



February 1, 2016

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USDA Forest Service
Vallejo, CA

Re: Comments on draft list of Species of Conservation Concern

Dear Joan:

Thank you for the opportunity to comment on the draft lists of species of conservation concern (SCC) for the Inyo (INF), Sequoia (SQF), and Sierra (SNF) national forests.

We appreciate the inclusion on these draft lists of two species – sage grouse and Mt. Whitney draba (*Draba sharsmithii*)¹ – that had been omitted from the draft lists presented in July 2015. We are, however, disappointed to see that very little of the scientific information we provided in August 2015 was incorporated into this draft list and documentation and that so few changes have been made to the draft SCC lists.

In the comments below, we first raise general concerns about the approach and documentation for the determination of SCC. Second we offer comments related to the determinations for individual species. Attachment A contains additional information in support of the sections below.

¹ We note that this draba was originally included on that Inyo National Forest list and has now been appropriately added to the Sierra National Forest list.

I. General Concerns about SCC Determinations

A. Use of Best Available Science Information Not Documented

It is very concerning that there has been little to no attempt to connect the rationale for the proposed SCC designations to the sources. Although the spreadsheets provide lists of sources used, those sources are extremely scant and therefore insufficient to meet the BASI standard. Moreover, clear connections between the rationale and sources used has rarely been established. Establishing a clear connection between a data source and inferences derived from the data source is a standard in virtually all fields of science. Due to the lack of a clear connection between the rationale and the sources used, we are unable to confirm if the entirety of the rationale is attributable to the sources used, and which data source is attributable to which portion of the rationale. Furthermore, the rationales very often appear not to accurately reflect the sources cited. For these reasons, we believe the best available scientific information (BASI) on which the SCC determinations have been made has not been established. It is also frustrating that we have spent considerable time and energy providing in-depth comments using scientifically-based rationale that connect data sources to our inferences and yet it appears that our comments have not been incorporated into the draft lists.

Our concerns about the lack of BASI documentation are particularly acute at this time because the forest plan DEIS is scheduled to be published sometime this spring and little to no scientific information on the SCC was provided in the forest assessments, an issue we provided extensive comments on during the assessment comment period. By failing to document how the best available scientific information was used to inform the assessment or any aspect of the draft SCC list, there is no basis to support that the currently existing SCC lists were developed using BASI. Thus, if BASI is found to be incompletely explained during the EIS and objection process, a supplemental EIS will be necessary.

B. Criteria Applied Inconsistently Among Species

The rationales for the proposed SCC designations are fraught with inconsistencies. The most widespread of these inconsistencies occurs when a specific NatureServe ranking is used to deem one species not worthy of SCC designation and the same NatureServe ranking is used to deem another species worthy. Because NatureServe rankings may not be applicable to the plan area, NatureServe ranking should not be used as the sole rationale for SCC determinations. We also suggest that NatureServe rankings be used consistently from species to species and rationale to rationale. Although we focus on invertebrate examples below to highlight the inconsistent use of NatureServe rankings, inconsistencies are by no means limited to the invertebrates. The following are some examples of the inconsistent use of NatureServe rankings:

- Many invertebrates are listed by NatureServe as critically imperiled or imperiled that have not been proposed as SCC; yet, there are many invertebrates that have been proposed as SCCs and the only rationale provided is that NatureServe lists them as imperiled or critically imperiled.

- Many invertebrates listed as G1 or G2 have not been proposed as SCCs, but almost all of the vertebrates that have a G1, G2, T1, T2, S1, or S2 ranking have been proposed as SCCs.
- Invertebrate subspecies listed as T1 or T2 (imperiled or critically imperiled) seem to have been selected to be SCCs more often than invertebrate species that are imperiled or critically imperiled with few to no differences in rationale.
- The Lepidoptera appear to have been selected to be SCCs more often than all other invertebrates with few to no differences in rationale.

We also find inconsistencies between rationale statements among species with similar criteria. For example, the yellow-blotched salamander was proposed as an SCC “due to the S3 [vulnerable in California] rankings and the on-going concerns about the long-term persistence of relatively small distribution.” In contrast, western pond turtle with the same rankings and trends is found not to be an SCC. This species is also a Forest Service Sensitive Species, and it has a positive 90-day finding by USFWS. Despite these similarities, the tables state for western pond turtle “This species is ranked as a G3 [globally vulnerable] and S3 [vulnerable in California], thus there is not enough concern for long-term persistence in the plan area.” Another example relates to the Kern Plateau salamander. This species has been selected to be an SCC with a NatureServe ranking of G3 and S2, with no threats listed, and a stated rationale of: "Populations have been found on the Inyo NF." Yet, mountain plover, snowy plover and black tern have G3 and S2 ranks, are threatened by "habitat loss," and the rationale for not including these species is: "No substantial or local concerns."

We ask that the logic used to develop each rationale for inclusion or exclusion be consistent, fully described, and done in furtherance of species’ conservation as discussed below.

C. Higher Burden of Proof

We have identified numerous species in these comments (including Attachment A) that are critically imperiled, imperiled, vulnerable, or are species currently on the Regional Forester’s Sensitive Species (RFSS) list, yet they have been excluded from the SCC list. We believe these species should be included on the SCC list due to their vulnerability and the risk to their persistence in the plan area. Our estimation of risk of persistence includes accounting for uncertainty about existing information. Furthermore, the ongoing concern about the conservation status for these species, as demonstrated by the NatureServe ranks, ranks by the State of California, and other information, demands a higher burden of proof from the Forest Service to demonstrate why such species should not be included on the SCC list. The “rationales” presently lack science-based evidence and a coherent statement to establish why these species should not be included on the SCC lists.

D. Misapplication of the “Substantial Concern” Criteria

The “substantial concern” standard is being misapplied which has led to species being wrongly excluded from the SCC list. The goal of SCC designation is, in part, to prevent the need for the listing of that species under the ESA. As the Forest Service has put it, “[w]e create an SCC list using the best available science in a proactive step intended to prevent species from becoming

federally listed.” (“Species of Conservation Concern Frequently Asked Questions” (July 2015)). The Forest Service has also acknowledged that “the goal of [the SCC and Sensitive Species] lists is to prevent species from being federally listed as threatened or endangered,” and that the SCC list, as compared to the Sensitive Species list that currently exists, “has more comprehensive and defined criteria . . . making it less likely that a species in need of help will be overlooked.” (“Species of Conservation Concern Frequently Asked Questions” (July 2015)) Unfortunately, the opposite is occurring with the draft SCC list, as many species, including a number of species that currently are considered “Sensitive”, are being overlooked.

Not only are “Sensitive” species being wrongly denied SCC status, thus far, it also appears that the SCC process is essentially using an ESA listing standard to determine whether a species should receive SCC designation. This is despite the fact, as noted above, that the Forest Service has acknowledged that the intent of SCC status is to help avoid ESA listing. “Substantial concern” is a lesser standard than ESA “warranted” and, moreover, ESA listed and ESA candidate species are addressed separately from SCC under the 2012 Planning Rule. One example of this error is the black-backed woodpecker—even though it has received a positive 90-day finding under the ESA, is designated “S2” in California, and faces direct threats to its primary habitat, it has not been included on the draft SCC lists.

“Substantial concern” is defined by the Forest Service as “credible evidence that there is a concern about a particular species’ ability to persist within the forest.” (“Species of Conservation Concern Frequently Asked Questions” (July 2015)) Such “evidence” includes (i) “species has been identified as imperiled as a result of status reviews described in the scientific literature and listed in widely accepted databases such as NatureServe, a nonprofit organization that provides proprietary wildlife conservation-related data, tools, and services,” (ii) “[s]ignificant threats, such as climate change or competition from exotic species,” (iii) “[f]ield surveys have documented declining SCC populations or habitat in the forest plan area,” or (iv) “the species is known to have low population numbers or restricted habitat within the forest plan area.” (“Species of Conservation Concern Frequently Asked Questions” (July 2015)) As an example of misapplication, all of these identifiers of SCC status apply to the black-backed woodpecker and yet it is not included on the draft SCC lists. The black-backed woodpecker has been identified as “S2” in California, is threatened by climate change and post-fire logging, has been documented to be in decline or reduced occupancy (see, e.g., Roberts et al. 2015; Siegel et al. 2015), and is extremely rare with very restricted, and ephemeral, habitat. Similarly, several species that are currently recognized on the Regional Forest Sensitive Species (RFSS) list are not being designated “SCC” despite the concern the data shows for them.

