998). The average snout-vent length of metamorphs is about 2.5 cm (Alvarez & Kerss, 2023).

Individuals reach sexual maturity when their snout-vent length is about 4 to 4.5 cm (Storer, 1925; Thomson et al., 2016). Age at maturity is not well understood, though it likely depends on environmental conditions and food availability. In lab studies, males reached sexual maturity at one to two years after metamorphosis while females took at least two years to reach sexual maturity (Morey & Reznick, 2001).

D. Diet, Foraging Ecology, and Predators

There is limited information regarding western spadefoot diet. Adults and juveniles appear to be generalist predators, hunting at night during the rainy season and preying on various invertebrates including terrestrial arthropods, beetles, moths, crickets, true bugs, flies, and earthworms (Morey & Guinn, 1992).

No information is available regarding larval diet of western spadefoots, though Mexican spadefoots (*Spea multiplicata*) have been found to have both carnivore and omnivore morphs, feeding either exclusively on fairy shrimp or on detritus and algae, respectively (Pfennig, 1990). Pfennig (1990) found that most carnivorous tadpoles were in pools that had high fairy shrimp densities and fast drying times, and carnivores developed much more quickly than omnivores (Pfennig, 1990). He hypothesized that tadpoles are by default omnivores unless they ingest a critical number of fairy shrimp that triggers them to be strictly carnivorous (Pfennig, 1990). It is possible that larval western spadefoots have similar diets.

Reported predators include California tiger salamander larvae, adult American bullfrogs, garter snakes, and raccoons (Morey, 2005). Birds and mammals likely prey on large larvae, especially in pools where the water is clear or where larvae density is increasing as the pools dry (Morey, 2005). Adult western spadefoots produce unpalatable skin secretions to ward off predators, and according to Morey (2005), “To the taste, the sticky skin secretions of an injured western spadefoot toad are strongly suggestive of a pharmacologically active substance; in the eyes or nose, the secretions cause a burning sensation.”

E. Burrowing Behavior

Numerous reports state that western spadefoots can be found in burrows up to one meter deep (e.g., (Jennings & Hayes, 1994; US Fish and Wildlife Service, 2005)). However, the reports rely on a study titled “The terrestrial ecology of the spadefoot toad *Scaphiopus hammondi*,” (Ruibal et al., 1969), which was conducted in southeastern Arizona and likely refers to the Mexican spadefoot (*Spea multiplicata*) before it was recognized as a distinct species from the western spadefoot. Therefore, while burrow depths may be similar, it is unclear how deep western spadefoot burrows can be.

A more recent study of western spadefoots in Southern California observed the depths of adult burrows to range between 1-18 cm (Baumberger et al., 2019), though the authors acknowledge the study was limited because it only included coastal populations, had a small sample size (n=15) with male bias (80% were male), and was conducted during a drought year. The data likely do not fully encompass the variation within the studied populations or the species that

occurs throughout the state in coastal and inland populations. Juveniles have been documented digging burrows 10 to 20 cm deep (Morey & Reznick, 2001).

Burrow locations and depths may vary depending on the season. Mexican spadefoots have been found to have shallower burrows near breeding pools during the rainy season and deeper burrows away from breeding pools during the dry season (Ruibal et al., 1969). This may be similar for western spadefoots given that greater depth to bedrock increases the likelihood of western spadefoot occurrence (Neal et al., 2020).

F. Movement

Studies conducted in Southern California populations indicate that western spadefoot movement patterns may be site-specific and dependent on weather conditions.

In coastal populations, rainfall and relative humidity are significant drivers of movement and distance traveled (Baumberger et al., 2019; Halstead et al., 2021), though individual western spadefoots have been observed to move during the breeding season when no rain was present (Baumberger et al., 2019). Adults were found to disperse rapidly after breeding and travel up to 601 m from breeding pools during a relatively wet year (Halstead et al., 2021). This was substantially further than the 82-m maximum distance recorded at the same site in drier years (Baumberger et al., 2019).

Meanwhile, at inland breeding sites, the maximum distance from a breeding pond during a relatively wet year was 145 m (Halstead et al., 2021). Although the spatial, temporal, and seasonal variation of western spadefoot movement requires more investigation, it is clear that western spadefoots may travel long distances from breeding pools.

Little is known about when juveniles leave the breeding pool area or how far they travel, though most juvenile movements likely occur on calm, humid nights in April to June (Morey, 2005). A study conducted at Carnegie State Vehicular Recreation Area near Tracy, CA suggests that juveniles do not immediately leave dried pools after metamorphosis. Biologists documented newly metamorphosed juveniles on the soil surface immediately adjacent to aquatic breeding habitat, feeding and seeking refuge about 5 to 7 cm from the soil surface in deep cracks in dried pool bottoms for at least two weeks after metamorphosis was completed (Alvarez & Kerss, 2023). As juveniles outgrew the cracks, they would partially bury themselves in a moist soil layer under the thin surface crust of the dried pool for about 4 to 6 weeks (Alvarez & Kerss, 2023). During that time, the juveniles would explore up to 7 m from the refuge sites at night (Alvarez & Kerss, 2023). It is not known how far juveniles disperse.

According to herpetologist Dr. Steven Morey at the U.S. Fish and Wildlife Service (“USFWS”), western spadefoots are capable of traveling distances of at least 1 km and perhaps much more from breeding sites (Laabs et al., 2001). Other North American spadefoot species have been found to travel long distances. Timm et al. (2014) found adult eastern spadefoots (*Scaphiopus holbrookii*) migrating up to 449 m from breeding pools, and Richardson & Oaten, (2013) (as cited by Baumberger et al., 2019) showed that Great Basin spadefoots (*Spea. intermontana*) move up to 2350 m from breeding pools. Therefore, it is possible that western spadefoots may be

capable of traveling further than 601 m, depending on available flat habitat and connected vernal pool complexes as well as weather conditions.

It is important to note however that western spadefoots may be more movement-limited than other spadefoot species. A genetic analysis of western spadefoots in Orange County revealed evidence of significant differentiation among populations, even among adjacent ponds, indicating limited dispersal between populations (Neal et al., 2020). Similarly, a telemetry study in the same region showed that the mean maximum distance western spadefoots travelled from breeding pools was only 69m, and the observed movement distances were not far enough for individuals to move between breeding locations, though the authors acknowledge the study was limited due to small sample size (n=15), male bias (80% were male), and a drought year (Baumberger et al., 2019).

G. Survivorship and Mortality

Limited information is available regarding the survivorship and mortality of western spadefoots. However, Halstead et al. (2021) estimated the annual probability of survival for adult western spadefoots in Southern California to be 51%. They found that adults had a higher mortality risk during the active breeding season compared to when they were in aestivation (Halstead et al., 2021). However, their observations and estimates do not include human-caused mortalities, like wildlife-vehicle collisions. Western spadefoots were found to be susceptible to road mortality and fragmentation and were ranked as having high road risk in an assessment of 166 reptile and amphibian species in California (Brehme et al., 2018).

Desiccation and predation are major threats to larval survival. Even though larvae have been documented to speed up their metamorphosis when pools start drying out, larvae are frequently at risk of desiccation if their pools dry out before they complete metamorphosis. Drying pools can also concentrate the larvae within the water, making it easier for predators, like birds and small mammals, to prey upon the larvae.

In Fresno County, Feaver (1971) reported that 73% of examined vernal pools dried out, causing 100% larval mortalities in pools that dried within four weeks. Combined with predation by concurrent California tiger salamander larvae, garter snakes, and predators like great blue heron, spotted skunks, and American bullfrogs, the spadefoot population had an 81.27% larval mortality rate (Feaver, 1971). This varies considerably with a study conducted in San Luis Obispo and Riverside counties, which reported that 15% of examined vernal pools dried out (Morey & Reznick, 2004). Survival and mortality rates likely fluctuate depending on weather conditions, food availability, and predator presence.

The survival rate of metamorphs is unknown and not reported in the scientific literature. However, it is speculated that the age and size of metamorphs may affect their fitness and survival (Morey & Reznick, 2001). Younger tadpoles that metamorphose earlier due to pools drying have smaller body size compared to individuals that metamorphose at an older age (Denver et al., 1998; Morey & Reznick, 2001), which could make them more vulnerable to drying out or cause them to spend more time at the surface foraging, which would increase their risk of mortality due to predation (Morey & Reznick, 2001). Other mortality risk includes being

smashed by off-road vehicles (Goldberg, 2023) or being hit by vehicles on roads (Brehme et al., 2018).

H. Population Dynamics

Western spadefoots are demographically unstable, meaning their population recruitment varies from year to year depending on environmental conditions, especially rainfall (R. N. Fisher & Shaffer, 1996). The species therefore experiences large annual fluctuations in population sizes, as breeding and recruitment can boom during exceptionally wet years and be impossible in dry/drought years.

As is the case with many pond-breeding amphibians, due to their dependence on ephemeral aquatic breeding sites connected to suitable upland habitat, western spadefoots are particularly sensitive to habitat disruption. Increasingly fragmented habitats can create isolated subpopulations that have higher risks of local extinction (Neal et al., 2020). Although it is unclear if western spadefoot populations throughout California meet the strict definition of a metapopulation dynamic (i.e. subpopulations that experience an exchange of individuals leading to increased genetic diversity and the recolonization of suitable habitats following local extinction events (Baumberger et al., 2019; M. A. Smith & Green, 2005)), it is evident that the persistence of the remaining fragmented subpopulations of western spadefoots is fragile (Halstead et al., 2021; Neal, 2019; Neal et al., 2020). Species with such high demographic instability are sensitive to habitat alterations that may interfere with recolonization and reestablishment after unsuccessful recruitment years (R. N. Fisher & Shaffer, 1996), and are therefore more susceptible to local and regional extinctions.

IV. Habitat Necessary for Survival

Because of their biphasic life cycle, western spadefoots require aquatic breeding habitat connected to terrestrial over-summering habitat. Vernal pool complexes are ideal, with pools adequately spread out so individuals can travel between pools. Western spadefoots primarily occur below 365 m (1000 ft) elevation (Morey, 2005), though the species has been recorded as high as 1410 m (4626 ft) in San Diego County ((Lemm, 2006), as cited by Goldberg, 2023).

Western spadefoots are most often associated with grasslands, but they have also been found in coastal sage scrub, chaparral, oak woodlands, washes, floodplains of rivers, alluvial fans, playas, lowlands, and foothills (**Figure 4**) (Stebbins, 2003; Stebbins & McGinnis, 2012). Such habitats must be connected to suitable breeding habitat, which includes seasonal water bodies like vernal pools and intermittent streams, though they have also been found to breed in reservoirs, irrigation ditches, stock ponds, and even road ruts (Morey, 2005; Stebbins, 2003). They have also been found to breed in human-made mitigation ponds, with researchers reporting a 33% breeding success rate at such ponds in Orange County after 10 years (Baumberger et al., 2020).



Figure 4. Western spadefoot breeding pools in Limestone Canyon, California (top) and Crystal Cove State Park, California (bottom). USGS photos. From Halstead et al. (2021).

Hydroperiod length of breeding pools is important. Generally, the temporary nature of vernal pools allows species like western spadefoots to find refuge from predators that require permanent waterbodies, like invasive fish and American bullfrogs. In San Luis Obispo and Riverside counties, breeding pools persisted an average of 81 days (range 26-127 days) and complete larval development took an average of 58 days (range 30-79 days) (Morey & Reznick, 2004).

Although studies are limited, available information suggests that, like their movement patterns, habitat use by spadefoots seems to vary geographically, temporally, and seasonally. Recent studies indicate that individual home ranges vary depending on location, rainfall, relative humidity, temperature, and potential resource availability (Baumberger et al., 2019; Halstead et al., 2021). In Southern California, the mean 95% home range area was 0.52 ha (range 0.0067 to 6.1 ha), with coastal populations having a mean home range area 3.6 times larger than the inland populations (Halstead et al., 2021). It is unclear what is driving this difference, but it is important to account for larger and connected areas to accommodate home range sizes that change depending on the environmental conditions (Baumberger et al., 2019; Halstead et al., 2021).

It is crucial that suitable core terrestrial habitat is adjacent to breeding pools (Searcy et al., 2013; Semlitsch & Bodie, 2003). In Southern California, Halstead et al. (2021) predicted the 95th percentile of the population distribution to be within 486 m of breeding pools in coastal populations, which encompassed all but one individual's movement. For inland populations, the researchers predicted the 95th percentile of the population distribution to be within 187 m of breeding pools, which encompassed the movements of all inland individuals in the study (Halstead et al., 2021). The researchers emphasized the need to understand site-specific characteristics to estimate habitat needs, stating that larger, more conservative conservation buffers are "prudent when faced with the accompanying variation and uncertainty in western spadefoot behavior" (Halstead et al., 2021). This suggests that conservation management and planning for western spadefoots should include at least 486 m of terrestrial habitat connected to vernal pools for populations where movement dynamics are unknown.

As mentioned previously, researchers identified two genetically distinct clusters of western spadefoot in California. The northern genetic cluster and the southern genetic cluster are separated by the Transverse ranges (Neal et al., 2018). The two clusters were found to be ecologically differentiated and occupy different climatic niches, which suggests that the habitat needs of northern populations may differ from those of southern populations (Neal et al., 2018).

Micro-scale Habitat: Burrow Locations

The species may have some flexibility regarding habitat use and burrow location depending on the available habitat and environmental conditions (**Figure 5**). For example, Baumberger et al. (2019) found that western spadefoots in coastal sites in Orange County preferred to burrow in friable, sandy/loam soils with more sand and silt and less clay (Baumberger et al., 2019). The same study found that they preferred grasslands over shrubs and were more likely to burrow in or near existing pocket gopher and ground squirrel burrows on flat slopes with south-eastern aspects, though a small number of burrows were found in the only tree-dominated habitat at one study site (Baumberger et al., 2019). The presence of duff, or dead plant material, was common at burrows, and the authors suggest that the duff and tree cover might help to conserve soil

moisture (Baumberger et al., 2019). This study was conducted during a drought year (2011-2012).

A later study conducted during a relatively wet year (2018-2019) compared movement patterns of spadefoots in the same coastal areas to those at more inland sites in Orange County (Halstead et al., 2021). The researchers observed different habitat use by the coastal populations during the wet year compared to the drought year, and they found that coastal populations had different habitat preferences compared to inland populations (Halstead et al., 2021). During the wet year, spadefoots at coastal sites avoided graminoids (i.e., grasses and grass-like plants), forbs, and shrubs, and some appeared to select burrow sites under trees or tall shrubs (Halstead et al., 2021). Meanwhile, inland western spadefoots did not show strong habitat preference, though they had a slight tendency to burrow in areas with bare ground, forbs, and shrubs. These differences suggest that habitat use and preferences may vary based on geography, season, and environmental conditions.





Figure 5. Burrow locations for western spadefoot at Crystal Cove State Park, a coastal park dominated by coastal sage scrub (top) and Limestone Canyon, an inland park dominated by black mustard and non-native grasses (bottom). Western spadefoot burrow habitats vary based on local conditions. From Halstead et al. (2021).

Macro-scale Habitat: Landscape Connectivity and Vernal Pool Complexes

Western spadefoots rely on well-connected vernal pools and vernal pool complexes with sufficient upland burrowing habitat for their long-term survival. Therefore, it is critical to consider their habitat requirements at a landscape level.

Multiple studies indicate that northern western spadefoots are more likely to occur in areas where there is 60% or more grassland cover within 2000 m of ephemeral pools (Halstead et al., 2022; Rose et al., 2020). In addition, Rose et al. (2020) found that they were more likely to occur in areas with sandy soils and a high proportion of grassland within 2000 m of vernal pools. They were also more likely to occur on slopes between four to 12 degrees in the foothills on the edge of the Central Valley at mid-elevations, rather than the valley floor. The lower suitability on the valley floor may reflect predation by introduced fish and bullfrogs at lower elevations (Rose et al., 2020).

In Southern California, western spadefoot habitat use was positively related to grassland or shrub/scrub cover and up to about 60% sand in the soil within 1000 m of vernal pools (Rose et al., 2022). They were negatively associated with slope, elevation, and distance from pools. This aligns with Neal et al. (2020), who found that depth to bedrock and slope were important habitat characteristics that impact suitability and facilitate population connectivity, with greater depth to bedrock and lower slope being the most ideal for spadefoots. This further emphasizes the importance of intact and well-connected vernal pool complexes, particularly in areas that are mostly flat or have gentle slopes with sandy soils, grasslands, and/or shrub/scrub.

V. Range and Distribution

The western spadefoot is nearly endemic to California, with the very southern part of its historical range extending from Southern California into northern Mexico (US Fish and Wildlife Service, 2005). Western spadefoots were historically distributed throughout lowland areas from southern Shasta County to northwestern Baja California, Mexico, occurring throughout the Central Valley, Sierra Nevada foothills, and coastal California south of the San Francisco Bay Area (**Figure 6**). (Thomson et al., 2016; US Fish and Wildlife Service, 2005). As of March, 2025 the California Natural Diversity Data Base lists 1,443 occurrences from 31 counties.¹ As noted by (US Fish and Wildlife Service, 2005), these records include data from as far back as 1911, and do not represent a systematic survey. Many sites from which older records are known have not been re-surveyed in recent years, and the status of many of the sites recorded before 2000—which includes all but 93 of the CNDDDB occurrences—are unknown (US Fish and Wildlife Service, 2005).

As described above, the northern and southern populations of western spadefoots are genetically and ecologically distinct (García-París et al., 2003; Neal et al., 2018). The Transverse Ranges in Southern California present a barrier of unsuitable habitat and split the northern and southern clades (Neal et al., 2018).

¹ California Dept of Fish and Wildlife, CNDDDB RareFind tool, query “western spadefoot.” Accessed 11 March 2025.

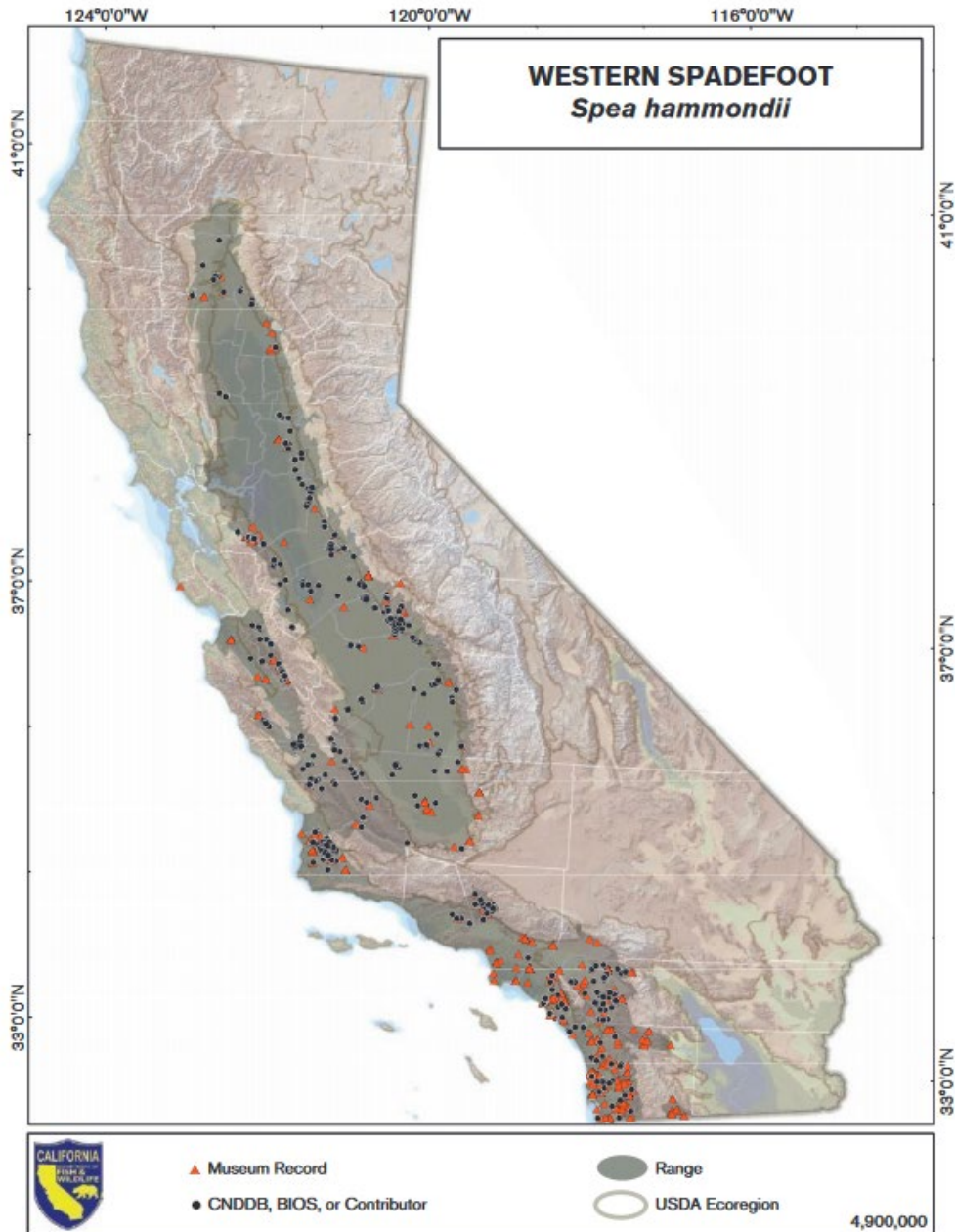


Figure 6. Western spadefoot range, including contemporary observations and museum records from numerous sources. Source: Thomson et al., (2016).

The species is now extinct through much of lowland Southern California as well as many historical locations in the Central Valley (R. N. Fisher & Shaffer, 1996; Jennings & Hayes, 1994; Stebbins & McGinnis, 2012; US Fish and Wildlife Service, 2005). In the 1990s researchers estimated that western spadefoot populations in Southern California had lost up to 80% of their native habitat, including vernal pools, while in northern and central California at least 30% of western spadefoot habitat had been lost (Jennings & Hayes, 1994). Recent studies indicate that the majority of remaining suitable habitat for southern populations is located in the southern half

of its historical range (Rose et al., 2022), and only a small portion of the historical range for northern populations remains suitable (Rose et al., 2020).

The populations that have persisted in the San Joaquin Valley are on average higher in elevation than the historical range, suggesting that lowland populations experienced the greatest declines (Fisher & Shaffer, 1996; U.S. Fish and Wildlife Service, 2005). Predation by introduced fish and bullfrogs at lower elevations may be to blame (R. N. Fisher & Shaffer, 1996; Rose et al., 2020). A similar pattern was observed in Orange County, with most currently existing populations restricted to the less suitable uplands surrounding the Los Angeles Basin, rather than the lowland areas that historically harbored western spadefoots (Neal et al., 2020).

Vernal pools utilized by the species occur in grasslands, coastal sage scrub, oak woodlands, and chaparral. These areas have been decimated by urban and agricultural development, and as a consequence, the western spadefoot is now extirpated across much of its range in Southern California (Davidson et al., 2002; Thomson et al., 2016), and is declining in central and northern regions as well (R. N. Fisher & Shaffer, 1996; Jennings & Hayes, 1994; Rose et al., 2020).

As noted in the *U.S. Fish and Wildlife Service Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (2005), western spadefoots commonly co-occur in their breeding pools with numerous other federally and state listed threatened and endangered species, including California tiger salamander, California red-legged frog, vernal pool tadpole shrimp, vernal pool fairy shrimp, and California fairy shrimp.

VI. Abundance and Population Trends

Western spadefoots have experienced significant population declines over the past several decades. Concern over western spadefoot populations in the Central Valley and Southern California was documented as early as the 1970s (Jennings & Hayes, 1994), and a study conducted by Fisher & Shaffer (1996) reported a “severe pattern of decline” by the 1990s, with western spadefoots being completely extirpated from the Sacramento Valley and experiencing reduced densities in the eastern San Joaquin Valley.

Western spadefoot breeding pools occur in multiple habitat types that have been significantly reduced by urban and agricultural development—including grasslands, coastal sage scrub, oak woodlands, and chaparral—leading to their extirpation throughout much of Southern California (Neal et al., 2020; Thomson et al., 2016). Historically, regions including the Los Angeles Basin and San Diego County had extensive distributions of lowland vernal pools that provided suitable habitat for western spadefoot breeding, but human development has eliminated the natural landscape (Neal et al., 2020). In Southern California, more than 80% of known western spadefoot habitat has been destroyed or rendered unsuitable via urban or agricultural development (Jennings & Hayes, 1994). In central and northern California, at least 30% of western spadefoot habitat has been similarly lost (Jennings & Hayes, 1994). However, this has likely increased, as much of the region has been developed since the 1990s and only a small portion of the historical range for northern populations remains suitable (Rose et al., 2020). As urbanization and agricultural development continue, western spadefoots will continue to decline.

While explicit estimates of abundance across the species' range are uncommon, available data indicate that populations are struggling. For example, Thomson et al. (2016) describes recent surveys of Mather Airport (formerly Mather Air Force Base) in Sacramento County, which estimated that the population of breeding adults numbered only a few dozen. Breeding, or census, population size (N_c) is generally estimated by on-the-ground surveys and represents a count of mature individuals in the population. Effective population size (N_e) is not synonymous with census population size and is instead determined by population genetic analysis. However, effective population sizes are often significantly smaller than census population sizes; a common rule of thumb to convert census population size to effective population size is to apply the N_e/N_c ratio, which is generally close to 0.1. Thus, a census population of 100 individuals would likely have an effective population size around 10 individuals. Following this estimation, the effective population size of the small Mather Airport population is likely less than 10, well below the widely-accepted 50/500 rule (Clarke et al., 2024; Frankham et al., 2014; Traill et al., 2010), or the more recently updated 100/1000 rule (Frankham et al., 2014), under which an effective population size of 100 is assumed sufficient to prevent inbreeding depression and an effective population size of 1000 is sufficient to retain evolutionary potential in perpetuity.

A genetic analysis of ponds in Orange County also revealed low effective number of breeders and very low effective population sizes, among the lowest recorded for pond-breeding amphibians (Neal et al., 2020), indicating reduced genetic health and declining populations. Although limited, these surveys and studies suggest that western spadefoot population trends are declining.

VII. Factors Affecting the Ability of the Species to Survive

Amphibians are the most threatened vertebrate group with more than 40% of species threatened and approximately 200 species collapsing to or near extinction since the 1970s (Alroy, 2015; Luedtke et al., 2023; Stuart et al., 2004). According to researchers at the U.S. Geological Survey (USGS), amphibian populations in the U.S. are declining at an alarming rate of almost 4% per year (Grant et al., 2016).

