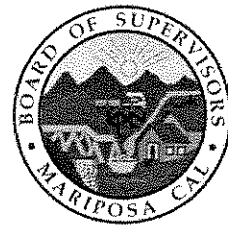




MARIPOSA COUNTY

Administration • 209-966-3222



RESOLUTION - ACTION REQUESTED 2013-465

MEETING: October 22, 2013

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Toad and Frog Letter

RECOMMENDATION AND JUSTIFICATION:

Authorize the Chairman of the Board of Supervisors to Sign a Comment Letter to the US Department of Fish and Wildlife Regarding the Proposed Rules Concerning the Yellow Legged Frog and Yosemite Toad.

The US Department of Fish and Wildlife is considering a proposal to list as endangered/threatened, and to designate critical habitat for, the Sierra Nevada Yellow-Legged Frog (*Rana Sierrae*), Northern Distinct Population Segment of the Mountain Yellow-Legged Frog (*Rana Muscosa*) and the Yosemite Toad (*Anaxyrus Canorus*). The comment period regarding the proposal is currently open.

The attached letter expresses concerns regarding the rules and encourages a delay in issuing rules until additional scientific study and socioeconomic study has been completed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 1, 2013, your Board heard a presentation from citizens regarding the consequences and the science involved in the proposed rules. At that meeting you directed staff to draft a letter for Board consideration.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:


Your Board may revise the letter or choose not to submit a comment. If the Board does not approve a letter Board members may submit comments individually.

ATTACHMENTS:

Toad2(DOCX)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrative Officer

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

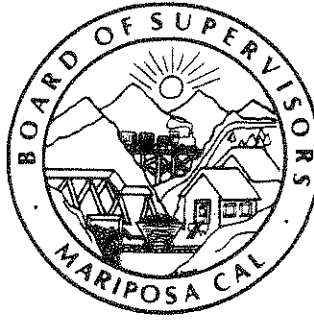
MOVER: Janet Bibby, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Mariposa County Board of Supervisors

District 1 LEE STETSON
District 2 MERLIN JONES
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JOHN CARRIER



RICHARD J. BENSON
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

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Mariposa, CA 95338
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(800) 736-1252
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www.mariposacounty.org/board

October 22, 2013

The Honorable Daniel M. Ashe
Director U.S. Department of Fish and Wildlife Service Public Comments Processing,
Attn: FWS-R8-ES-2012-0100
Division of Policy and Directives Management
U.S. Fish and Wildlife Service;
4401 N. Fairfax Drive, MS 2042-PDM;
Arlington, VA 22203

Dear Mr. Ashe:

The Mariposa County Board of Supervisors appreciates the opportunity to comment regarding the proposed rules to list as endangered/threatened, and to designate critical habitat for, the Sierra Nevada Yellow-Legged Frog (*Rana Sierrae*), Northern Distinct Population Segment of the Mountain Yellow-Legged Frog (*Rana Muscosa*) and the Yosemite Toad (*Anaxyrus Canorus*), as published in the Federal Register / Vol. 78, No. 80 / Thursday, April 25, 2012.

The Rural County Representatives of California (RCRC) and several agricultural-based organizations have raised significant concerns about the science behind this listing and/or designation of critical habitat. Mariposa County concurs with the request to assure that the scientific evidence be carefully scrutinized due to conflicting data received. Several counties have also commented on the conflicting science and have submitted letters objecting to said designations.


Numerous concerns have been brought to this Board from citizens regarding the science involved and the potential impacts to area ranchers and other property owners. There is a great deal of skepticism among our citizens regarding the need for the proposed rules.

The mission of the US Fish and Wildlife Service is to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. This mission will work much better when done with the support of local citizenry. Local citizen support is only gained through open, honest communications and when a sense of fairness is part of the equation.

The implementation of the proposed rule should be delayed and the proper environmental analysis, including economic and social impact and the relationship between the proposed listing and removal of hazardous fire fuels, should be fully

remanded back to the appropriate agencies for preparation of a thorough environmental analysis. Only then will the impacts of the proposed listing be fully understood and the residents of local jurisdictions of the region that are impacted be able to fully participate in this process.

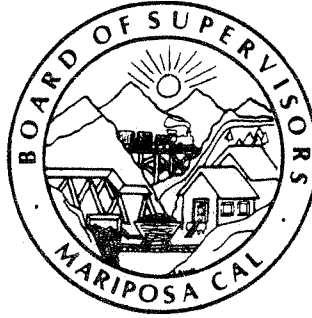
Sincerely,

A handwritten signature in black ink, appearing to read 'L. Stetson', written in a cursive style.