E. Connecting Necessary Ecological Conditions to Threats and Rationale

For a number of species the primary rationale for not designating the species a SCC is limited to a general statement suggesting there is a lack of information on population trends and/or no evidence for concern about the species’ persistence in the plan area. There are three primary reasons population trend data may not be available for a species. First, and often the most common reason there are few occurrence records and population trend data are not available, is there may have been little to no survey effort and/or there are inherent difficulties in studying some taxa. The fact that little to no survey efforts have been made should not automatically

result in a determination that the species does not warrant SCC designation. Second, when surveys have been conducted and species are observed or not observed, surveys are often not designed in a manner that allow for statistical inferences to be made on population trends and negative survey results are often not reported (e.g., California Natural Diversity Database does not include negative survey results). Finally, even in the rare cases that surveys have been designed with the intent to allow one to make statistical inferences on occupancy or population trends, issues with sample size or study design may yield inconclusive results. Therefore, in cases where population trend data is lacking, the SCC designation rationale should be tied to specific threats to species within the plan area that are affecting the ecological conditions on which the species depends.

Providing a connection between specific threats and the rationale for designation is especially important now since to date little to no information on dependent ecological conditions or threats has been provided for each species. This deficiency is illustrated by the column title in the tables, “Known Threats to Species Persistence (Note: Many of the threats listed in this table are general threats impacting the species and may not apply to populations within the planning area).” The threats listed may not apply to the plan area and are often too generic (e.g., loss of habitat, loss of nesting habitat, climate change, disturbance to roost sites, etc.) to formulate a rationale for the SCC determination.

Defining the specific ecological conditions on which each potential SCC depends is an essential first step to a rationale that supports a conclusion that there is or is not a substantial concern about species viability within the plan area. Once the ecological conditions on which the species depend have been defined, the logical next step is to identify the specific threats acting on the dependent ecological conditions within the plan area. Only after the specific threats to the ecological conditions on which the species depends have been defined can a defensible SCC rationale be developed. The primary purpose of the forest assessments as they relate to SCC is to define the ecological conditions on which the species depends and the specific threats to those ecological conditions within the plan area. This was not done for the Forest Assessments on the INF, SQF, and SNF.

F. Negative Determinations Rely on Ongoing or Future Management Practices

We found that negative determinations for some species on the draft SCC list inappropriately relied upon ongoing or anticipated management to conclude that the habitat needs of the at-risk species would be provided for, and therefore, it did not need to be included on the SCC list. The rationale provided to exclude northern goshawk from the list illustrates this application.

This species is not proposed as an SCC due to the secure population and expectation that it will continue to persist. This species is uncommon but widely distributed in conifer forests of the western U.S., including Sierra Nevada, and the population is stable or possibly slightly increasing. There are more than 200,000 acres of habitat in Sierra NF, **increasing gradually through time with current and proposed management. Current and proposed nest site protection measures have helped assure a stable or increasing population.**

The conclusion that the population is stable or increasing is dependent on management direction, i.e., nest site protection and other practices, guided by the current plan. It is also implied that protection measures are being included in the draft plan to be proposed.

Reliance on current or future management is inappropriate for several reasons. First, if it is known that an at-risk species requires certain management to reverse trends and provide stability then it should be on the list to ensure that these needs are addressed in the development of plan components. Second, future management direction is speculative at this point. In the case of northern goshawk, we know from the best available science information that “[t]imber harvest is the principal threat to breeding populations (Squires and Reynolds 1997).” (cited in NatureServe 2015). Measures that govern timber harvest will be addressed in the revised forest plans, but those details are not yet known. The purpose of the SCC list is to use it to develop plan components so that at-risk species, such as northern goshawk that require certain protection measures for persistence, are adequately covered in the forest plan. Lastly, an at-risk species will only be evaluated in the development of the forest plan if it is included on the SCC list or is a federally designated species. There is no other role for at-risk species in the development of a forest plan. For at-risk species with known threats due to actions regulated by the forest plan (e.g., logging) SCC designation is necessary to ensure that plan components maintain the ecological conditions on which the species depend and to provide for viable populations in the plan area.

G. Regional Forester Sensitive Species Not Included on SCC List

There are several species included on the recently revised Regional Forester Sensitive Species (RFSS; revised 2013) list for Region 5 that have not been designated as SCC. We find no basis for these omissions since the Forest Service has stated in the 2012 planning rule that RFSS are similar to SCC:

RFSS are those plant and animal species identified by a regional forester for which population viability is a concern, as evidenced by: significant current or predicted downward trends in population numbers or density or significant current or predicted downward trends in habitat capability that would reduce a species’ existing distribution. RFSS are thus similar to species of conservation concern.

(77 FR 21175) Furthermore, the purpose of both the RFSS and SCC approaches to land management is to prevent the federal listing of at-risk species. We also find that the criteria to define FSSS and SCC are essentially the same. Thus, we expect that those species designated on the recently revised RFSS list should be included on the SCC list, yet they are not.²

At the recent Federal Advisory Committee meeting in Sacramento (January 15, 2016), there was some suggestion that the RFSS lists were not tailored to a national forest and therefore did not consider the persistence of a given species in the plan area. This is not correct for Region 5. The RFSS list for Region 5 is organized by national forest and not all species on the list are relevant to all forests. Thus, consideration was given by “plan area.”

² We do recognize that SCCs serve a different functional role in the forest plan revision process compared to the RFSS.

Lastly, several of those RFSS excluded from the SCC list are wide-ranging species and occur throughout the Sierra Nevada bioregion, e.g., Sierra marten, northern goshawk, and were actively addressed in the most recent range-wide forest plan amendments (USDA Forest Service 2004). In these amendments they were identified as a high priority for conservation and their habitat needs drove the development of plan components in that amendment process. All RFSS and especially those for which the current forest plan specifically include conservation measures to address species persistence, should be included on the SCC list for these forests.

H. Classification by State of California Largely Absent for Animals

The State of California maintains lists of “Special Status Species” for both plants and animals that recognize the species designations of other agencies and identifies their own “Species of Special Concern.” In addition, the State recently completed a State Wildlife Action Plan in which they further refined this designation to highlight those species they determined to be the “Species of Greatest Conservation Need.” Additional designations by the State of California include “Fully Protected Animals”³ and those listed under the California Endangered Species Act. The draft SCC tables do not recognize, for nearly all animal species, the rankings assigned by the State of California. The tables should be revised to reflect these state rankings. We believe these rankings should influence the inclusion of species on the SCC lists.

I. Presentation of the SCC Lists

We appreciate being able to review all the information in the tables. In our comments here, we are asking for additional information on ecological needs, threats, and trends to substantiate the rationale for exclusion or inclusion of a species on the SCC list and to meet the BASI standard. We ask that this level of detail be provided in species accounts to elaborate on the information in the tables.

We have noted that in conversations with other stakeholders, there appears to be some confusion that the species listed in the recently posted tables are all being included on the draft SCC list. People who were confused included staff with state agencies and county planning departments. We suggest that each time you provide updated tables and species information that you also provide a simplified list of the current draft SCC list for each forest. We also suggest that you provide a list of the federally designated species by forest at each update. Presenting the information in simplified form will help to clarify for everyone which species are currently being included on the lists.

II. Comments on Determinations for Selected Species

In the following, we offer specific comments on selected species. The determinations of many more species than the ones we highlight here suffer from the deficiencies we note above. We ask that remedies for the deficiencies noted generally and for each species below be provided in revised lists and the documentation of the determination.

³ Fully Protected Animals: https://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html

A. Sierra Marten (INF, SQF, SNF)

We provided extensive information in our August 2015 comments to support the inclusion of Pacific marten on the SCC list. There is little evidence that our comments were incorporated into the evaluation since very few of the citations we provided were included in the SCC tables. We also found it impossible to assess the rationale for not including this species as an SCC since it was unclear what information from the list of citations was relevant to the conclusion not to list. In addition, we found that references cited on the list (e.g., Lawler et al. 2012: “Overall, our results suggest that martens and fishers will be highly sensitive to climate change and, as for many species, will likely experience the largest climate impacts at the southernmost latitudes and lowest elevations within their ranges.”) indicate that there is substantial concern about persistence in the plan area.

The explanation for not including this species also presumes a certain management approach in the future, i.e., “This species is expected to persist considering the current and expected future given habitat and management conditions.” As described in our more general comment above, reliance on expected future management is inappropriate to support a negative determination. This is especially the case for Sierra marten, a species on the recently updated RFSS list and one for which conservation measures are included in the most recent forest plan amendments in the Sierra Nevada (USDA Forest Service 2004).

We also find it of particular concern that the tables do not recognize the heightened concern expressed by the State of California for this species. As noted in our August comments, this species has been designated a “Species of Greatest Conservation Need” by the State of California in the recently approved State Wildlife Action Plan.⁴ We ask that this designation be addressed in detail in future drafts of the list and documentation for this species.