It is increasingly clear that the western spadefoot is exceptionally vulnerable to extinction. They have a biphasic life history that requires connected sensitive aquatic and terrestrial habitats, much of which have already been lost or are increasingly vulnerable to development. Although information specific to western spadefoots is limited, multiple stressors including habitat loss and fragmentation, roads, urban development, agriculture development, extractive development, pollutants, off-road vehicles, disease, invasive species, and climate change threaten the western spadefoot's long-term survival. These impacts are not mutually exclusive and likely occur synergistically.

A. Habitat Loss and Fragmentation

Anthropogenic habitat loss and degradation are some of the biggest threats to amphibian populations worldwide, currently impacting 88% of threatened amphibian species (Baillie et al., 2004; Cushman, 2006; Sodhi et al., 2008; Willson & Dorcas, 2003). Human activities such as urban and agricultural development, deforestation, and draining of wetlands are primary mechanisms of habitat loss (Gallant et al., 2007; Grant et al., 2016).

Habitat loss and fragmentation due to urban and agricultural development are the primary threats to western spadefoots (Thomson et al., 2016). California has been the most populous state since 1970 and currently has over 39 million residents; in fact, one in eight residents of the United States lives in California. While growth has slowed in the last decade, California's population is expected to continue increasing, reaching 40 million by 2032 (California Department of Finance, Demographic Research Unit, 2025); other estimates are even higher (Landis & Reilly, 2004). Continuing poorly planned development, particularly in grasslands and shrublands, will further destroy spadefoot habitat and their ability to survive.

Western spadefoots most commonly occur in grasslands and shrublands. As poignantly stated by Augustine et al. (2021), "grasslands live in mortal fear of anthropogenic activities." Despite their importance in carbon cycling, water cycling, and ecosystem health, grasslands are historically undervalued, and have been systematically destroyed and disturbed for agriculture and urban development (Augustine et al., 2021; Buisson et al., 2022; Samson et al., 2004; Yap et al., 2023). By the 1990's, California had already lost 99% of its native grassland (Noss et al., 1995). Today's grasslands, which cover approximately 10-25% of the state, are largely dominated by non-native annual grasses, with few small patches of native plants remaining (Barry et al., 2020; Stromberg et al., 2007). As a result, grassland species including western spadefoots have experienced dramatic declines, especially in Southern California where large-scale sprawl development is rampant.

Shrublands are also highly threatened. For example, in California as much as 85% of coastal sage scrub has been lost to urbanization, development, and altered fire regimes, while low-elevation chaparral has been highly altered by invasive grasses which were introduced during California's early agricultural period and have thrived in the resulting disturbed landscapes (O'Leary, 1995; Riordan et al., 2018). These trends are unlikely to slow for decades, if not longer. Under a "business as usual" scenario, model projections for California indicate that developed lands could more than double by 2100, and grasslands and shrublands will continue to bear the greatest declines (Sleeter et al., 2017). Western spadefoots therefore will also continue to decline as they lose these remaining primary habitats to urbanization and agricultural development.

Vernal pools, which are essential components of western spadefoot habitat, have similarly declined due to agricultural and urban development. Over 90% of California's historic vernal pool systems have since been lost (National Fish and Wildlife Foundation, 2018). Starting in the 1800s, vernal pools were commonly drained and converted to either agricultural lands or water conveyance and storage, especially in the Central Valley. In the 1700's, approximately half of the Central Valley was characterized by vernal pool landscapes, covering an estimated 7 million acres (Holland, 2009). An estimated 75% to 87% of this habitat was lost by 1997 (Holland, 2009; National Fish and Wildlife Foundation, 2018; US Fish and Wildlife Service, 2005). More recent studies show that vernal pool habitat loss continues to occur; between 1997 and 2005, 13% of existing vernal pool habitat in the Central Valley disappeared (Holland, 2009), and another 9.3% of vernal pool habitat was lost between 2005 and 2018 (Witham, 2021). Since the Vernal Pool Recovery Plan was created in 2005 (US Fish and Wildlife Service, 2005),

approximately 5,200 acres of vernal pool habitat in the Central Valley have been converted to other land uses per year (Witham, 2021).

In more recent years, urbanization has been a primary driver in the loss of vernal pools. Over half of California's vernal pools lost since 1994 were destroyed as a result of residential, commercial, or industrial projects (National Fish and Wildlife Foundation, 2018; US Fish and Wildlife Service, 2005). On the Central California coast, at least 90% of vernal pools have also been lost, and many of those that remain have been degraded (US Fish and Wildlife Service, 2005). In Southern California, vernal pools have declined drastically due to urbanization, with estimated losses of more than 95% (Bauder et al., 1998; Bauder & McMillan, 1998; Mattoni & Longcore, 1997; US Fish and Wildlife Service, 2005). The loss of vernal pool habitat throughout California has been a major factor in the decline of western spadefoots (Thomson et al., 2016). Continued destruction of vernal pools and associated grassland and shrubland habitats will drive the northern and southern spadefoot populations to extinction.

Fragmentation compounds the effects of direct habitat loss. As more suitable habitat is destroyed, populations become more and more isolated, reducing gene flow and increasing the likelihood of irreversible local extirpation and inbreeding depression. In a study of populations throughout California, Neal (2019) found extremely low numbers of effective breeders in all populations surveyed, indicating the risks of genetic isolation and inbreeding are likely widespread throughout the entire species.

Most western spadefoot habitat is not currently protected. Those areas that are protected are relatively small and therefore still highly susceptible to disturbance, destruction, and other threats (US Fish and Wildlife Service, 2005).

Urban Development

Urbanization threatens over one third of all amphibian species (Hamer & McDonnell, 2008). Urban development and expansion causes habitat loss and fragmentation, alters hydrology—including hydroperiod of ephemeral water bodies, which are extremely important for pond-breeding amphibians—modifies soils, and impacts ecological interactions (Hamer & McDonnell, 2008). Urban development can also enhance invasion by exotic species that directly harm or outcompete native amphibians (Riley et al., 2005). Residential and commercial developments also often cause devastating direct harm to native wildlife, including stress, injury, mortality and local extinctions (McKinney, 2002).

Urban development is one of the primary causes of population decline in western spadefoots (US Fish and Wildlife Service, 2005). Urbanization, especially in Southern California, has destroyed a significant amount of existing western spadefoot habitat. For example, from 1973 to 2000, developed land in California increased by approximately 38%, destroying western spadefoot habitat primarily within the Central Valley, chaparral and oak woodland habitats, and the Mojave Basin (Sleeter et al., 2011). In addition, edge effects of such development also impacts spadefoots, as researchers found that western spadefoots were less likely to be encountered as surrounding urban land use increased (Davidson et al., 2002). If the rate of urban development continues apace, we can expect the amount of developed land to increase by another 102% by

the end of the century (Sleeter et al., 2017). Even if the rate of urbanization slows, developed area is still likely to increase by 40%-90% (Sleeter et al., 2017).

In Southern California, over 80% of the habitat that was historically occupied by western spadefoots has been lost to development (Jennings & Hayes, 1994). In Northern California, habitat loss has not been as extensively monitored; however, experts estimate that over 30% of suitable habitat had been destroyed by the 1990s (Jennings & Hayes, 1994). The percentage of lost habitat is likely much higher after three decades of continued development. Urbanization leads to direct destruction of habitat, degrades adjacent habitat, and fragments and potentially isolates existing populations. Due to their dependence on ephemeral aquatic breeding sites and vernal pool complexes, western spadefoots are particularly sensitive to habitat disruption. When breeding ponds are eliminated or cut off from upland habitat due to urban development, the populations that rely on them are doomed to extirpation.

Western spadefoots experience large annual fluctuations in population sizes due to annual variation in precipitation, which means they are particularly sensitive to habitat alterations that may interfere with recolonization and reestablishment after unsuccessful recruitment years (R. N. Fisher & Shaffer, 1996). Urbanization and development reduce regional and local connectivity across the landscape, isolating remaining populations. When isolated populations experience years with low reproductive success or become locally extirpated, recovery is difficult because they no longer have adjacent subpopulations to supply individuals and boost the population or facilitate re-establishment. Therefore, urban development that destroys remaining habitat and continues to fragment dwindling spadefoot populations leads to higher risks of local and regional extinction (Neal et al., 2020).

In Southern California, suitable western spadefoot habitat has become rare. In Los Angeles County, which historically harbored the species, suitable low elevation habitats have essentially all been developed into urban and suburban land uses. The majority of remaining habitat for western spadefoots in Southern California occurs in Riverside County, San Diego County, and Orange County, with small patches of suitable habitat occurring in Ventura and San Bernardino counties as well (Rose et al., 2022). Yet San Bernardino, Riverside, and San Diego are also under the greatest threat of additional habitat loss due to urbanization over the next 100 years, with Ventura County following not far behind (Landis & Reilly, 2004).

The threat from urban development in Southern California is evident by numerous recently approved sprawl development projects for mid- and high-income residential units that would destroy and fragment known western spadefoot populations and habitats (Table 1). For example, in 2019 Los Angeles County approved the Northlake development, which, according to the California Department of Fish and Wildlife (“CDFW”), would eliminate one of the region’s last surviving populations of western spadefoot (B. J. Courtney, personal communication, June 15, 2017). In 2019 and 2020 San Diego County approved Otay Village 14 and Otay Village 13, respectively, which proposed large-scale planned developments on sites with thousands of acres hosting vernal pools, where some of the last-remaining, intact, high quality western spadefoot habitat in Southern California is located. And in 2025 the City of Santee in San Diego County approved the Fanita Ranch development, which would destroy and fragment large vernal pool complexes where a healthy spadefoot population is established. Otay Village 14 was blocked

after successful litigation, and legal challenges are ongoing for Otay Village 13 and Fanita Ranch. Northlake was initially blocked after successful litigation, but the project proponents have indicated their intent to continue project development and revised environmental review documents have recently been released.

In Northern California, the City of Chico approved sprawl development in spadefoot habitat: the Stonegate Project and Valley's Edge Specific Plan in 2021 and 2022, respectively (Table 1). Despite legal challenges, development is still expected to occur at these sites. These projects would destroy and fragment vernal pool habitat that the USFWS identified as core areas necessary for the recovery of vernal pools and vernal pool species (US Fish and Wildlife Service, 2005).

Most western spadefoot habitat is not protected, and areas that are protected are relatively small (US Fish and Wildlife Service, 2005). Further habitat destruction, alteration, and fragmentation from urban development, particularly in Southern California, will drive the species towards extinction.

Table 1: Representative examples of development projects approved in the past few years in areas where western spadefoot occurs.

	Approved Sprawl Project (Year Approved)	Project Site (acres)	Impact to Western Spadefoot (Threatened Population)	Status
Los Angeles	Northlake (2019)	>1,300	Destroy habitat for one of the region’s last-remaining populations. (Southern Population)	Project seeking reapproval after being blocked by successful litigation
San Diego	Otay Village 14 (2019)	>1,000	Destroy 12 of 16 known breeding pools; destroy, degrade, and fragment 57 potential breeding pools and associated upland habitat. (Southern Population)	Legal agreement led to permanent conservation of lands
San Diego	Otay Village 13 (2020)	>1,800	Destroy occupied spadefoot habitat adjacent to core habitat identified by the USFWS (2005). Limited analyses were conducted to determine the extent of impacts to spadefoot. (Southern Population)	Conditional settlement will allow more limited development
City of Santee	Fanita Ranch (2025)	>2,600	Destroy, degrade, and fragment vernal pool complexes with at least 42 occupied breeding pools, ~200 potential breeding pools, and ~400 acres or more of upland habitat. (Southern Population)	Lawsuit is ongoing
City of Chico	Stonegate Project (2021)	314	Destroy and degrade vernal pool and upland habitat within core habitat designated by the USFWS (2005). (Northern Population)	Court order invalidated biological opinion in 2025, but the project is expected to move forward
City of Chico	Valley’s Edge Specific Plan (2022)	1,448	Destroy and degrade vernal pool and upland habitat within core habitat designated by the USFWS (2005). (Northern Population)	Project approvals rescinded after successful referendum; future development proposals for the site are likely

Roads

Human activity and development are accompanied by the construction of roads, which are detrimental to amphibian populations, including western spadefoots. Roads create physical barriers to amphibian movement that cause fragmentation and habitat isolation, reduce genetic diversity, introduce exotic species, and increase pollution in the form of road runoff (Holderegger & Di Giulio, 2010; Trombulak & Frissell, 2000). Vehicular traffic is a major source of amphibian mortality (Carr & Fahrig, 2001). Species that migrate to and from breeding sites and/or move slowly are particularly vulnerable (Carr & Fahrig, 2001; Hels & Buchwald, 2001). For example, thousands of Pacific newts (California newts [*Taricha torosa*] and rough-skinned newts [*Taricha granulosa*]) are killed on a 4-mile stretch of road every year during the rainy season, when newts migrate from upland burrows to breeding pools; scientists documented a 39.2% road mortality rate and predicted local extinction in less than 60 years for this population if connectivity is not improved (H.T. Harvey and Associates, 2021). Negative effects from roads have been detected even thousands of meters away from wetlands (Beebee, 2013; Hamer et al., 2021; Houlahan & Findlay, 2003).

Roads present a threat to western spadefoot survival and persistence. Western spadefoot mortality on roads appears to be common and widespread (US Fish and Wildlife Service, 2005). Western spadefoots are slow-moving, migrate en masse when rains begin, and exhibit strong natal philopatry and are therefore less likely to avoid roads that are located between their burrows and their breeding pools. In a study analyzing the impacts of roads on herpetofauna in California, western spadefoots were ranked as high risk, meaning roads are likely negatively impacting the species' range and conservation status (Brehme et al., 2018). As noted above, western spadefoot populations have high demographic instability, which makes them vulnerable to local extinction. Barriers like roads can reduce successful recruitment, and if local extirpation occurs for any reason, such barriers can prevent recolonization and re-establishment from neighboring populations. Roads increase fragmentation of regional western spadefoot populations and lead to further species decline.

Road construction can also result in direct mortality of western spadefoots. Western spadefoots are notoriously hard to detect, as they spend the vast majority of their lives in underground burrows. Any roads constructed or expanded in western spadefoot habitat may directly harm and kill individual western spadefoots. Roads also introduce pollutants in runoff, like carcinogenic polycyclic aromatic hydrocarbons, heavy metals, and tire dust from vehicles; herbicides and nutrients from nearby agriculture; or toxic chemicals used to clean or maintain roads, all of which may be harmful to western spadefoots (see **Pollutants** section below).

Roads also likely impact western spadefoot habitat connectivity. While studies on the impacts of roads on western spadefoots specifically have not been conducted, due to the likely high rates of road mortality, roads present significant barriers to movement, thereby fragmenting western spadefoot populations (Brehme et al., 2018; Thomson et al., 2016).

Agriculture

Agriculture is an extremely prominent component of California's land use. California has been the country's most agriculturally productive state for the past 50 years at least, producing over

13% of the entire nation's agricultural production value (United State Department of Agriculture & Farm Service Agency, 2011). Agriculture (including rangeland) accounts for approximately 42% of all land in California. Approximately 71% of agricultural land is concentrated in the Central Valley, while 21% is located in chaparral and oak woodland ecosystems (Sleeter et al., 2011). Demand for agriculture has led to significant land use changes over time, likely affecting resident western spadefoots with the draining of vernal pools and the conversion of grasslands and shrublands to farmland. The majority of current farmland lies on lands that were originally predominantly grasslands, composed of prairie and woodland plant communities (Larson-Praplan, 2014).

Much of the conversion from native landscapes to farmed and ranched land occurred in the late 19th and early 20th centuries. Loss of grassland continues to this day through conversion to agriculture and urbanization, as well as through conversion of former grazing rangeland to high-value crops like almonds and vineyards (Sleeter et al., 2011). Additionally, agricultural land use shifted over the late 21st century; while the overall amount of agricultural land use cover did not significantly change, conversion of agricultural lands to urban development often pushed agriculture to new areas, including chaparral, oak woodlands, and the foothills along the Central Valley (Sleeter et al., 2011)—all of which are prime habitats for western spadefoot.

Throughout much of lowland California—the western spadefoot's historical range—many native grasslands and shrublands have been converted to cropland, destroying western spadefoot habitat. Suitable vernal pool networks are concentrated on valley terraces along the edges of the Central Valley, and many have been lost or fragmented due to agricultural expansion and conversion (Jennings & Hayes, 1994; US Fish and Wildlife Service, 2005). Researchers found that agricultural land use negatively affected western spadefoots within a 5-km radius (Davidson et al., 2002), which suggests that ongoing land use changes are destroying and degrading remaining suitable spadefoot habitat. In addition, agriculture also introduces pesticides, herbicides, and fertilizers into spadefoot habitat, which have been found to have negative effects on various amphibian species, including reduced growth, immunosuppression, and malformations (e.g., T. B. Hayes et al., 2006).

Agriculture has also led to the introduction of invasive plants, especially grasses. Non-native annual grasslands increased by over 8,600% in the last century (Noss et al., 1995). Invasive grasses alter the community structure and hydrology of vernal pools, such that the few remaining vernal pools that exist in agricultural areas may not be as ecologically or hydrologically stable as they were historically. Invasive grasses outcompete and shade out numerous native plant species, reducing diversity (Hamilton, 2008; US Fish and Wildlife Service, 2005). These grasses also create a layer of thatch around the pool that alters habitat and hydrology, creating a feedback loop in which pool hydrology and ecology is permanently shifted to an alternative state (Faist & Beals, 2017). The potential impacts of altered vernal pool dynamics present additional challenges to western spadefoots in these environments.

Ranching is a significant component of California's agricultural industry. Cattle and other livestock have been grazed throughout California's grasslands and shrublands since the mid-eighteenth century. While cattle grazing may not be as directly destructive to western spadefoot habitat as conversion to cropland, grazing has nonetheless led to the degradation of many native

grasslands and shrublands through the introduction of invasive plant species, which alter the community composition, ecological interactions, and ecosystem functioning of native habitats (Koteen et al., 2011). Although there are no studies on the impact of the altered composition of California grasslands on western spadefoots, research on other amphibians indicates that degraded grasslands and shrublands likely play a role in the species' decline. For example, a study of American toads (*Anaxyrus americanus*) in Georgia found that toads living in habitats dominated by an invasive grass experienced significantly reduced survival rates, likely due to altered predator-prey dynamics (DeVore & Maerz, 2014).

Even when agricultural practices maintain existing vernal pools, as is sometimes the case with ranching, pool hydrology and ecology are often altered. Timing, frequency, and duration of pool inundation are critical to a pool's ecological function and to survival of vernal pool species. The creation of reservoirs, stock ponds, and conveyance systems in agricultural lands can lead to dewatering of vernal pools. By contrast, increasing water flow and longer inundation can allow harmful invasive species like American bullfrogs to more readily colonize pools, which can drive native species out through competition and predation. Runoff from agricultural practices can also harm vernal pools by increasing contaminant loads and contributing to erosion and siltation, which make pools uninhabitable for numerous species, including western spadefoot larvae (US Fish and Wildlife Service, 2005). Pool ecology is also impacted by livestock. Without livestock, vernal pools may experience a reduced capacity to take up nitrogen, leading to increased nitrate levels, yet with livestock, vernal pools may be subject to ammonia and nitrites from animal waste (Huntsinger et al., 2007). Both scenarios disrupt vernal pool ecosystem production and functioning and may harm sensitive vernal pool species, including western spadefoots.

Livestock grazing also has several direct negative impacts on vernal pools, including trampling and nutrient input (Robins & Vollmar, 2002). Livestock may directly harm and kill adult and juvenile western spadefoots by trampling them. Similarly, livestock may crush or unintentionally consume eggs while using ponds. Livestock may also deplete ponds earlier than they would have dried naturally, which can prevent successful metamorphosis (US Fish and Wildlife Service, 2005). In addition, increased nutrient loads from livestock manure and urine in overgrazed areas can lead to vernal pool eutrophication, which harms native fauna (Robins & Vollmar, 2002).

Direct and indirect effects of agricultural development and practice have been major contributing factors to the decline of western spadefoots and continue to be a prominent threat to the long-term survival of the species.

However, sustainable grazing practices that carefully regulate the timing and intensity of grazing may support western spadefoots. Researchers and land managers have observed that in some cases grazing can have a positive impact on western spadefoot habitats. For example, cattle and sheep grazing decreases invasive plant cover in uplands and around vernal pools, which helps to protect vernal pool hydroperiods (Robins & Vollmar, 2002). One study of western spadefoots in grazed and non-grazed areas found that cattle grazing activity reduced the abundance of invasive grasses surrounding vernal pools and therefore reduced evapotranspiration rates, giving spadefoot tadpoles more time to develop and metamorphose (Marty, 2004). Some studies also show that trampling, while potentially harmful to western spadefoots and other sensitive species, may also increase soil compaction and decrease pool infiltration rates, maintaining long

hydroperiods and supporting overall vernal pool ecosystem functioning (Robins & Vollmar, 2002), although other studies show no such effect (Michaels et al., 2022). It is important to note, however, that studies of grazing impacts on vernal pools are generally conducted on land that has been ranched for 100+ years, not undisturbed areas. Many remaining vernal pools are located on private lands with long histories of grazing (Michaels et al., 2022). Considering that much of the Central Valley and other grasslands and shrublands throughout California have been subjected to grazing for centuries, it is important to acknowledge that sustainable grazing practices, if done properly, can be beneficial in the current land-use system. However, researchers caution that the impacts of grazing are complex and not well understood, and inappropriate grazing can harm vernal pools; such efforts should be done carefully, with consideration of local site-specific biotic communities and climatic conditions, and with rigorous monitoring and management (Robins & Vollmar, 2002; US Fish and Wildlife Service, 2005).

Extractive Development

Extractive development like mining and drilling for oil and gas has negative impacts on western spadefoots. Although the full extent of impacts of such development has not been determined, mining for gravel and clay has destroyed and degraded vernal pool habitat in many areas, disrupting soil formations, hydrology, and seed banks and introducing harmful invasive species (US Fish and Wildlife Service, 2005).

In addition to directly killing individuals and destroying spadefoot habitat, activities that disturb the soil and produce low frequency noise and vibration, such as mining, grading for development, and seismic exploration for natural gas may negatively impact western spadefoots (US Fish and Wildlife Service, 2005). Dimmitt & Ruibal, (1980) found that western spadefoots were extremely sensitive to these types of stimuli and would emerge early from their burrows in response to these ground-moving activities, disrupting their natural dormancy patterns. Such emergence at inappropriate times could lead to non-lethal detrimental effects that may result in reduced fitness or mortality (US Fish and Wildlife Service, 2005).

Off-road Vehicles

Motorized recreation, including off-road vehicles (“ORVs”), is a significant threat to wildlife. ORVs include dirt bikes, all-terrain vehicles, 4x4s, and snowmobiles, all of which are made to be ridden in backcountry wilderness areas, creating significant and long-lasting impacts (Shore, 2001). ORVs alter and degrade habitats, cause disturbances, and lead to direct death of many wildlife species (Kassar, 2009). ORVs have numerous direct and indirect impacts on amphibians in particular. Amphibians are susceptible to direct mortality from ORVs, especially during dispersal and migration. However, habitat degradation likely causes a greater impact. ORV use can alter hydrological patterns, potentially affecting the ecology of an entire area, as well as increasing erosion and sedimentation, thereby degrading aquatic habitat for larval and adult amphibians (Kassar, 2009). For western spadefoots, which have already experienced significant habitat destruction, preservation of intact and functional habitat is essential. Highly used trails can also functionally become roads, creating barriers to amphibian movement and fragmenting populations, increasing the likelihood of local extirpations (see *Roads* section above).

Public lands in California experience more ORV use than any other state. In Southern California's wildland-urban interface, ORV use is common in the mountains and wildlands that surround cities (Shore, 2001). As described above, western spadefoots have been largely extirpated from urban and suburban areas and remain in fragmented surrounding lands that may also be used for ORV recreation. Systematic studies of ORV impacts to western spadefoots have not been conducted, but ORV use in spadefoot habitat likely poses a threat to remnant populations throughout California. In a herpetological survey of the Carnegie State Vehicular Recreation Area near Tracy, CA, researchers observed that metamorphic western spadefoots often sheltered in desiccation cracks in and near dried breeding pools, generally remaining 5-7cm below the surface of the ground (Alvarez & Kerss, 2023). This microhabitat use makes metamorphs like western spadefoot extremely susceptible to ORVs. The researchers note that entire cohorts may be killed or injured by vehicles driving over recently dried pools, while habitat may be rendered completely unusable for this critical life history phase (Alvarez & Kerss, 2023). Thus, ORV use in spadefoot habitat on both public and private lands may pose a threat to remnant populations.

B. Pollutants

Amphibians are highly susceptible to pollutants and chemical contaminants from agricultural practices, vehicles, road runoff, industrial facilities, and more, which can have direct and indirect effects on amphibian populations (Blaustein et al., 2003). The complex life cycles of many amphibians, including western spadefoots, leave numerous opportunities and routes for exposure to such chemicals. For example, many amphibians are exposed to prolonged periods of low concentrations of pesticide mixtures, which can have dramatic adverse effects on amphibian development, growth and survivorship (T. B. Hayes et al., 2006), although effects vary across species. For example, Davidson (2004) found a strong association between amphibian declines and total upwind pesticide use for four frog species, while the co-occurring *Bufo* species was unaffected. In addition, atrazine, the most commonly-used herbicide in the U.S., has endocrine-disrupting effects on African clawed frogs (*Xenopus laevis*), causing hermaphroditism and demasculinized larynges of exposed males (T. B. Hayes et al., 2002).

Western spadefoots are exposed to a variety of toxins throughout their range, but their sensitivity to pesticides, heavy metals, air pollutants, and other contaminants is not well-studied (US Fish and Wildlife Service, 2005). Every year, millions of pounds of chemicals—including fertilizers, insecticides, herbicides, and fungicides—are applied on crops, forests, roads, and urban landscapes, some of which are extremely toxic to amphibians (US Fish and Wildlife Service, 2005). Additionally, industrial facilities and motor vehicles regularly release contaminants like carcinogenic polycyclic aromatic hydrocarbons, heavy metals, tire dust and other toxic chemicals into the environment. Vehicles powered by internal combustion engines emit nitrogen oxides (NO_x), while catalytic converters designed to reduce NO_x emissions emit ammonia gas (NH₃). Thus, traffic on roads results in excess nitrogen spread throughout the region, which promotes the growth of invasive, non-native grasses and disrupts ecosystem health and function (Weiss & Longcore, 2020). Nitrogen deposition has been linked to declines in many sensitive vertebrate, invertebrate, and plant species and could have negative impacts to western spadefoots (Hernández et al., 2016). While direct studies of the impacts of contaminants on western spadefoots have not been conducted, such contaminants may reduce their ability to survive by

reducing fitness, directly killing them, and/or damaging and degrading their breeding pools and upland habitat (US Fish and Wildlife Service, 2005).

