



United States Department of the Interior



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FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

August 10, 2015

Ms. Jeanne Higgins
Stanislaus National Forest
U.S. Forest Service
19777 Greenley Road
Sonora, California 95370

Subject: Request for Comments on the Notice of Intent to Prepare an Environmental Impact Statement for the Over-snow Vehicle Use Project in the Stanislaus National Forest in California (File Code 1950)

Dear Ms. Higgins:

This responds to your June 26, 2015, request for our comments on the Notice of Intent to prepare an Environmental Impact Statement for the Stanislaus National Forest Over-snow Vehicle Use Project (STF OSV Project). Your request was received by the U.S. Fish and Wildlife Service (Service) on June 29, 2015. At issue are the potential effects of the STF OSV Project on the endangered Northern distinct population segment of the mountain yellow-legged frog (*Rana muscosa*) (mountain yellow-legged frog), endangered Sierra Nevada yellow-legged frog (*Rana sierrae*), threatened Yosemite toad (*Anaxyrus canorus*), proposed threatened Pacific Coast Distinct Population Segment of the fisher (*Pekania pennanti*) (fisher), and wildlife, including the Sierra Nevada Red Fox (*Vulpes vulpes necator*), California spotted owl (*Strix occidentalis occidentalis*) and the black-backed woodpecker (*Picoides arcticus*). The comments and recommendations of the Service are made under the authority of the Endangered Species Act of 1973, as amended (16 USC §§ 1531)(Act), and the Service's Mitigation Policy of 1956.

It is our understanding the STF OSV Project includes amendments to the existing near natural over-snow forest plan, expanding over snow vehicle use to an additional 13,653 acres in Pacific Valley and Eagle Night near natural areas in Stanislaus National Forest in Alpine and Tuolumne counties, California. Additionally, the STF OSV project would open 58 miles of groomed OSV trails, 98 miles of ungroomed OSV trails and 14,073 acres of OSV open area. These expansions, and original OSV use trails and areas will only be authorized when at least 12 inches of continuous, supportable snow above 5000'. All groomed trails will be maintained at minimum 10' wide and with 12' of vertical clearance. The proposed amendments would increase the overall prohibited OSV use in Stanislaus National Forest from approximately 367,410 to 592,810 acres.

The Act prohibits the take of any federally listed animal species by any person subject to the jurisdiction of the United States. As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, not only are the Sierra Nevada yellow-legged frog, mountain yellow-legged frog, and Yosemite toad protected from activities such as collecting, but also from actions that damage or destroy their habitat. If the proposed critical habitat for the three Sierra Nevada amphibians is designated, the Forest Service will need to ensure any action they fund, authorize or carry out does not result in adverse modification or destruction of critical habitat.


Section 7 of the Act requires that when a Federal agency, such as the Forest Service, is involved with the permitting, funding, or carrying out of a project and a listed species is going to be adversely affected, then initiation of formal consultation should be initiated between that agency and the Service. Such consultation will result in a biological opinion that addresses the anticipated effects of the project on the listed species and may authorize a limited level of incidental take.

We recommend that an assessment of the effects of the proposed project on the Sierra Nevada yellow legged frog, mountain yellow-legged frog, Yosemite toad, and the fisher be completed in the action area. If the Forest Service determines the STF OSV Project may adversely affect the fisher, we recommend a conference assessment be prepared and a conference report be obtained from the Service pursuant to 50 CFR § 402.10.

We suggest the Forest Service complete assessments for the Sierra Nevada red fox, California spotted owl and the black-backed woodpecker in the action area. If the Forest Service determines the STF OSV Project may adversely affect these two species, we suggest that the appropriate measures be implemented to avoid and/or minimize the impacts on them. We recommend the assessment for the Sierra Nevada fox include the effects of increased noise levels, and human-caused disturbance within and adjacent to areas used by them for foraging, denning, movement, and other essential behaviours.

We are interested in working with the Forest Service in the timely resolution of these issues. If you have questions about our comments and recommendations on the STF OSV Project, please contact Desirae Weyland, Endangered Species Biologist, or Chris Nagano, Chief, Endangered Species (Forest) at the letterhead address, telephone 916/414-6600, or email (Desirae_Weyland@fws.gov; Chris_Nagano@fws.gov).

Sincerely,


fn Jan C. Knight
Deputy Field Supervisor

cc:

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