B. Northern Goshawk (INF, SQF, SNF)

The SCC documentation does not address the BASI we submitted in detailed comments on an earlier draft of the SCC list. Most significantly, the recent tables (documentation) omit key information about this species. First, the State of California has long recognized northern goshawk as an at-risk species and the state rank is “vulnerable” (S3). Most recently they increased the level of concern and designated northern goshawk a “Species of Greatest Conservation Need” for the Sierra Nevada bioregion in the state wildlife action plan (Department of Fish and Wildlife 2015). Second, logging was not identified as a threat to this species despite our prior comments providing BASI to support this and the clear statements in NatureServe regarding threats:

Timber harvest is the principal threat to breeding populations (Squires and Reynolds 1997). In addition to the relatively long-term impacts of removing nest trees and degrading habitat by reducing stand density and canopy cover, logging activities conducted near nests during the incubation and nestling periods can have an immediate

⁴ California State Wildlife Action Plan: <https://www.wildlife.ca.gov/SWAP/Final>

impact: nest failure due to abandonment (Boal and Mannan 1994, Squires and Reynolds 1997)

...probably declining in some areas primarily as a result of habitat alteration (especially logging), which can be expected to continue; effectiveness of forest management guidelines in providing adequate protection remains to be determined.

(NatureServe 2015) The vulnerability and threats support a finding of substantial concern for persistence in the plan area. We ask that northern goshawk be included on the final SCC list.

Past reviews completed by the Forest Service also highlight the substantial risk factors for northern goshawk from actions under the control of the Forest Service:

The major threat to northern goshawks at the present time concerns the effects of vegetation management (e.g., timber harvest, fuels treatments, etc.) and wildfire on the amount, distribution, and quality of habitat. (Bloom et al. 1986, Keane and Morrison 1994, Kennedy 1997, Squires and Reynolds 1997, Smallwood 1998, DeStefano 1998).

Assessing historic to current changes in the amount and quality of northern goshawk habitat in the Sierra Nevada is problematic due to uncertainty regarding: (1) historic vegetation conditions; (2) what constitutes high quality goshawk habitat; and (3) current vegetation conditions due to accuracy, resolution, and scale concerns related to current inventory maps. However, it is possible to qualitatively address these issue based on current general knowledge of northern goshawk habitat relationships and overall changes that have occurred in Sierra Nevada forests in response to predominantly selective timber harvesting and fire suppression policies. Analyses conducted at both the plot and landscape scales have documented large reductions in mature and older forests throughout the Sierra Nevada and reductions in the numbers and distribution of large trees as a result of selective harvesting of large pines, and increases in the numbers of smaller diameter trees and density of forest understories as a result of fire suppression (Laudenslayer 1990, McKelvey and Johnstone 1992, Franklin and Fites-Kaufmann 1996, Beardsley et al. 1999, Bouldin 1999). These trends suggest that there has been a reduction in the amount and distribution of the mature and older forests with large trees and open understories used for nesting by northern goshawks. Greater uncertainty exists regarding changes in foraging habitat, although limited knowledge of northern goshawk foraging habitat use would suggest that these habitat trends would also have led to a reduction in the distribution and amount of foraging habitat. Thus, although uncertainty exists, documented changes in the structure and composition of Sierra Nevada forests are predicted to have led to a reduction in the types of habitats used for nesting and foraging based on current understanding of northern goshawk habitat relationships. It is not possible to determine if changes in the distribution and amount of habitat have resulted in northern goshawk population changes due to lack of data on historic and current population sizes and distributions.

(USDA Forest Service 2001) These threats drove the inclusion of land allocations, desired conditions and standards to ensure that viable populations of northern goshawk were maintained in the plan areas.

Lastly, we also note, as mentioned above, the “rationale” for exclusion stated in the tables inappropriately relies on practices guided by the current forest plan and anticipated future management.

C. Black-backed Woodpecker (INF, SQF, SNF)

The evaluation of black-backed woodpecker to date has not addressed the available information on status and trend, has not addressed the extensive literature on this species, and has not incorporated the detailed, science-based comments we submitted for this species. Thus, the review does not meet the best available science (BASIS) standard.

The most recent SCC tables fail to mention that the black-backed woodpecker: 1) received a positive ESA 90-day finding; and 2) is currently designated as “imperiled” (S2) in California.⁵ This information alone strongly supports inclusion on the SCC list. In addition, a long list of reports and published papers exists regarding the status, the trends, habitat conditions, and threats to black-backed woodpecker, yet the most recent SCC tables fail to acknowledge this extensive literature. Of significant concern is the failure to note post-fire logging as a threat and the omission of black-backed woodpecker in the table for the INF. Moreover, while we have been told that species experts have been consulted about the SCC list, inquires to several black-backed woodpecker experts indicate they were not contacted.

The rationale provided by the USFS for not including the black-backed woodpecker on the SCC list states that “proposed actions of the revised forest plan . . . are expected to result in more high-severity burned habitat in the plan area throughout the plan period, while also sustaining green forest habitat (that includes snags) for this species.” This statement is misinformed in several ways. First as mentioned in our general comments above, it is inappropriate to rely on current or future management when evaluating inclusion on the SCC list. Second, it fails to identify that post-fire logging, an action under the control of the agency, is a threat to this species. The body of scientific literature that establishes post-fire logging as a threat is vast and it is remarkable that the documentation simply ignores this. Lastly, the documentation fails to acknowledge that the best available science (e.g., Rota et al. 2014; Fogg et al. 2014) shows that green forest is secondary habitat for the black-backed woodpecker and is not known to be capable of supporting viable black-backed woodpecker populations.

There is a long list of literature available for this species much of which was funded to a significant extent by the Forest Service. This literature explains that black-backed woodpeckers in California are separate from the black-backed woodpeckers in boreal forests (Pierson et al. 2010 [“a barrier likely exists between Oregon and the boreal forest. . . . values are similar to those documented among subspecies or separate clades”]). Furthermore, “substantial concern” exists for the black-backed woodpeckers in California because:

⁵ California Department of Fish and Wildlife, Special Animals List, January 2016: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline=1>

- Their primary habitat, severely burned forest, is ephemeral, both temporally and spatially, and even in large fires can be of limited availability (Casas-Planes et al. 2016 [“Optimal and potential habitat for Black-backed Woodpecker comprise 53.7 km² and 58.4 km², respectively, representing 5.1 and 5.6% of the overall footprint of the Rim Fire”]).
- This primary habitat is targeted for logging immediately post-fire (at 1-2 years), which coincides with when such habitat is of greatest value to black-backed woodpeckers. As recently published in Siegel et al. (2016), “results indicate that natal dispersal is the primary means by which Black-backed Woodpeckers colonize recently burned areas in western forests, and that breeding dispersal is uncommon. The decline of Black-backed Woodpecker populations 6–10 yr after fire likely reflects the lifespan of individual birds that colonized the burned area, or of offspring that they produced in the early postfire years.”
- Not only is burned forest habitat limited in general, even when it does exist, there is limited availability of nest trees within it (Lorenz et al. 2015 [“Our findings suggest that past studies that did not measure wood hardness counted many sites as available to . . . when they were actually unsuitable, potentially biasing results. Moreover, by not accounting for nest site limitations . . . , managers may overestimate the amount of suitable habitat. We therefore urge ecologists to incorporate quantitative measures of wood hardness into . . . nest site selection studies, and to consider the limitations faced by avian cavity excavators in forest management decisions.”])
- Post-fire logging has been and continues to be a serious threat to black-backed woodpeckers. For example, the Forest Service’s Regional Numbers for the species show a loss of 35% of black-backed woodpecker habitat over the past 8 years due to logging on public and private lands within the Sierra region.
- Post-fire logging clearly harms woodpecker habitat as evidenced, for example, in Siegel et al. 2013 (map of black-backed woodpecker locations with the caption “Note the general absence of foraging locations within the post-fire harvest areas”), Campos and Burnett 2015 (“Black-backed Woodpecker. . . decreased with increasing area salvaged”), and many other publications. This is largely because the very snags that are most heavily targeted for removal in post-fire logging projects are the very snags that these woodpeckers prefer when foraging – medium and large snags (Siegel et al. 2013; Siegel et al. 2014 [“Our past findings (Siegel et al. 2013) show that Black-backed Woodpeckers in burned forests of California preferentially select larger, dead trees in more severely burned areas for foraging.”])
- Current post-fire logging projects on National Forest lands in the Sierra Nevada illustrate at least two additional significant problems for black-backed woodpeckers: (1) in the only instance where actual surveys were conducted for black-backed woodpeckers post-fire (the King fire area), it turned out that far fewer black-backed woodpeckers were present than had been accounted for by modeling, and moreover, the areas identified as containing actual black-backed woodpeckers were overwhelmingly (80%) approved to be

logged by the Forest Service; and (2) the logging approved as to the 2014 fires (Bald, Eiler, French, and King Projects) represents a substantial increase in intensity/degree of removal of black-backed woodpecker suitable habitat relative to past years; this issue is further magnified by the fact that black-backed woodpecker habitat is ephemeral, meaning that while the USFS' regional analysis (2007-2014) speaks to treatment of 20% of USFS burned forest black-backed woodpecker habitat (and 35% on all lands), as treatment intensity increases annually over time, and burned forest otherwise ceases to support black-backed woodpeckers, less and less habitat will be available for black-backed woodpeckers. This current trend is especially concerning in light of the overall low amount of habitat in the bioregion in burned forest—only 223,000 acres even using the Forest Service's numbers from its most recent "regional analysis" (which include areas that are likely not high quality black-backed woodpecker habitat).

