Statement on the Proposed Endangered Species Listing and Critical Habitat Designation
Congressman McClintock's Public Forum
August 6, 2013

Comment

First I'd like to thank Congressman McClintock and his excellent staff for their work on behalf of the people of the 4th Congressional District, and specifically El Dorado County. It is an honor to participate in today's forum.

I'll begin by disclosing the fact that like many in the audience today, I have no formal scientific training. I am a local government analyst whose job it is to break complex public policy issues down into somewhat understandable pieces. I assisted the El Dorado County Board of Supervisors as they considered and communicated the impacts of the U.S. Fish and Wildlife proposals.

It is hard not to be overwhelmed by the "science" referenced in these proposals. The proposal to list the yellow-legged frog and Yosemite toad includes over 300 unique scientific journal references, many cited dozens of times. However, when you begin to look closely, the "science" itself is not overwhelming, only its application. In other words, the "science" doesn't appear to make the case that U.S. Fish and Wildlife suggests.

In the beginning of the discussion *Summary of Factors Affecting the Species,* U.S. Fish and Wildlife Service states that "human activities" such as recreational activities, dams and water diversions, livestock grazing, timber management, road construction and maintenance, and fire management activities, "have degraded habitat in ways that have reduced [frogs] capacity to sustain viable populations…" The voluminous discussion and numerous references to previous studies presumably supports this premise. But upon closer examination we learn something different. In fact, there has been *little study* of human impact on these species, *and* the studies that have been conducted do not attribute human activity as a contributor to the decline. These direct quotes demonstrate that point:

Recreation
"Studies **have not been conducted** to determine the extent to which recreational activities are directly contributing to the decline of the mountain yellow-legged frog complex, and direct **effects from recreation have not been implicated** as a major cause of the decline of these species."

Dams and Water Projects
"The extent of the impact to mountain yellow-legged frog populations from habitat loss or modification due to [Dams and Water Diversion] projects **has not been quantified**."

Livestock Grazing
The threat from livestock grazing, "is likely more one of historical significance." And, "**is not a significant risk factor** as many [frog] populations persist outside of actively grazed areas."

Timber Management and Roads
"Timber harvest activity **is not expected to affect** the majority of extant mountain yellow-legged frog populations." Neither timber harvesting nor roads have, "been implicated as an important contributor to the decline of this species."

Fire Management

"**It is not known** what impacts fire and fire management activities have had on historical populations of mountain yellow-legged frogs. **Neither direct nor indirect effects** of prescribed fire or wildfire on the mountain yellow-legged frog **have been studied**."

In short, the premise that the decline in species population is due to human activity is unsubstantiated. While you have to dig through the Federal Register to find them, the scientific conclusions that are available tell a different story. In the field of logic, when a conclusion does not follow from the premise of an argument or a scientific hypothesis, that is known as a deductive fallacy.

What is potentially harming the species? The U.S. Fish and Wildlife Service makes a strong case that predation from non-native trout, and disease from the (Bd) fungus are, "highly significant and prevalent threat(s) to persistence and recovery of the species." However, I stress that predation is an *indirect* human cause (due to fish planting). This has been recognized and can now be adequately managed. And, disease is a worldwide amphibian epidemic, which won't be slowed by either of the U.S. Fish and Wildlife proposals.

So, why is the *cause* of the alleged decline in amphibian populations important? If the problem is human induced, the solution is clearly to restrict human contact by designating vast areas of habitat as "critical." However, while the Fish and Wildlife Service has done a sufficient job describing the characteristics of frog and toad habitat, they have not provided *any* evidence that more habitat increases the likelihood that these species will thrive. If the alleged decline is *not* human induced, the "solution" of critical habitat doesn't solve the problem. Designating habitat does not provide any additional benefit to the frogs and toad; it a simply provides theses species more space in which to die.

I conclude by expressing regret that I don't have the qualifications or resources to probe each of the 300 scientific references to further dissect this issue. But, when faced with an onslaught of science that purportedly supports a cause, I encourage members of the audience to look at the overall structure of the argument. Don't be overwhelmed by the number of words, footnotes, or citations on the page which can give the illusion of authority or expertise.