C. Disease

Emerging infectious diseases have been implicated as a factor in amphibian declines worldwide (Blaustein et al., 2018; Daszak et al., 1999, 2003; Storfer et al., 2007). Chytridiomycosis is an emerging infectious disease primarily caused by the fungal pathogen *Batrachochytrium dendrobatidis* (*Bd*). This pathogen has significantly affected global amphibian biodiversity, infecting over 500 species (Olson et al., 2013) and causing declines and extinctions in hundreds of species since the 1970s (Alroy, 2015; M. C. Fisher & Garner, 2020; Skerratt et al., 2007). Global trade likely played a role in the current *Bd* pandemic by spreading non-native, infected animals worldwide and exposing naïve populations to *Bd* (M. C. Fisher & Garner, 2007; Liu et al., 2013; Schloegel et al., 2012).

Bd attacks the keratin and skin of amphibians (Berger et al., 1998), often causing a thickening of the outer layer and disruption of necessary physiological processes like fluid and electrolyte balance (Voyles et al., 2012), ultimately leading to morbidity and mortality (Marantelli et al., 2004; Rosenblum et al., 2010). In tadpoles infected with chytrid fungus, jaw sheaths and tooth rows are abnormally formed or lack pigment, and this type of deformity likely inhibits tadpole foraging ability (Fellers et al., 2001). Adult anurans infected with chytrid exhibit symptoms such as lethargy and reluctance to flee, skin abnormalities, loss of righting reflex, extended back legs, and eventually death by cardiac arrest (Berger et al., 1998; Fellers et al., 2001).

Bd has been documented in California since at least the 1930s, (Vredenburg et al., 2019). *Bd* has multiple strains (some more virulent than others) and not all species react similarly to infection; some species are infected and do not exhibit any symptoms but can transmit disease, others are infected and show signs of disease but then recover, and others are infected, show signs of disease, and die. In California, *Bd* is responsible for the drastic population declines of numerous native species, including the federally endangered mountain yellow-legged frog (*Rana muscosa*) and the Sierra Nevada yellow-legged frog (*Rana sierrae*). (Padgett-Flohr & Hopkins II, 2009; Reeder et al., 2012; Sette et al., 2015; Yap et al., 2018). There is no known available data regarding *Bd* infection in western spadefoots; however, much of the species' range is in or near areas where *Bd* has been detected and within areas identified as having moderate or high suitability for *Bd* (Yap et al., 2018). In addition, western spadefoots may come into contact with co-occurring species that are known to be *Bd* reservoirs and potential “supershedders” like the native Pacific chorus frogs (*Pseudacris regilla*) (Reeder et al., 2012) and non-native American bullfrogs (*Rana catesbeiana*) (Yap et al., 2018). Furthermore, *Bd* was detected on the closely related Mexican spadefoot (*Spea multiplicata*) (Christman & Jennings, 2018), which suggests that western spadefoots may be susceptible to infection. *Bd* could be a significant threat to small, fragmented remnant western spadefoot populations. In addition, although it has not yet been detected in the U.S., a second chytrid fungal pathogen called *Batrachochytrium salamandrivorans* (*Bsal*) poses a potential additional threat to western spadefoots should it be introduced (Martel et al., 2014; Stegen et al., 2017; Yap et al., 2015, 2017).

Ranaviruses (genus *Ranavirus*, Family Iridoviridae) are also important amphibian pathogens, infecting at least 105 species across 25 countries (Duffus et al., 2015). They exhibit high

virulence, lack of host specificity, and wide global distribution (Gray & Chinchar, 2015; S. A. Smith et al., 2016). Ranavirus infections usually cause mortality in larvae and metamorphs, and adults of some species may also be impacted. Mortality is often sudden, with significant die-offs (up to 90% of a local population) occurring within several days (J. L. Brunner et al., 2015). In the United States, ranaviruses have been associated with mass mortality in the federally listed Sonoran tiger salamander (*Ambystoma tigrinum stebbinsi*) and several other salamanders and frog species (Davis & Kerby, 2016; Gray et al., 2009; Green et al., 2002). Ranaviruses can also cause sublethal effects, including reduced rates of growth and development (Echaubard et al., 2010). Similar to the case of chytridiomycosis, the prevalence and impact of ranaviruses on western spadefoots have not yet been studied. However, ranaviruses have been linked with larval mass mortality events in related species, including eastern spadefoots (*Scaphiopus holbrookii*) in Illinois (Kirschman et al., 2017) and Delaware (S. A. Smith et al., 2016) as well as plains spadefoots (*Spea bombifrons*) in Nebraska (Davis & Kerby, 2016). Therefore, ranaviruses pose a potential threat to dwindling western spadefoot populations as well.

D. Invasive species

Invasive species can negatively impact amphibian populations through competition, predation, hybridization, or as carriers of infectious disease (Collins & Storer, 2003). They are spread both intentionally and accidentally for sport, biocontrol, as a food source, or simply because they are unwanted pets (Kats & Ferrer, 2003). Introduced predators such as mosquitofish, bullfrogs and crayfish have played a major role in amphibian population declines broadly (Kats & Ferrer, 2003), and are also a direct threat to western spadefoots (Thomson et al., 2016). Eggs and tadpoles are particularly susceptible to predation, although bullfrogs have also been shown to prey on adults. Fisher & Shaffer, (1996) observed that invasive fish and bullfrogs did not generally co-occur with western spadefoots in the Central Valley. Instead, these invasive predators occupied lower-elevation sites and western spadefoots occupied higher-elevation sites. The authors hypothesize that this pattern suggests invasive predators may be a contributing factor in the decline of low-elevation western spadefoots.

Non-native mosquitofish (*Gambusia affinis* and *G. holbrooki*) historically were commonly stocked into ephemeral pools and permanent water bodies in California and throughout the world as a biocontrol agent to reduce mosquito populations and manage vector-borne diseases (G. H. Pyke, 2008). Introduced mosquitofish can prey on tadpoles and may negatively impact native amphibian populations with which they co-occur (Kats & Ferrer, 2003). While there are no published studies determining whether mosquitofish prey on western spadefoot tadpoles, it remains a possibility (US Fish and Wildlife Service, 2005). Additionally, mosquitofish may act as a reservoir for pathogens that can infect western spadefoots, including some ranaviruses (Brenes et al., 2014).

Non-native crayfish (order Decapoda) have similarly been introduced to waters throughout California in the late 1800s and early 1900s. Crayfish are aquatic predators, and have been shown to prey on eggs and larval amphibians (Axelsson et al., 1997). They may inhibit successful recruitment of larval western spadefoots in pools where they co-occur (Jennings & Hayes, 1994; US Fish and Wildlife Service, 2005).

American bullfrogs may also have a negative effect on western spadefoot populations. Invasive American bullfrogs are present throughout California,² co-occurring with western spadefoots throughout their range. American bullfrogs often compete with native amphibians for prey and will also consume native amphibians directly. They commonly eat tadpoles of other anurans, and may consume western spadefoot tadpoles as well (US Fish and Wildlife Service, 2005). In Arizona, where juvenile bullfrogs and developing spadefoots co-occur, spadefoot larvae and metamorphs make up a large proportion of bullfrog diets (Morey & Guinn, 1992). They have even been documented to consume adult western spadefoots (M. P. Hayes & Warner, 1985). American bullfrogs also act as reservoirs for amphibian pathogens, including Bd and ranaviruses, and can spread infections to other co-occurring amphibian species (A. J. Adams et al., 2017; J. Brunner et al., 2019; Greenspan et al., 2012). Bullfrogs rely on permanent bodies of water to survive, so while they may not commonly co-occur with western spadefoots in vernal pools or other temporary water bodies, they do pose a threat to spadefoots that breed in or near perennial waters (Stebbins & McGinnis, 2012).

E. Climate Change

Climate change is worsening ecosystem stress and species extinction risk (Trisos et al., 2020). Increasing variability and extremes in temperature, wind, and precipitation are all products of a warming climate, leaving species struggling to adapt. As a result, species' genes are changing, physiological and physical features such as body size are changing, ranges are shifting as species try to maintain a suitable climate space, and numerous species are expressing new breeding and migration behaviors (Scheffers et al., 2016). Climate-related local extinctions have already occurred in hundreds of plant and animal species (Wiens, 2016). If climate change goes unabated, scientists predict that more than one-third of all plant and animal species could become extinct in the next 50 years (Román-Palacios & Wiens, 2020).

Climate change is one of the greatest threats to amphibians worldwide (Luedtke et al., 2023). Changes in temperature and precipitation may impact reproduction, development, feeding, dispersal, ecological interactions, and immune function (Blaustein et al., 2010; Corn, 2005). Extreme climate events are increasing in frequency and magnitude (IPCC, 2023) and may push species past their temperature or desiccation thresholds and lead to direct mortality or sublethal effects like reduced growth or impaired immune function (Blaustein et al., 2010; Corn, 2005).

Human-induced global warming has led to higher temperatures and more frequent and extreme weather events (IPCC, 2023). Temperatures are predicted to continue to increase over the coming decades throughout the western spadefoot's range, leading to warmer winters and summers and earlier spring warming (Cayan et al., 2008; Thomson et al., 2016), increasing drought risk (Diffenbaugh et al., 2015) and shifting precipitation regimes. Some studies predict that rainfall may decrease by up to 30% (Snyder and Sloan 2005, PRBO 2011).

Such climatic shifts threaten spadefoot habitat and their survival. Western spadefoots, which rely on ephemeral ponds in semi-arid ecosystems, will likely experience habitat loss or degradation due to climate impacts, which in turn could lead to population declines and extirpations (Blaustein et al., 2010). Although western spadefoots are adapted to withstand occasional

² <https://wildlife.ca.gov/Conservation/Invasives/Species/Bullfrog>

drought and associated unsuccessful recruitment years, prolonged drought and reduced precipitation would heighten the likelihood of local extinction (Baumberger et al., 2019) and further decline of the species. Their breeding is triggered by rainfall and requires standing water (e.g. vernal pools) that lasts long enough for tadpoles to complete metamorphosis and for juveniles to disperse out of the breeding pools, but not so long that non-native bullfrogs or fish can establish and prey upon the larvae. Montrone et al., (2019) found that hydroperiods in vernal pools in Northern California are expected to decrease with climate change, which suggests that some northern populations are increasingly vulnerable to impacts of climate change.

By contrast, C. R. Pyke, (2005) determined that inundation period may increase in the Central Valley. While at first glance this might seem beneficial for vernal pool species like western spadefoots, such a shift in hydroperiod could be ecologically disruptive. Like many native amphibian species, western spadefoots are adapted to successfully reproduce in seasonally drying wetlands. Longer inundation periods allow for more extensive colonization by aquatic predators, including invasive American bullfrogs (C. R. Pyke, 2005), that prey upon and outcompete native species like western spadefoot (C. R. Pyke, 2005). Such hydrological changes could therefore result in decreased larval survival and eventual declines or extirpations in northern populations.

Changes in the timing and amount of precipitation and increases in extreme weather events may also lead to a mismatch between western spadefoot emergence and the occurrence of suitable breeding habitat, decreasing reproductive success. For example, Ervin et al., (2005) observed abnormally early western spadefoot breeding after a prolonged dry period, which was largely unsuccessful due to breeding pools drying up before larvae had metamorphosed. The adult spadefoots had emerged to breed before adequate breeding pools were available and instead used pools that quickly dried up. This illustrates the potential mismatch between environmental cues and breeding behavior that western spadefoots may experience with climate change (Thomson et al., 2016).

Increased drought risk due to climate change will also continue to impact western spadefoots. Although many native amphibian species, including western spadefoot, are adapted to ephemeral wetlands and are historically resilient to drought, severe and extended drought could cause steep declines very quickly. In drought years, when ephemeral vernal pools are not formed and permanent water bodies dry up, western spadefoots are unable to breed. With prolonged drought, individuals may not have an opportunity to reproduce in their lifespan and populations may not be able to breed for multiple years, potentially heightening the likelihood of local extinction (Baumberger et al., 2019). Such additional demographic stress on the generally small and fragmented western spadefoot populations makes them vulnerable to extirpation from other unpredictable environmental conditions, like disease outbreaks or landslides after wildfire, ultimately leading to further decline of the species. Some species that rely on ephemeral pools for breeding are already being impacted by increasing drought. For example, researchers documented a 20% reduction to mean body condition of California newts (*Taricha torosa*) in Southern California coinciding with warmer and drier conditions (Bucciarelli et al., 2020).

Although the full extent of impacts of climate change is uncertain, it is clear that shifts in precipitation regimes and potential changes to vernal pool hydrology and ecology due to climate change threaten remaining western spadefoot populations.

F. Synergistic Effects

Western spadefoots face numerous diverse threats. Many of these threats interact synergistically, presenting additional and sometimes heightened challenges to western spadefoot survival. Any combination of habitat loss, reduced connectivity, pollutants, disease, and climate change heightens the risk of extinction for remnant spadefoot populations.

Habitat loss interacts with climate change to impact western spadefoots. As described above, climate change is likely to have myriad impacts on breeding and upland habitat, with shifts in hydroperiod and increased temperatures expected to become more extreme (Montrone et al., 2019; C. R. Pyke, 2004; Thomson et al., 2016). Western spadefoot populations are often able to persist in the face of environmental variability due to metapopulation connectivity; when one population experiences declines, migrants from surrounding populations can bolster the population and prevent local extirpation. As climate change impacts become more severe and extreme weather events continue to occur, such metapopulation dynamics are likely to be increasingly important for species persistence. However, development will continue to destroy such connectivity. As vernal pools and upland habitats continue to be destroyed by urban and agricultural development, fragmented populations of western spadefoot may not be able to survive in the few and/or isolated vernal pool complexes that remain. Due to reduced connectivity between suitable habitats, populations that are unable to successfully breed due to climate impacts on breeding pools may decline and disappear and will be unable to be re-established by neighboring populations, leading to further permanent species decline.

Disease likely works synergistically with other threats to amphibians as well (Collins & Storfer, 2003; Kiesecker et al., 2001). For example, sublethal environmental stressors such as those present in developed areas (e.g. increased pollution and runoff, invasive predators) may suppress immune systems (Carey, 1993) and allow disease agents to kill weakened animals (Alford & Richards, 1999). Western spadefoots are likely experiencing numerous physiological stressors, from shifts in temperature with climate change, increased contamination from agricultural and urban runoff, and increased competition and predation from invasive species. Together, such stressors may impair immune function, leading western spadefoots to be more susceptible to emerging infectious diseases like ranavirus and chytridiomycosis. As described above, studies of disease in western spadefoot are scant, and more research is needed to determine whether pathogens and related compounding factors may be impacting western spadefoots.

In addition, development and human activity may increase disease risk as well. Chytrid prevalence has been shown to be higher near urban areas in California, suggesting a synergistic effect between the urban environment and disease risk (M. J. Adams et al., 2010). Ranavirus may also be spread by human activity. An evolutionary analysis of ranaviruses in salamanders indicated recent spread through range expansion and long-distance colonization, patterns consistent with human-facilitated viral movement (Jancovich et al., 2004). As discussed above (see **Range and Distribution** section above), western spadefoots occur in areas with high human

impacts, especially in the southern portion of their range. As such, they may be vulnerable to these pathogens that are often spread via human activity.

VIII. Degree and Immediacy of Threat

As described in the previous sections, the threats to western spadefoots are both immediate and ongoing. Populations in Southern California meet the definition of endangered; they are in serious danger of becoming extinct throughout all or a significant portion of their range (Fish & Game Code § 2062). Northern populations meet the definition of “threatened;” they are likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts (Fish & Game Code § 2067). As development and climate change continue to alter, destroy, and degrade suitable habitats and further fragment already-precarious populations, western spadefoots face surmounting threats to their survival.

Urbanization and agricultural development have destroyed nearly all suitable western spadefoot habitat in Southern California, as well as significant amounts of habitat in Central and Northern California. Over 90% of California’s historic vernal pool systems have been lost (National Fish and Wildlife Foundation, 2018). From 1973 to 2000, developed land in California increased by approximately 38%, including multiple suitable habitat areas within the western spadefoot’s range (e.g. the Central Valley, vernal pools with upland grassland, chaparral, and oak woodland habitats (Sleeter et al., 2011)). If the rate of urban development continues apace, the amount of developed land is likely to increase by another 102% by the end of the century, while important spadefoot habitats like grasslands and shrublands may decline up to 10% and 4% respectively (Sleeter et al., 2017).

In Southern California, the majority of remaining western spadefoot habitat occurs in counties with the highest likelihood of continued urbanization over the next century (Riverside, San Diego, Ventura, San Bernadino) (Landis & Reilly, 2004; Rose et al., 2022). This is exemplified by multiple large development approvals in the little remaining spadefoot habitat in LA and San Diego counties (see Table 1). Without additional means to provide critical habitat protection, western spadefoots may disappear from Southern California.

In Central and Northern California, agricultural development, including shifting from rangeland to irrigated crops, as well as conversion of agricultural lands to urban and industrial development will continue into the future (Sleeter et al., 2011), destroying, fragmenting, and degrading remaining western spadefoot habitat. If land-use planning continues business-as-usual, such habitat loss and degradation combined with the many other threats described above, including climate change, pollution, emerging infectious disease, off-road vehicles, and invasive species, will drive the northern western spadefoot populations towards extinction.

As noted below (see **Protected Lands** section), most current western spadefoot habitat is not protected. Without immediate action to protect remaining habitats, restore historical habitats, and enhance population connectivity, both the southern and northern populations of western spadefoots may disappear within our lifetimes.

IX. The Inadequacy of Existing Regulatory Mechanisms and Impact of Existing Management Efforts

A. Federal Regulatory Mechanisms

National Environmental Policy Act

The National Environmental Policy Act (“NEPA”) NEPA is “our basic national charter for protection of the environment” (*Conservation Cong. v. Finley*, 774 F.3d 611, 615 (9th Cir. 2014).) NEPA is designed to ensure that environmental information is available to the public before decisions are made or actions taken and to help public officials make decisions based on an understanding of the environmental consequences. Historically, pursuant to NEPA federal agencies prepared an environmental impact statement (“EIS”) if it was known that a major federal action would significantly affect the environment, or an environmental assessment (“EA”) if the extent of effects was unknown. (*See* 42 U.S.C § 4332; *see also* former 40 C.F.R. §§ d1502.3 & 1508.9 [repealed].) NEPA further requires federal agencies to analyze reasonable alternatives to the proposed project. (42 U.S.C. § 4332(C)(iii); *see also* former 40 C.F.R. § 1502.14(a)-(c) [repealed].) NEPA requires the federal agency performing environmental review to consider the degree of adverse effect on a species or its critical habitat designated pursuant to the Federal Endangered Species Act. (*Conservation Cong. v. United States Forest Serv.* (E.D.Cal. 2017) 235 F.Supp.3d 1189, 1207.) Courts have interpreted NEPA as primarily a “procedural” statute. While NEPA requires federal agencies to consider detailed information regarding a project’s environmental effects, “NEPA itself does not mandate particular results.” (*Winter v. NRDC, Inc.* (2008) 555 U.S. 7, 23.)

Recent legal developments have drastically changed the landscape of how federal agencies can be expected to interpret, apply, and implement NEPA going forward. Historically, key components of federal agencies’ environmental review were guided by regulations first established in 1978 by the federal Council on Environmental Quality (“CEQ”). Among other things, the regulations directed the preparation of EAs, required analysis of a no-action alternative, and required analysis of mitigation measures. In 2024, the D.C. Circuit Court of Appeals held that the CEQ lacked authority to issue binding NEPA regulations. (*Marin Audubon Soc’y v. FAA* (D.C.Cir. 2024) 121 F.4th 902.) In February 2025, the CEQ repealed the NEPA regulations that had been in place for more than forty years. (*See* 90 FR 10610, 10616, Feb. 25, 2025.) Federal permitting agencies will now be responsible for developing their own NEPA processes consistent with the law and will be doing so amid ongoing staff shortages and workforce restructuring.

However, even under the former CEQ regulations, agencies did not interpret NEPA as requiring analysis of impacts to species populations not listed as threatened or endangered, such as the western spadefoot. Furthermore, NEPA applies only to “major federal actions.” Many of the land use decisions in California that negatively affect western spadefoots are the purview of local governments and do not constitute a “major federal action” requiring environmental review under NEPA. This will be especially true given the recently reduced permitting authority of the U.S. Army Corps of Engineers under the Clean Water Act, described below.

Because of its limited application, NEPA is insufficient to protect the western spadefoot.

Clean Water Act

Under Section 404 of the Clean Water Act, 33 U.S.C. § 1251 et seq. (“CWA”), the discharge of pollutants, including dredged or fill material, into “waters of the United States” is prohibited absent a permit from the U.S. Army Corps of Engineers. Theoretically the CWA should provide protections for stream and wetland habitats that are used by western spadefoots. However, the implementation of the CWA regulatory scheme and the Section 404 program in particular have fallen far short of Congress’s intent to protect wetlands and water quality. A National Research Council report entitled “Compensating for Wetland Losses Under the Clean Water Act” concluded that the goal of no net loss of wetlands has not been achieved through the Army Corps regulatory program, and that applicants often do not follow through on promised mitigation packages (National Research Council, 2001). These failures of the Army Corps regulatory scheme are due in part because the Corps’ implementation of the individual permitting process has allowed too much development while requiring too little avoidance and mitigation. Also, in permitting projects, the Army Corps often takes a very limited view of a project, looking only at impacts in the project footprint.

Even when vernal pools were included within the jurisdictional waters of the U.S., the CWA did not prevent them from being degraded or destroyed. For example, in a study of Placer County vernal pools subject to CWA Section 404 permits, researchers found that most permit files were incomplete and missing key documents that included important information regarding mitigation; in many cases, it was unclear whether mitigation measures were even implemented (AECOM et al., 2009). A larger analysis of Section 404 permits issued from 2000-2006 for projects that impacted vernal pool habitats in the Central Valley found that on the whole mitigation is generally replacing impacted acreage, but information on mitigation methods is lacking for many permits, and data on ongoing management (including required annual monitoring reports) were almost entirely lacking (AECOM & Vollmar Consulting, 2009). However, in Placer County, CWA permitting proved insufficient to prevent significant impacts, as the county experienced a net loss in vernal pool habitat over the period studied (AECOM & Vollmar Consulting, 2009).

Moreover, due to recent legal developments, the vast majority of breeding habitat used by western spadefoots is no longer subject to the Clean Water Act, as vernal pools are no longer considered waters of the United States. The Clean Water Act’s application is limited to waters of the United States (“WOTUS”). In 2006 the United States Supreme Court established that WOTUS include navigable waters, interstate waters, territorial seas, impoundments, tributaries, wetlands adjacent to jurisdictional waters, and wetlands “with a significant nexus” to a traditionally navigable water (*Rapanos v. U.S.* (2006) 547 U.S. 715, 742). Vernal pools with a “significant nexus” to a relatively permanent water were therefore included in the definition of WOTUS. Not all vernal pools meet this standard, so whether a vernal pool was covered by the CWA depended on local conditions. In 2023, the United States Supreme Court narrowed the definition of WOTUS, defining them as relatively permanent bodies of water connected to traditional navigable waters, interstate waters, territorial seas, and wetlands with a continuous surface connection to these jurisdictional waters. (*Sackett v. EPA* (2023) 598 U.S. 651.) As a result, vernal pools, isolated wetlands and temporary wetlands and streams are now excluded

from the definition of WOTUS. Thus, the vast majority of western spadefoot habitat is not covered under the Clean Water Act and is not protected by the Act’s provisions.

Endangered Species Act

The Endangered Species Act (“ESA”), enacted in 1973, establishes protections for fish, wildlife, and plants that are threatened or endangered. When a species is listed, the ESA requires the listing agency to designate critical habitat and draft a recovery plan. The law also includes various requirements to prohibit further harm to listed species.

Under ESA section 7(a)(2), federal agencies must consult with the U.S. Fish and Wildlife Service prior to authorizing, funding, or carrying out activities that may affect listed species. (16 U.S.C. § 1536.) The USFWS then determines if the action will jeopardize a species; a jeopardy determination is made for an action that is reasonably expected, directly or indirectly, to appreciably reduce the likelihood of both the survival and recovery of a listed species in the wild by reducing its reproduction, numbers, or distribution; a non-jeopardy opinion may include reasonable and prudent measures that minimize the amount or extent of incidental take of listed species associated with a federal action (50 CFR 402.02). The FWS must also determine whether the action will result in the destruction or adverse modification of designated critical habitat.

ESA section 9 separately prohibits the taking of any federally listed endangered or threatened species. (16 U.S.C. § 1538.) 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.” (16 U.S.C. § 1532(19).) The ESA provides for civil and criminal penalties for the unlawful taking of listed species. Incidental take refers to taking of listed species that results from, but is not the purpose of, carrying out an otherwise lawful activity by a federal agency or applicant. (50 CFR 402.02.) For non-federal projects, the USFWS may issue incidental take permits pursuant to section 10(a)(1)(B) of the ESA that are supposed to provide protection of sensitive species through the approval of HCPs that “detail measures to minimize and mitigate the potential impacts of projects to the maximum extent practicable.” (See USFWS 2009b pp. 19–20.) As described below, several HCPs that cover the western spadefoot have been approved and, unfortunately, do not provide adequate protection for the species.

Listing under the federal ESA would certainly help to protect western spadefoots and assist in preventing further declines. Such listing is unlikely to happen any time soon, however. The species was petitioned for listing under the federal Endangered Species Act in 2012 (U.S. Fish and Wildlife Services, 2015), and in December 2023 the USFWS proposed to list the western spadefoot as threatened. The final rule is unlikely to occur in the next several years. The USFWS national domestic listing workplan addresses ESA listing decisions in the coming years. As of May 23, 2024, the workplan for fiscal years 2024–2028 did not include western spadefoot.³ The current federal administration has since focused on limiting the application and reach of the ESA. For example, in April 2025, the administration proposed to rescind the longstanding definition of “harm” to species under the ESA. (90 FR 16102.)

³ <https://www.fws.gov/sites/default/files/documents/2024-05/national-domestic-listing-workplan-2024.pdf>

Western spadefoots do benefit indirectly from the federal ESA listing of other co-occurring vernal pool species. For example, 20 vernal pool plant and animal species are listed as threatened or endangered under the federal ESA, and are therefore subject to habitat conservation and management efforts that will also benefit western spadefoot populations (US Fish and Wildlife Service, 2005). However, these protections are not always fully implemented, enforced, or adequate (US Fish and Wildlife Service, 2005). Despite the listing of numerous vernal pool species under the Federal Endangered Species Act, projects with the potential to destroy, degrade, or fragment vernal pool habitat—including conversion for human uses—have nonetheless been approved, in spite of the resident species’ endangered status (See Table 1 above). Thus, while the protections applied to other vernal pool species under the federal ESA may benefit western spadefoots where they co-exist, these protections are not sufficient for effective overall conservation of the species.