- Available information indicates that black-backed woodpecker populations may be declining. Appendix A of Roberts et al. (2015) found that a "sharp decrease" in black-backed woodpecker populations is occurring in unburned forests throughout the Sierra Nevada in recent years (Roberts et al. 2015, p. 39), and concluded that the data indicate a "strong change in green forest occupancy" appears to be occurring (Roberts et al. 2015, p. 40; Figure A.1, p. 42). In a separate study conducted by the Institute for Bird Populations in burned forest, the authors found that occupancy in 2013 and 2014 were the lowest since the study began in 2009, and 2014 was the lowest year of all (Siegel et al. 2015, p. 2). We note that the studies above were funded in part by the Forest Service to assess population and habitat trends for this species.
- While secondary habitat exists for black-backed woodpeckers in unburned forest (Fogg et al. 2014), the best available science shows that such habitat is very likely of marginal value at best (e.g., Rota et al. 2014 ["population growth rates were positive only in habitat created by summer wildfire"]; Siegel et al. 2013 [showing unburned forest home ranges to be substantially larger than burned forest home ranges; this is indicative of poor quality, and means the woodpeckers are traveling much farther, and expending far more energy, to obtain food]). Thus, unburned forest cannot be relied on to dismiss concern for this species, and this is especially so given the low level of detect in unburned forest and the recent "sharp decrease" in such detections.
- Audubon (<http://climate.audubon.org/birds/bkbwoo/black-backed-woodpecker>) and Stralberg and Jongsomjit (2012) predict substantial range contractions for the black-backed woodpecker in the Sierra Nevada in the coming decades due to a large-scale loss of higher-elevation montane and subalpine conifer forests from climate change.

The BASI above and in our prior comments supports the inclusion of black-backed woodpecker on the SCC list. We ask that you include this species on the final SCC list.

D. Nelson Desert Bighorn Sheep (INF)

Nelson desert bighorn sheep has been identified by the State of California as a "Species of Greatest Conservation Need" in the recently completed state wildlife action plan. The herd in

the White Mountains is thought to be the largest in California and unique due to its occupation of higher elevation habitat in the White Mountains. Threats to this species include habitat degradation and fragmentation, climate change and disease from livestock and goats. Epps et al. 2005 “analysed the effects of . . . barriers on connectivity and genetic diversity of 27 populations of *Ovis canadensis nelsoni* (desert bighorn sheep).” Their “findings link a rapid reduction in genetic diversity (up to 15%) to as few as 40 years of anthropogenic isolation. Interstate highways, canals and developed areas, where present, have apparently eliminated gene flow. These results indicate that anthropogenic barriers constitute a severe threat to the persistence of naturally fragmented populations.”

With regard to disease, a recent outbreak of pneumonia caused by *Mycoplasma ovipneumoniae* (*M. ovi*) locally and in herds to the south shows that this threat is very serious. As discussed by the Park Service document, “[i]n May 2013, a National Park Service employee who was inspecting wildlife guzzlers found four desert bighorn dead on Old Dad Mountain, 15 miles southeast of Baker, California. The employee also observed other sick animals that appeared to be weak and unsteady with labored breathing. Laboratory analysis of blood and tissue samples indicated that it had pneumonia. This disease may enter desert bighorn populations from domestic sheep or goats and is usually fatal to bighorn.” Infection by *M. ovi* has also been documented in the White Mountain herd with disease-related deaths documented most years since 2009. Domestic sheep and goats are host animals for *M. ovi*. Domestic sheep have been found to co-mingle with Nelson bighorn sheep in the White Mountains and it is important to limit contact between native and domestic sheep to reduce the risk of disease outbreak and to stabilize the herd.

Climate change too is a serious threat. Epps et al. 2006 explains that they “assessed genetic diversity of 25 populations of desert bighorn sheep (*Ovis Canadensis nelsoni*) in southeastern California, where temperatures have increased and precipitation has decreased during the 20th century. Populations in low-elevation habitats had lower genetic diversity, presumably reflecting more fluctuations in population sizes and founder effects. Higher-elevation habitats acted as reservoirs of genetic diversity. However, genetic diversity was also affected by population connectivity, which has been disrupted by human development. Restoring population connectivity may be necessary to buffer the effects of climate change on this desert-adapted ungulate.”

The vulnerability to disease combined with potential for habitat degradation and loss indicates that there is substantial concern about the ability of this species to persist in the plan area.

E. Panamint Alligator Lizard (INF)

The Panamint Alligator Lizard is a Forest Service Sensitive Species for the INF and the U.S. Fish and Wildlife Service recently determined that this species may qualify for listing under the Endangered Species Act.⁶ Despite these two recent acknowledgements of threats to the species' persistence, no clear explanation is provided to explain why the Forest Service has determined that the Panamint Alligator Lizard does not meet the qualifications to be included in the SCC list. As discussed above, one of the goals of the SCC list is to "prevent species from becoming

⁶ 80 Fed. Reg. 37568 (July 1, 2015), 80 Fed. Reg. 19259 (April 10, 2015)

federally listed." Excluding species from the list that are currently being reviewed for listing under the ESA clearly does not match up with this stated goal.

The only rationale that is provided for this decision is weak and provides no real basis for the decision:

Extent of occurrence and area of occupancy *probably* have been *relatively stable* over the long term. However, USFWS announced it is continuing with evaluation of this species for federal listing. (*Emphasis added*).

These types of weak conclusions, with no reference to new information or papers, are clearly insufficient to determine the current status and likelihood of persistence in the plan area.

Under "Known Threats to Species Persistence" the table cites to a "2015 Status Review;" however, this status review is not included in the "Sources Used" section of the document so it is unclear where this information is coming from and if it is the best scientific information available. In addition, the broad, conclusory statement cited, "[c]urrent threats to PAL are minimal, but this might change in the future," indicates that threats to the species are uncertain.

Climate change is included in the list of threats to this species, but it appears that the Forest Service has not sufficiently considered this threat, as the Panamint Alligator Lizard is considered to be at high risk of impacts due to climate change. Wright et al. (2013) built ecological niche models for all 153 reptile and amphibian species in California to forecast the distribution of climatically suitable habitat under four future climate scenarios and eleven general circulation models for 2050. They measured risk as both the percentage of currently occupied localities remaining suitable in the future (Point Ranking), and the change in suitable area within a minimum convex polygon of currently occupied localities (Area Ranking) (Wright et al. 2013). Reductions in climatic habitat suitability were predicted to be largest for reptiles in the southern mountains and deserts (Wright et al. 2013). *E. panamintina* was identified as one of nine highest-risk species, defined as the species most at risk of climate shifting away from the range of conditions that they can tolerate based on current distributions (Wright et al. 2013 at pages 12, 234-36).

Surprisingly, another important source not included in the "Sources Used" for this species, or any other amphibian or reptile species for that matter, was a Forest Service report, conducted to provide up-to-date assessments of these herpetofauna to assist in creation of a Regional Foresters' Sensitive Species List for Region 5 National Forests (Evelyn and Sweet 2012). In this conservation assessment, Evelyn and Sweet (2012) ranked each species as "High Concern," "Some Concern," "No Concern," and "Data Deficient" within eight threat categories.⁷ The Panamint alligator lizard received a "High Concern" ranking for the categories 1, 4, 6, and 7, and a "Some Concern" ranking for all other categories (Evelyn and Sweet 2012). The lizard was one

⁷ 1) Spatial distribution on Region 5 National Forest system lands; 2) Distribution outside Region 5 National Forest system lands; 3) Dispersal ability of the taxon; 4) Abundance of localities on Region 5 National Forest system lands; 5) Population trend on Region 5 National Forest system lands; 6) Habitat trend on Region 5 National Forest system lands; 7) Habitat or taxon vulnerability; and 8) Life history and demographic traits.

of only 15 species (of 62 fully assessed) to receive rankings of "High Concern" in 3 or more categories, and thus should be considered of the most threatened herpetofauna evaluated.

