

Houston Toad/Endangered Species Act: Center for Biological Diversity Judicial Challenge to U.S. Fish and Wildlife Service Recovery Plan



Walter Wright, Jr.

wwright@mwlaw.com
(501) 688.8839

03/13/2020

The Center for Biological Diversity (“CBD”) filed a February 24th Complaint for Declaratory Injunctive Relief (“Complaint”) against the United States Fish and Wildlife Service (“Service”) involving the Endangered Species Act (“ESA”).

The Complaint alleges that the Service has failed to develop and implement a legally valid recovery plan for the Houston toad.

The Houston toad is described as a species that was designated as “endangered” under the ESA nearly 50 years ago. An ESA recovery plan is a document that organizes and coordinates efforts to safeguard endangered species from extinction and restore them from their imperiled state.

The Houston toad is found in the central coastal region of Texas. CBD states that fewer than 1,000 adults may remain in the wild.

In describing the alleged deficiencies in the Service’s recovery plan, the Complaint notes in part:

The Service issued a document styled as a “Recovery Plan” for the Houston toad in 1984 [hereinafter “1984 ‘Recovery Plan’ document”], but the Service itself admitted in 2011 that this document lacked basic components of a recovery plan. The Service has not made any revisions or updates to this document in the intervening thirty-six years. In 2011, the Service released a five-year status review for the Houston toad, in which the agency found that the 1984 “Recovery Plan” document did not contain any recovery criteria, did not address all five listing factors relevant to the species, and was no longer based on the best available science. Although the Service indicated in its 2011 five-year review that it was working on developing a new recovery strategy and recovery plan, no such plan has been released to date.

The Complaint asks that the Court:

1. Secure declaratory relief that the Service is in violation of the ESA for failing to create a legally valid recovery plan for the Houston toad
2. Enjoin the agency to issue a recovery plan according to a timeline established by the Court

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