

---

**From:** Russell, Daniel </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D84F6C6D50E74230B05C507F1800FB6D-DANIEL\_RUSS>  
**To:** Delia, Jesse; Livingston, Sue  
**Sent:** 3/4/2020 11:44:22 AM  
**Subject:** just a brief addendum...

Hi folks,

My apologies once again for belaboring this issue, and also realized I still haven't done a great job explaining to Sue my position. So I thought I'd try to provide a hopefully clearer discussion (being purposefully vague about specifics and key words in this email).

- From the very start of this, the FWS position has been that the petition was for all the animals occurring in the Pacific states. We said they were all discrete from, and significant to the taxon as a whole. This included both ONP and SOC.
- Also from the start, we distinguished those latter two as nonnative, relative to the "historically extant" ones. It is quite possible that should never have been done, but it was done nonetheless.
- So we proposed that original DPS of all populations, both native and nonnative.
- When we presented alternative DPSs in that proposed rule, we made clear that said alternatives would have only considered the "native" populations. In doing so, we were pointing out the "difference" between the historically extant ones and the ones that had been established with animals from outside the range.
- We then later tried to withdraw the whole thing, but even for that, we responded to DPS comments that the original DPS that included all populations was still the correct one.

But then we lost on that withdrawal, and in the ensuing go-round, we decided somewhere along the way to ignore any of the established populations in that most northern state.

- So we then tried to revise the DPS to be like one of our alternatives...with just the "historically extant" populations.
- That didn't fly completely, and we were directed to include SOC as part of the revised DPS. This caused me a great deal of angst, as we could have easily said they weren't part of the DPS. But I was overruled!
- So we put that revised DPS out as our most recent configuration...this still had language about native and nonnative, with the idea being that we needed to distinguish the proposed DPS as somehow "different" than the animals up north. That those animals up north didn't really "count" toward the entity we were looking at.

So, what all this gets to is that if we don't make clear there is a significant "difference" between our DPS and the animals up north, that those northern animals are not exactly the same...and therefore shouldn't be counted as such... this would suggest that all the populations that are occurring in the Pacific states should STILL be considered part of the DPS.

Nothing has ever been said that the original DPS was wrong...the animals occurring in all three Pacific states are still discrete from, and significant to the remainder of the taxon.

And yet we're not doing any kind of analysis that includes those three reintroduced northern populations' contribution to the overall viability of that original DPS.

We're not even really speaking about them at all, and I feel like this may be hugely problematic in the long run. I think it would be very easy for someone to say, "Hey FWS, you said the Pacific states

constituted a DPS. But now your DPS is ignoring three established, reproducing populations in one of those three states, yet you're not doing any kind of analysis on them, either as their own separate DPS, or as part of what you originally called your Pacific DPS. What gives???"

Now, I know that this potential can of worms exists regardless of our current discussion about native vs nonnative as it pertains to SOC. I've done what I could to tweak all our language regarding the northern state animals, but really fee like we need to keep the SOC discussion the way it is.

It all comes back to my underlying concern about somehow distinguishing populations. Believe me, I totally get the position that we're dealing with one species, and in that sense they're all native in areas that have historically been their range.

But because of our long history of defining what our DPS is, and because I'm trying to avoid calling attention to the glaring omission about now NOT accounting for the contribution of all the northern populations in that DPS, distinguishing that the populations are materially different seems to me to be of utmost importance.

Okay, that's enough. Even when I try to be succinct, the whole thing gets convoluted! Hopefully this will make some sense, and I'm more than happy to discuss further on the phone if anyone would like. Thanks,  
Dan

\*\*\*\*\*

Daniel Russell - Regional Classification Program Coordinator  
California - Great Basin / Legacy Region 8  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2606  
Sacramento, CA 95825  
Office (916) 978-6191  
Cell (916) 335-9060  
\*\*\*\*\*