F. Western Pond Turtle (SQF, SNF)

The western pond turtle is included in the lists of Sensitive Species for the SQF and SNF. The U.S. Fish and Wildlife Service determined in April, 2015 that this species may qualify for listing under the Endangered Species Act.⁸ Despite these two recent acknowledgements of threats to the species' persistence, no real explanation is provided to explain why the Service has excluded the western pond turtle from the draft SCC list, other than the fact that the species is classified as G3 and S3. This "Vulnerable" classification under NatureServe indicates that the species is considered to be "[a]t moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors."⁹ This clearly does not match up to the Service's conclusion that this ranking means "there is not enough concern for long-term persistence in the plan area."

As with the Panamint alligator lizard, the Forest Service report by Evelyn and Sweet (2012) appears to have not been considered in the decision to leave the turtle off of the draft SCC list. In this conservation assessment the western pond turtle received a "High Concern" ranking for the category 5 ("Population Trend in R5"), in part because "Populations of *Actinemys marmorata* have declined in R5, particularly in southern California south of the Santa Clara River where few large populations remain" (Evelyn and Sweet 2012). It also received a "Some Concern" ranking for all other categories (Evelyn and Sweet 2012). The report also documents that Patti Kreuger recommended continued listing as a sensitive species because "populations are isolated and not able to connect with one another" (Evelyn and Sweet 2012). There is nothing in the proposed SCC documents to show why this assessment would be any different today.

G. At-Risk Plants

1. Negative Determinations Based on Inadequate Information

In our comments to the July 29, 2015 draft SCC plant lists we expressed the need to address approximately 100 additional plant species that meet the criteria for SCC consideration. The updated draft SCC plant lists of December 2015 now include a consideration of these additional species in tabular form. While it is clear there has been an effort to filter through a comprehensive list of plants to determine SCC list eligibility, the rationale provided for excluding the majority of plants from the currently proposed SCC list remains unclear, usually because information supporting a decision to reject SCC candidacy is insufficiently explained or entirely lacking. In most cases, additional information on when a species was last monitored, whether population trends have been observed, and how these data were collected remain essential but missing elements needed to accept or reject a plant's SCC list candidacy. If this information is available at the forest level, then it should be made available as part of the screening material so the public can better assess the adequacy of the SCC list.

⁸ 80 Fed. Reg. 19259 (April 10, 2015)

⁹ <http://www.natureserve.org/conservation-tools/conservation-status-assessment>

For example, when threats to a species are listed as, “none known” (e.g., for *Erigeron aequifolius* on the INF) does this mean one has monitored the population and confirmed no threats currently exist, or that no one has monitored the population to assess whether there are threats?

What is more, several species are noted to occur in wilderness areas where threats are presumed to be insignificant because populations occur in remote areas (e.g., *Draba sierra* on the SNF, “3 populations in remote wilderness, no threats likely”, and several others with similar annotations; see SNF comments below). However even populations in wilderness areas experience threats that could be reduced through appropriate management action. Lassics lupine, *Lupinus constancei*, is a RFSS which occurs within the Lassics Wilderness area of the Six Rivers NF where encroachment of Jeffrey Pine and herbivory have pushed this species’ only population to the brink of extinction. After 13 years of monitoring and research, a petition to list Lassics lupine as Endangered under the FESA was recently submitted to the USFWS¹⁰. Thus even FSS species occurring in remote wilderness can face population-threatening stressors for which USFS management action is required. We highlight the case of Lassics lupine to underscore the need to understand what information - beyond what is provided in the December 2015 screening materials - was used to consider when concluding a species should be rejected as a SCC candidate. At the very least, providing more details about the survey and monitoring history, and population trends observed for each species would help to address concerns about the adequacy of the current list. Additionally, stakeholder groups like the California Native Plant Society (CNPS), in consultation with the forest botanist, could use survey history information to identify immediate plant survey and monitoring needs and prioritize stakeholder efforts designed to assist the FS in updating occurrence data.

2. Inyo National Forest

We believe the following plants must be reconsidered and designated as SCC plants in the INF based on the following information.

a) *Abronia alpina*

Abronia alpina is an INF RFSS plant that had been a FESA Candidate species during the development of the DEIS. However, on October 8, 2015 the USFWS published in the Federal Register their determination that a listing for *A. alpina* is not warranted at this time, and have removed it from the Candidate list. Therefore it should be reconsidered and designated as a SCC plant in the INF.

Based on a review of records from the California Consortium of Herbaria (CCH), from personal collections of a professional botanist, and the lists provided for the INF, we have identified two additional plant species that should be added to the SCC list for the INF. Plant occurrences and threats to their habitat have been documented on INF land by botanist Ann Howald. As we noted in our earlier comment letter regarding the draft SCC list (August 14, 2015), Ms. Howald observed and collected these species within the INF in Mono County in 2015. Specimens of

¹⁰ Imper, D., S. Carothers, the Center for Biological Diversity, and the California Native Plant Society. *Before the Secretary of the Interior: Petition to list the Lassics lupine (Lupinus constancei) as Endangered under the Endangered Species Act*. Submitted January 15, 2016.

these species are now filed at the UC-Riverside (UCR) Herbarium, have been mounted, and the data entered into the UCR database. The specimen data will soon be uploaded to the CCH, if it has not been already. If it is important that the data be in the CCH before the species can be considered for SCC designation, we request that the USFS clarify this so CNPS can request that UCR Herbarium staff prioritize their process for these species.

b) *Eriogonum alexanderae*

This species is included on the “plants occurring outside forest boundaries” list for the INF as *Eriogonum ochrocephalum* var. *alexanderae*. Reveal revised the nomenclature in 2011 to *Eriogonum alexanderae* (Reveal) Grady & Reveal in *Phytotaxa* 24:33, and included it as such in *Intermountain Flora*, Volume Two, Part A (Holmgren et al. 2012).

Ann Howald found *Eriogonum alexanderae* on INF land in 2015, on the eastern edge of the Mono Basin, just west of the Anchorite Hills, which are in Nevada, and made several collections from INF land in California. The plants are growing on an unusual soil type for the Mono Basin – low mounded hills of gray clayey lakebottom sediments, covered with broken white calcareous rock, possibly caliche. The plants are scattered in small colonies, and the total population size in this area was approximately 3000 plants. The associated species are: *Krascheninnikovia lanata*, *Chrysothamnus viscidiflorus*, *Astragalus calycosus*, *Lepidium montanum*, *Leptodactylon pungens*, *Mentzelia torreyi* and *Stipa hymenoides*, with scattered *Juniperus utahensis* nearby. It occurs in an isolated area although there are unpaved forest service roads running through it.

The most important threats in this location are wild horses and a large halogeton (*Halogeton glomeratus*) infestation. The horses likely brought in the halogeton from Nevada. Nevada doesn't attempt any control of halogeton. There is a herd of wild horses in the area that moves through the habitat on a regular basis. A deputy sheriff who patrols the area sees them regularly, and fresh droppings were observed during several visits in the summer of 2015. At that time, there was no evidence observed of browsing or trampling of *Eriogonum alexanderae* by the horses, but likely that would be possible. The halogeton infestation was spread more or less throughout the habitat of *Eriogonum alexanderae*.

In late August of 2015, Sue Weis, Paul Satterthwaite and Ann Howald pulled all the halogeton individuals they could find. Only a few individuals had begun flowering, and there were no mature seeds. However, it is likely that additional control efforts will be needed, since there could be seeds remaining in the soil seed bank, and especially if the wild horses continue to occupy the area and bring in new seeds.

c) *Mentzelia torreyi*

Mentzelia torreyi is not included on either of the lists provided for the INF. There are 39 collection records in the CCH for *Mentzelia torreyi* in Mono County, including several at Black Point and elsewhere on the north shore of Mono Lake.

While none of the 39 CCH records appear to be located on INF land, in 2015 Ms. Howald found *Mentzelia torreyi* on INF land in the same location as *Eriogonum alexanderae*, with details as

described above. *Mentzelia torreyi* is less common in this habitat than *Eriogonum alexanderiae*. The *Mentzelia torreyi* population size is approximately 500 individuals in the area. In 2015 the plants were small, compared to those seen elsewhere in other years.

Threats to *Mentzelia torreyi* in this location are the same as for *Eriogonum alexanderiae*, i.e., impacts from wild horses and a large halogeton infestation.

