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*Working to protect and restore Western Watersheds*

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By Web-form

February 1, 2016

Forest Plan Revision Team  
Pacific Southwest Region  
USDA Forest Service  
1323 Club Drive  
Vallejo, CA 94592

Web site: <http://tinyurl.com/earlyadoptersfpr>

**RE: Draft Proposed Species of Conservation Concern Lists and Process  
Plan Revisions for the  
Inyo, Sequoia and Sierra National Forests**

Dear Forest Planners:

Western Watersheds Project and Sequoia ForestKeeper are pleased to provide the following additional comments in response to the December 17, 2015 announcement by Region 5 asking for concerns and feedback about the Species of Conservation Concern draft proposed lists or process. These comments are submitted in addition to the comments submitted by Sierra Forest Legacy on behalf of multiple organizations – including Western Watersheds Project – on the Draft Proposed SCC lists for the Inyo, Sequoia and Sierra National Forests. The posted deadline for comments is February 1, 2016, so these additional comments are timely.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, research, public policy initiatives, and litigation. Western Watersheds Project and its staff and members use and enjoy the public lands, including the lands at issue here, and its wilderness character, wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. Western Watersheds Project has over 1,600 members nationwide. Western Watersheds Project has a specific and special interest in a number of important resources found on the three forests including the Bi-State sage-grouse, pygmy rabbit, rare birds, reptiles, amphibians, and fish that are impacted by various activities that are authorized by the agency particularly livestock grazing.

The National Forest Management Planning Act (“NFMA”) directs that National Forests are to “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” 16 U.S. Code § 1604(g)(3)(b).

The planning rule defines Species of Conservation Concern (“SCC”) so:

36 CFR § 219.9(c) Species of conservation concern. For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species’ capability to persist over the long-term in the plan area.

We are concerned that the process used to develop the SCC will not provide for diversity in part because the Forest relies too heavily on metrics from a single third party data base (“NatureServe”) and is ignoring local species distributions and current conservation status. The NatureServe rankings are based on a species present situation, which often reflects the results of past conservation efforts, which have been in place for decades. In this respect, the current status of subpopulations represents a measure of the success of past conservation efforts. For this reason, those subpopulations need to be considered to be conservation-dependent and any decrease of the current conservation effort would very likely be detrimental. Thus, the SCC process should incorporate assessment of the value that a “Sensitive Species” designation has had on conserving that species or populations before this status is dropped. For example, we are extremely concerned that the Inyo National Forest SCC list does not include the R5 Sensitive pygmy rabbit even though that is the only Forest in California that it now occurs on since the species has been extirpated from northern California.

Generally, species that have small or restricted geographic ranges – particularly endemics – have a higher likelihood of rapid decline even if they are locally “common” because they occupy such a small range. Likewise, biologists recognize that peripheral populations of widespread species have conservation value, and conclude that conservation plans should include populations found both near the center and the periphery of a species’ distribution (Channel, 2004<sup>1</sup>). Two species of interest are one endemic to Sequoia National Forest – the Greenhorn Mountains Slender Salamander; the other a peripheral population in California of a more widespread species – the pygmy rabbit.

### **Greenhorn Mountains Slender Salamander:**

In 2012, scientists determined that slender salamanders found in the Greenhorn Mountains that were previously considered to be specimens of the Forest Service Sensitive *Batrachoseps relictus* were actually a separate species. They named the new species *Batrachoseps altasierrae* (common name Greenhorn Mountains Slender Salamander) (Jockusch

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<sup>1</sup> Channel, R. 2004. The Conservation Value of Peripheral Populations: the Supporting Science. In: Proc. Species at Risk 2004 Pathways to Recovery Conference. 17 March 2–6, 2004, Victoria, B.C.

*et al.*, 2012<sup>2</sup>). As its common name suggests, the salamander is endemic to the Greenhorn Ranger District on Sequoia National Forest. Jockusch *et al.* observed that by virtue of their previous inclusion in *B. relictus*, populations of *B. altasierrae* were recognized as Sensitive Species by the U.S. Forest Service, and their impression was that populations of *B. altasierrae* populations were healthy.

*B. altasierrae* are terrestrial salamanders found in palustrine habitat in mixed coniferous forests (Jockusch *et al.*, 2012). They use soil, fallen timber, and woody debris, for example, salamanders near Alta Sierra were found under the bark of a huge fallen ponderosa pine (CNDDDB Occurrence 15).