Lee Stetson
Chairman

Mariposa County Board of Supervisors

District 1 LEE STETSON
District 2 MERLIN JONES
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JOHN CARRIER



RICHARD J. BENSON
County Administrative Officer

RENÉ LA ROCHE
Clerk of the Board

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October 31, 2013

The Honorable Daniel M. Ashe, Director
U.S. Department of Fish and Wildlife Service
4401 North Fairfax Drive
MS 2042-PDM
Arlington, VA 22203

Attn: Public Comments Processing
FWS-R8-ES-2012-0100 and 0074
Division of Policy and Directives Management

Mariposa County Supervisor Bibby and Supervisor Carrier appreciate the opportunity to comment and submit information regarding the proposed rules to list as endangered/threatened, and to designate critical habitat for, the Sierra Nevada Yellow-Legged Frog (*Rana Sierrae*), Northern Distinct Population Segment of the Mountain Yellow-Legged Frog (*Rana Muscosa*) and the Yosemite Toad (*Anaxyrus Canorus*), as published in the Federal Register / Vol. 78, No. 80 / Thursday, April 25, 2012.

Mariposa County, like many of the counties within the Sierra Nevada which are impacted by the proposed rule, is very dependent upon the agricultural, forest management and tourism industries. These industries are critical to the employment of local residents and comprise a significant portion of the County and regional economy. Their existence is dependent upon use of land and resources and a sweeping proposal to restrict the use of any area of the County and region is of paramount importance to us. We are also very concerned with the potential economic impacts, locally and regionally, caused by the proposed listing and designation of critical habitat for both species of the Yellow-Legged Frog and the Yosemite Toad. The Federal Register and the supporting documents for the proposed listing encompass hundreds of pages of information. However, there exists no analysis of economic or social impacts resulting from the implementation of the proposed rule and listing. This void in the environmental review process and the lack of any analysis places the County in a very precarious position, and we ask that a detailed economic and social impact analysis be prepared. This analysis should address the impacts specific to timber harvest, biomass and fire-fuel reduction, watershed and stream restoration, bridge maintenance and replacement, flood control projects, and water right implementation. The analysis should also address other uses such as recreational activities, road maintenance, road construction, motorized and non-motorized off-highway vehicle use of roads and trails for public health, safety, and welfare, and for recreation.

The Proposals themselves state that the human activities of recreation, stock use, grazing, lumbering, and road building are of low significance in species decline. Appendix A of the Proposal states there is no correlation to grazing: "Recently published studies of livestock grazing impacts on the Yosemite toad found no detectable effects of grazing treatment on the Yosemite toads or their most preferred habitats within meadows, no benefits from partial meadow fencing, and concluded that toad occupancy and survival are more directly correlated with meadow wetness than the intensity of cattle use." (McIlroy et al. 2012; Roche et al. 2012a and 2012b.) The primary threats to the species are fungus and non-native trout stocking.

The ABSTRACT of Voyles states: "The disease *Barachochytrium chytridiomycosis* (Bd) is responsible for declines and extirpations of amphibians worldwide."

The U.S. National Park Service site states that trout depredation and fungus are causes. Fish removal began in 2001 and ended in 2004. Frogs then increased in one location from about 190 to 18,000, a 10,000 percent increase.

The U.S. Fish and Wildlife Service needs to consider all available science. There are other solutions for protecting the species besides designating critical habitat and removing humans and almost all human activity. There are on-going common sense efforts to save these species (and others) from extinction. These include an Oakland zoo's recent establishment of a center to study and breed endangered amphibians and reptiles, including the Yellow-legged Frog (Fresno Bee 9/4/13). Researchers have developed a bacterial bath treatment for the fungus, and when recovered, the frogs will be returned to their natural habitat. San Francisco and San Diego zoos are also involved, and the International Union for the Conservation of Nature in Switzerland, has asked zoos worldwide to take on one or two amphibian species to stave off their extinction. There is also another three year study called, "Effectiveness of Reintroductions and Probiotic Treatment as tools to Restore the Endangered Sierra Nevada Yellow-legged Frog to the Lake Tahoe Basin," this study started last November, 2012 and continues through July, 2015. The effort is being administered by prominent frog researchers R.A. Knapp and V.T. Vredenburg, and aims to thwart the fungus by treating captured frogs with probiotics to encourage natural immunity, before returning them to the Lake Tahoe Basin.