In addition to the two plants above, Ms. Howald also found a very small population of *Astragalus kentrophyta* var. *undulatus* on BLM land adjacent to INF land, also on the eastern edge of the Mono Basin. To date, no individuals of this species have been found on INF land, though appropriate habitat exists there. We note this since if found on INF lands, *Astragalus kentrophyta* var. *undulates*, may be a species to be added to the INF SCC list in the future. As noted elsewhere, we would like the USFS to clarify the process by which new species can be added to the SCC list.

d) RFSS plants considered but rejected as SCC candidates

The following is a list of questions and concerns we have related to plants on the INF RFSS list that have been considered but rejected as SCC candidates. As noted above, supporting information (citations, survey dates, population trend observations, etc.) is sparse or entirely lacking for most of these plants. While this data deficiency applies to other at-risk plant species considered for SCC candidacy, we focus our comments herein on those taxa currently listed as RFSS within the early-adopter forests.

As noted above, more detailed information is needed to assess the adequacy of decisions proposed for the following RFSS plants. By providing more detail on survey and monitoring history, and population trends (at least), the FS would provide better means for the public to evaluate the forest service's assessment of species status. It would also help prioritize future INF survey and monitoring efforts - fieldwork that stakeholder groups like the CNPS's Rare Plant Treasure Hunt, and Partners for Plants initiatives are willing and able to provide.

Draba asterophora var. *asterophora* (Tahoe draba) - needs fuller narrative as to monitoring history, population trends, etc.

Draba cruciata (Mineral King draba) - "status on Inyo NF not known" noted. We recommend adopting a precautionary approach by including this RFSS plant on the SCC list until such time as its status can be surveyed and determined.

Draba incrassata (Sweetwater Mountains draba) - needs fuller narrative as to monitoring history, population trends, etc.

Erigeron aequifolius (Hall's daisy) - Note about threats is "None known." Is this based on observations that confirm none exist, or because no one has looked? Needs fuller narrative as to monitoring history, population trends, etc.

Erigeron multiceps (Kern River daisy) - Note in Known Threats reads, "Very few populations,

but need to be revisited.” We recommend adopting a precautionary approach by including this RFSS plant on the SCC list until such time as its status can be revisited, surveyed, and determined. Needs fuller narrative as to monitoring history, population trends, etc.

Hulsea vestita ssp. pygmaea (pygmy hulsea) - More information on the survey history for this species is especially important. Needs fuller narrative as to monitoring history, population trends, etc., as notes indicate possible extirpation from the Inyo plan area. Consortium records are from the 1960’s and screening materials note “*cannot relocate.*” When have relocation surveys been performed?

Peltigera gowardii (veined water lichen) - It is important for the public to know what available scientific information is being referred to as “sufficient” when noted as such.

Senecio pattersonensis (Mono ragwort) - “Needs more info” “few populations suspected” are notes from the screening materials for this plant that indicate status uncertainty based on insufficient information. Mono ragwort is currently a RFSS for the INF. Was the lack of information known when placed on the RFSS list? Or has this uncertainty developed since it was last reviewed for the RFSS list (2013)? What about species status has changed from the time it warranted RFSS status to its apparent ineligibility for SCC status today?

Botrychium lunaria (common moonwort) - please clarify whether the following note regarding existing threats, “OHV - severe soil disturbance” is a condition that has observed within the Inyo plan area, or is known generally to occur within the species’ range.

Lupinus lepidus var. culbertsonii (Hockett Meadows lupine) - the note for this species should be revised to read “No consortium records. Ann Howald trip to RSA - **no** specimens from Mono County.”

3. Sierra National Forest

a) *Leptosiphon serrulatus*

L. serrulatus (Madera leptosiphon) appeared on the July 29, 2015 proposed SCC list for the SNF but no longer appears on any list for the SNF, nor is there rationale provided for removing this species from the proposed SCC list. It should remain on the SNF SCC plant list unless sufficient rationale is provided for excluding it.

b) *Ribes menziesii var. ixoderme*

Aromatic canyon gooseberry is currently marked as *not qualified* for inclusion on the SCC list with a note that, “[t]his species may qualify as SCC, new information obtained during the Rough Fire is being evaluated.” Its current rank is California Rare Plant Rank (CRPR) 1B.2. It is incorrectly listed as a CRPR 4 in the SNF Screening information table. Please correct the CRPR designation for this species so its greater rarity status is considered during its on-going evaluation for SCC status.

c) Incorrect California Rare Plant Ranks

The following plants have incorrect California Rare Plant Ranks attributed to them in the SCC Screening materials table for the SNF. We noted these errors when screening RFSS plants and did not check the accuracy of CRPR designations for all other (non-RFSS) plants on the SNF list.

Cinna bolanderi is a CRPR 1B.2, not CRPR 4.

Eriogonum ovalifolium var. *monarchense* is a CRPR 1B.3 not CRPR 2B.3

Heterotheca monarchensis is a CRPR 1B.3 not a CRPR 2B.3

Hulsea brevifolia is a CRPR 1B.2 not a CRPR 2B.3

Lupinus lepidus var. *culbertsonii* is a CRPR 1B.3 not 1B.2

Peltigera gowardii is a CRPR 4.2 not CRPR 2B.2

d) RFSS plants considered but rejected as SCC candidates

The following is a list of questions and concerns we have related to plants on the SNF RFSS list that have been considered but rejected as SCC candidates.

Cinna bolanderi (Bolander's woodreed) - needs fuller narrative as to monitoring history, population trends, etc.

Horkelia parryi (Parry's horkelia) - Note reads, "Sierra NF populations not threatened." It is important to know the monitoring history upon which this note is based. Also, this species is a G2 / S2 plant which occurs within the plan area, and therefore qualifies as a potential SCC based on ranking. The screening materials table incorrectly indicates, "No" to appropriate G / S rank, and to this species' SCC potential based on ranking.

Hulsea brevifolia (short-leaved hulsea) - needs CRPR correction, and fuller narrative as to monitoring history, population trends, etc.

Mielichhoferia elongata (elongate copper moss) - needs fuller narrative as to monitoring history, population trends, etc.

Peltigera gowardii (veined water lichen) - - needs fuller narrative as to monitoring history, population trends, etc.

The following Sierra RFSS plants have populations that occur in wilderness areas within the plan area. While anthropogenic threats to sensitive species are less likely to occur in wilderness areas, stressors to population viability can and do still occur in wilderness areas. Monitoring history is therefore an important aspect to consider when assessing status, and one that is lacking in the December 2015 screening materials.

Dicentra nevadensis (Tulare County bleedingheart) - needs fuller narrative as to monitoring history, population trends, etc.

Eriogonum ovalifolium ssp. monarchense (Monarch buckwheat) - needs fuller narrative as to monitoring history, population trends, etc.

Gilia yorkii (Monarch gilia) - needs fuller narrative as to monitoring history, population trends, etc.

Heterotheca monarchensis (monarch goldenaster) - needs fuller narrative as to monitoring history, population trends, etc.

Lupinus lepidus var. culbertsonii (Hockett Meadows lupine) - needs fuller narrative as to monitoring history, population trends, etc. (all records in CNDDDB > 20 years old).

4. Sequoia National Forest

a) RFSS plants considered but rejected as SCC candidates

The following is a list of questions and concerns we have related to plants on the SQF RFSS list that have been considered but rejected as SCC candidates. There are 14 SQF RFSS plants listed in the December 2015 tables that are proposed as ineligible for SCC status. Without exception, the nature of information or rationale provided in the screening information tables for these plants is insufficient at best. In most cases, no information other than single words of “insufficient” “no” “none” are provided. For several plants, the lack of recent occurrence records is noted, presumably as a reason considered for rejection of SCC status.

The noted lack of recent occurrence records is especially frustrating since this is exactly the type of plant information that stakeholder groups like CNPS have actively attempted to assist the FS to relocate in order to update species status. However on several occasions, the FS has denied issuing the required collection permits, thereby thwarting stakeholder ability to help obtain information that is essential yet obviously lacking for appropriate assessment of species status. Nevertheless, we continue to offer assistance and, based on recent discussions with R5 strategic planners, remain optimistic that efforts to do so will be possible. Where successful, these partnerships have proven beneficial to both the plants that need attention, and to overburdened FS staff.

Calochortus palmeri var. palmeri - Note reads, “More common than indicated.” This information is too vague to be useful. I.e., more common than indicated *where* and based on what information?

Canbya candida - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Cinna bolanderi - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Delphinium inopinum - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Draba cruciata - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Eriastrum tracyi - Tracy's eriastrum is a Sequoia RFSS species listed as Rare under the California Endangered Species Act and clearly requires that more information be provided to establish sufficient reason for rejecting from the proposed SCC list. There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Erigeron multiceps - Note in Known Threats reads, "Very few populations, but need to be revisited." We recommend adopting a precautionary approach by including this RFSS plant on the SCC list until such time as its status can be revisited, surveyed, and determined. Needs fuller narrative as to monitoring history, population trends, etc.