Last year, Sequoia National Forest proposed the Summit Fuels Reduction and Forest Health Project<sup>3</sup> and initiated scoping for preparation of an EIS. 80 FR 55590. This project covers a significant swath of the range of the Greenhorn Mountains Slender Salamander. Then in December 2016, the Forest proposed the “Summit Healthy Forest Project CE<sup>4</sup>” which covers a portion of the original Summit project because it would take too long to get the EIS done.

The California Natural Diversity Database (“CNDDDB”) records just 43 occurrences of *B. altasierrae*. Six (6) of the 43 occurrences (i.e. 14%) are within the footprint of the proposed Summit CE project (Occurrences 1, 2, 3, 13, 14, 15). These six occurrences include the holotype site (Occurrence 1). The proposed project will clearly alter the overall habitat and the microhabitat on which these endemic salamanders depend. Because the proposed project will alter the habitat of some 14% of the known occurrences of *B. altasierrae* there is clear reason for concern that this project will have a significant impact on this species. But amazingly the Forest is seeking to authorize the project without even conducting an Environmental Assessment.

Clearly there is something wrong with the current process that allows the agency to consider allowing projects without full NEPA review that will have such potentially devastating impacts on this endemic species. We are extremely concerned that the new planning approach will make this situation far worse since it utterly fails to identify endemic species as being of conservation concern even though they could be eliminated by just a couple of projects that were categorically excluded from NEPA analysis.

The Greenhorn Mountains Slender Salamander should be added to the SCC list for Sequoia National Forest so that it can be protected from Forest Service actions that are not just the major threat the species faces but a threat that could eliminate the entire species. Region 5 should also consider automatically proposing endemic species for SCC status or adding screens that will ensure that the new Forest Plans will not reduce diversity by facilitating the loss of endemics.

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<sup>2</sup> Jockusch E. L., Martinez-Solano, I., Hansen R. W. and Wake, D. B. 2012 Molecular and morphological diversification of slender salamanders (Caudata: Plethodontidae: *Batrachoseps*) in the southern Sierra Nevada with descriptions of two new species. *Zootaxa*, 3190: 1-30.

<sup>3</sup> <http://www.fs.usda.gov/project/?project=45951>

<sup>4</sup> <http://www.fs.usda.gov/project/?project=48185>

## Pygmy Rabbit:

The Pygmy Rabbit, *Brachylagus idahoensis* is a sagebrush obligate species typically found in areas of tall, dense sagebrush. Pygmy Rabbits are highly dependent on sagebrush to provide both food and shelter throughout the year. Their diet in the winter consists of up to 99 percent sagebrush. The Pygmy Rabbit remains at risk from livestock grazing in Eastern California and elsewhere throughout the West. The risk factors include direct loss of habitat through breaking of vegetation and trampling of burrow areas and indirectly through impacts to soil crusts, elimination of native perennials, seeding of non-natives for cattle forage which can reduce summer forage for rabbits, impacts to their ability to see predators, loss of shelter, general habitat fragmentation and range limitations, resource development to support grazing, competition with cattle for resources in riparian areas and more (USFWS, 2010<sup>5</sup>).

Pygmy Rabbit habitat extends well into Inyo National Forest with the southern limit of their distribution in California in the vicinity of Crowley Lake in southern Mono County (*ibid.*). Inyo National Forest contains the southern-most extension of the Pygmy Rabbit's range and it appears isolated from the Nevada populations to the North. Grayson (2006) states that, "it is possible that Mono County populations have been separated from the rest of the range since the end of the Pleistocene." The pygmy rabbit has been extirpated from Lassen County and now only occurs in California in the Mono Basin area.

