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Critical Habitat/Georgetown-Salado Salamanders: Center for Biological Diversity and U.S. Fish and Wildlife Service Enter into Settlement Agreement Addressing Designation

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The United States Fish and Wildlife Service (“Service”) and Center for Biological Diversity (“CBD”) entered into a February 26th Stipulated Settlement Agreement (“Agreement”) addressing the Georgetown and Salado salamanders (collectively “Salamanders”).

CBD had filed a federal District Court action alleging the Service’s failure to designate critical habitat was a violation of the Endangered Species Act (“ESA”).

The Service allegedly failed to designate critical habitat for the Salamanders concurrently with its decision to list them as endangered and within one year proposing to designate that essential habitat. Citing 16 U.S.C. § 1533(a)(3), (A)(i), (b)(6)(C). CBD argued that the required designation was overdue by more than five years. An Order was requested requiring that the Service designate critical habitat for a date certain.

The Agreement requires that the Service designate critical habitat in central Texas for the Salamanders by August 12, 2021. Language in the Agreement provides in part:

. . . the Service shall publish a final rule designating critical habitat for a threatened species concurrently with the final rule implementing the determination that the species is threatened, unless the Service determines that:

1. it is essential to the conservation of the species that the rule implementing the critical habitat designation be promptly published; or
2. critical habitat for the species is not then determinable, in which case the Service may extend the time to publish the rule by not more than one year . . .

A copy of the Agreement can be downloaded [here](#).