Heterotheca monarchensis - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Hulsea vestita ssp. pygmaea - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Lupinus lepidus var. culbertsonii - the note for this species should read, "Ann Howald trip to RSA - no specimens from Mono County"

Mielichhoferia elongata - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Mimulus gracilipes - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Peltigera gowardii - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

Phacelia novemmillensis - There is no information with which to assess the adequacy of conclusions. Based on what information? Needs fuller narrative as to monitoring history, population trends, etc.

H. Black Rosy Finch (INF)

Black Rosy-Finch (*Leucosticte atrata*) is included in the evaluation tables, but this species is found in the mountains of “Idaho and Montana to Nevada and Utah” and “winters to Arizona”¹¹ the INF is not within the range of this species. The rosy finch species for the Sierra Nevada is Gray Crowned (*Leucosticte tephrocotis*).¹²

I. Butterflies (INF)

Several of the entries for butterflies have conflicting information. When and how will this information be reviewed and clarified? Information on species occurrences and threats should be solicited from species experts and incorporated into the evaluation tables.

1. White Mountain Cooper

This species is on the “Currently on outside Forest boundaries” list, yet there are known records on the INF.

2. *Euphydryas editha monoensis*

The INF table lists this species as extirpated from the plan area, but it is not. Kenneth Davenport¹³, local lepidopterist, provided the following collection or observation records for this species within the boundary of the INF:

Bishop Creek Lodge and vicinity: Several collected July 7 and 8, 1979, much more common there June 23, 1986. The one I saw there in July, 2014 was on a flower by a bridge over Bishop Creek at the entrance to a private residence. I did not collect it.

Big Pine Canyon, several collected April 30, 2000.

All together I collected just under 20 individuals and I believe all are still in my collection.

The information above should be included in the evaluation of this species.

¹¹ <http://avibase.bsc-eoc.org/species.jsp?avibaseid=A8F0BE19A535C910;>
<http://explorer.natureserve.org/servlet/NatureServe?searchSciOrCommonName=Leucosticte%20atrata>

¹² <http://explorer.natureserve.org/servlet/NatureServe?searchSciOrCommonName=Leucosticte%20tephrocotis>

¹³ Kenneth Davenport’s contact information can be provided upon request.

III. Conclusion

We appreciate the opportunity to provide comments on the draft SCC lists. We would like to meet and discuss our concerns and will be in touch with Al Olson to arrange a meeting. If you have questions about the comments, please contact Sue Britting (britting@earthlink.net; 530-295-8210).

Sincerely,



Susan Britting, Ph.D.
Executive Director
Sierra Forest Legacy



Ben Solvesky
Wildlife Ecologist
Sierra Forest Legacy



Justin Augustine
Center for Biological Diversity



Greg Suba
Conservation Director
California Native Plant Society
Sacramento, CA



Julie Anne Hopkins
Conservation Chair
Bristlecone Chapter
California Native Plant Society



Pamela Flick
California Representative
Defenders of Wildlife



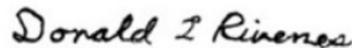
Jora Fogg
Preservation Manager
Friends of the Inyo



Karen Schambach
President
Center for Sierra Nevada Conservation



Stan VanVelsor, Ph.D.
Regional Conservation Representative
The Wilderness Society



Don Rivenes
Executive Director
Forest Issues Group
Nevada City, CA



Frances A. Hunt
Eastern Sierra Organizer
Sierra Club



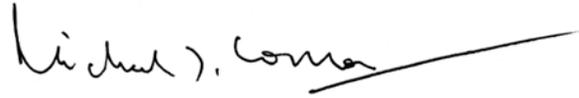
Alan Carlton
Sierra Nevada Team Leader, Sierra Club
San Francisco, CA



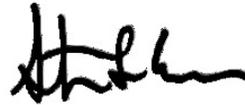
Malcolm Clark
Range of Light Group (Toiyabe Chapter)
Sierra Club
Mammoth Lakes, CA



Trudy L. Tucker
National Forest Chair
Tehipite Chapter, Sierra Club



Michael J. Connor, Ph.D.
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Friends of the River
Sacramento, CA

Ryan Henson
Senior Policy Director
CalWild/California Wilderness Coalition
Anderson, CA

Lisa Cutting
Eastern Sierra Policy Director
Mono Lake Committee

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Appendix A: Rationales for Rejecting Potential Species of Conservation Concern Inyo, Sequoia and Sierra National Forests

This is a review of the rationale used to exclude animal species; it does not include plants. It focuses on procedural and policy issues rather than biological reasons. This review did not address the question of whether the “sources used” actually support the interpretation made by the Forest Service. A closer look at the best available scientific information is encouraged in particular for many of the species addressed below. (Individual national forests are generally not mentioned, though the rationales may have not been identical.)

The Planning Handbook provides factors to be considered in identifying species of conservation concern (SCC). The leading factor is whether a species has already been designated as at-risk through some reputable scientific process. In doing so, the Forest Service recognized that this creates an initial impression of concern about the species’ persistence in the plan area. If the Forest Service decides that there is not a substantial concern for persistence in the plan area for such species, the agency must document evidence to counter the prior classifications. This could include new scientific information, or reasonable alternative interpretations of the existing information.

It is important to recognize situations where threats outside of the plan area may cause concern for persistence of a species in the plan area. For this reason, it is not sufficient for the Forest Service to simply use lack of threats in the plan area as a justification for not selecting a species as an SCC. The rationale must also address the threats to the species as a whole, and explain why they do not create concern that would apply to populations in the plan area. If the national forest is actually a stronghold for a species doing more poorly elsewhere, this could even be a reason for more protective plan components.

If a species has not been found at risk at a broader scale, the Forest Service may still find that it is at risk in the plan area. The Planning Handbook lists factors that relate to the status of the species, and also “Significant threats, caused by stressors on and off the plan area, to populations or the ecological conditions they depend upon (habitat).” Again, it is not sufficient for the Forest Service to simply use lack of threats in the plan area as a justification for not selecting a species as an SCC.

Following are several different ways in which relevant factors have not been adequately considered in proposing SCCs for these national forests. In particular, this review highlights the use of NatureServe ranks in the SCC identification process. Forest Service guidance leaves that largely to the discretion of individual regional foresters, and the rationales used here reveal how that information is being viewed. Several questionable approaches were identified.

Forest Service sensitive species

If the Forest Service lists a species as “sensitive”, there should be a substantial burden on the Forest Service to explain why the best available science no longer supports a concern for viability. It must specifically address the prior agency findings regarding viability for:

- Northern goshawk
- Greater sage grouse
- Pallid bat

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Pygmy rabbit
Sierra marten
Western pond turtle
Panamint alligator lizard

NatureServe categorical designations

For some species, the Forest Service is taking what appears to be a categorical position that certain NatureServe ranks necessarily demonstrate that there is not a substantial concern for persistence in the plan area. In some cases this has been done for species that are considered vulnerable, with no other supporting rationale. This could be considered arbitrary without documentation of other considerations. These species are:

Sierra marten: “This species was not proposed as an SCC due to the state ranking (S3) and high global ranking (G5).”

Western pond turtle: “This species is ranked as a G3 and S3, thus there is not enough concern for long-term persistence in the plan area.”

Rhyacophila chordata, Rhyacophila kernada and Rhyacophila nevadensis: “Ranking of G3G4 does not warrant listing.”

Sierra ambersnail: “Not a proposed SCC due to G3 ranking.”

Vulnerable species considered secure by the Forest Service

If a species is “vulnerable” at the global or state level (G3 or S3), they are not considered secure. Statements by the Forest Service dismissing them as SCC because they are considered “secure” or “stable” (or better) must be supported by best available science that addresses the species’ vulnerability (not just the conditions on the national forest). The species that require this here are:

Northern goshawk
Burrowing owl
Barrow’s goldeneye
Black swift
Osprey (S3 for Sierra, nothing for Sequoia)
Summer tanager
Western small-footed myotis
San Joaquin roach
Monarch butterfly

If a species is secure at the global scale, the fact that it is vulnerable at the state scale cannot simply be ignored (especially by citing only Forest-specific data). The Forest Service must rebut that global or state classification with best available science. This is necessary for:

Rufous hummingbird

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Sierra Nevada mountain beaver
Pallid bat
Pygmy rabbit
Silver-haired bat
Nelson desert bighorn sheep

Sufficient information for NatureServe, but not for the Forest Service

If there is sufficient information to find that a species is vulnerable at a global or state level, the Forest Service must demonstrate that the same information is not adequate to show substantial concern for persistence. The Forest Service considered data to be “insufficient” (column 10) for these species (where one reason may be the lack of information about the plan area, the species is also addressed in the next section):