National Wildlife Refuge System Improvement Act of 1997

The National Wildlife Refuge System Improvement Act established the protection of biodiversity as the primary purpose of the National Wildlife Refuge system, prioritizing wildlife conservation over other uses (P.L. 105-57, 111 Stat. 1252 (1997)).

CNDDDB records show western spadefoot occurrences in 7 National Wildlife Refuges (“NWR”) (number of CNDDDB observations in parentheses):

- Bitter Creek NWR (1)
- Pixley NWR (4)
- San Diego Bay NWR (1)
- San Diego NWR (42)
- San Joaquin River NWR (1)
- San Luis NWR (6)

These occurrences make up only 56 of the 1443 occurrences included in the CNDDDB, and most of them are clustered in the San Diego and San Luis NWRs. Additionally, like the State Protected Areas discussed below, these protected areas are scattered throughout the large range of the western spadefoot. While all protected habitat is valuable, National Wildlife Refuges represent only a small fraction of the western spadefoot’s range, and do not provide adequate protections for the species as a whole. California’s NWR’s are not sufficient to ensure western spadefoot survival and recovery.

Sikes Act

The Sikes Act requires the U.S. Department of Defense to develop and prepare Integrated Natural Resource Management Plans (“INRMPs”) for military installations; these plans provide for the conservation and rehabilitation of natural resources on military lands consistent with military uses. (16 U.S.C. § 670.) Western spadefoots occur at Camp Roberts in San Luis Obispo County (INRMP 2022), Fort Hunter Liggett in Monterey County (INRMP 2012), and while both plans include habitat protection, neither include specific management goals or strategies for western spadefoots. The March Air Force Base INRMP (2021) notes that western spadefoots have not been observed, but suitable habitat does occur on the base. While INRMPs provide benefits to covered species when

fully implemented, they are not regulatory mechanisms because their implementation is subject to funding availability. They are insufficient to ensure western spadefoot survival and recovery.

Federal Land Policy and Management Act

The Federal Land Policy and Management Act (“FLPMA”) regulates the management of public lands administered by the BLM; specifically the management, protection, development, and enhancement of public lands with the intention to, among other things, “...preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals...” as well as recreation and human occupancy and use. (43 U.S.C. § 1701.) This Act could protect western spadefoots on BLM lands, but only a small portion of the species’ range falls on BLM lands.

A query of CNDDDB shows 20 occurrences in the Carrizo Plain National Monument, one in the California Coastal National Monument, and two in the BLM Otay Mountain Wilderness Area. The Carrizo Plain National Monument Resource Management Plan (2010) does include management of western spadefoots, including vernal pool protection and population monitoring. The California Coastal National Monument and Otay Mountain Wilderness Area do not include species-specific management efforts but do limit development and intensive uses. The remaining western spadefoot occurrences on BLM lie outside of established National Conservation Areas of National Monuments. The FLPMA is therefore unlikely to provide significant protection for the western spadefoot.

B. State Regulatory Mechanisms

California Species of Special Concern

In California, the western spadefoot is a Priority I Species of Special Concern (“SSC”) (Thomson et al., 2016). SSC status applies to animals not listed under the federal ESA which are declining at a rate that could result in listing or historically occurred in low numbers and known threats to their persistence currently exist. The SSC designation is intended to result in special consideration by CDFW, land managers, and others, to focus research and management attention on the species. SSC are supposed to receive this special consideration during preparation of CEQA documents. But as discussed in the section on CEQA below, the CEQA process has proven inadequate to protect western spadefoots or reverse their declines in California. The practical benefit of the SSC designation for the western spadefoot has been minimal. Such status may call attention to the species and prompt more information to be collected about the loss of its habitat in Environmental Impact Reports and other documents, but it has not halted habitat loss for spadefoot, or other factors causing the decline of the species. SSC species also do not benefit from the prohibitions against “take” that a species listed under the California or federal Endangered Species Act would receive.

California Environmental Quality Act

The California Environmental Quality Act (“CEQA”) is California’s landmark environmental law and establishes a state policy to prevent the “elimination of fish or wildlife species due to

man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities....” (Cal. Pub. Res. Code § 21001(c)). Under CEQA, state and local agencies must analyze and disclose the potentially significant environmental impacts of discretionary activities that they approve or carry out. CEQA provides that agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures which would substantially lessen the significant environmental effects of such projects. (Cal. Pub. Res. Code § 21002.)

CEQA requires a “mandatory finding of significance” if a project may “substantially reduce the number or restrict the range of an endangered, rare or threatened species.” (Cal. Code Regs., tit. 14, § 15065(a)(1)). CDFW has interpreted this provision to apply to species of special concern, which are species that are “experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status” (California Department of Fish and Wildlife, 2025). CDFW further provides that species of special concern “should be considered during the environmental review process.” (*Id.*; Cal. Code Regs., tit. 14, § 15380). Thus, a potentially substantial impact on a species of special concern *could* be construed as “per se” significant under CEQA. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449).

However, CEQA does not provide any specific legal protection for species of special concern aside from the requirement that projects triggering CEQA review must analyze the impacts of the proposed action on such species. Importantly, lead agencies have discretion to develop their own thresholds of significance. (*See East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 300; Cal. Code Regs., tit. 14, § 15064(d)). Local agencies—who are often under pressure from developers to approve projects—can sometimes make significance determinations that are inconsistent with independent scientific analysis, including CDFW’s analysis.

Though state and federal wildlife agencies can weigh in, protection of non-listed species through CEQA is at the discretion of the lead agency involved. CEQA provides that when overriding social and economic considerations can be demonstrated, project proposals may go forward, even in cases where the continued existence of the species may be threatened, or where adverse impacts are not mitigated to the point of insignificance. Even when a lead agency acknowledges that an effect is “significant,” CEQA allows a lead agency to adopt a “statement of overriding considerations” and approve a project if the agency finds that other factors outweigh the environmental costs of the project or that further mitigation is infeasible (Cal. Pub. Res. Code § 21081; Cal. Code Regs., tit. 14, § 15093(b)). This means that lead agencies may approve projects that they determine will have a significant effect on a wildlife population like the western spadefoot. Additionally, environmental review under CEQA is project-specific and rarely considers population-wide impacts to species like the spadefoot. Although CEQA requires that agencies consider a project’s “cumulative” impacts, these analyses are usually limited in geographic scope and do not account for regional or statewide impacts—including habitat loss.

Additionally, the legislature has continued to amend CEQA to make it easier for local agencies and developers to avoid conducting environmental review for a host of projects. For example, in

June 2025, the state legislature passed and Governor Newsom signed sweeping rollbacks to CEQA under Senate Bill (SB) 131 (formerly SB 607, authored by Sen. Scott Wiener) as a budget trailer bill. The Bill exempts certain projects from environmental review and makes legal challenges more difficult and in some cases impossible, even when a project would have significant environmental impacts, making sensitive habitats for species like western spadefoot even more vulnerable to destruction and fragmentation.

Although CEQA's environmental review provisions have provided some benefit to western spadefoots, they have not prevented local and regional species decline. While helpful, CEQA is inadequate to protect the western spadefoot.

State Ecological Reserves and State Wildlife Areas

The California Fish and Game Code provides for the establishment of ecological reserves that “protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic” (Cal. Fish & Game Code § 1580). “Take” of wildlife is prohibited in State Ecological Reserves (“SERs”) (Cal. Code Regs. Tit. 14, § 630), which are generally governed by Land Management Plans. The California Code of Regulations also provides for the establishment of state wildlife areas (“SWAs”), which allow for a broader use: “wildlife areas are maintained for the primary purposes of developing a statewide program of ecological conservation, restoration, preservation, development and management of wildlife and wildlife habitat and hunting” (Cal. Code Regs. Tit. 14, § 551 (a)).

CNDDDB records show western spadefoot occurrences in 22 SERs and 6 SWAs (number of CNDDDB observations in parentheses):

- Alkali Sink Ecological Reserve (1)
- Allensworth Ecological Reserve (9)
- Box Springs Reserve (1)
- Burton Mesa Ecological Reserve (1)
- Buttonwillow Ecological Reserve (2)
- Carrizo Plains Ecological Reserve (13)
- Corral Hollow Ecological Reserve (1)
- Del Mar Mesa -- Lopez Ridge Ecological Reserve (1)
- Elliott Chaparral Reserve (1)
- Kerman Ecological Reserve (3)
- Lokern Ecological Reserve (1)
- Motte Rimrock Reserve (1)
- North Carrizo Ecological Reserve (2)
- North Grasslands Wildlife Area (1)
- Rancho Jamul Ecological Reserve (15)
- Santa Margarita Ecological Reserve (1)
- Santa Rosa Plateau Ecological Reserve (6)
- Semitropic Ecological Reserve (5)
- Stone Corral Ecological Reserve (6)
- Stone Ridge Ecological Reserve (1)
- Thomes Creek Ecological Reserve (1)
- Tule Elk State Reserve (1)

- French Valley Wildlife Area (1)
- Hollenbeck Canyon Wildlife Area (7)
- Los Banos Wildlife Area (1)
- Mendota Wildlife Area (2)
- Oroville Wildlife Area (1)
- San Jacinto Wildlife Area (12)

Such records may appear to provide significant benefits for the western spadefoot, but it is important to note that these occurrences make up only 99 of the 1443 occurrences included in the CNDDDB. Additionally, like the National Wildlife Refuges discussed above, these protected areas are scattered throughout the large range of the western spadefoot. While all protected habitat is valuable, SERs and SWAs represent only a small, fragmented fraction of the western spadefoot's range, and do not provide adequate protections for the species as a whole. SERs and SWAs are insufficient to ensure western spadefoot survival and recovery.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (“Porter-Cologne”) of 1969 governs water quality regulation in California. Porter-Cologne requires permits for waste discharges and dredge and fill into Waters of the State, which includes WOTUS and additional waters including surface, ground, saline waters, and wetlands (Cal. Water Code § 13000 et seq.). Porter-Cologne’s purpose is to protect the quality of the state’s water resources— any such “activities and factors” affecting water quality “shall be regulated to attain the highest water quality which is reasonable.” (Cal. Water Code § 13000).

Under Section 401 of the CWA, California Regional Water Quality Control Boards (the “Water Boards”) exercise authority to regulate discharges into WOTUS in California. For waters that do not meet the definition of WOTUS, but are nonetheless included within Waters of the State, Porter-Cologne requires Waste Discharge Requirement permits for any discharges, including dredge and fill material.

Vernal pools and other temporary wetlands as well as temporary streams are surface waters and are included in the definition as Waters of the State under the Porter-Cologne Act. (*See* Cal. Water Code § 13050(e).) Discharge into or dredge and fill of any vernal pool requires permits from the California Water Boards, which in turn require compensatory mitigation for fill and excavation impacts.

Although the *Sackett* decision narrowed only the scope of federal jurisdiction and did not weaken California’s more stringent wetlands protections, the ruling has placed an incredible burden on state regulators. Without federal permitting and federal enforcement, the Water Boards are now tasked with regulating a vastly expanded number of water bodies with fewer administrative and legal resources and less enforcement capacity (State Water Resources Control Board, 2023a, 2023b). Legislation introduced in 2025 (SB 601 Allen) could have alleviated some of this burden by strengthening Porter-Cologne, but the bill was not passed. Porter-Cologne is therefore unlikely to adequately prevent destruction or modification of western spadefoot aquatic habitat.

California Coastal Act

The California Coastal Act of 1976 charges the California Coastal Commission with regulating the water quality of coastal wetlands by “minimizing adverse effects of wastewater discharges” within the coastal zone (Cal. Pub. Res. Code § 30231). The coastal zone is defined as “the land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on maps [adopted by the State legislature]..., extending seaward to the state’s outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea.” (Cal. Pub. Res. Code § 30103). There are a few exceptions in which the coastal zone extends further inland, but it generally covers only a narrow strip of the California coast. While some western spadefoot populations may occur within this zone, the vast majority occur further inland and therefore do not benefit from the Coastal Act’s protections.

C. Local and Regional Regulatory Mechanisms

Regional and local conservation plans in some areas of the spadefoot’s range provide limited management. In Southern California, the majority of suitable spadefoot habitat areas fall within the footprint of regional conservation plans implemented during the past 25 years (Rose et al., 2020). Yet even within regions covered by a conservation plan, 61% of the potentially suitable spadefoot habitat is not currently protected (or lies within Department of Defense (“DoD”) land), highlighting the unfortunate reality that the existence of a conservation plan on paper does not guarantee protection of habitat for all species subject to said plan (Rose et al., 2020).

Natural Community Conservation Plans and Habitat Conservation Plans

The Natural Community Conservation Planning Act is a voluntary conservation planning mechanism for proposed development projects within a planning area to avoid or minimize impacts to wildlife. (Cal. Fish & Game Code § 2801(f).) The NCCP Act is designed to promote coordination among agencies and landowners to conserve unfragmented habitat areas and multihabitat management. (Cal. Fish & Game Code § 2801(d).) Natural Community Conservation Plans (“NCCPs”) are state-approved local or regional plans that authorize “take” of state-protected species and allow for development and activities in the covered areas. Compared with Habitat Conservation Plans (see below), NCCPs promote conservation actions that benefit landscape-level natural communities and are less focused on individual species conservation goals.

The Habitat Conservation Plan Program is defined in Section 10 of the federal ESA. Habitat Conservation Plans (“HCPs”) are local or regional planning documents that guide development on private lands on which federally-threatened and -endangered species occur to ensure compliance with the federal ESA. HCPs authorize “take” of protected species for covered activities, and in exchange generally require conservation measures intended to avoid a net adverse impact on covered species. HCPs can be applied at different scales from individual projects to whole regions.

Overall, coverage of western spadefoots in HCPs/NCCPs is piecemeal and limited and does not provide adequate mechanisms for species-level protection and recovery. Although HCPs and

NCCPs that list the western spadefoot as a covered/target species offer some regulatory protection or conservation consideration for the species, conservation measures and mitigation requirements vary from plan to plan. For example, some HCPs provide detailed information on avoidance and minimization of take during development activities, while others provide vague requirements of “no net loss” of habitat. Some HCPs/NCCPs cover areas within the western spadefoot’s range, but do not consider the species at all, although wetland protections included in some of these plans may incidentally benefit spadefoot (Table 2). In the East Contra Costa County HCP and Yolo County HCP/NCCPs, western spadefoots were considered either in the HCP itself or in previous drafts but were ultimately excluded from coverage. Four additional HCP/NCCPs within the species’ range are currently in development, and it is unclear whether they will include protections for western spadefoots (San Benito County NCCP/HCP, San Diego East County MSCP, San Diego North County MSCP, and Yuba-Sutter NCCP/HCP).

Several HCPs/NCCPs that do not cover the western spadefoot do provide protections for vernal pool habitats (Table 2), which may also benefit western spadefoots. However, western spadefoots also require suitable upland habitat to live in during the non-breeding season. Merely protecting breeding pools without protecting sufficient connected upland habitat will drive the species to extinction. For example, the City of San Diego Vernal Pool Habitat Conservation Plan focuses exclusively on protecting pools for federally endangered fairy shrimp species and vernal pool plants that do not as desperately require connected upland habitat. As such, the management activities outlined in the plan do not focus on habitat needs of western spadefoots, including the importance of suitable upland habitat surrounding vernal pools and the connectivity between vernal pools. Vernal pool protections are certainly necessary, and do benefit western spadefoots, but they are not sufficient to protect or restore western spadefoot populations.

While HCPs can provide some benefits for covered species, they are not always effectively implemented. An early nationwide study of some of the first HCPs developed was conducted by the National Center for Ecological Analysis & Synthesis and the American Institute of Biological Sciences (Kareiva et al., 1999). Kareiva et al. (1999) found that most HCPs contributed to habitat losses for the targeted species, failed to meet recovery goals, and suffered from poor planning and plan evaluation. Among the failures of HCPs discussed by Kareiva et al. (1999) were:

- nearly 30% of HCPs allowed “take” of 100% of the focal species’ populations or habitat in the permit area
- about 50% of HCPs allowed 50% or more of the species’ populations or habitat in the plan area to be “taken”
- 43% of the time, HCPs failed to provide sufficient mitigation measures
- 23% of the time, species and their habitats would be “taken” before mitigation measures had been implemented and found effective
- most HCPs failed to reduce allowed “take” levels or use other more conservative approaches in the face of inadequate information or uncertainties
- 33% of HCPs failed to secure up-front funding to ensure that mitigation actually occurs
- 81% of HCPs studied would have irreversible impacts

Not surprisingly, Kareiva et al. (1999) found that HCPs which fail to adequately conserve species also tend to lack rigorous impact assessments and planning. The Kareiva et al. (1999) study found that:

- 75% of the time, impacts to species were not adequately studied by HCPs
- 42% to 49% of the time, HCPs failed to quantify how much of a species' habitat and population, respectively, would be "taken"
- most HCPs used low quality data to evaluate their mitigation measures
- 25% of the time, sufficient information did not exist to determine how HCPs would affect the species' viability

Subsequently, Rahn et al. (2006) reviewed the species selected for coverage in 22 multispecies HCPs from USFWS Region 1 that were approved by the end of 2004. HCPs frequently cover multiple species, some federally listed and others not. Rahn et al. (2006) focused their evaluation exclusively on such multiple species HCPs (MSHCPs). Federal and state wildlife agencies promote the multispecies approach because it both increases certainty for the permittee in case of future listings and increases the "biological value" of the plans by providing "more opportunities for strategically placing appropriate conservation in an ecosystem context" and early consideration of the needs of unlisted species (US Fish and Wildlife Service & US National Marine Fisheries Service, 2016). Rahn et al. (2006) sought to evaluate the claim that MSHCPs provide special conservation value. While a comprehensive planning approach at the community, habitat, or ecosystem level may seem reasonable and efficient, it carries the risk that the needs of particular species may be overlooked. However, many MSHCPs that are created to provide comprehensive coverage for multiple species actually end up focusing on just one species, generally the most prominent threatened or endangered species in the plan area (Smallwood et al., 1998). In fact, two studies found that species covered under multiple-species plans were generally less likely to show improving trends in status than species covered under single-species plans (Boersma et al., 2001; Taylor et al., 2005). California lacks any single-species HCPs or NCCPs focused on western spadefoots, making them vulnerable to these weaknesses in implementation even when they are covered under a multi-species plan.

To gauge the extent to which MSHCPs incorporate science-based conservation planning, Rahn et al. (2006) evaluated whether or not covered species were confirmed in the planning area, and whether or not the plan contained specific conservation measures for the covered species. Rahn et al. (2006) found that the conservation benefits of multispecies plans to individual covered species may be overestimated, that conservation measures were often not clearly defined, and that the presence of the species in the planning area was not even confirmed for 41% of covered species. While Rahn et al. (2006) do not question the conservation value of multispecies plans, their study suggested that changes were needed to achieve full conservation potential. They identified three shortcomings of MSHCPs that can substantially limit their conservation potential. First, many plans were overbroad, covering species for which they provided no localized scientific information. The lack of information makes it difficult to predict the effectiveness of a plan when an incidental take permit is issued, or to evaluate it during the permit term. Second, most unconfirmed species also did not have specific conservation actions. Finally, they found high levels of variability across plans in the species they covered, the levels of justification for that coverage, and the extent to which they offered species-specific conservation actions.

As described in Table 2, many HCPs/NCCPs that include western spadefoots do not include specific locality data within the plan area and do not provide species-specific conservation measures. Given the results of the meta-analyses described above, it is therefore unlikely that all HCPs/NCCPs that include western spadefoots are effectively protecting the species within the plan areas.

Regional Conservation Investment Strategies

California Department of Fish and Wildlife also implements the Regional Conservation Investment Strategies (“RCIS”) Program, which encourages landscape-level conservation assessment and planning. Importantly, RCISs are voluntary and are not enforced, and are therefore a potentially useful but insufficient mechanism for protecting species or habitats. Several counties and regions within the western spadefoot’s range have established RCISs, yet only four cover western spadefoots (Kaweah Groundwater Subbasin (2022), Yolo County (2020), San Bernadino County (2024)). Recommended approaches in the Yolo County and San Bernardino County RCISs include habitat protection and management; only the Yolo County plan provides a species-specific habitat preservation goal (407 acres of habitat). The Kaweah Groundwater Subbasin RCIS provides more thorough recommended actions, including protecting existing population and enhancing habitat through invasive species removal, managed grazing, ceasing use of rodenticides, disease monitoring/management, creation of wildlife crossings, and minimization of disturbance around breeding habitat.

Three others, East Bay (2021), Monterey (2021), and the draft San Joaquin Valley plan (draft as of 2025) exclude western spadefoots, despite the fact that they have been documented in the RCIS plan areas (CNDDDB 2025). The Monterey and San Joaquin Valley RCISs designate the western spadefoot as a non-focal species, a species that is “associated with focal species and focal other conservation elements and will benefit from the same conservation and habitat enhancement actions,” but which is not itself the primary focus of conservation or management goals or actions. Such determinations are made based on criteria including occurrence, availability of data, status, and rarity in the RCIS area. For a species like the western spadefoot, such criteria do not capture the dire reality of the species’ conservation status. Their above-ground occurrence is cryptic, highly seasonal, and weather-dependent, they do not receive significant monitoring efforts, and they are experiencing compounding negative stressors across its range, so occurrence data are unlikely to provide a reliable understanding of the presence or absence, let alone population dynamics, in any given area.

D. Protected Lands

As described above, western spadefoot populations are present on several National Wildlife Refuges, National Monuments, State Ecological Reserves, and State Wildlife Areas. They are also present in various other protected lands that prohibit development or other intensive uses, including agricultural and conservation easements, one national park, and state marine conservation areas (**Figure 7**). While western spadefoot populations on these lands are at low risk of habitat loss or fragmentation due to development, many of these lands do not actively manage for western spadefoots. Without targeted conservation efforts, populations on protected lands can still experience harm from roads, recreation, invasive species, and other threats.

Overall, about 21% of CNDDDB records occur on protected lands (304 of the 1443 occurrences). While this number may at first seem high considering protected lands make up a very small portion of the species' range (**Figure 7**) (US Fish and Wildlife Service, 2005), it is important to consider sampling bias. Protected lands are more likely to have been surveyed, and both detection and reporting are likely higher on public protected lands and conservation easements than on non-protected lands or private lands. Protected lands are not sufficient to prevent further species decline.

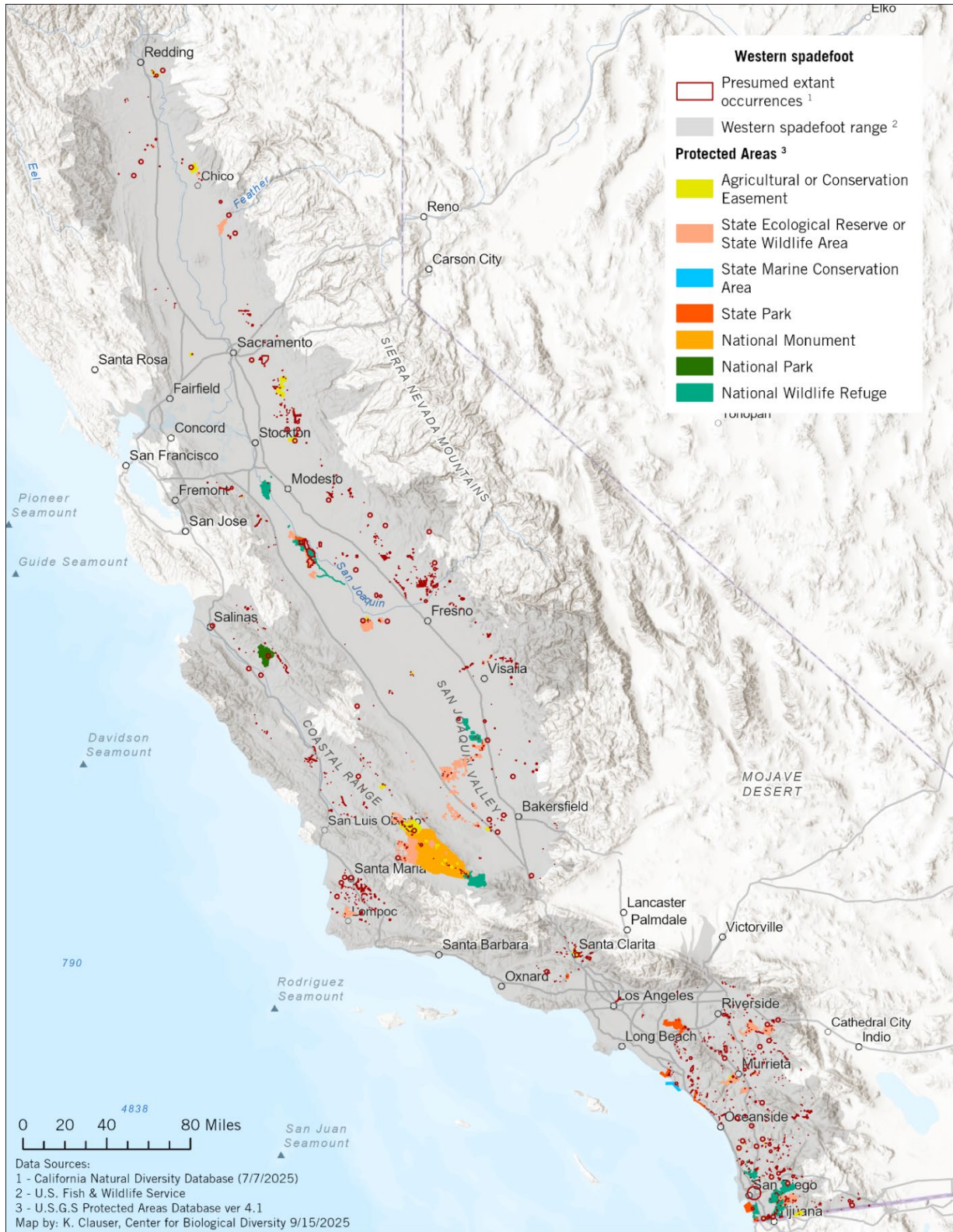


Figure 7. Map of CNDDDB western spadefoot occurrences and protected lands. Only 21% of western spadefoot occurrences in the CNDDDB database are on protected lands. Most western spadefoot populations occur outside of protected lands.

X. Suggestions for Future Management and Recovery Actions

Western spadefoots are facing a multitude of threats throughout their range in California that are driving both the northern and southern populations towards extinction. However, numerous management actions can help to alleviate these threats and aid the species' recovery.