The above information considers the Bd pathogen as the greatest threat to the yellow-legged frog complex species, and that the other threats to these species discussed in the Proposed Rule are rendered almost senseless by this one extremely lethal organism. Therefore, it is not clear why the USFWS would want to spend its limited resources trying to make these imperiled species survive in a location and setting that will most likely lead to it becoming extinct. An analysis of how disease and fish stocking

may be mitigated in a way that will result in the stabilization and growth of the frog populations should be conducted.

We strongly oppose application of the proposed regulations beyond the current range and distribution. The proposed designation of 2 million acres of critical habitat is not appropriate since there are only 1320 acres of wetlands where the species habitat is located within the proposed area of concern. If the purpose of listing these species is to save them from extinction, then it would necessarily follow that the clearest and most imminent threats should be the ones addressed above. However, given that the clearest and most imminent threat to the three species is the Bd fungus, a world-wide threat to amphibians and not just the species addressed here, and given that Bd has been spreading naturally (i.e. not because of human influence), it is hard to see how listing and critical habitat designation would accomplish the rules' purposes. Bd will kill frogs and toads just as surely if they are listed and their habitat designated as if they are not listed or their habitat designated.

The Proposed Rule fails to address the possibility of extinction as a natural evolutionary process. More species have gone naturally extinct than currently exist on this planet. In fact it is common knowledge that an estimated 99% of the species that have ever existed are now naturally extinct due to their inability to adapt to such things as climate change, changes in hydrology, fire regime, predator species, and their inability to relocate to meet shifting conditions. Species have life spans, as do individuals. Although the lifespan of a species may be measured in millions of years, the length of a species' lifespan is not a given. Many factors may contribute to extinction at any time, including inability to respond to evolving diseases. The Proposed Rule presumes that the yellow-legged frog complex species, which is being driven to extinction by a naturally evolved and naturally spread disease, should somehow be exempt from the same natural evolutionary processes that 99% of the species that have ever existed on this planet have faced. The presence of environmental stressors is a normal condition for any species, and viable species adapt and evolve.

CONCLUSION

The mission of the United States Fish and Wildlife Service (USFWS) is to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. This mission will be enhanced when processed with the support of local citizenry. Local citizen support is only gained through open honest communications and when a sense of fairness is part of the equation. The USFWS needs to honestly consider and clearly disclose the impacts of their actions on the local citizens. The comments presented herein indicate that not only is the proposed listing of these species not for the benefit of the American people. To pursue listing of the Sierra Nevada Yellow-Legged Frog and the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog as endangered species, and the Yosemite Toad as a threatened species, while ignoring the science behind their decline, along with the inevitable accompaniment of critical habitat designation that will ensure failure to

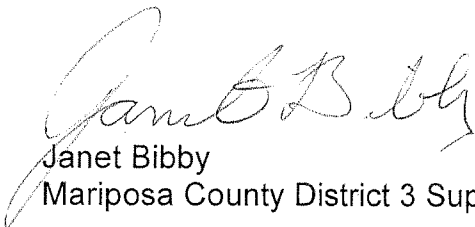
address the actual factors causing decline, thus making the discussion of critical habitat designation an unnecessary exercise. The USFWS should seriously consider the protections already being employed by the United States Forest Service.


Therefore, we have serious concerns over the proposed listing. It has been demonstrated that the lack of analysis, as represented herein, and the disregard for the economic, social, and environmental effects resulting from the proposed rule, will create significant and adverse impacts to the region. The implementation of the proposed rule should be delayed and the proper environmental analysis, including economic and social impact with peer review, should be fully remanded back to the appropriate agencies for preparation of a thorough environmental analysis. Only then will the impacts from the proposed listing be fully understood by the residents of local communities and governments of the regions.

Please forward the proper process for appeal should our comments and recommended actions contained herein, be rejected by the U.S. Fish and Wildlife Service.

Thank you for your consideration of these comments.

Sincerely,


Janet Bibby
Mariposa County District 3 Supervisor


John Carrier
Mariposa County District 5 Supervisor

Reference:

Vredenburg VT; Knapp RA et al. (2010): Dynamics of an Emerging Disease Drive Large Scale Amphibian Population Extinctions;

Briggs CJ; Knapp RA; Vredenburg VT (2010): Enzoitic and Epizootic Dynamics of the chytrid fungus pathogen of amphibians

Voyles J; Vredenburg VT et al., (4/25/12): Pathophysiology in Mountain Yellow-Legged Frogs during a Chytridiomycosis Outbreak.

McIlroy et al. (2012); Roche et al. (2012a and 2012b)
Scott 1993; Berger et al. (1998; Lips 1999.)