Mount Pinos sooty grouse (only “insufficient” on the Inyo)
Sierra Nevada snowshoe hare
Mt. Lyell shrew
Northern alligator lizard
Mono Lake brine shrimp
Watts Valley harvestman
Yuba snowfly
Riblet ambersnail
Sierra ambersnail
Tulare chrysidid wasp
Gumaga nigricula
Mount Whitney grasshopper
Tehachapi shoulderband
Kern shoulderband
Breckenridge shoulderband
Erskine Creek shoulderband
Tulare shoulderband
Yosemite shoulderband
Leech's Skyline diving beetle
Hypsalonia petasata
Lepidostoma recinum
Klamath Limnephilan caddisfly
Trinity bristle snail
Ochrotrichia hadria
Onocosmoecus sequoia
Sierra Nevada Parnassian
Orseis crescent
Psychomastax robusta
Rhyacophila chordate
Rhyacophila kernada
Rhyacophila neograndis
Rhyacophila nevadensis

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Tinodes sigodanus
Inyo blue-wing grasshopper

Absence of concerns about the plan area

Lack of a threat from national forest management activities does not demonstrate that a species is not at risk in the plan area from all sources. This rationale was used for many species. This includes statements that there are “no local concerns,” or refers to conditions within the plan area, and encompasses references to infrequent presence in the plan area, seasonal use, or migrants (assuming they are known to occur in the plan area and not accidental or transient visitors). It also includes statements that threats are not within the control of the Forest (such as climate change). Such assumptions were made for the following species (species were not included here if at least one national forest also cited non-local data):

Bell’s sage sparrow
Golden eagle
Burrowing owl
Canvasback
Barrow’s goldeneye
Ferruginous hawk
Swainson’s hawk
Mountain plover
Western snowy plover/snowy plover
Black tern
Yellow warbler
Common loon
Pinyon jay
Black rosy finch
Long-billed curlew
Virginia’s warbler
Flammulated owl
American white pelican
White-faced ibis
Vermillion flycatcher
Bank swallow
Pygmy rabbit
Chuckwalla

It follows that if a species has either a global or state ranking as “vulnerable,” uncertainty about the status of a population in the plan area should not disqualify such species from SCC designation. This occurred for:

Sierra Nevada mountain beaver
Dicosmoecus pallicornis
Leech's Skyline diving beetle
Hypsalonia petasata
Ironodes Lepidus

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Lepidostoma recinum
Klamath Limnephilan caddisfly
Ochrotrichia hadria
Onocosmoecus sequoiae
Rhyacophila neograndis
Tinodes sigodanus
Hypsalonia petasata
Lepidostoma recinum
Klamath Limnephilan caddisfly
Ochrotrichia hadria
Onocosmoecus sequoia
Sierra Nevada Parnassian
Orseis crescent
Rhyacophila neograndis
Tinodes sigodanus

Current management

The existence of current management direction or expectations about the revised forest plan are never relevant to determining SCC status because they may change as a result of the planning process. This rationale was used for:

Northern goshawk: “There are more than 200,000 acres of habitat in Sierra NF, increasing gradually through time with current and proposed management. Current and proposed nest site protection measures have helped assure a stable or increasing population.”

Black swift: “Breeding habitats in California, behind or beside permanent waterfalls are generally inaccessible to humans, have undergone little change, and are located primarily on protected lands. (unless areas are “protected” by law or regulation)

Black-backed woodpecker: “The proposed actions of the revised forest plan, as well as drought and climate change, are expected to result in more high-severity burned habitat in the plan area throughout the plan period, while also sustaining green forest habitat (that includes snags) for this species.”

Sierra marten: “This species is expected to persist considering the current and expected future given habitat and management conditions.”

Nelson desert bighorn sheep: “USFS policy provides direction on addressing trespass livestock.” (not a law or regulation)

Other rationales

Below are additional comments on the rationales for some specific species.

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Greater sage grouse: “Conservation concerns exist, however, as of April 21, 2015, the Bi-State population did not require the protection of ESA due in part to the development and implementation of the 2012 Bi-State Action Plan, Present, and Future Actions For Conservation of the Greater Sage-Grouse Bi-State Distinct Population Segment.”

The criteria for listing under ESA are more stringent than for SCC, so the failure to list a species under ESA is irrelevant to the SCC determination. A positive 90-day finding is compelling evidence that there is substantial concern for persistence.

Mount Pinos sooty grouse:

It’s hard to tell what’s going on here. It is either part of a large species that is doing well, or it is not and it is extinct? If it might be genetically distinct, and might not be extinct, then this seems like a high priority for including as an SCC (at least until there is more certainty). (It is included as an SCC on the Sequoia – based on the same rationale.)

Mt. Lyell shrew: “CDFW does not believe they are in danger of becoming extinct at this time... Warming global temperatures is the primary threat to this species over the long-term, which is also outside the influence of forest planning capability.”

Risk of extinction is not required to be identified as an SCC. The criterion is substantial concern about persistence in the plan area.

Climate change is not a justification for excluding a species as an SCC. (In this case, statutory protection by wilderness designation is a valid consideration.)

Tulare chrysidid wasp:

The rationale is “no verified occurrence,” so it’s in the wrong table.

Ironodes Lepidus:

The column for “proposed species of conservation concern” shows that this species was included, but the rationale says “insufficient info to list as SCC.”

Owens Valley vole:

The rationale is “does not occur on Forest Service land,” so it’s in the wrong table.

Nelson desert bighorn sheep:

The fact that a species is hunted does not provide a scientific justification for lack of concern about persistence.

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Panamint alligator lizard: “USFWS announced it is continuing with evaluation of this species for federal listing.”

This indicates a positive 90-day finding, which is one the strongest arguments for substantial concern about persistence. (This Handbook criterion seems to have been ignored.)

Owens speckled dace:

NatureServe rank of G5/T1T2Q. The rationale provides no information demonstrating lack of concern.

Homophylax nevadensis:

This species is identified as a SCC on the Sierra but not on the Sequoia, and is known to occur on both forests

The following species were not identified as SCC, but are “currently listed as Potential SCC.” If a species met the criteria for potential SCC, it meets the criteria for proposed SCC (since they are the same).

Agnostokasia sublime
Mount Whitney grasshopper
Tehachapi shoulderband
Kern shoulderband
Breckenridge shoulderband
Yosemite shoulderband
Erskine Creek shoulderband
Tulare shoulderband
Inyo blue-wing grasshopper

The following species were listed as “proposed species of conservation concern” (column 12) where the best available scientific information does not “indicate substantial concern about species' capability to persist over the long-term in the plan area” (column 11).

White Mountains Sandhill skipper
Apache fritillary

“Loss of habitat” is listed as a threat for many species. This not a specific enough description of the nature or cause of the threats to judge whether lack of concern is warranted.

The common name for Sweltsa resima is probably not “flamulated owl.”

Species not known to occur in the plan area

The following species were excluded because they are not known to occur in the plan area, but the rationale is not convincing.

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Inyo

White Mountains copper: “There are less than 5 occurrence records suggesting that on this Forest, this species could be critically imperiled.”

This demonstrates that the species is known to occur in the plan area, and that there is substantial concern for its persistence.

Sequoia

The rationale for a number of species is that they have not been found on the Forest for some period of time. By itself, this is not a sufficient reason to find that the species is not known to occur in the plan area if it was known to occur in the plan area at some point in the past. Instead, that would generally tend to confirm that the species’ range has declined, contributing to its at-risk status. National forest lands should be viewed as sites for possible restoration or reintroduction, unless it can be shown that is not feasible.

Species excluded for this reason include:

- Sierra Nevada mountain beaver
- Spotted bat
- Wolverine
- Lodgepole chipmunk
- Tulare grasshopper mouse
- San Joaquin pocket mouse
- Red fox (also described as “non-native,” while it is native to the Inyo)

Sierra

For some of the following species, the rationale suggests that the species does occur in the plan area. “Sources” indicate “in Sierra,” based on the “2007 Evaluation.”

- Anagapetus chandleri
- Callophrys johnsoni
- Callophrys sheridanii lemberti
- Hebardacris mono
- Helminthoglypta allynsmithi

If species not known to occur in the plan area are to be listed separately, the rationale column should show that as the reason. For these species, the rationale suggests a different reason.

Sierra

Inyo shrew: “Ranking of G4 does not warrant SCC classification.”

Red fox: “This population is secure,”

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Callophrys johnsoni: “Status as G3G4 and S3S4. Uncertain status, vulnerable of extirpation to apparently secure. More surveys are needed to determine population and conservation status.”

Callophrys sheridanii lemberti: “SCC status is not proposed due to G5 T3 T4 ranking.”

Inyo

Little Brown myotis: “No substantial or local concerns”

The requirements for determining whether a species is known to occur in a plan area should be on a sliding scale that decreases the degree of certainty needed as the risks to the species increases. The likelihood of occurrence should also anticipate habitat and species movement due to climate change.