Recommendations for the management and recovery of western spadefoots are as follows:

- Formally protect both the northern and southern populations of western spadefoots as threatened and endangered, respectively, under CESA and prepare a recovery plan pursuant to Cal. Fish & Game Code § 2079.1, including management efforts aimed at reducing habitat loss, degradation, and fragmentation.
- Conduct systematic surveys of known historical localities that have not been assessed in the past 20 years, particularly in the Central Valley, to produce up-to-date occurrence data and guide protection efforts.
- Permanently protect known occupied breeding and upland habitat. Once habitat is disturbed or destroyed, it is not easily restored. Minimizing or eliminating disturbance around existing occupied upland and breeding habitats is the best and most cost-effective way to protect the species (Thomson et al., 2016).
- Protect and enhance suitable habitat that promotes connectivity within and between metapopulations. Western spadefoots move between upland and wetland breeding habitats and can travel hundreds of meters. Maintaining connectivity and accommodating short- and long-range dispersers is vital for continued population persistence and/or recolonization following a local extinction (Cushman, 2006; Semlitsch & Bodie, 2003).
- Implement buffer zones around protected habitat to help protect individuals and populations from edge effects from surrounding land use, including human activity, development-related disturbance, invasive species, noise, and pollutants. Buffers provide connectivity among suitable habitats and resiliency in the face of climate change, which will likely cause shifts in species ranges and distributions, including those of western spadefoots (Cushman et al., 2013; Heller & Zavaleta, 2009; Warren et al., 2011).
- Avoid or minimize the construction of new roads in western spadefoot habitat and enhance connectivity at existing barriers. Elevated road segments, underpasses, and culverts with directional fencing can improve spadefoot connectivity.
- Continue currently experimental efforts to restore breeding and upland habitat, including the creation of artificial ponds and the reestablishment of native grasslands, to help maintain healthy populations, increase climate resilience, and improve connectivity (Neal et al., 2020; Thomson et al., 2016). It is important to note that the success of artificial ponds is not guaranteed (Baumberger et al., 2020; Groff et al., 2012); such efforts should be carefully planned, monitored, and adaptively managed, and they should not replace conservation of existing habitat.
- Invest in monitoring and research programs that investigate the species' natural history and behavior, current connectivity and distribution, genetics, and disease threats (i.e., *Bd*) as well as other potential adaptive management strategies, like conservation grazing, prescribed fire, and conservation genetics.
- Research the potential for translocation and re-introduction in previously occupied areas with remaining suitable habitat or restored/created habitat to help spadefoots establish

local metapopulations and counter the effects of inbreeding due to genetic isolation (Frankham et al. 2019).

- In highly modified rangelands, implement sustainable grazing practices that promote natural vernal pool hydrology while minimizing direct impacts to breeding spadefoots. Disincentivize the conversion of rangeland to row crops or irrigated crops that require discing, planting, and harvesting (US Fish and Wildlife Service, 2005).

XI. Conclusion

In this petition, the Center for Biological Diversity has carefully assessed the best scientific information available regarding the western spadefoot. We have reviewed the best scientific and commercial information available regarding the historic, present, and future threats faced by the two western spadefoot populations (northern and southern) and have determined that the southern population is in danger of extinction throughout its range, and the northern population is likely to become endangered if it does not receive protection. The species' past and ongoing declines are largely attributable to habitat loss and fragmentation, particularly destruction and fragmentation of vernal pool complexes, although numerous other disturbances play roles as well. In the United States, the western spadefoot is endemic to California and despite its vulnerability to threats associated with California's growth and development, it does not currently receive either California or federal species-specific protection. As such, we urge the California Fish and Game Commission to protect the two western spadefoot populations (northern and southern) as threatened and endangered, respectively, under the California Endangered Species Act.

Table 2. Coverage of western spadefoot in NCCPs and HCPs.

Plan name	Year	Coverage of Spadefoot	Spadefoot Conservation Measures	Spadefoot occurrence in plan area	Acres of spadefoot (or other) habitat covered
Central/Coastal Orange County NHCCP/HCP	1996	Targeted ⁴	Western spadefoot habitat preservation, restoration, enhancement, and management. (via Reserve System) Mitigation for loss of vernal pool habitat (minimization, compensatory restoration/creation).	Found in numerous localities within Orange County. 9500+ acres of potential habitat and 10 known breeding sites conserved, 12,000+ acres potential habitat and 3 known breeding sites taken.	9500+ acres of potential habitat and 10 known breeding sites conserved, 12,000+ acres potential habitat and 3 known breeding sites taken.
Kern water bank HCP-NCCP	1997	Targeted	Take avoidance and minimization. Habitat management/restoration on previous ag lands, not specific to spadefoot - managed for of 30 animals and 15 plants. Leaves possibility for introduction of spadefoot into managed wetlands but does not require it.	No specific information. <i>Website shows spadefoot do occur there (https://www.kwb.org/sensitive-wildlife-species). CNDDDB shows numerous occurrences in and around the plan area.</i>	960 acres habitat preserve, 9,389 additional acres managed vegetation (p. S-2). No specific details on habitat types.
Natomas Basin, Sacramento HCP	2003	Targeted	Pre-construction surveys, take avoidance and minimization. Vernal pool mitigation via avoidance and preservation, vernal pool resources relocation, or payment into a conservation bank (p. V-5,6).	Low probability of occurrence in the plan area (p. II-36). <i>CNDDDB shows numerous occurrences nearby in western Placer County.</i>	Very small wetland area; not specifically defined but Fig 10 shows little coverage.
South Sacramento HCP	2018	Targeted	Mitigation for direct impacts (work timing, exclusion fencing, monitoring, avoiding entrapment, erosion control, encounter protocol) (p.5-96) and habitat preservation and management (p.7-224).	41 occurrences in plan area, 20 in Urban Development Area (p3-78).	Covered activities will impact 23,000 acres of modeled aquatic and upland habitat (p.6-236). The plan will preserve and link at least 1,647 acres of modeled aquatic habitat and 22,061 acres modeled upland habitat (p. 7-224).

⁴ “Targeted” indicates western spadefoot was included as a focal species of the plan. “Incidental” indicates that the plan does not include western spadefoot as a focal species but may benefit the species via habitat protections.

San Diego County Water Authority NCCP	2010	Targeted	Avoidance and minimization of impacts (surveys, exclusion fencing, invasive species management), including mitigation for impacted habitat. Vernal Pool Protection Policy states there should be no permanent impacts to vernal pools, requires mitigation for temporary impacts.	13 occurrences in plan area, 3 within probable impact zone.	Estimated maximum 373 acres total, all habitats (ES-1).
San Diego Gas & Electric NCCP	1995	Targeted	Avoidance and minimization of take, Avoidance, minimization and mitigation for loss of habitats (p.101).	No specific information.	Maximum 400 acres of impacts total, all habitats (p. vi).
Western Riverside County MSHCP	2003	Targeted	Maintain or improve vernal pool habitat. Management of alteration of hydrology, non-native plant species, farming, mining, grazing, off-road vehicle use and predation. (Table 5-2)	No specific information. <i>CNDDDB shows many occurrences in plan area.</i>	Plan area covers 7,910 acres (2.1.3), 6,750 conserved (Table 3-1).
San Joaquin County MSCP	2000	Targeted	Retain known breeding sites, compensate for habitat loss (3:1 for natural lands, 2:1 preservation plus 1:1 creation for vernal pools) (p. 4-18, 5-51, 6-6). Vernal pool protections including preserve formation with natural, restored, and artificial pools (p. 5-33, 6-3).	Specific locality data not provided. Lots of occupied habitat.	12,488 acres occupied, 61,864 potential habitat. Expected conversion of occupied/potential habitat is 5,103 acres (7% of total avail habitat).
Final MSHCP Plan, SANDAG for the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista	2003	Targeted	Western spadefoot habitat preservation and management, avoidance, and mitigation for habitat loss (no net loss of wetlands) (4-216). Conserve 3/4 known populations.	4 known population locations.	22 acres of vernal pool.

Lake Mathews HCP	1995	Targeted	Conserve habitat, minimize and mitigate project habitat impacts via mitigation bank credits, habitat restoration, enhancement, acquisition of replacement habitat.	2 known occurrences in existing reserve (surrounding lake), also present in mitigation bank lands (surrounding reserve) (p. 121).	2722 acres estimated habitat in Multiple Species Reserve, 236 acres in operations areas and plan area projects (p. 44).
Western Placer County NCCP	2020	Incidental	Vernal pools mitigation via preservation of existing vernal pools or pool restoration. Focused on vernal pool invertebrate habitat.	Western spadefoot has been found in vernal pool complexes in the non-participating city of Roseville and may occur in the vernal pool complexes in the Plan Area, though there are no known occurrences to date (p. 3-64). <i>CNDDDB shows numerous occurrences northwest of Roseville.</i>	Protect 17,000 acres of existing vernal pool complex, including 790 wetted acres of vernal pool constituent habitat. Restore/create 3,000 acres of vernal pool complex in the Reserve System (p. 5-17).
City of San Diego Vernal Pool Habitat Conservation Plan	2019	Incidental	Avoidance and minimization of impacts to vernal pools; mitigation via vernal pool restoration/enhancement/preservation. Focused on vernal pool invertebrates and plants.	No mention of spadefoot. <i>CNDDDB shows numerous occurrences in plan area.</i>	Conserve 38.3 acres of vernal pools at 73 sites (at least 2473 pools total). Manage 62 vernal pool sites in perpetuity. Restore 19 vernal pool sites (within 12 complexes). Note that 9 vernal pool sites in the plan area will not be conserved or managed under this plan (p. 5-2).
East Contra Costa County	2007	Incidental	Vernal pools mitigation via preservation of existing vernal pools or pool restoration/creation. Focused on federally-listed vernal pool invertebrate habitat.	No specific information. <i>CNDDDB shows no occurrences in plan area.</i>	121 acres of seasonal wetlands were mapped, vernal pool expected to be a small portion (p. 3-18).
San Diego MSCP South County Subarea Plan	1998	Incidental	Avoidance, minimization and mitigation for loss of wetlands (p.3-22). No specific mention of vernal pools or western spadefoot.	No mention of spadefoot. <i>CNDDDB shows numerous occurrences in and around the plan area.</i>	Conserving 738/928 acres disturbed wetlands (p. 3-19).

Yolo County HCP	2018	Incidental	Create reserve system for habitat preservation, restoration. Preservation of grassland and wetland habitat for California Tiger Salamander (approx. 2100 acres) could benefit spadefoot.	No specific information. <i>CNDDDB shows several occurrences in plan area.</i>	No specific information.
Orange County Transportation Authority NCCP HCP	2016	Incidental	None	No mention of spadefoot. Marginally suitable habitat. Limited potential to occur (App. p. 36).	Maximum 140 acres of impacts total, all habitats (ES-3).

XII. References

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Memorandum

Date: January 6, 2026

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Valerie Termini
Acting Director

Subject: **Initial Evaluation of the Petition to List the Northern and Southern Populations of Western Spadefoot (*Spea hammondi*) as Threatened or Endangered under the California Endangered Species Act**

The California Department of Fish and Wildlife (Department) has completed its initial evaluation of the petition to list the northern population of western spadefoot (*Spea hammondi*) as a threatened species and the southern population of western spadefoot as an endangered species under the California Endangered Species Act (CESA), Fish and Game Code section 2050 et seq. The Fish and Game Commission (Commission) received the petition from the Center for Biological Diversity on September 24, 2025. Pursuant to Fish and Game Code section 2073, the Commission referred the petition to the Department on October 6, 2025. On December 10, 2025, the Commission approved a Department request for a 30-day extension to further analyze the petition and complete its evaluation report in accordance with Fish and Game Code section 2073.5, subdivision (b).

The Department completed the attached petition evaluation report as required by Fish and Game Code section 2073.5. The Department's petition evaluation report delineates the categories of information required in a petition, evaluates the sufficiency of the available scientific information, and incorporates additional relevant information that the Department possessed or received during the review period. Based upon the information contained in the petition, and other relevant information in the Department's possession, the Department has determined that there is sufficient scientific information to indicate that the petitioned action may be warranted. The Department recommends that the Commission accept the petition for further consideration pursuant to CESA.

If you have any questions or need additional information, please contact Scott Gardner, Wildlife Branch Chief, at (916) 801-6257 or by email at Scott.Gardner@wildlife.ca.gov.

Attachment

Melissa Miller-Henson
Fish and Game Commission
January 6, 2026
Page 2

ec: **California Department of Fish and Wildlife**

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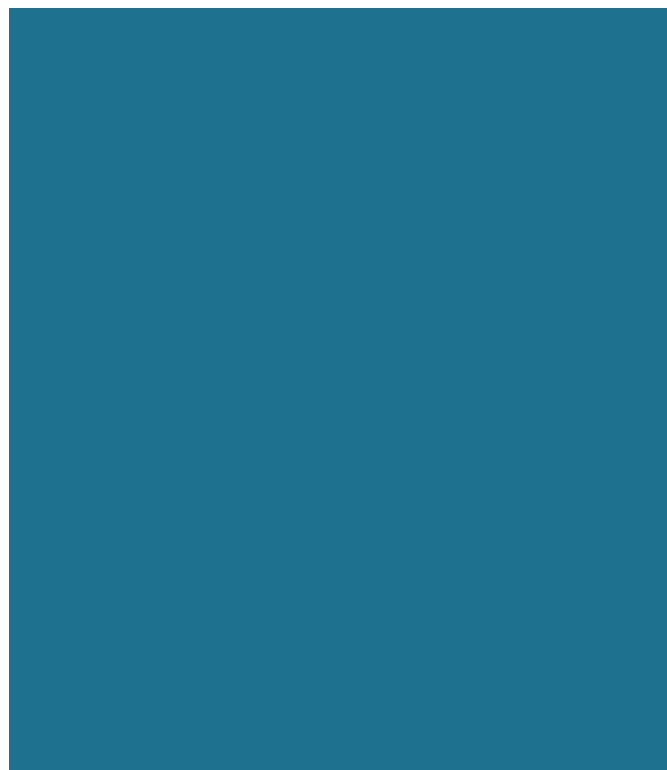
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

California Endangered Species Act



Petition Evaluation for Western Spadefoot (*Spea hammondi*)

Report to the Fish and Game Commission
January 2026



Cover page photo credit: Chris Brown (U.S. Geological Survey)

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LIST OF ABBREVIATIONS, ACRONYMS, AND TERMS

- Aestivation** – long-term dormancy during a hot or dry period
- Anuran** – tailless amphibian of the order *Anura*
- BLM** – Bureau of Land Management
- CESA** – California Endangered Species Act
- CNDDDB** – California Natural Diversity Database
- Commission** – California Fish and Game Commission
- Department** – California Department of Fish and Wildlife
- DPS** – Distinct population segment
- ESA** – Federal Endangered Species Act
- HCP** – Habitat Conservation Plan
- INRMP** – Integrated Natural Resource Management Plan
- IUCN** – International Union for Conservation of Nature and Natural Resources
- Metamorph** – Amphibian life stage occurring between the aquatic tadpole and terrestrial adult life stages
- NCCP** – Natural Community Conservation Plan
- N_c** – Census population size
- N_e** – Effective population size
- N_{eb}** – Effective number of breeding individuals
- NEPA** – National Environmental Policy Act
- RCIS** – Regional Conservation Investment Strategies
- SSC** – Species of Special Concern
- USFWS** – U.S. Fish and Wildlife Service

EXECUTIVE SUMMARY

This petition evaluation for western spadefoot (*Spea hammondi*) has been prepared by the California Department of Fish and Wildlife (Department) in response to the petition to list the northern population of western spadefoot as threatened and list the southern population of western spadefoot as endangered under the California Endangered Species Act (CESA) throughout their respective ranges in California. The purpose of this petition evaluation is to provide a recommendation to the Fish and Game Commission (Commission) on whether the petition provides sufficient information to indicate the petitioned action may be warranted.

Western spadefoot is a small- to medium-sized anuran amphibian which occurs in a variety of wetland and upland habitats within lowland areas of the Central Valley, Sierra Nevada foothills, and coastal California, south of the San Francisco Bay Area. The species requires wetland habitats (e.g., vernal pools) for breeding and early life stages and adjacent upland areas (e.g., grasslands) for adults during the nonbreeding season. The petition states that there are two genetically distinct populations (northern and southern) separated by the Transverse Ranges in southern California. The petition describes population-wide declines in the species between the 1970s and 1990s, with extirpation of some subpopulations in the Central Valley.

The Department has determined that the petition addresses each of the required petition components listed in Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1):

- Life history
- Range
- Distribution
- Detailed distribution map
- Kind of habitat necessary for survival
- Abundance
- Population trend
- Factors affecting the ability to survive and reproduce
- Degree and immediacy of threat
- Impact of existing management efforts
- Suggestions for future management
- Availability and sources of information

In completing its petition evaluation, the Department considered the information in the petition and other relevant information the Department possesses. The Department has determined that there is sufficient scientific information to indicate that the petitioned

action to list western spadefoot under CESA may be warranted. Therefore, the Department recommends that the Commission accept the petition for further consideration pursuant to CESA.

1 INTRODUCTION

1.1 Petition Evaluation Overview

This petition evaluation serves as the basis for the California Department of Fish and Wildlife's (Department) recommendation to the California Fish and Game Commission (Commission) on whether the petition to list the northern and southern populations of western spadefoot (*Spea hammondi*) as threatened and endangered species, respectively, under the California Endangered Species Act (CESA) should be accepted and considered. The recommendation is based on the sufficiency of scientific information in the petition, as well as other relevant information that was reviewed by the Department during the evaluation period.

A petition to list a species under CESA must include "information regarding the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population to survive and reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, and the availability and sources of information. The petition shall also include information regarding the kind of habitat necessary for species survival, a detailed distribution map, and any other factors that the petitioner deems relevant" (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

Once a petition is submitted to the Commission, the Department has 90 days (120 days with extension) to prepare a petition evaluation that assesses each of the petition components and makes a recommendation to the Commission as to whether there is sufficient scientific information to indicate that the petitioned action to list the species under CESA may be warranted (Fish & G. Code, § 2073.5, subs. (a)-(b)). Once completed by the Department, the petition evaluation is delivered to the Commission and placed on the agenda for receipt at the next available meeting of the Commission. At that time, the petition evaluation will be made available to the public for a 30-day public comment period prior to the Commission taking any action on the petition. The Commission then considers the petition, the Department's petition evaluation and recommendation, written comments received, and oral testimony, and will then make a finding at the next available meeting of the Commission as to whether the petition provides "sufficient information to indicate that the petitioned action may be warranted" (Fish & G. Code, § 2074.2, subd. (e)(2)). The standard for accepting a petition for consideration and assessing sufficiency of information is addressed in *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597.

If the Commission determines that the petitioned action may be warranted, the species becomes a candidate for CESA listing and proceeds to the status review stage of the

CESA listing process. The Department then prepares a peer-reviewed report that advises the Commission on whether the petitioned action is warranted, based upon the best scientific information available (Fish & G. Code, § 2074.6). Finally, the Commission determines whether the petitioned action to list the species as threatened or endangered is warranted, based on the Department's status review and other information in the administrative record (Fish & G. Code, § 2075.5).

1.2 CESA Petition History

On September 24, 2025, the Center for Biological Diversity submitted to the Commission a petition to list the northern and southern populations of western spadefoot as threatened and endangered species, respectively, under CESA. On October 6, 2025, the Commission referred the petition to the Department for evaluation. At its meeting on October 8, 2025, the Commission officially acknowledged receipt of the petition. At its meeting on December 10, 2025, the Commission granted the Department's request for a 30-day extension of the period to review the petition and prepare this petition evaluation.

1.3 Federal Endangered Species Act (ESA) Petition History

The western spadefoot was petitioned to be listed under the Endangered Species Act (ESA, 16 U.S.C. § 1531 et seq.) in 2012 (USFWS 2015). The U.S. Fish and Wildlife Service (USFWS) proposed to list the northern and southern distinct population segments (DPS) as threatened in 2023 (USFWS 2023). At the time this CESA petition evaluation was prepared, the USFWS had not published a final determination regarding the federal petition. Furthermore, critical habitats for the northern and southern DPSs were not determined due to lack of sufficient data.

1.4 Additional Species Status Designations

1.4.1 BLM Designated Sensitive Species

The western spadefoot is designated as a Sensitive Species by the Bureau of Land Management (BLM) (CNDDDB 2025). BLM identifies Sensitive Species as native species that occur, or are likely to occur, on BLM-administered lands, and are at risk of becoming ESA-listed, thus requiring special management.

1.4.2 California Species of Special Concern

The western spadefoot is designated as a Priority I Species of Special Concern (SSC) by the Department. The Department has assigned the species a Global Rank of G2G3 and a State Rank of S3S4, meaning the species is ranked between vulnerable and apparently

secure, and may be facing a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors (CNDDDB 2025).

1.4.3 IUCN Red List

The western spadefoot is listed at Near Threatened on the International Union for Conservation of Nature (IUCN) Red List, meaning the species is likely in significant decline due to widespread habitat loss throughout its range (IUCN 2022).

1.4.4 NatureServe Conservation Status Ranks

The western spadefoot is ranked as G2 by NatureServe, which classifies the species as declining due to impacts of urbanization, with additional threats from habitat fragmentation, exotic species, and climate change (NatureServe 2025).

2 SPECIES DESCRIPTION AND TAXONOMY

2.1 Species Description

The petition describes the western spadefoot as a small- to moderate-sized round anuran, with snout-to-vent length ranging from 3.8 to 6.3 cm (1.5–2.5 in) (Stebbins 2003). Western spadefoots are characterized with having large eyes with pale gold irises and vertical pupils in bright light and round pupils in dark light, teeth on the upper jaw, short and stout limbs, and a wedge-shaped hard black “spade” on each hind foot. Adult and juvenile dorsal coloration may be green, gray, or brown with irregular dark and light stripes and ventrally solid cream or light gray. The skin tubercles on their dorsal side typically have orange or reddish tips. The call of the male western spadefoot can be described as “hoarse” and “snore-like,” lasting on average 0.5 to 1 second long with a mean pulse rate of 29.4 to 44.5 pulses per second (Brown 1976).

Western spadefoot eggs are green or gray above and whitish below and form irregular cylindrical clusters of about 10–42 eggs. Eggs are attached to submerged objects such as underwater plant stems in temporary or permanent pools. Tadpoles have a large, round body, a thin, vertically flattened tail, and display similar coloration as the adults. They have a beaked upper mandible, a notched lower mandible, and oral papillae that encircle the mouth.

2.2 Species Taxonomy

The petition describes the taxonomy of the western spadefoot as a member of the family Scaphiropodidae, genus *Spea*, species *S. hammondi*. The petition states that the genus *Spea* was originally considered a subgenus of *Scaphiopus* until phylogenetic analysis determined that *Spea* and *Scaphiopus* were distinct genera. The petition also notes that

the western spadefoot was formerly in the family Pelobatidae; however, phylogenetic analyses has identified divergences in mitochondrial DNA and separated the North American spadefoots into Scaphiopodidae and the spadefoots of Europe, central and western Asia, and northwestern Africa into Pelobatidae.

2.3 Population Structure and Genetics

The petition states that the western spadefoot comprises two distinct populations (northern and southern), which are divided by the Transverse Ranges in Southern California. The petition summarizes a mitochondrial DNA phylogenetic analysis by García-París et al. (2003) that found the Alameda County (northern) and San Diego County (southern) western spadefoots do not form a monophyletic clade (i.e., two western spadefoot samples from San Diego County were more similar to plains spadefoot [*S. bombifrons*] and Great Basin spadefoot [*S. intermontana*] than to a western spadefoot sample from Alameda County), suggesting that the two populations are genetically distinct. Additional ecological niche models suggest that the northern and southern populations dispersed along different corridors during the last glacial age and now may occupy different habitats (Gherghel and Martin 2020). The petition also describes a genetic analysis investigating five nuclear protein-coding genes and a mitochondrial gene that determined that the northern and southern populations are two genetically distinct populations of western spadefoot divided by the Transverse Ranges (Neal et al. 2018). The petition notes that the northern and southern populations of western spadefoot have likely been separated for thousands of years which warrants treatment of the two populations as separate conservation units.

Furthermore, the petition describes two genetic clusters of spadefoots in Orange County, which is one of the last strongholds of western spadefoot in the southern population. Inland and coastal Orange County populations were found to be genetically distinct (Neal et al. 2020). The petition discusses possible reasons for the divergence in Orange County, including limited movement and strong philopatry as well as intensive urban development that has fragmented habitat. The petition states that fragmented populations in Orange County show very low effective population sizes (N_e ; 1.2–12.2) and number of effective breeders (N_{eb} ; 1.4–19.8) per breeding pond (Neal et al. 2020). The petition argues that these pond specific estimates of N_e and N_{eb} are much lower than the minimum required to prevent inbreeding depression in the short-term (50) or to retain evolutionary potential in the long-term (500). This conservation management benchmark, known as the 50/500 rule, was established to describe theoretical minimum viable effective population sizes (Frankham et al. 2014, Clark et al. 2024). However, the petition notes that more recent conservation recommendations suggest a 100/1000 rule to more accurately reflect the needs of wild populations (i.e., larger effective population sizes are required to prevent inbreeding depression in wild populations; Frankham et al.

2014). As such, the petition argues that the Orange County spadefoots are in danger of severe inbreeding depression due to low population size.

The petition states that population genetic information does not exist for the northern population of western spadefoot. However, the petition hypothesizes that because the northern population faces similar threats of habitat loss and fragmentation as the southern population, it may be facing similar genetic isolation, low genetic diversity, and risk of extirpation.

2.4 Similar Taxa

The petition states that currently, spadefoots west of the Sierra Nevada and in Baja California are considered as western spadefoot (*S. hammondi*). Previously, two closely related species, now known as the Great Basin spadefoot (*S. intermontana*) and the Mexican spadefoot (*S. multiplicata*), were considered subspecies of *S. hammondi*. Differences in morphology, breeding behavior, and reproductive biology now separate these distinct species.

3 SUMMARY OF PETITION COMPONENTS

Pursuant to Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1), the Department evaluated whether the petition contained information on each of the following petition components:

- Life history;
- Range;
- Distribution;
- Detailed distribution map;
- Kind of habitat necessary for survival;
- Abundance;
- Population trend;
- Factors affecting the ability to survive and reproduce;
- Degree and immediacy of threat;
- Impact of existing management efforts;
- Suggestions for future management; and
- Availability and sources of information.

The Department did not receive new information from the public during the petition evaluation period (Fish & G. Code, § 2073.4). Pursuant to Fish and Game Code section 2073.5, the Department evaluated the petition to determine whether there is, or is not, sufficient information to indicate that the petitioned action may be warranted. A summary of the relevant information from the petition for each of the petition

components is presented below. The Department has grouped similar components together and renamed components to create a more cohesive and readable document.

3.1 Life History

This section summarizes the information in the petition regarding the species' life history (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition describes the life history of the western spadefoot on pages 2, 7–11, and 14, providing information on its life cycle, breeding ecology and behavior, diet, foraging ecology, predators, burrowing behavior, movement, home range, and population dynamics. The following is a summary of the information provided.

