



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
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June 20, 2013

Public Comments Processing
Attn: FWS-R8-ES02012-0100
Division of Policy and Directives Management
U.S. Fire and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

RE: Request for Comment Period Extension for Proposed Rules

To Whom It May Concern:

We respectfully request a 45-day extension of the comment period on the Proposed Rules to list the Sierra Nevada Yellow-Legged Frog as an endangered species, the Yosemite Toad as threatened, and designate critical habitat. The proposed critical habitat area in Madera County amounts to 52,846 acres and will directly impact our constituency.

There were only 41 business days from the time the Proposed Rules were published in the Federal Register to the June 24th comment deadline. This is an insufficient amount of time for affected counties to become aware of proposals, research the voluminous issues presented, understand the impact on their jurisdictions, and formulate adequate responses. While the public has a vested interest in commenting on the proposed rules and actions, local governments must weigh the impacts of the proposals to our citizens' health, safety, and welfare; and to the economic well-being of our County. The current comment period does not offer us the opportunity to do so.

Moreover, given the nature of the comments the U.S. Fish and Wildlife Service is soliciting, it is extremely difficult for local agencies without professional scientific staff to meaningfully comment. The Proposed Rule regarding the endangered status notes that comments "merely" stating support or opposition will not be considered and that the decision is to be made "solely on the basis of the best scientific and commercial data available". The Proposed Rule designating critical habitat seems to allow consideration of economic impacts, yet again notes the Secretary shall base the final decision on the "best scientific data". The requirement to rely only on scientific data may be beyond the control of the U.S. Fish and Wildlife Service, but we hope the Service at least recognizes the challenge this presents to local governments and citizens.

It is for these reasons, that our County requested a public hearing on the Proposed Rules in a letter dated June 10th. While it is clear that certain environmental organizations, portions of the scientific community, and federal staff are very familiar with the Sierra Nevada Yellow-Legged Frog and Yosemite Toad, the issues presented in the April 25 Federal Register are new to the communities most impacted by the Proposed Rules. Citizens being asked to comment on complex, scientific issues deserve the opportunity to hear directly from federal agency representatives, learn about the consequences of the proposals, and ask questions *before* a comment deadline is imposed.

Again, we implore the U.S. Fish and Wildlife Service to extend the comment period until Madera County

residents and their local representatives are afforded the opportunity to attend a field hearing on these matters. The Proposed Rules have many possible ramifications on the economic stability and quality of life of the impacted counties. With no Economic Impact Analysis provided or public hearings held, the allotted commentary period does not allow for responsible and accurate public participation.

Thank you for your consideration of this request.

Respectfully,



Tom Wheeler, Chairman Pro Tem
Supervisor, District 5



Rick Farinelli
Supervisor, District 3

cc: Honorable Tom McClintock
Jan Knight, Acting Field Supervisor, U.S. Fish and Wildlife
Madera County Board of Supervisors