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# Recovery Plans/Endangered Species Act: U.S. Fish and Wildlife Service Agreement to Schedule Flatwoods Salamanders

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Fish and Wildlife Service ("Service") in an August 22nd letter to the Center for Biological Diversity ("CBD") provided a schedule of timelines to complete the Draft Recovery Plans ("Recovery Plans") for the Frosted Flatwoods Salamander and Reticulated Flatwoods Salamander.

The Service letter responds to a March 26th CBD Notice of Intent to Sue for alleged violations of the Endangered Species Act ("ESA").

CBD alleged that the Service failed to develop and implement mandated Recovery Plans for both salamanders. It stated that the salamanders are a highly imperiled species located in the lower southeastern coastal plain.

The Service had previously made a determination of a continued listing of the Frosted Flatwoods Salamander as a threatened species, and an endangered status for the Reticulated Flatwoods Salamander in 2009. It simultaneously finalized a designation of critical habitat for both species.

CBD stated in its March 26th letter that the ESA provides that the Service should give priority in developing Recovery Plans to those endangered species or threatened species, without regard to taxonomic classifications, that are most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or development projects or other forms of activity.

CBD argued that because of the length of time that the salamanders had been ESA listed the failure to develop and implement Recovery Plans is a direct violation of a mandatory duty under the ESA. The organization also argued that the failure violated the Service's policy that Recovery Plans be developed within 2.5 years of a final listing.

The Service's August 22nd letter to CBD provides a "Projected Schedule of Plan Completion" for completion of the Draft Recovery Plans. A caveat to the projected schedule notes it is dependent upon workload, staffing, budget, the volume of comments, and other factors. However, the Service does commit to provide CBD quarterly updates on progress toward producing Draft Recovery Plans.

[A copy of both the CBD and the Service letters can be downloaded here.](#)