The petition describes the western spadefoot as a cryptic species with a biphasic life cycle dependent on both terrestrial and aquatic habitats. Adults spend most of their lives in self-made underground burrows, though they may occupy burrows made by small mammals, primarily during the dry season. The dry season triggers aestivation, or long-term dormancy, that may last 125–220 days. Adults emerge during the wet season, from late fall to early spring, at night to forage and breed. The petition notes that the factors determining emergence for western spadefoot are not well understood and provides examples from related species. For example, vibrations from rainfall, flooding, or wet soil around burrows may initiate emergence for Couch's spadefoot (*Scaphiopus couchii*) and Mexican spadefoot. The petition presents recent research that suggests that western spadefoot may be more active outside the burrow year-around, rather than only during the wet season.

The petition describes the breeding season for western spadefoot as generally occurring from January to May, though the species may breed opportunistically year-round depending on environmental conditions. Breeding behaviors for the species have been observed outside the typical period across its range after heavy rains. The petition describes western spadefoots as forming "large (>1000 individuals), highly vocal breeding aggregations" in aquatic environments such as vernal pools, intermittent streams, reservoirs, and irrigation ditches, which may occur multiple times during a season. The petition states that after breeding, females lay a total of 300–500 eggs in multiple irregular cylindrical clusters of 10–42 eggs on submerged objects.

Western spadefoot eggs develop at temperatures of 9 to 30 °C and hatch in 3–4 days. The petition notes that larval development time varies depending on environmental conditions. In some locales, larval development lasted an average of 58 days with a range of 30–79 days, but laboratory experiments accelerated metamorphosis to 14 days when water volume was reduced. However, metamorphs (the life stage between aquatic tadpole and terrestrial adult life states) that develop faster (due to limited availability of standing water) tend to be smaller than metamorphs that have more time to develop

(due to longer-standing water), which could affect survival rates. Upon development of forelimbs, metamorphs venture out of the natal pond and take refuge in moist cracks around the pond. An individual is considered sexually mature when it reaches 4–4.5 cm in snout-vent length. The petition mentions that age at maturity, however, is not well understood, and may depend on environmental conditions and food availability. The petition states that males may reach sexual maturity between one and two years after metamorphosis, whereas females require at least two years based on laboratory studies.

The petition states that limited information is available on the diet of western spadefoots. The petition describes adults and juveniles as likely generalist predators, hunting at night for terrestrial invertebrates. Information on larval diets for western spadefoot is lacking, though tadpoles of the related Mexican spadefoot have both carnivorous and omnivorous morphologies (jaw size), feeding on fairy shrimp or detritus and algae, respectively (Pfennig 1990). The petition posits that western spadefoot tadpoles may have a similar diet and varied jaw morphology.

The petition notes that generally western spadefoots can travel greater than 1 km between burrows and breeding sites, but may be constrained by weather conditions, terrain, and habitat connectivity. In addition, the petition summarizes recent research conducted on movement distance in the southern population of western spadefoot. Rainfall and high relative humidity were found to increase the dispersal distance from breeding pools, though the maximum distance traveled differed between the coastal and inland populations of the southern population, at 601 m and 145 m, respectively (Halstead et al. 2021). The petition notes that the timing and distance of juvenile dispersal from the breeding pool is also unknown. Juveniles have been observed exploring terrestrial habitat immediately around the breeding pool during metamorphosis and after the pool has dried. Home ranges of western spadefoots appear to vary depending on location, weather conditions, and potential resource availability. The petition describes that western spadefoots within the southern population appear to exhibit strong site fidelity. In one study conducted within the southern population, the mean 95% home range area was 0.52 ha, with coastal populations having 3.6 times larger home ranges than the inland populations. The petition notes that the reason for the difference in home range sizes is currently unknown (Halstead et al. 2021).

The petition discusses the general lack of information regarding survivorship for western spadefoot. Adults of the southern population have an estimated 51% annual probability of survival, with the greatest risk during the breeding season compared to aestivation. Larval survival is highly dependent on weather conditions, food availability, and predator presence. The petition notes that although tadpoles may metamorphose faster in pools that dry quicker, they remain at risk of desiccation before metamorphosis is complete and have an increased predation risk. The petition mentions California tiger salamander larvae, adult American bullfrogs, garter snakes, raccoons, and other

mammals and birds as reported predators of western spadefoots. Adult western spadefoots defend against predators by producing an unpalatable skin secretion that causes a burning sensation.

3.2 Range and Distribution

This section summarizes the information in the petition regarding the species' range and distribution and provides a detailed distribution map (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)). A species' range for the purposes of CESA and this petition evaluation is the species' range within California (Cal. Forestry Assn. v. Cal. Fish and Game Com. (2007) 156 Cal.App.4th 1535, 1551). Range describes the general geographical area in which a species occurs. Distribution describes the actual sites where individuals and populations of the species occur within the species' range.

The petition describes the historical range of the western spadefoot as occurring from southern Shasta County to northwestern Baja California (**Figure 1**), making this species nearly endemic to California. The western spadefoot occurred historically in 31 counties, spread across the "Central Valley, Sierra Nevada foothills, and coastal California south of the San Francisco Bay Area" as shown in the range map provided (**Figure 2**). The map (**Figure 2**) also depicts contemporary observations and museum records compiled in the California Natural Diversity Database (CNDDDB).

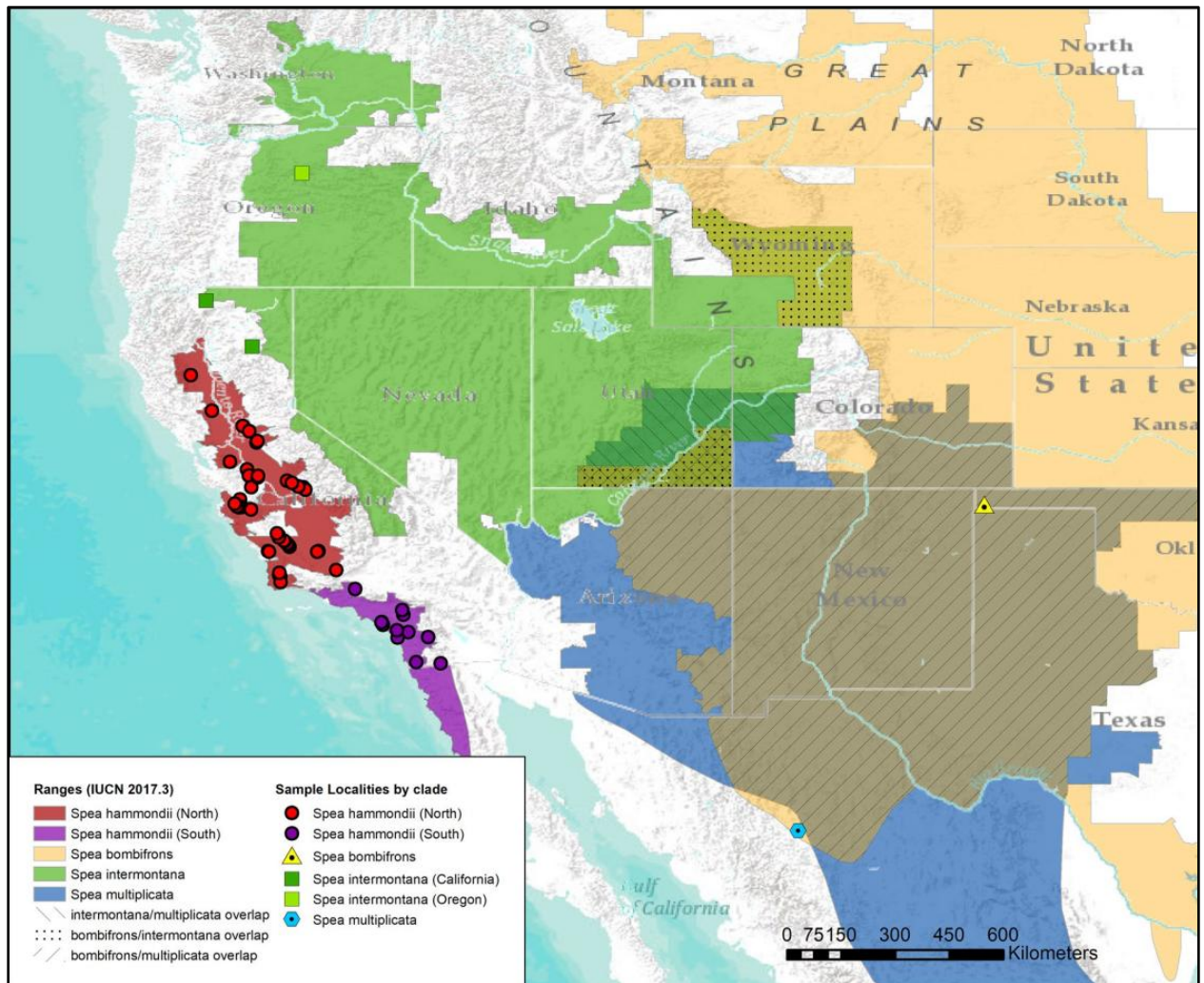


Figure 1. Map depicting northern (red) and southern (purple) distinct genetic populations of western spadefoot (*Spea hammondii*) in California. Other *Spea* species' ranges include the Plains spadefoot (*Spea bombifrons*, yellow); Great Basin spadefoot (*Spea intermontana*, green); and Mexican spadefoot (*Spea multiplicata*, blue). Figure 2 in the petition.

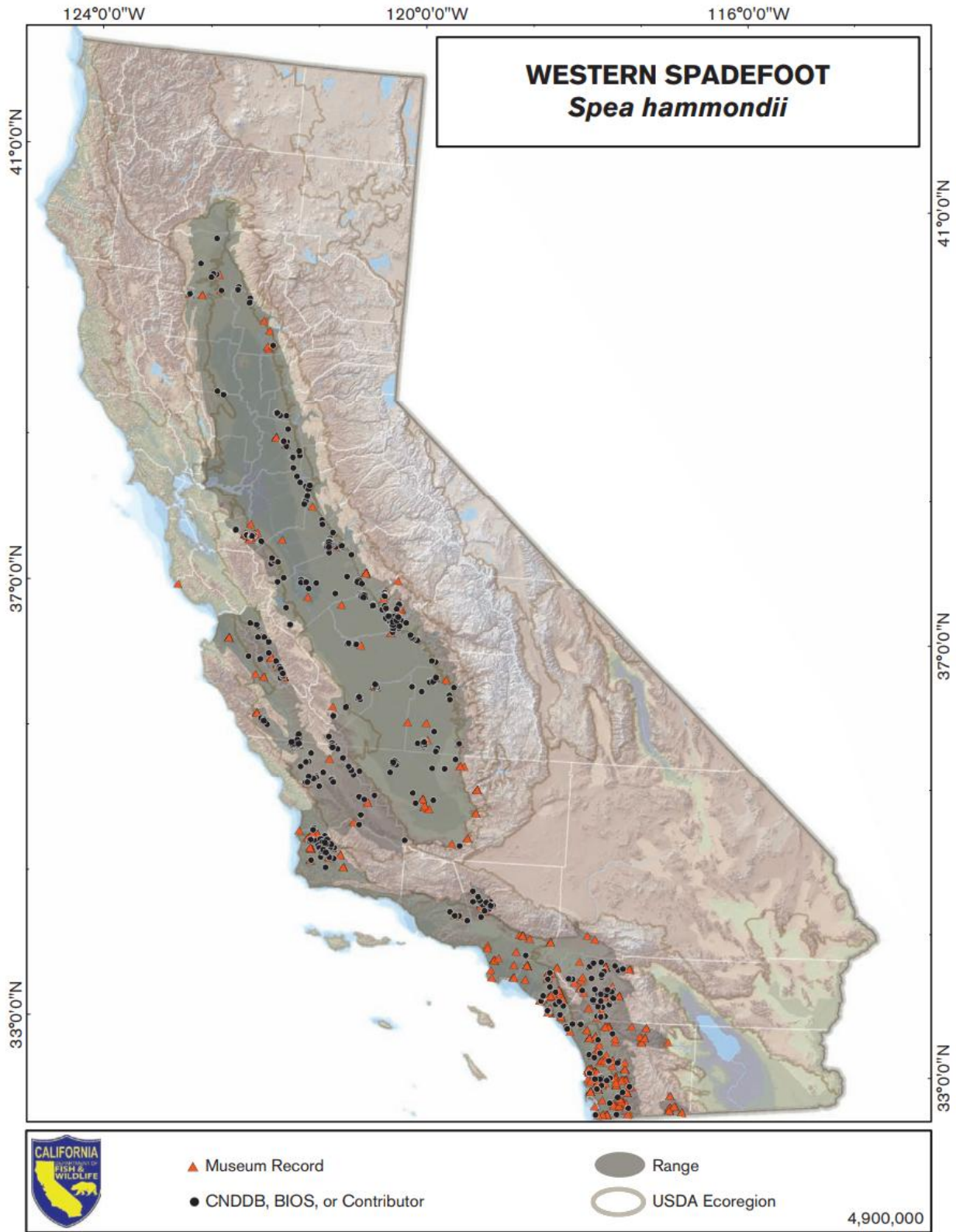


Figure 2. Western spadefoot range, including contemporary observations and museum records from numerous sources. Figure 6 in the petition.

The petition describes the contemporary range and distribution of the western spadefoot on page 14 and pages 18–19. The petition states that the southern population of western spadefoot is now extirpated through much of lowland Southern California, confined to the southern half of that area and to the uplands surrounding the Los Angeles Basin. The petition notes the loss of up to 80% of suitable habitat in Southern California as a factor for the range contraction. The distribution of western spadefoot is driven by availability of suitable breeding pools. For the southern population, researchers predict that coastal populations occur within 486 m of breeding pools and inland populations occur within 187 m of breeding pools. The northern population of western spadefoot has become extirpated in many historical Central Valley locations. Additionally, the petition states that populations persisting in the Central Valley have been observed, on average, at higher elevations than seen in historical, extirpated populations. The petition notes that the northern population has lost an estimated 30% of suitable habitat. The petition describes the loss of vernal pool complexes as a significant driver of western spadefoot extirpation across its historical range.

The department has access to a study (Shedd 2016) which was not included in the petition, and which describes numerous extant populations at localities in Butte, Glenn, Tehama, and Shasta counties despite habitat loss in the region. These detections likely represent the northernmost edges of the species' range.

3.3 Habitat

This section summarizes the information in the petition regarding the kind of habitat necessary for species survival (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition describes the habitat requirements of western spadefoot on pages 7 and 12–16. The petition states that the western spadefoot requires aquatic breeding habitat connected to terrestrial over-summering habitat. The petition discusses that vernal pool complexes are ideal habitat for the species due to their temporary nature, allowing western spadefoots refuge from predators that require permanent waterbodies, such as American bullfrogs (*Lithobates catesbeianus*). Other water bodies such as intermittent streams, reservoirs, irrigation ditches, stock ponds, and artificial mitigation ponds also provide potential breeding habitat.

The petition notes that western spadefoot are most often associated with grasslands, though “coastal sage scrub, chaparral, oak woodland, washes, river floodplains, alluvial fans, playas, lowlands, and foothills” can also provide habitat for western spadefoots. In the northern population, areas with 60% or more grassland cover within 2,000 m of ephemeral pools predict western spadefoot occurrence. Additionally, the northern population of western spadefoots seemingly prefer sandy soil and sloping foothills in the

Central Valley out of the ranges of introduced predators (see 3.5.3 below). Habitat-use within the southern population of western spadefoot was positively related to grassland or shrub/scrub cover and sandy soil within 1000 m of vernal pools. Greater depth to bedrock and lower-angled or flat slopes are also important habitat characteristics for western spadefoots. Western spadefoots mainly occur below 365 m (1,000 ft) elevation. However, the maximum recorded elevation of a western spadefoot occurrence was 1,410 m (4,626 ft) in San Diego County.

Burrow depth of the western spadefoot is not well understood. The petition points out that many reports cite a maximum depth of 1 meter from a study conducted in 1969 on what is now classified as the Mexican spadefoot, before it was recognized as distinct from western spadefoot. A more recent, though limited, study on the southern population of western spadefoots found a range of burrow depths from 1 to 18 cm (Baumberger et al. 2019). Juveniles may burrow between 10 and 20 cm deep (Morey and Reznick 2001). Burrow depths, as well as locations, may vary depending on the season.

The petition states that western spadefoot burrow location preferences may be flexible, likely influenced by total annual rainfall. In the southern population of western spadefoot, animals in coastal sites in dry years preferred to burrow in friable, sandy/loam soils, in grasslands rather than shrubs, and were likely to utilize existing small mammal burrows. During wet years, the coastal western spadefoots avoided grasslands and burrowed under trees or shrubs. The southern inland western spadefoots did not display strong habitat preferences but had a slight inclination towards burrowing in bare ground with shrubs and forbs as cover.

Additionally, the petition notes that because connectivity between aquatic breeding habitat and terrestrial burrowing habitat is also crucial to population persistence, western spadefoots are highly sensitive to habitat fragmentation and are at risk of local extinction.

3.4 Abundance and Population Trend

This section summarizes the information in the petition regarding the species' abundance and population trend (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses the abundance and population trends of western spadefoot on pages 12 and 19–20. The petition describes the population dynamics of the western spadefoot as unstable, due to yearly variability in breeding and recruitment depending on the ecological conditions. The petition states that patterns of western spadefoot population-wide decline were observed as early as the 1970s and that by the 1990s, populations in the Sacramento Valley were completely extirpated and densities in the

eastern San Joaquin Valley had decreased. However, the Department has information documenting extant populations in the Sacramento Valley (Shedd 2016). The petition argues that widespread habitat loss indicates a range-wide decline in the species.

The petition does not provide historical abundance data but provides information on current abundance estimates. The petition acknowledges that estimates of abundance across the species' range are scarce, citing a 2016 study at the Mather Airport in Sacramento County that estimated the number of breeding adults at a few dozen. Based on this number of adults, the petition suggests that the effective population size at the Mather Airport is likely less than 10. As discussed in the petition on page 6, the fragmented populations in Orange County had very low estimated effective population sizes (1.2 to 12.2) and number of effective breeders (1.4 to 19.8) at breeding ponds (Neal et al. 2020).

3.5 Threats

This section summarizes the information in the petition regarding the factors affecting the ability of the species to survive and reproduce, and the degree and immediacy of threats (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses threats to western spadefoot in the section titled “Factors Affecting the Ability of the Species to Survive” on pages 20–36 and the section titled “Degree and Immediacy of Threat” on page 36.

The petition discusses four (4) main types of threats:

1. Habitat loss, degradation, and fragmentation
2. Disease
3. Invasive species
4. Climate change

3.5.1 Habitat loss, degradation, and fragmentation

The petition states that habitat loss, degradation, and fragmentation are important threats to amphibians worldwide, and habitat loss and fragmentation due to urban and agricultural development are primary threats to western spadefoot. The petition argues that the species commonly occurs in grassland and shrubland habitats that are at elevated risk of development, conversion to agriculture, or loss to altered fire regimes, and therefore is at continued risk of declining habitat quantity and quality. The petition also states that there has been a 90% loss of vernal pools in California historically, and loss of vernal pool habitat continues due to land conversion. The petition lists five sources of habitat loss, degradation, and fragmentation, which include: urban development, roads, agriculture, extractive development, and off-road vehicle use.

Urban development – The petition states that urban development is the primary cause of population decline and of habitat loss for western spadefoot and predicts urban development rates to increase and continue to negatively affect the species. The petition notes that urban development can occur over all habitat types required for the species and that grassland, shrubland, and vernal pool habitat are especially impacted. The petition estimates that urban development is responsible for up to 80% of suitable western spadefoot habitat destruction in southern California and approximately 30% in northern California. The petition argues that urban development results in “edge effects” to the species. It also discusses that urban development leads to fragmented habitats and to loss of connectivity between populations and creates barriers between breeding and non-breeding habitats. The petition provides six examples of approved or proposed development projects which are likely to directly impact populations and their habitats. The petition states that continued urban development may drive the species to extinction.

Roads – The petition discusses that roads have detrimental impacts to many amphibian species and populations, including western spadefoot which has been ranked at high risk from roads (Brehme et al. 2018). The petition states that roads cause habitat fragmentation and introduce barriers to animal movement and create isolated populations. This loss of connectivity may isolate breeding sites, reduce genetic diversity within the species, and lead to an inability to recolonize suitable habitat when extirpated. The petition notes that roads may cause indirect effects to amphibians and their habitats through the introduction of non-native species and pollutants from runoff and road construction. The petition states direct mortality from vehicle strikes and road construction are also a threat for the western spadefoot. The petition cites a publication (USFWS 2005) which states that vehicle strikes are common and widespread for western spadefoot.

Agriculture – The petition states that “agricultural development and practice have been major contributing factors to the decline of western spadefoot” historically and are of concern for the future conservation of the species. The petition discusses that agricultural development and practices may destroy and degrade habitat through the introduction of invasive plant species, pollutants, and pesticides. The petition notes that agricultural practices can change vernal pool hydrology which may degrade breeding habitat. The petition also notes that even when vernal pools are managed, management practices may be insufficient and lead to inadequate frequency, duration, and timing of water availability. Such management may create unsuitable breeding habitat and encourage the presence of non-native predators such as American bullfrog. The petition cites a study (Davidson et al. 2002), which documented that the impacts of agriculture may reach as far as 5 km from the site of agricultural activity, to argue that agricultural practices may negatively impact areas of presumably unimpacted, suitable western spadefoot habitat. The petition also notes that ranching practices may not directly

destroy habitat but may cause direct mortality. Ranching may also cause habitat degradation via trampling and lead to the introduction of non-native plant species. The petition does provide a caveat that sustainable grazing practices may be of benefit to the species and its habitat, but that more research is needed.

Extractive development – The petition states that while the full impacts are unknown, extractive development (mining or drilling for oil and gas) is likely having negative impacts on the species. The petition mentions that extractive development may cause direct mortality, destruction of habitat, and degradation of habitat which may negatively impact the species. Specifically, the petition notes that because western spadefoot are sensitive to stimuli during the dormant periods (Dimmitt and Ruibal 1980), soil disturbance and activities which create vibration and noise may interrupt spadefoot biology and reduce individual fitness and cause mortality (USFWS 2005).

Off-road vehicle use (ORV) – The petition discusses that ORV use can alter and degrade habitat. While not assessed specifically for western spadefoot, other amphibian species have experienced negative impacts of ORV use via direct mortality from vehicle strikes and habitat degradation. The petition states that ORV use can alter hydrology, cause erosion and sedimentation, and introduce pollutants which degrade habitat suitability for amphibians. The petition also states that, like roads, ORV trails decrease connectivity between amphibian populations. The petition highlights that ORV use near breeding habitats (vernal pools) may have strong impacts on the species; because the species' metamorph life stage can persist within dry vernal pools (Alvarez and Kerres 2023), whole generational cohorts may be injured or destroyed by ORVs driving through dry vernal pools.

3.5.2 Disease

The petition states that diseases such as Chytridiomycosis, caused by the fungus *Batrachochytrium dendrobatidis* (*Bd*), have been linked to declines in amphibians globally. *Bd* infections and Chytridiomycosis have been documented in California and are attributed to the decline of several native amphibian species. The petition argues that while there is no known available data regarding *Bd* infection in western spadefoot, there is risk of infection to the species due to overlap in the species' range and areas of moderate and high *Bd* prevalence in other species. Furthermore, the petition states that *Bd* infection in a related spadefoot species (Mexican spadefoot) suggests that western spadefoot may be susceptible to the disease. The petition also suggests that western spadefoot may become at risk of another Chytrid fungus (*B. salamandrivorans*) if it is ever introduced to California.

The petition also discusses that Ranaviruses may pose a risk to western spadefoot. While Ranaviruses have not been well studied in western spadefoot, the petition describes that

they have been detected in other U.S. native amphibian species, including the plains spadefoot, with detrimental effects on individual fitness and survival, with potential population level effects.

The petition also describes that amphibians in general are susceptible to various pollutants and contaminants from anthropogenic sources which can influence population viability. The petition states that western spadefoot may be exposed to various toxins (e.g., pesticides, heavy metals, air pollutants) across its range from a variety of sources such roads, agriculture, and development. The petition notes that the species' sensitivity to such exposures is understudied, but there is potential for these compounds to cause disease, reduce fitness, and mortality.

3.5.3 *Invasive species*

The petition states that invasive species have negative impacts on various amphibian species populations due to competition, predation, hybridization, and spread of disease. The petition describes three invasive species which may pose particular threats to western spadefoot. First, the petition discusses that non-native mosquito fish (*Gambusia affinis* and *G. holbrooki*) can prey upon western spadefoot tadpoles (USFWS 2005) and may act as disease vectors (Brenes et al. 2014). Next, the petition states that non-native crayfish prey upon amphibian egg masses and larval life stages, and the petition suggests that this predation may inhibit population growth in some spadefoot populations (Jennings and Hayes 1994; USFWS 2005). Finally, the petition states that American bullfrogs are known to consume other amphibians, including other spadefoot species, and may consume western spadefoot tadpole and metamorph life stages. The petition also notes that American bullfrogs are a known reservoir host for *Bd* and ranaviruses. The petition discusses that because American bullfrogs rely on permanent water bodies as habitat, western spadefoot populations occurring in vernal pools are at lower risk than populations occurring in or near perennial waters where the two species may co-occur.

3.5.4 *Climate change*

According to the petition, climate change is one of the greatest threats to amphibians worldwide. The petition predicts that climate change is expected to lead to increased temperatures, warmer winters and summers, shifts in precipitation regimes, alterations in phenological timing, and higher drought risks. The petition argues that these effects threaten western spadefoot habitat quantity and quality and the ability for individuals to survive. The petition notes that while the species is adapted to occasional drought, prolonged drought may result in local extirpation and decline of the species. The petition has particular concern for the species because breeding may be triggered by precipitation and sufficient periods of inundation are required for early life stages, and

changes in precipitation patterns and inundation timing may reduce breeding or lead to increased predation by promoting conditions that support invasive predators (e.g., American bullfrog). Finally, changes in ecological conditions can create a mismatch in the timing of resource availability and western spadefoot development (phenological mismatch) which may result in stressors that influence population viability. The petition argues that northern subpopulations may be particularly vulnerable to impacts of climate change.

3.5.5 Synergistic effects

The petition argues that the interaction or cumulative impacts of multiple stressors could present heightened challenges to western spadefoot survival and could result in jeopardy to the species' existence. The petition describes examples of how climate change may interact with habitat loss and how diseases may interact with other stressors (e.g., climate change, invasive species, predation) to increase extinction risk for the species.

