

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370



Alicia L. Jamar, *Chief Deputy
Clerk of the Board of Supervisors*

Telephone: (209) 533-5521
Facsimile: (209) 533-6549
www.tuolumnecounty.ca.gov

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

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June 24, 2013

U.S. Fish and Wildlife Service
Division of Policy and Directives Management
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 2220

Re: Public Comments Processing
FWS-R8-ES-2012-0074

Dear Sir/Madam:

On behalf of the residents of Tuolumne County, the Tuolumne County Board of Supervisors is requesting an extension on the comment period for the proposed listing of the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad, and the designation of critical habitat to protect them. The impact of these actions is significant to the economic health of Tuolumne County and the ecosystems that residents, and visitors, to our county depend on. The comment period provided by these two proposals which ends on June 24, 2013 is insufficient to fully analyze the complex issues and economic impacts. As such, Tuolumne County is requesting that an additional 45 day comment period be granted.

Over three-quarters of Tuolumne County's land is managed by the Federal government, and 35% of the total proposed critical habitat by acre, or 1,431,040 acres, lie in Tuolumne County. Forest Health and biodiversity insist decision makers move away from management strategies and critical habitat designations based on assumptions and utilize the "best available science". Procedurally, critical habitat may only be proposed based on the best available science data after taking into consideration economic impacts of the designation. Several examples in the proposed rule do not meet the threshold of using the best available science but instead rely on assumptions. For example the "Allen Diaz Study" on Yosemite toads is cited, analyzed and discarded in the proposed rule in favor of anecdotal information given by Dave Martin.

In 2005, the U.S. Forest Service through a collaborative effort with the University of California (Berkeley and Davis) began a five year study to assess the effects of grazing on the Yosemite Toad: the "Allen Diaz Study". The proposed rule states "study did not detect an effect on grazing activity on young-of-year toad density or breeding pool occupancy, water quality, or cover....." (p.24503). Nonetheless, the proposed rule considers livestock grazing to

be a "threat prevalent with moderate impacts to the Yosemite toad and a potential limiting factor in population recovery rangewide." And it expects the "threat to continue" given what it calls "the potential for negative impacts from heavy use, and the vulnerability of toad habitat should grazing management plans change....."(p. 24504).

The Tuolumne County Board of Supervisors disagrees with the assumption that the United States Forest Service would deviate from current management and available forage use standards and guidelines in favor of the unregulated grazing of the distant past. Furthermore the proposed rule ignores the conclusion of the "Allen Diaz Study". The Final Study Report, dated December 31, 2010 found "the greatest determinant of greater toad numbers is a wet meadow."

Similarly the proposed rule states the frog is being impacted primarily by climate change, pollution and infections, and that grazing, pack stock use, fire management and roads are marginal factors. Page 24484 of the Federal Register Notice states "threats from recreational foot traffic, camping and timber harvest and related activities are not quantified, but they are not thought to be major drivers of frog population dynamics." Restricting these uses seems irrational since they would have minimal benefits to frog populations.

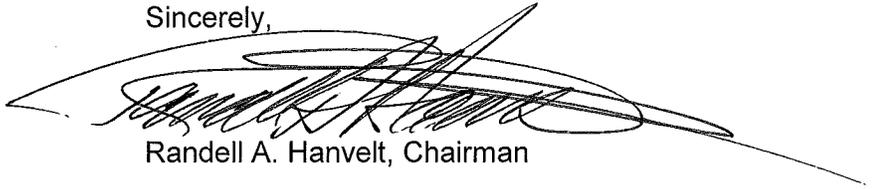
Tourism has emerged as the largest industry in Tuolumne County, and is heavily dependent on service related recreation activities. Those recreation activities are dependent upon access to public lands in the county. Equally important is the cattle and timber industry. Healthy foothill oak woodlands habitats are maintained by moving some cattle to public lands for a few months on a yearly cycle. Tuolumne County is home to wood processing facilities that are critical for California's timber industry infrastructure, and are currently at risk of closing due to a lack of available timber. Of the 896,993 total acres on the Stanislaus National Forest currently 385,691 acres are suitable for active timber management or 42% is available on the Stanislaus National Forest. (Note: the Stanislaus National Forest includes Alpine, Calaveras, Mariposa and Tuolumne Counties) The Proposed Rule will impact 1,431,040 acres in Tuolumne County. That critical land designation will have the potential to decimate the County economy and the three industries discussed. The proposed Rule indicates that the frog typically moves only a few hundred yards from water sources and the farthest detection from water was 1,300 feet, yet entire watersheds are proposed for designation in Tuolumne County, suggesting the critical habitat designation is overreaching at best.

In addition to the comment deadline extension, Tuolumne County requests a public meeting be held in Tuolumne County with a representative of the U.S. Fish and Wildlife Service (USFWS) to explain why these actions are being proposed. We also request that USFWS brief our Board of Supervisors. In particular, the County is interested in the science behind the proposed decisions and the rationale for critical habitat designations. In addition, we would request information regarding the overall environmental impacts to the forest, including water, public safety, and socio-economic impacts; and to the other resident species, including special status and thriving species. It is with great trepidation that Tuolumne County reviewed the expansive critical habitat designated in the Proposed Rule. We are committed to working

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toward a goal that provides reasonable solutions for the Yosemite Toad, the Yellow Legged Frog, and the public that earns a living and/or recreates on the Stanislaus National Forest in Tuolumne County. Thank you for the opportunity to provide Tuolumne County's perspective to these proposed actions. Please contact Tuolumne County's Administrative officer Craig Pedro at (209)533-5511 to facilitate coordination of a public meeting and a briefing before the Board of Supervisors.

Sincerely,

A handwritten signature in black ink, appearing to read "Randell A. Hanvelt", is written over a horizontal line. The signature is stylized and somewhat cursive.

Randell A. Hanvelt, Chairman

cc: Dianne Feinstein, Senator
Tom McClintock, Congressman, 4th District
Tom Berryhill, Senator, 14th District
Frank Bigelow, Assemblyman, 5th District
Regional Council of Rural Counties