



BOARD OF SUPERVISORS COUNTY OF INYO

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October 17, 2013

Jan Knight, Acting Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Re: Proposed Listing and Designation of Critical Habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad

To Whom It May Concern:

On behalf of the Inyo County Board of Supervisors, we again thank you for arranging to have Mr. Benz from the US Fish and Wildlife Service to participate in the Inyo County Board of Supervisors' special meeting on September 23, 2013 to discuss the above-referenced rule-making. We appreciated Mr. Benz' frank responses to our questions and offer to research topics for which he did not know the answers.

Those questions include the following. The answers to these questions are vitally important to our understanding of the potential impact of the proposed rules on our economy, society, environment, and culture.

1. How were the boundaries of the proposed critical habitat areas in Inyo County defined? We understand that the boundaries are intended to encompass drainages, but we are perplexed why some areas are included and others are not, particularly on Mt. Tom and Palisades Glacier, and in Bishop Creek Canyon. Please arrange for the individuals or leaders who crafted the proposed boundaries to provide an outline of how they selected the areas in Inyo County for the proposed critical habitat designations. How can the best available scientific data and/or community sentiment be considered in the boundaries?
2. Based on our discussions on September 23, observations from local residents, and the scientific community's analysis, I have come to understand that the subject amphibians persisted in the Sierra Nevada with fish stocking throughout the last two centuries, and that only recently have the species declined precipitously due primarily to disease, pollution, climate change, and other factors. Will these facts be taken into account in the species' listing, any critical habitat designation and/or management plan, and implementation? If so, how?
3. We understand that the State's Management Plan for the amphibians has successfully reintroduced the species into selected areas. On the ground, we recognize that this program balances the needs to recover the species by sensitively removing fish from areas ideal for amphibian reintroduction and persistence, absent the disease factor. Is this successful program taken into account in the proposals? If so, how? If the State's program in collaboration with the US Fish and Wildlife Service is successful, why are these regulations being promulgated?
4. The proposed regulations indicate that fish stocking is an adverse modification that requires consultation under Section 7 of the Endangered Species Act and that critical habitat must be free of fish. Please clarify if such consultation could result in an end to fish stocking in the critical habitat. Could the listing of the species end fish stocking outside of critical habitat? Could fish stocking continue when it is directly contrary to the requirement "free of fish" of the critical habitat designation? Could any management plan developed for the species recommend an end to fish stocking in critical habitat or other areas where the subject amphibians might exist or colonize? If the proposals could terminate fish stocking, can they be modified to allow fish stocking to continue?

5. How much will the proposed listings and critical habitat cost to implement?
6. We understand that an analysis is being undertaken to evaluate the proposed critical habitat's potential economic impacts. Could the economic analysis change the proposed critical habitat boundaries, constituent elements, and/or adverse modification definitions? If evidence is presented that the proposal could significantly harm an important sector of our economy, how might the Service amend it accordingly? How can the County participate in development of the Service's economic analysis?

Please provide the promised responses to these questions at your earliest convenience so that we may consider and incorporate the information into our future participation in these proceedings. Numerous other questions were posed by our constituents to which Mr. Benz promised responses following further investigation; we hope that he will expeditiously do so. We offer our assistance in disseminating his responses.

Thank you. If you have any questions, please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 or kcarunchio@inyocounty.us.

Sincerely,



Supervisor Linda Arcularius, Chairperson
Inyo County Board of Supervisors

cc: Board of Supervisors
County Administrative Officer
County Counsel
Planning Director
Secretary Jewell, U.S. Department of Interior
Secretary Vilsack, USDA
Doug Wilson, Willdan
Rural County Representatives of California
National Association of Counties
Fresno County
Tulare County
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Dan Ashe, U.S. Fish and Wildlife Service
Robert Moler, U.S. Fish and Wildlife Service
Stephanie Weagley, U.S. Fish and Wildlife Service
Carl Benz, U.S. Fish and Wildlife Service
Chief Tidwell, Forest Service
Randy Moore, Forest Service
Ed Armenta, Inyo National Forest
Charlton H. Bonham, California Department of Fish and Wildlife
Heidi Sickler, California Department of Fish and Wildlife
Public Comments Processing, Attn.: FWS-R8-ES-2012-0100 and FWS-R8-ES-2012-0074