3.5.6 Degree and Immediacy of Threats

The petition states that urban and agricultural developments are immediate and ongoing threats to the species. The petition outlines that western spadefoot populations in Southern California are at risk from continued and increasing urbanization in the future and that without protection, southern subpopulations may be extirpated. The petition argues that agriculture development and land conversion to urban and industrial land types are threats to populations in Central and Northern California, and that these threats, combined with the many other threats described, may drive these populations to extirpation.

3.6 Existing Management

This section summarizes the information in the petition regarding the impact of existing management efforts on the species (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses the impact of existing management efforts for western spadefoot in the section titled “The Inadequacy of Existing Regulatory Mechanisms and Impact of Existing Management Efforts” on pages 37–50.

The petition describes the current federal regulatory mechanisms that may provide protection for western spadefoot, including protection provided by the National Environmental Policy Act (NEPA); the previous protection of breeding habitat via the Clean Water Act; indirect protection provided when western spadefoot co-occurs in habitat protected for other species that are listed under the Federal ESA, including

designated critical habitat; protection for populations that occur on seven National Wildlife Refuges via the National Wildlife Refuge System Improvement Act of 1997; resource management on military lands implemented by Integrated Natural Resource Management Plans (INRMP) under the Sikes Act; habitat management on public lands administered by BLM through the Federal Land Policy and Management Act, and natural resource management policy for populations which occur on National Monument lands and on lands conserved under agricultural and conservation easements.

The petition also describes the current state regulatory mechanisms that may provide protection for western spadefoot. These include designation as a Species of Special Concern in California; protections provided by the California Environmental Quality Act; the protection of habitat and populations that occur on 22 state Ecological Reserves, six state Wildlife Areas, one state marine conservation area, and on lands conserved under agricultural and conservation easements; vernal pool and other temporary wetland habitat protection under the Porter-Cologne Water Quality Control Act; and regulation of coastal wetland habitats under the California Coastal Act.

Finally, the petition describes local and regional regulatory mechanisms which may benefit western spadefoot. These include benefits to the species through being protected under 15 conservation plans (Habitat Conservation Plans [HCPs], Natural Community Conservation Plans [NCCPs], joint HCP/NCCPs, and Multiple Species HCPs), either directly by managing for the species or indirectly through the management of vernal pool habitat. The petition also mentions species and habitat management through the implementation of four Regional Conservation Investment Strategies (RCIS) that identify western spadefoot as a focal species and two RCISs which include western spadefoot as a non-focal species. The petition notes that three additional RCISs overlap with western spadefoot range but exclude the species from their strategies.

The petition states that the existing regulatory mechanisms and management efforts are not sufficient to prevent further species decline. The petition states that this insufficiency is due in part to the recent repeal of regulations for implementation of NEPA, insufficient mitigation under the Clean Water Act for projects that impact wetlands, a recent U.S. Supreme Court decision that limits the wetlands that are protected by the Clean Water Act, lack of protection under the federal ESA and proposed changes to the definition of “harm” under the ESA, and because only a small portion of the western spadefoot population occurs on protected lands.

3.7 Future Management

This section summarizes the information in the petition regarding suggestions for future management (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

On pages 51–52, the petition provides the following recommendations for future management of western spadefoot:

- List the northern and southern populations of western spadefoot as threatened and endangered, respectively, under CESA.
- Conduct systematic surveys of historical localities that have not been assessed in the past 20 years, particularly in the Central Valley.
- Permanently protect currently occupied aquatic breeding and upland habitat.
- Protect habitat that connects upland over-summering habitat with aquatic breeding habitat to maintain connectivity and dispersal ability.
- Establish buffer zones around protected habitat to minimize edge effects from human disturbance and shifts in ranges due to climate change.
- Avoid or minimize new road construction in western spadefoot habitat and improve connectivity at existing barriers.
- Restore breeding and upland habitat, including creating artificial ponds and reestablishing native grasslands.
- Fund further monitoring and research of western spadefoot life history, genetics, distribution, disease threats, and potential strategies for adaptive management.
- Investigate translocation and re-introduction in previously occupied areas with suitable habitat.
- Encourage sustainable grazing practices in highly altered rangeland and discourage conversion to row crops or irrigated crops.

3.8 Availability and Sources of Information

This section summarizes the information in the petition regarding availability and sources of information (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition cites an extensive list of sources on pages 57–70. The Department referenced additional literature when developing this petition evaluation (see Literature Cited section).

4 OTHER RELEVANT INFORMATION AVAILABLE TO THE DEPARTMENT

Pursuant to Fish and Game Code section 2073.5, the Department also evaluates petitions in relation to other relevant information the Department possesses or receives.

The Department possesses considerable other relevant information related to western spadefoot. Time constraints do not allow for a comprehensive review of all this other relevant information available at the petition evaluation stage of the CESA process;

however, the Department evaluated a subset of readily available information and expertise relating to the species' distribution and existing management protections.

The Department possesses additional information related to the current distribution of the species in the Sacramento Valley (see Section 3.2 and 3.4 above; Shedd 2016), current distribution in the San Joaquin Valley and Central Coast, and information related to the species' biology and movement patterns in Southern California. This information is included in various survey reports for state owned and managed lands, Scientific Collecting Permit reports, scientific data and reports shared by collaborators, unprocessed CNDDDB data sources, GIS spatial data, lists of conservation plans for the species (CDFW 2023), and incidental observations.

To the extent the Department was able to review other relevant information in its possession as it relates to the petition, the Department concluded that none of the additional information constitutes countervailing information that wholly undercuts the conclusions in the petition at this juncture in the listing process. If the Commission accepts the petition for consideration, all reasonable attempts will be made by the Department to notify affected and interested parties and to solicit data and comments on the petitioned action (Fish & G. Code, § 2074.4). At that time, the Department will commence a review of the status of the species and produce a written peer-reviewed report, based upon the best scientific information available to the Department, which indicates whether the petitioned action is warranted (Fish & G. Code, § 2074.6).

5 SUFFICIENCY OF SCIENTIFIC INFORMATION AND RECOMMENDATION TO THE COMMISSION

The Department evaluated the petition components set forth in Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1) for sufficiency of information pursuant to Fish and Game Code section 2073.5. Based upon the information contained in the petition and other relevant information, the Department determined there is sufficient information to indicate that the petitioned action may be warranted (Fish & G. Code § 2073.5). Therefore, the Department recommends the Commission accept the petition for further consideration under CESA. If the Commission accepts the petition for further consideration, the Department will commence a review of the status of the species at that time pursuant to Fish and Game Code section 2074.6 and California Code of Regulations, title 14, section 670.1, subdivision (f).

ACKNOWLEDGEMENTS

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Credit: John Battistoni (CDFW)

Petition Evaluation: western spadefoot

Spea hammondi

**Presentation to the California Fish and
Game Commission**

April 16, 2026

Austin Roy & Katherine Russell

Wildlife Branch – Wildlife Diversity Program



Presentation Overview

Status and Listing History

Petition Components

- Life History

- Range and Distribution

- Habitat

- Population Abundance and Trend

- Threats

- Existing and Future Management

Recommendation



Status and Listing History

CESA Petition Received: Sept. 24, 2025

- **Northern populations: Threatened**
- **Southern populations: Endangered**

Petitioner: Center for Biological Diversity

Federal ESA:

- 2012: Petitioned
- 2023: Proposed to list northern and southern DPS as threatened
- Determination pending



Chris Brown (USGS)

Life History

Small- to moderate-sized

Biphasic lifecycle

- Terrestrial
- Aquatic

Generalist diet

Average home range = 0.5 ha



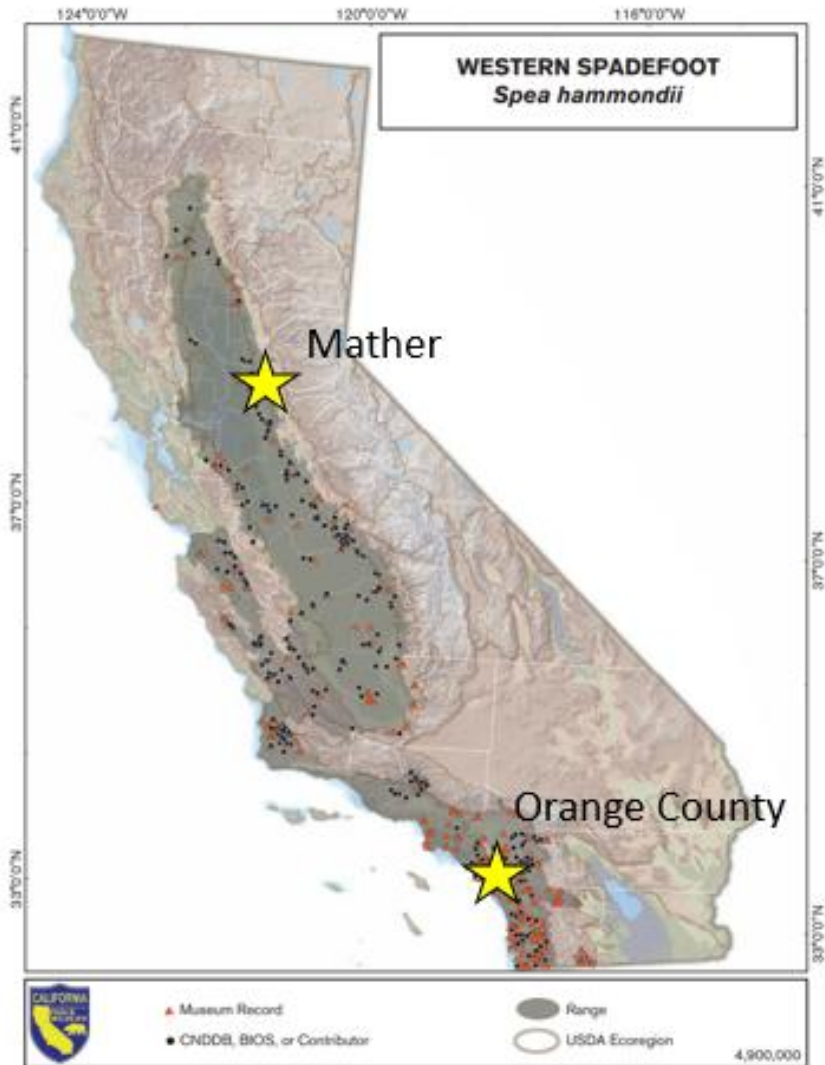
Distribution



USFWS 2023

- Central Valley & Sierra Nevada foothills
- Coastal California
- Two populations:
 - Northern population
 - Southern population

Abundance



Southern population

- Habitat loss = 80%
- Extirpations
- Range contraction

Northern population

- Habitat loss = 30%
- Extirpations
- Less prevalent at low elevation

Habitat



Biphasic

- Aquatic
 - Seasonal water sources
- Terrestrial
 - Vegetation cover
 - Soils for burrowing



Threats

- Habitat-based
- Disease
- Invasive species
- Climate change



Threats: habitat-based

- Urban development
- Roads
- Agriculture & grazing
- Extractive development
- ORV-use

Urban development



Grazing



Roads & ORV

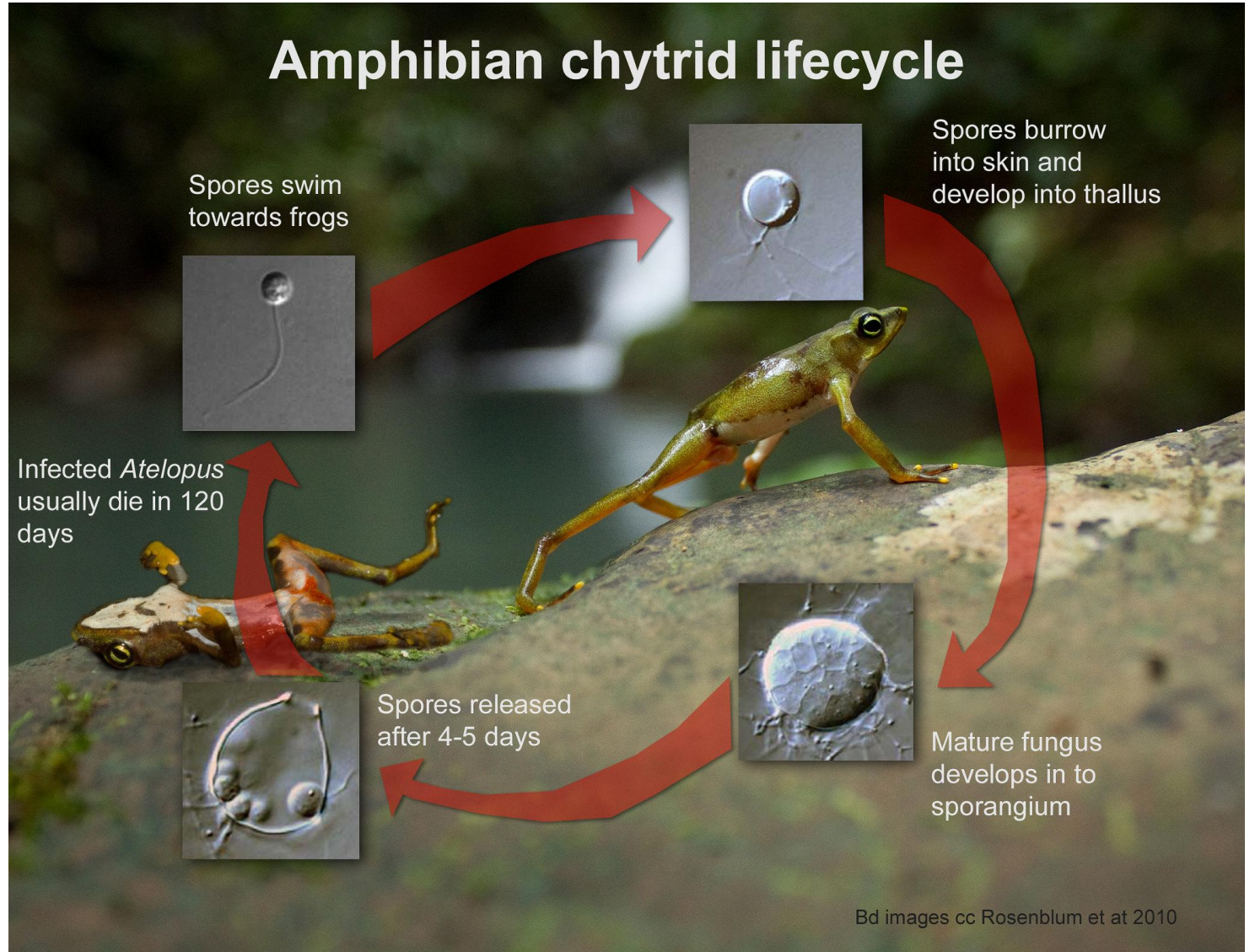


Oil & Gas



Threats: disease

- Chytrid fungus
- Ranaviruses
- Toxicants



Threats: invasive species

- Predation
- Disease vector

Invasive crayfish



Invasive American bullfrog

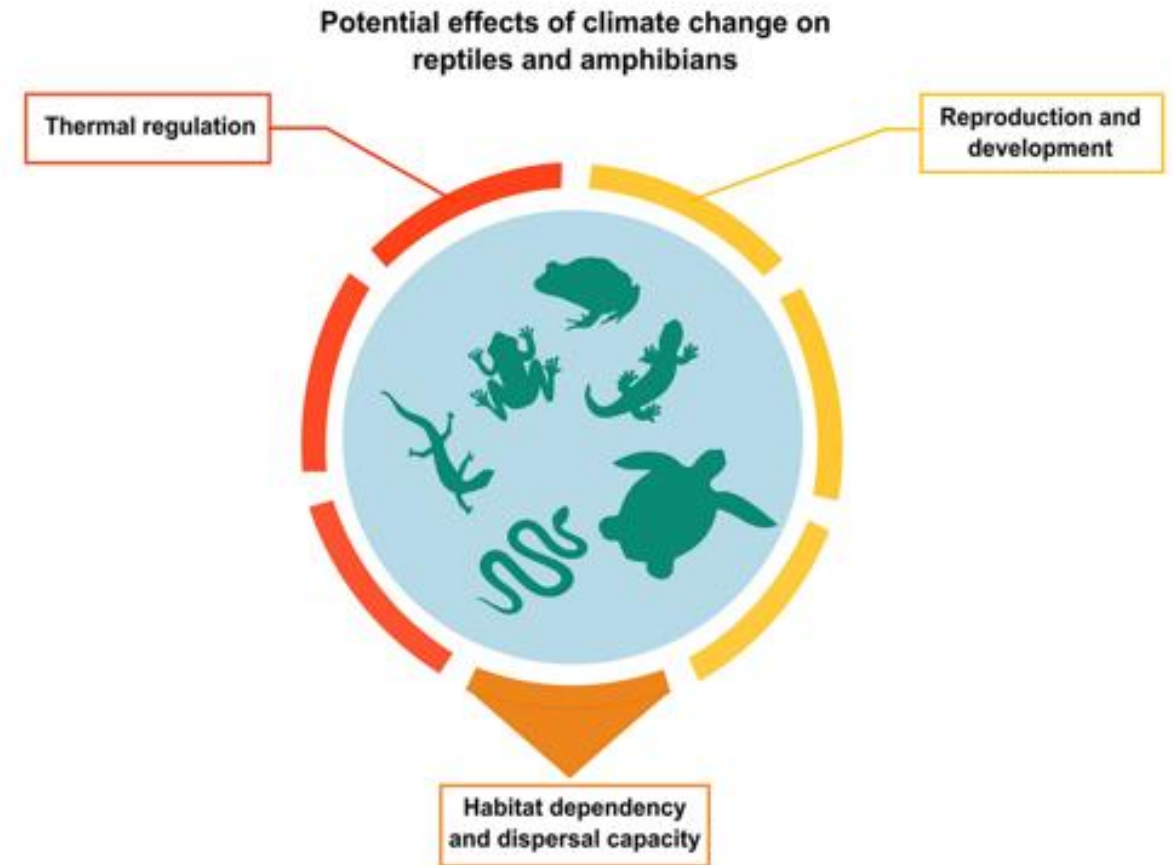


Invasive mosquito fish



Threats: climate change

- Interactions with other threats
- Habitat change



Current Management

Federal

- NEPA
- Clean Water Act (former)
- Indirect ESA
- Federal resource & land management policy
- Sensitive Species designation

State

- Species of Special Concern
- CEQA
- Porter-Cologne Water Quality Act
- California Coastal Act
- Conservation of State lands

Local

- Sixteen (16) conservation plans
- Regional Conservation Investment Strategies

Tadpoles in a dip net



Recommended Future Management

- CESA protections
- Monitoring and Research
- Habitat restoration and conservation
- Translocation & reintroduction
- Sustainable grazing and agricultural practices



Summary

- Continued risk of extinction
- Ongoing and future threats
- Current regulation and management practices = not sufficient to stop extinction



Recommendation



In completing its Petition Evaluation, the Department has determined that the Petition **does provide sufficient scientific information** that the petitioned action to list the western spadefoot under the California Endangered Species Act **may be warranted**.

Thank you



Austin Roy
CESA Recovery Coordinator
wildlifemgmt@wildlife.ca.gov



March 30, 2026

VIA E-MAIL: fgc@fgc.ca.gov

California Fish and Game Commission
P. O. Box 944209
Sacramento, CA 94244-2090

Re: Large-scale Solar Association's Comments on April 16 Meeting Agenda – Western Spadefoot Toad Listing Petition (Agenda Item 17)

Dear President, Vice President, and Members of the Commission:

On behalf of the Large-scale Solar Association (LSA), we write to you regarding the petition to list the Western Spadefoot Toad (WST) as a threatened or endangered species under the California Endangered Species Act (CESA). We respectfully request that the Commission postpone the agenda item until the June meeting to provide industry and environmental partners the opportunity to collaborate on a creative solution that, in the event WST is made a candidate, allows for ongoing clean energy development while providing for conservation of the species.

LSA is a non-partisan association of solar and battery storage developers that advocates appropriate policies to enable market penetration of utility-scale solar technologies in California and the Western United States. LSA's members are leaders in the utility-scale solar industry with extensive technical experience in all disciplines necessary to site, develop, engineer, construct, finance and operate utility-scale solar and battery storage systems. LSA's member companies are principally responsible for developing much of the operational and planned large-scale solar and storage capacity in California today. Our member companies have environmental experts on staff and as part of project teams who provide natural resources knowledge to support creative conservation solutions at their project sites.

The request to postpone Agenda Item 17 to the Fish and Game Commission's (the Commission's) June meeting reflects the need to pursue a 2084 rule for select late-stage clean energy projects that are facing the Federal Investment Tax Credit (ITC) deadline. Governor Newsom's Executive Order N-33-25,¹ responding to the impacts to clean energy in President Trump's HR 1, directs state agencies that work on the permitting and interconnection of those projects to "accelerate and prioritize all permitting, approval, and other agency actions that would enable and expedite [their] development." This covers critical and necessary project siting and permitting work at the California Department of Fish and Wildlife (CDFW), including approving applications for Incidental Take Permits (ITPs) for new candidate species under CESA. To take advantage of the Federal ITC savings of 30 to 50 percent, large-scale solar projects have hard deadlines to begin operating no later than 2030, leaving no room for delays.

Developing solar projects requires exquisite coordination, most notably in the final stages prior to construction. Financing must be secured to fund engineering and construction contracts, as well

¹ https://www.gov.ca.gov/wp-content/uploads/2025/08/Clean-Energy-EO_8.29.25_Formatted.FINAL_ATTSTED.pdf

as procurement and delivery of major equipment – all to enable development to occur on schedule. The addition of a new candidate and CESA-listed species – absent the prospect of expeditious permitting – could put near-term ITC projects in jeopardy and could stall the development (and consequently impact the cost) of renewable energy projects without which the state cannot meet its multi-sector decarbonization targets. Any setback (let alone barrier) in the project development pipeline that slows clean energy projects will therefore potentially burden ratepayers with the costly loss of missing the ITC window.

LSA is working in partnership with the Center for Biological Diversity (CBD) on a 2084 rule authorization strategy to enable continued affordable development of clean energy projects – projects geared towards mitigating climate change – without putting the WST at risk. A 2084 rule would authorize take for the WST during its candidacy period only for projects within the limiting terms and conditions set forth in the rule approved by the Commission. Furthermore, the 2084 rule would include avoidance, minimization, and mitigation requirements for all qualifying projects. The 2084 rule contemplated would incentivize development on active agricultural lands, thereby leading to their improvement as WST habitat.

In conclusion, LSA requests the Commission postpone the WST candidacy decision until the June meeting so that we can present a 2084 rule joint proposal with CBD at that time. With that proposal still under development, LSA and CBD would appreciate the opportunity to present the 2084 rule for the Commission's consideration that includes, inter alia, criteria that clearly limit and define covered projects and mitigation requirements that appropriately incentivize project siting and development.

We look forward to continued collaboration with the California Fish and Game Commission as a unifying body in the fight against climate change.

Sincerely,

Shannon Eddy
Executive Director
Large-scale Solar Association



RANCHO MISSION VIEJO

Via Email to fgc@fgc.ca.gov
March 30, 2026

California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Reference: Agenda Item #17 Petition to List Northern and Southern Populations of Western Spadefoot (*Spea hammondi*) as Threatened and Endangered, respectively, under the California Endangered Species Act

Subject: Rancho Mission Viejo Comments

To Whom It May Concern:

Rancho Mission Viejo (“RMV” or “Ranch”) provides the following comments in response to the Petition to List Northern and Southern Populations of Western Spadefoot (*Spea hammondi*) as Threatened and Endangered (“Petition”), respectively, under the California Endangered Species Act (“CESA”).

1. Introduction

RMV is located in Southern Orange County, California and is owned and managed by the O’Neill/Moiso family. The Ranch is bound by the existing communities of Rancho Santa Margarita, Mission Viejo, San Juan Capistrano and the undeveloped Cleveland National Forest and MCB Camp Pendleton. Various habitat types including but not limited to coastal sage scrub, chaparral, grassland, oak woodland, and riparian, as well as several vernal pools and other ephemeral wetlands known or having potential to support western spadefoot, are present on the

Ranch. Since 1882, the O’Neill family has been a responsible steward of the Ranch. We have and continue to actively manage the Ranch to protect its natural resources. We intend to continue this tradition of stewardship into the future through continued implementation of the Southern Subregion Habitat Conservation Plan (SSHCP), approved by the U.S. Fish and Wildlife Service (“USFWS”) on January 10, 2007.

2. Southern Subregion Habitat Conservation Plan

RMV is the principal permittee under the SSHCP. In summary, the SSHCP Conservation Strategy provides a comprehensive, habitat-based approach to the protection of Covered Species and their habitats by focusing on the lands and aquatic resource areas essential for the long-term conservation of the Covered Species and by providing for appropriate management for those lands. The SSHCP Habitat Reserve ultimately will conserve approximately 32,818 acres in southern Orange County, comprised of historical Rancho Mission Viejo lands and three County of Orange regional/wilderness parks. The SSHCP Habitat Reserve represents about 72 percent of the natural vegetation communities (called "Conserved Vegetation Communities" in the SSHCP) and other undeveloped landcovers (e.g., agriculture) in Subarea 1¹, as well as an additional 4,400 acres of Supplemental Open Space (SOS), resulting in the protection of at least 81 percent of the vegetation communities/landcovers in Subarea 1. Approximately 16,536 acres (>50 percent) of the planned Habitat Reserve are located on RMV-owned lands.

We wish to inform the Commission of how the SSHCP Habitat Reserve, a product of existing regulatory mechanisms and ongoing management efforts, benefits the Southern Population of western spadefoot. We also provide comments on the Petition with respect to its conclusions regarding endangerment of the Southern Population of western spadefoot.

a) Habitat Conservation

The western spadefoot is a Covered Species under the SSHCP - a fact that the Petition omits in Table 2. Coverage of western spadefoot in NCCPs and HCPs, of the Petition. The SSHCP, with respect to western spadefoot as a Covered Species, provides that “*83 percent of the documented breeding locations would be conserved in the Habitat Reserve and SOS [Supplemental Open Space]. Four of the five important populations (Chiquita Ridge, Radio Tower Road, Upper Cristianitos and Lower Gabino Creek) would be 100 percent conserved, and in three of the five locations in the San Juan Creek important population would be conserved in the Habitat Reserve. Adequate upland around all these breeding sites would be conserved and managed. Conservation of these locations and associated upland habitat, in conjunction with the*

¹ The Southern Subregion NCCP/HCP planning area is divided into four Subareas. Subarea 1 includes the RMV General Plan Amendment/Zone Change ownership, previously set aside open space owned by RMV, the County-owned parklands and Prima Deshecha landfill, the National Audubon Society Starr Ranch and portions of the Santa Margarita Water District lands.

aforementioned management measures, would provide for conservation of the species.” (p. ES-22, Table ES-3, Part I, Southern Subregion NCCP/MsAA/HCP, January 2007). The minimum conserved upland habitat around known historical breeding locations is approximately 30 acres.

