

COUNTY OF SIERRA

BOARD OF SUPERVISORS

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June 21, 2013

US Fish and Wildlife Service
4401 North Fairfax Drive
MS 2042-PDM
Arlington, Virginia 22203

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

The Sierra County Board of Supervisors adopted its resolution expressing strong concern over the proposed rule to list the Sierra Nevada yellow-legged frog as an endangered species under the Endangered Species Act of 1973. This resolution, adopted June 18, 2013, is attached hereto and should be considered in conjunction with the contents of this letter.

Sierra County, like many of the counties within the Sierra Nevada which are impacted by the proposed rule, is very dependent upon the agricultural and forest management 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 a significant area of the County and region is of paramount importance to this Board of Supervisors. The Board of Supervisors is also very concerned with the potential economic impacts, locally and regionally, caused by the proposed listing and designation of critical habitat for the Sierra Nevada yellow-legged frog. The Federal Register and the supporting documents for the proposed listing of the yellow-legged frog encompasses hundreds of pages of information. 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 this Board of Supervisors insists that a detailed economic and social impact analysis be prepared which addresses impacts specific to timber harvest, biomass and fire-fuel reduction, watershed and stream restoration, bridge maintenance and replacement, flood control projects, water right implementation for irrigation and other uses, recreational activities, off-highway vehicle use and motorized/non-motorized trails, road and drainage maintenance, road construction, grazing, and other uses of a similar nature that are common place and significant to the region and which occur daily within the areas proposed for implementation of the proposed rule.

The proposed rule and the information contained within the Federal Register do not clarify the relationship of the proposed rule to private property. Economic and social impacts resulting from the proposed rule being implemented on private land has numerous implications to private property use and enjoyment as well as maintenance or development activities of these private lands. Typically and historically, federal ownership has received the predominant impact from implementation of such rules (ie northern spotted owl, anadromous fisheries, and others) and if the proposed rule is intended to apply to federal and private lands alike, there is no analysis of the relationship between the implementation of the proposed rule and the host of development laws, administrative processes, permit requirements and regulatory programs that currently apply to private lands, particularly in California. The costs of this process could be significant and there is absolutely no analysis of these concerns in the available information supporting the proposed listing and implementation of the proposed rule.

Review of Part II of the proposed rule as contained within the Federal Register and the exhibit referenced as “Figure 1” on Page 24475 describes the estimated home range of the Sierra Nevada yellow-legged frog yet it is very confusing in the proposed regulations whether regulations under the Endangered Species Act of 1973 will apply only to the current range and distribution or whether these regulations will be applied to the estimated historical range. The difference between these two geographic areas as depicted on “Figure 1” is significant and we request a detailed clarification of this point. We strongly oppose application of the proposed regulations beyond the current range and distribution.

Irrigation practices, agricultural operations, and timber management activities that occur on private or National Forest System lands may be severely limited by the implementation of the proposed rule. The abatement of hazardous fuels on these lands is extremely important in the prevention of catastrophic wildfire and watershed damages resulting from these fires. Limiting this critical management tool and further limiting forest practices on private or public lands is a serious concern to County residents and should be a serious concern from the standpoint of the management of these lands for fish and wildlife purposes. Curtailment of the removal of hazardous fuels through the implementation of the proposed rule will be detrimental to ongoing tourism and the related recreational economy of the County as well as the habitat value and forest health of these lands that are in critical condition of needing biomass and fuel removal. Catastrophic fires that have occurred recently in this region of the Sierra Nevada and which we can clearly anticipate without more aggressive efforts to remove woody fuels and biomass, are evolving into very large tracts of land and timber; are burning much hotter and with greater destruction; and are sterilizing affected watersheds for decades. None of these critical factors have been analyzed in the consideration of the proposed rule.

Therefore and in summary, the Sierra County Board of Supervisors has serious concerns over the proposed listing. It has been clearly demonstrated that the lack of analysis, as represented herein, and the disregard for the economic, social, and environmental effects

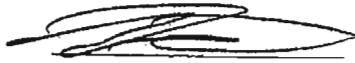
resulting from the proposed rule, will create significant and adverse impacts to the region. The implementation of the proposed rule should be delayed and the proper environmental analysis, including economic and social impacts and the relationship between the proposed listing and removal of hazardous fire fuels, should be fully remanded back to the appropriate federal agency for preparation of a thorough environmental analysis. Only then will the impacts from the proposed listing be fully understood and the residents and local governments of the region that are impacted be able to fully participate in this process.

Please forward the proper process for appeal should the comments of this Board of Supervisors and the recommended actions respectfully contained herein, be rejected by the US Fish and Wildlife Service.

Thank you.

Sincerely,

Sierra County
Board of Supervisors

A handwritten signature in black ink, appearing to read "Scott Schlefstein", written over a horizontal line.

Scott Schlefstein
Chairman

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF
EXPRESSING CONCERN OVER
PROPOSED LISTING BY USFWS
OF THREE SIERRA AMPHIBIANS**

RESOLUTION 2013-059

WHEREAS, the United States Fish and Wildlife Services are proposing two rules, 1 being to add three amphibian species to the Endangered Species List, and 2 being to designate large acreage critical habitat area; and,

WHEREAS, critical habitat is a term in the Endanger Species Act (ESA) of 1973, as amended, and once identified as such may require special management considerations; and,

WHEREAS, critical habitat units specific to the Sierra Nevada Yellow –Legged Frog, the Mountain Yellow-Legged Frog, and the Yosemite Toad are being proposed in seventeen total California Counties and critical habitat units specific to the Sierra Nevada Yellow-Legged Frog are proposed in Sierra County; and,

WHEREAS, the County of Sierra has a stated goal within the Policy Supporting Natural Resource Industries that includes provision of social and economic stability for agricultural areas, and to protect the health and safety of persons residing in Sierra County by maintaining a policy for protection and preservation of natural resource industries including the agricultural industry, for the purpose of providing a lasting social, economic and environmental benefit to the peace and welfare of all county residents ;and,

WHEREAS, the proposed rules have the potential to implement policies at a federal level that that will impact and impose burdensome requirements to agricultural, natural resource and recreational interests, which could have potentially devastating economic effects to small ranches and natural resource and recreation interests within Sierra County.

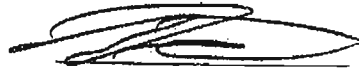
WHEREAS, Sierra County has a high level of concern with regard to the impact of the listing and designation of critical habitat units on the historical

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Sierra does hereby declare its strong concern for the proposed rules to list three amphibians and to designate critical habitat units.

ADOPTED by the Sierra County Board of Supervisors on the 18th day of June, 2013, by the following vote:

AYES:	Supervisors.. Adams, Huebner, Roen, Beard, Schlefstein
NOES:	None
ABSTAINED:	None
ABSENT:	None

COUNTY OF SIERRA



SCOTT SCHLEFSTEIN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:



HEATHER FOSTER
CLERK OF THE BOARD

APPROVED AS TO FORM:



JAMES A. CURTIS
COUNTY COUNSEL

The foregoing document is a
correct copy of the original on
file in this office.

Attest: 6/24/13

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
In and for Sierra County, California

By: [Signature] Deputy