The 1988 Inyo National Forest Plan lists the Pygmy rabbit as a sensitive species and the Region-5 2013 Sensitive Species list update continues to carry the Pygmy rabbit as a sensitive species while the Inyo NF Draft Assessment (p.91) does not carry the rare and isolated, at-risk species into the new category: Species of Conservation Concern (SCC). This change is not appropriate for the following reasons:

- The Mono County populations may be isolated from other known populations by a distance of approximately 100 mi from the nearest known populations in Nevada (Larrucea and Brussard, 2008a<sup>6</sup>).
- The duration of isolation of Pygmy Rabbits in Mono County may contribute to unique characteristics of species diversity and adaptability for animals on the Inyo National Forest.
- The Pygmy Rabbit has been extirpated from northern California and thus has already undergone a significant range contraction in California.
- Only 10 of the 12 CNDDDB records for Pygmy Rabbits are extent populations. Five (i.e. 50%) of those extent occurrences are on Inyo National Forest.
- There are important ecological values associated with protection of the distant portions of a species range both in terms of possibilities for range expansion and also risks of range limitations.
- Pygmy Rabbits are uniquely vulnerable to habitat destruction from livestock grazing related to the crushing of denning habitat (burrows).

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<sup>5</sup> 75 FR 60516

<sup>6</sup> Larrucea, E. S. and Brussard, P. F. 2008. Habitat selection and current distribution of the pygmy rabbit in Nevada and California, USA. *Journal of Mammalogy*. 89(3): 691-699.

- Pygmy Rabbits are strongly sage brush dependent, often associated with moist riparian areas and live in small home ranges (female home range can be a fraction of an acre) making them especially vulnerable to livestock grazing impacts.
- Siegel, 2002<sup>7</sup> and Siegel-Thines *et al.*, 2004<sup>8</sup> found that the adverse effects of cattle on Pygmy Rabbits were so significant that they called for the complete removal of cattle.
- Wilson *et al.*, 2011<sup>9</sup> found that Pygmy Rabbits were affected by vegetation treatments in sage-steppe habitat finding evidence of within home range selection against treatments sites and avoidance of treatment sites.
- Pygmy Rabbit response to climate change will include range contraction (Larrucea and Brussard, 2008b<sup>10</sup>; Leach *et al.*, 2015<sup>11</sup>). Models suggest a risk of extirpation from California within 20 years (see Becker, 2015<sup>12</sup> extracted from Leach *et al.*, 2015 Supplementary Materials 2 and attached to this letter).

In summary, the range of the Pygmy Rabbit has already contracted in California. Inyo National Forest authorizes both livestock grazing and vegetation treatments that are known to impact the species in Pygmy Rabbit habitat. Modelling predicts that Pygmy Rabbits face extirpation from the region in the 2020s. Based on this information the Inyo National Forest must add the pygmy rabbit to the list of Species of Conservation Concern. Immediate conservation measures are needed to promote resiliency for this species in the face of ongoing threats from Forest Service actions and climate change, and that needs due consideration in the revised LRMP.

Western Watersheds Project and Sequoia ForestKeeper thank you for this opportunity to assist the Forest Service. We are sending copies of the scientific literature cited in this letter by email. If you have any questions on our comments or would like further information please feel free to contact us.

Sincerely,



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<sup>7</sup> Siegel, N. J. 2002. Ecology of pygmy rabbits at Sagebrush Flat in central Washington. MS Thesis, Washington State University, Pullman. 73 pp.

<sup>8</sup> Siegel-Thines, N. J., Shipley, L. A. and Sayler, R. D. 2004. Effects of Cattle Grazing on Ecology and Habitat of Columbia Basin Pygmy Rabbits (*Brachylagus idahoensis*). Biol. Cons., 119: 525-534.

<sup>9</sup> Wilson, T. L., Howe, F. P. and Edwards, T. C. 2011. Effects of Sagebrush Treatments on Multi-Scale Resource Selection by Pygmy Rabbits. Journal of Wildlife Management, 75(2): 393-398.

<sup>10</sup> Larrucea, E. S. and Brussard, P. F. 2008b. Shift in location of pygmy rabbit (*Brachylagus idahoensis*) habitat in response to changing environments. Journal of Arid Environments, 72: 1636-1643.

<sup>11</sup> Leach, K., Kelly, R., Cameron, A., Montgomery, W. I., Reid, N. 2015. Expertly Validated Models and Phylogenetically-Controlled Analysis Suggests Responses to Climate Change Are Related to Species Traits in the Order Lagomorpha. PLoS ONE 10(4): e0122267. doi: 10.1371/journal.pone.0122267

<sup>12</sup> Becker, P. 2015. Species account #1 - Pygmy rabbit (*Brachylagus idahoensis*). From Leach *et al.*, 2015 S2.

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A handwritten signature in black ink that reads "Ara Marderosian". The signature is written in a cursive, flowing style.

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