Per the requirements of the SSHCP, RMV continues to enroll lands in the Habitat Reserve. Of the five western spadefoot *Important Populations* originally identified in the SSHCP, the *Important Population 1* on Chiquita Ridge centered around vernal pool VP4, and the remaining portion of *Important Population 3* associated with the San Juan Creek floodplain are located within currently enrolled portions of the Habitat Reserve (See Figure 1).

Once RMV lands are enrolled in the Habitat Reserve the habitat and Covered Species on those lands are monitored, and managed if necessary. Enrollment of RMV lands currently totals 8,704 acres of which 780 acres are riparian/wetland habitat. The County of Orange has enrolled a further 910 acres of riparian/wetland habitats within O’Neill Regional Park, Riley and Caspers Wilderness Parks. Combined 20,343 of the planned 32,818 acres are permanently protected and managed. It is worth noting additionally that prior to enrollment into the Habitat Reserve, RMV land slated for enrollment must be maintained in their “baseline” condition. Accordingly, there can be no action on such lands that would constitute take of any subject species on such pre-enrolled lands.

b) Habitat Monitoring & Management

Over the long term, the SSHCP Habitat Reserve Monitoring and Management Program (“HRMP”), a critical component of the SSHCP, requires in-perpetuity monitoring and management of all Conserved Vegetation Communities in the SSHCP Habitat Reserve, including riparian/wetland habitats that support western spadefoot. Lands conserved within the Habitat Reserve are permanently protected through irrevocable covenants and conservation easements, and long-term funding for management and monitoring is allocated. Monitoring and management of the Habitat Reserve is conducted annually, and annual compliance and monitoring reports are provided to the California Department of Fish and Wildlife (“CDFW”), USFWS and other applicable stakeholders. Monitoring and management activities in the Habitat Reserve are guided by 5-year Management Action Plans (“MAPs”) developed in coordination with CDFW, USFWS and an established science panel. While the HRMP provides for the maintenance of biological communities within the Habitat Reserve for the benefit of all plant and wildlife species, including the western spadefoot, recent and current monitoring and management activities typically have included regular surveys for covered plant and wildlife species, regular assessments of riparian/wetland health and function, vegetation community mapping updates every 5 years, and invasive plant and animal control.

The MAPs include specific goals and objectives for each vegetation community to ensure community health and function targets are achieved over the long term. For example, the current

MAP (2024-2029) includes the following objectives to maintain the structure, composition, and acreage of riparian habitats, (a high priority community for monitoring):

Objective. RW1.2. Maintain high level of health of riparian/wetlands throughout the Habitat Reserve, including diverse species composition, habitat structure, and adequate recruitment to maintain natural successional processes. Manage potential riparian/wetland stressors, including fire, altered hydrology, water quality, invasives, cattle-related effects, and other anthropogenic effects.

Objective. RW2.1. Maintain presence of Covered Species and focal species in riparian/wetland community. populations of focal species in riparian/wetland communities in the Habitat Reserve.

Along with explicit objectives, each MAP spells out a Monitoring Approach (e.g., periodic focused surveys and habitat mapping), a Management Action Threshold (e.g., a threshold percent change below baseline levels or other applicable threshold metrics such as maintaining statistically-determined baseline occupancy rates for relevant species), and possible Management Actions (e.g., health assessments and remedial restorative actions).

Regarding the objectives above on riparian/wetland health, which are relevant to western spadefoot, in terms of species composition, habitat structure, and recruitment, regular (once every three years) California Rapid Assessment Method (“CRAM”) functional assessments have found the riparian areas to be stable, healthy and natural recruitment is occurring as expected. For example, the most recent CRAM monitoring (September 2025) indicated there were minor to moderate changes between metrics for the majority of assessment areas, as expected due to natural fluctuations in stream conditions, climatic conditions (ongoing drought conditions) and vegetation management. The CRAM monitoring is relevant to western spadefoot because San Juan Creek supports a western spadefoot *important population*.

c) Species Monitoring

Western spadefoot monitoring activities in the SSHCP Habitat Reserve have been conducted in years with sufficient rainfall to establish suitable breeding conditions focusing on the two *Important Populations* currently available for monitoring (San Juan Creek and vernal pool VP4) within the enrolled portions of the Habitat Reserve. Monitoring has been conducted in 2010, 2011, 2016, 2017, 2019, 2023 and 2024. In summary, the population of western spadefoot in *Important Population 1 (VP 4)* appears to be stable, with breeding occurring when conditions are suitable and 1,000’s of tadpoles and toadlets detected. Western spadefoot presence along San Juan Creek (*Important Population 3*) is more variable and includes evidence of breeding in uplands adjacent to the creek as well as within the creek and the immediate floodplain. While small pools can form intermittently within the floodplain of the creek as flows recede from peak

discharges, overall habitat conditions conducive to western spadefoot breeding activity vary from year to year leading to fewer documented occurrences and breeding activity. However, western spadefoot tadpoles have been incidentally observed during focused surveys for the arroyo toad at a cluster of ephemeral ponds in uplands immediately adjacent to the creek in 2023 and 2024, and at various locations within San Juan Creek and the immediate floodplain itself in 2017, 2019, and 2023.

In addition to periodic focused surveys of the two *Important Populations*, observations of western spadefoot tadpoles in enrolled portions of the Habitat Reserve occurred in 2019, 2023 and 2024 in four previously undocumented locations associated with recently constructed water quality basins. Follow-up surveys in 2024 found two of these locations remained ponded long enough to support complete metamorphosis, with completion of the breeding cycle all but confirmed with the direct observation of a late-stage aquatic metamorphosed juvenile prior to dispersal from the basin. Although the two other basins apparently did not hold water long enough to support complete metamorphosis, their colonization indicates that western spadefoots in the enrolled portion of the Habitat Reserve are capable of natural migration to new artificial ponding sites.

d) Invasive Species

Management of enrolled riparian/wetland habitats has been and continues to be the highest priority under each MAP prepared and implemented to date. Management actions have included implementation of the Invasive Species Control Plan (“ISCP”) that addresses the existing and foreseeable impacts of invasive plant and wildlife species on the RMV portion of the Habitat Reserve, as well as giant reed (*Arundo donax*) in Casper’s Wilderness Park in upper San Juan Creek upstream of RMV. The riparian invasive plant species targeted for specific controls were giant reed, pampas grass (*Cortaderia selloana*), castor bean (*Ricinus communis*), tamarisk (*Tamarix ramosissima*), tree tobacco (*Nicotiana glauca*) and Spanish false fleabane (*Pulicaria paludosa*). The San Juan Creek invasive plant control project was implemented in a phased approach, with the first phase commencing in 2010 and the final phase completed in 2018. Approximately 110 acres of giant reed were cut and removed from the project site, at a cost of over \$795,000. Performance monitoring that concluded in 2023 found giant reed has been reduced by >95% of its recent prior abundance in the San Juan Creek project area. All other target weeds were infrequent and scattered. These management activities have restored more natural hydrological conditions along the Creek that while primarily intended to benefit the arroyo toad and riparian birds such as least Bell’s vireo, may also benefit western spadefoot by creating more opportunities for ponding water.

Invasive species management in the Habitat Reserve also includes monitoring and controls on non-native species that may prey on western spadefoot including American bullfrog, African clawed frog and crayfish (Objective. IS.2.3).

3. General Comments on the Petition

The Petition relies heavily on the western spadefoot genetics study published by Neal et al. (2020) for its recommendation that the southern population be listed as endangered; i.e., all the populations are at risk of extirpation despite existing large-scale conservation measures in existing HCPs and NCCPs. While the Neal et al. (2020) study provides valuable information about the genetics and effective population sizes of three apparently isolated populations of western spadefoot in Orange County (the coastal, inland and SANTEN genetic clusters), extrapolating the results of this single study of two and possibly three genetic clusters directly to risks to the remaining western spadefoot populations in San Diego, Riverside, San Bernardino, Los Angeles, and Ventura counties seems premature.

Furthermore, the field work in the Neal et al. (2020) study was conducted in 2015-2017 during an extended drought beginning in 2011. Western spadefoot populations may have been under unusual stress from 2011 through 2017 due to a lack of breeding opportunities for several years. For example, Neal et al. (2020) state “*Toad samples from all ponds (natural and artificial) returned extremely low estimates of effective population size, possibly due to a bottleneck caused by a recent multi-year drought.*” (p. 613) and “*...California was recently in a multi-year drought from roughly 2011–2017 that likely reduced survival and fecundity for several consecutive breeding seasons (Fisher et al. 2018).*” (p. 623).

Because the Neal et al. (2020) study focused on only a portion of Orange County western spadefoot locations, and because the field work was conducted at the end of a multi-year drought, it is quite possible that this study cannot be extrapolated to current conditions in the rest of the Southern Population with respect to risk of large-scale extirpation of western spadefoot, especially since 2017 there have been several higher rainfall years more conducive to breeding than during the 2011-2017 drought. As noted above, the western spadefoot locations currently monitored in the SSHCP have appeared to be healthy and stable over the last several years, including evidence of migration to two recently constructed water quality basins.

Related to the concern about using a single study limited to one area as support for listing the southern population is the Petition’s reliance on outdated or incomplete information from existing HCPs and NCCPs for arguing the ongoing conservation plans that include the western spadefoot as a covered species are inadequate to protect the species. For example, the Petition cites the USFWS (2005) in stating that “*Most western spadefoot habitat is not currently protected. Those areas that are protected are relatively small and therefore highly susceptible to disturbance, destruction, and other threats (US Fish and Wildlife Service, 2005).*” (p. 22 and restated on p.24). This statement reflects conditions more than 20 years ago prior to much of the conservation planning since then. The latest U.S. Fish and Wildlife Service analysis on the topic determined that existing conservation plans protect substantial spadefoot populations (USFWS 2023).

Further, of the list of completed HCPs and NCCPs in Table 2 (which omits the SSHCP) the Petition states “*Overall, coverage of western spadefoots in HCPs/NCCPs is piecemeal and limited and does not provide adequate mechanisms for species-level protection and recovery. Although HCPs and NCCPs that list the western spadefoot as a covered/target species offer some regulatory protection or conservation consideration for the species, conservation measures and mitigation requirements vary from plan to plan.*” (p. 45)

This broad conclusory statement would need to be carefully evaluated by CDFW. Some of the literature cited in the Petition to support this statement is at least 20 years out of date and may not reflect the current status of western spadefoot under the various conservation plans (e.g., citing Kareiva et al. 1999 for statistics on spadefoot conservation and other conservation measures and Rahn et al. 2006 for HCP information up to 2004). Table 2 provides only brief summaries of the status of the existing NCCPs and HCPs with respect to western spadefoot. In particular, these brief summaries do not include any useful information on subsequent long-term monitoring and/or management for western spadefoot by any of the large-scale NCCPs or HCP, or other large-scale resource management plans (e.g., the Newhall Ranch Resource Management and Development Plan that was prepared in direct coordination with CDFW and approved in 2015) for the Southern Population such as provided herein for the SSHCP. The CDFW evaluation of the Petition would need to include the most up-to-date information to be an adequate evaluation of the current status of the species.

Summary and Conclusion

As noted above, the western spadefoot is a Covered Species under the SSHCP. RMV has been implementing the SSHCP since its approval in 2007 as documented to CDFW in our Annual Compliance & Effectiveness Reports and our Management Action Plans. We have permanently protected suitable habitat for the western spadefoot and conducted management actions to improve the quality of this habitat by removing non-native invasive plants in areas historically occupied by the species. We have and plan to continue monitoring for the western spadefoot and consistent with our HRMP, we will adapt our management and monitoring program based on our findings.

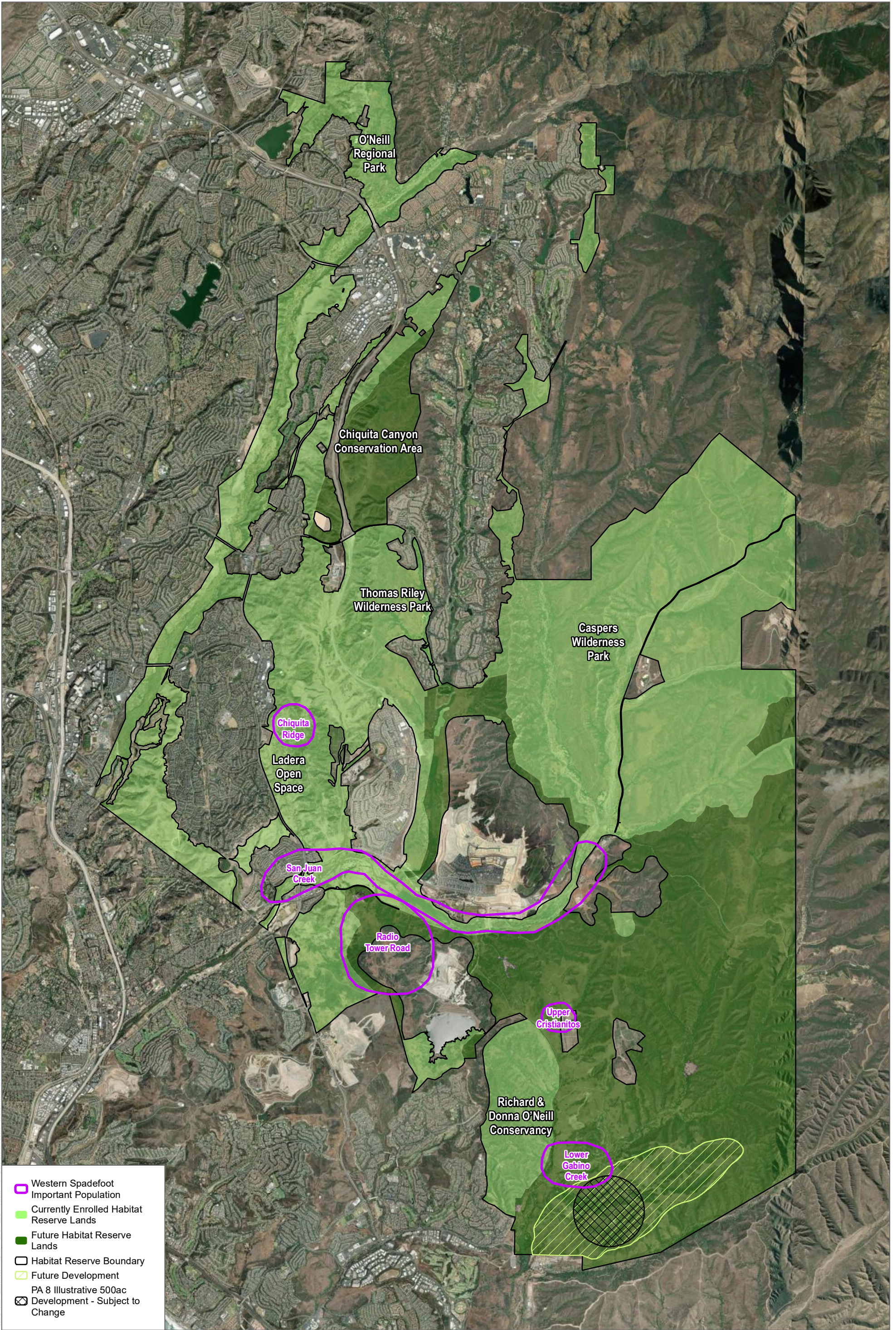
Should the Commission determine that listing of the western spadefoot may be warranted, RMV respectfully requests that the Commission direct CDFW staff to consider the protections and management afforded the spadefoot by all approved large scale conservation plans, such as the SSHCP, in the preparation of the species status review report and based upon that review, include in the candidacy determination that Covered Activities as defined in the SSHCP shall be recognized as permissible activities that do not implicate take of western spadefoot and do not require incidental take authorization.

RMV appreciates the opportunity to provide these comments. Should you have any questions regarding our comments, please feel free to contact me at (949) 240-3363 Ext. 297 or via email at lcoleyeisenberg@ranchomv.com.

Sincerely,

Laura Coley Eisenberg 
Senior Vice President, Regulatory Compliance & Open Space Management

Enclosure: Figure 1: Habitat Reserve with WESP Important Populations



SOURCE: ESRI 2024



FIGURE 1
SSHCP Habitat Reserve and Western Spadefoot Important Populations
Rancho Mission Viejo



April 1, 2026

Eric Sklar, President
California Fish and Game Commission
715 P Street
Sacramento, CA 95814

RE: Petition to list Western Spadefoot (*Spea hammondi*) as Threatened and Endangered under CESA

Dear President Sklar and Commissioners:

Executive Summary

Tejon Ranch Co. is providing written comments in advance of the California Fish and Game Commission's ("Commission") April 15-16, 2026, meeting for its consideration of listing the western spadefoot toad (*Spea hammondi*) as threatened or endangered under the California Endangered Species Act ("CESA").

As the owner of the largest single private land expanse in California, Tejon Ranch supports science-based conservation and acknowledges that western spadefoot faces pressures from habitat loss, changing hydrology, and unsuitable land uses across portions of its California range. CESA requires that the Commission weigh whether listing as endangered is warranted considering the substantial existing conservation protections already in place, including those implemented at landscape scale by large private landowners such as Tejon Ranch. Any listing determination by the Commission must accurately account for species-specific survey data, site-level mitigation commitments already approved through the California Environmental Quality Act ("CEQA") and permitting processes, and the meaningful value of conservation frameworks.

Historic Conservation at Tejon Ranch

For more than 175 years, Tejon Ranch has stewarded one of California's most significant landscapes, spanning the Tehachapi Mountains and linking the southern Sierra Nevada, Central Valley, and South Coast regions. Through a voluntary and historic conservation framework struck in 2008, Tejon Ranch voluntarily committed 240,000 acres to permanent open-space conservation (totaling 90 percent of the property) and representing the largest private land conservation commitment in California. Today, Tejon Ranch's commitments are legally enforceable and implemented through multiple approved and existing complementary management mechanisms, including:

- The 2008 Tejon Ranch Conservation and Land Use Agreement ("RWA") with nationally recognized conservation organizations.

P.O. Box 1000 | 4436 Lebec Road
Tejon Ranch, CA 93243
661 248 3000 O | 661 248 3100 F
www.tejonranch.com

- Conservation easements acquired with substantial investment by California, including Wildlife Conservation Board funding, specifically to preserve habitat and regional wildlife linkages.
- The state approved multi-species 2013 Tejon Mountain Village Habitat Management Plan (“TMV HMP”) and the federally approved 2013 Tehachapi Uplands Multi-Species Habitat Conservation Plan (“TUMSHCP”), a 50-year plan covering conservation of 25 sensitive species; and
- Project-level conditions of approval and mitigation measures adopted following extensive CEQA review by CDFW.

CESA requires that listing determinations be based on the best available science and that the Department consider the effects of existing management and conservation efforts when evaluating whether a species should be considered as threatened or endangered. For Tejon Ranch, these existing measures are not speculative; they are implemented in binding CDFW and US Fish and Wildlife Service permits and existing conservation easements. Additionally, CEQA mitigation measure implementation is consistently monitored to protect and benefit western spadefoot, and these measures are already functioning successfully at a landscape scale for completed projects at Tejon Ranch today.

Existing Conservation Framework Directly Addresses Western Spadefoot Stressors

CESA requires that the Commission consider the adequacy of existing regulatory mechanisms and conservation measures when evaluating a petition for listing. Tejon Ranch’s conservation commitments, which are legally binding, implemented, and monitored, already directly address habitat loss and fragmentation pressures that may contribute to western spadefoot population decline across California.

Further, this framework includes Tejon Ranch’s landscape scale conservation of 240,000 acres through state-funded conservation easements, the RWA and the CDFW and USFWS-approved TMV HMP and TUMSHP. These instruments include wildlife and botanical conservation objectives that are directly protective of grassland and ephemeral pool ecosystems critical to western spadefoot. In fact, Tejon Ranch’s TUMSHCP, the benefits of which are acknowledged by CDFW in Section 1.3 of the TMV HMP, identifies western spadefoot as a covered species and establishes management measures for its benefit, providing a federal regulatory backstop that ensures habitat protection independent of CESA listing.

After preservation of 240,000 acres of Tejon Ranch, land development on Tejon Ranch is confined to another 30,000 acres, approximately 10 percent of the entirety of the property, and all development plans incorporate CDFW-approved avoidance, minimization, and mitigation measures for sensitive species including western spadefoot. These measures are monitored and enforced through CEQA mitigation monitoring and reporting programs, CDFW permits and USFWS permits.

When analyzing whether western spadefoot protections are warranted, the Commission should direct CDFW staff to specifically assess and credit existing protections, such as those implemented by Tejon Ranch and similarly situated large private landowners. A listing determination that fails

to account for functioning, enforceable landscape-scale conservation measures does not reflect the best available science and risks generating regulatory uncertainty that undermines the long-term private land stewardship on which conservation of this species depends. At a minimum, the information provided to the Commission in [Table 2 of the Petition](#)¹ should be corrected in the Commission's record to reflect the TMV HMP and TUMSHCP at Tejon Ranch. Failure to amend Table 2 constitutes a significant omission of the existing state- and federal-recognized coverage of western spadefoot in NCCPs and HCPs.

Western Spadefoot Surveys and Documented Presence at Tejon Ranch

Tejon Ranch has conducted extensive biological resource surveys across its landholdings in connection with CEQA review for its four major development projects – Tejon Ranch Commerce Center, Centennial, Mountain Village, and Grapevine – located on the 10 percent of Tejon Ranch developed or planned for development. These surveys confirm the western spadefoot's presence within specific portions of the Ranch but outside project development areas at Centennial, for example.

Centennial Specific Plan: Mitigation Measures for Western Spadefoot

The Specific Plan EIR for Centennial has identified the western spadefoot as a species of concern within the project area, which encompasses approximately 12,000 acres in Los Angeles County on the southern portion of Tejon Ranch, though no species was identified during thorough biological resource surveys for the project. The EIR documented breeding habitat associated with ephemeral pools and swales and established mitigation measures that Tejon Ranch is committed to implementing as conditions of project approval. These mitigation measures include:

- Pre-construction protocol-level surveys for western spadefoot conducted by a qualified biologist within the breeding season immediately prior to any ground disturbance in or adjacent to suitable habitat, with results submitted to CDFW.
- Establishment of species-specific avoidance buffers around occupied breeding pools and upland refugia, with no ground disturbance permitted within delineated buffer zones during the breeding season (typically January through May); and
- Biological monitoring during and following construction in proximity to suitable habitat, with adaptive management protocols triggered by monitoring outcomes, including stop-work authority vested in a designated project biologist.

To be clear, the Centennial project site at Tejon Ranch is located outside the known range for the western spadefoot, and, in fact, the western spadefoot was not observed during six biological surveys performed for amphibians over six years within the Project area. As a result, western spadefoot is not expected to occur on the Centennial site. Nevertheless, project implementation would avoid, minimize, and mitigate any potential impact on western spadefoot, and would make future colonization of the area feasible notwithstanding project development. For example, the Centennial project includes a mitigation measure to maintain that no adverse impact to western spadefoot and other amphibians shall occur. Specifically, MM 7-5 of the Centennial Specific Plan requires ongoing focused biological surveys.

¹ Petition to List the Northern and Southern Populations of Western Spadefoot (*Spea hammondi*) as Threatened and Endangered, respectively under the California Endangered Species Act, pages 53-56.

MM 7-5

Within the year prior to, and within the appropriate season, focused surveys for the following special status species shall be repeated: arroyo toad, Tehachapi slender salamander, California red-legged frog (concurrent with two-striped garter snake and western pond turtle focused surveys), western spadefoot, mountain plover, southwestern willow flycatcher, and least Bell's vireo. Surveys shall be conducted in accordance with the approved CDFW or U.S. Fish and Wildlife Species (USFWS) protocol for that species.

Mountain Village Specific Plan: Mitigation Measures for Western Spadefoot

The Mountain Village Specific Plan, located in Kern County within the Tehachapi Mountains, encompasses areas with seasonal drainage features and grassland habitats that support, or have the potential to support, western spadefoot breeding activity. Tejon Ranch's environmental review for Mountain Village includes biological resource surveys and mitigation measures specifically addressing western spadefoot. Key mitigation commitments include:

- Retention of natural drainage features and seasonal wetland areas within project open space buffers to preserve functional breeding habitat connectivity across the project footprint.
- Prohibition on nighttime construction lighting within 300 feet of identified breeding pools and upland refugia during the breeding season to minimize behavioral disruption; and
- In-lieu habitat enhancement funding directed to CDFW-approved western spadefoot conservation efforts within the species' range in Kern County, proportional to unavoidable impacts.

These mitigation measures are supplemented by 7 Conservation Goals and 17 Conservation Objectives for spadefoot set forth in and required by the TUMSHCP, including preservation of at least 1,055 acres or 90 percent of the suitable habitat for the toad found within the Mountain Village Project area, implementation of multiple avoidance and minimization measures to protect the species from construction impacts, implementation of a grazing management plan to maintain grasslands as suitable habitat for the spadefoot and implementation of post development monitoring and survey measures to assure onsite populations area sustained. (TUMSHCP Section 7.1.1.1.2, Dudek April 2013)

Grapevine Specific Plan: Mitigation Measures for Western Spadefoot

The Grapevine Specific Plan encompasses approximately 6,000 acres at the confluence of the San Joaquin Valley and Tehachapi Mountains in Kern County, within western spadefoot habitat. Tejon Ranch's EIR for Grapevine identifies the species as a potentially significant biological resource and adopts mitigation measures that directly respond to CDFW guidance on avoidance and minimization. These measures include:

- Biological resource surveys, including focused western spadefoot surveys conducted during protocol windows, integrated into the project-level monitoring and reporting program administered by a CDFW-approved biological monitor.
- Construction-phase translocation protocols, developed in coordination with CDFW, for any western spadefoot individuals encountered during ground disturbing activities, including on-site recipient habitat identification and post-translocation monitoring; and
- Stormwater management and grading plans designed to maintain natural drainage patterns supporting ephemeral pool hydroperiods, avoiding hydrological modification that would reduce the suitability of retained breeding habitat.

Conclusion

Tejon Ranch urges the Commission to ensure that any determination on the western spadefoot petition specifically consider and recognize and credit existing landscape level conservation protections, such as those implemented by Tejon Ranch and similarly situated large private landowners. Such consideration should include direction to CDFW staff to correct the final record and amend Table 2 of the petition to recognize Tejon Ranch's historic RWA and include the TMV HMP and TUMSHCP as binding and enforceable conservation commitments that contribute to the conservation of western spadefoot.

Any listing determination by the Commission should be narrowly calibrated to actual population-level vulnerabilities based on current data, recognize the conservation contributions of large private landowners operating under comprehensive CEQA and CESA-compliant frameworks, and avoid undermining the enforceable conservation commitments that are already delivering measurable protection for this species and its habitat like those taken at Tejon Ranch.

Sincerely,

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Cc:

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