

(22) *Comment:* One commenter disagreed with information we presented in the 2019 Revised Proposed Rule regarding the historical and current distribution of fishers in the SSN subpopulation. The commenter suggested that our statement that historically the SSN subpopulation likely extended farther north than our current DPS boundary in the Sierra Nevada was conjecture and that historical museum specimens are limited to south of the Tuolumne River, which is currently the northern boundary of what was identified in the 2019 Revised Proposed Rule as the Sierra Nevada portion of the DPS. Further, the commenter mentioned that our statement that multiple lines of genetic evidence suggests that the NCSO and SSN subpopulations have been isolated since before European settlement contradicts the previous assertion that fishers historically occupied the area between the NCSO and SSN portions of the DPS. The commenter also disagreed with our statement that the current northern boundary of the SSN subpopulation is the Tuolumne River in Yosemite National Park, asserting that the northern extent of the current occupied distribution of the SSN subpopulation is actually the Merced River, varying from about 10 to 20 miles south of the Tuolumne River. They stated that only a single male fisher was recently detected north of the Merced River and that there is no fisher population between the Merced and Tuolumne rivers.

Our Response: Although not confirmed, there are numerous historical sightings of fishers, many of them from reported trapping locations from 1919-1924, in the areas between the SSN and NCSO DPSs (summarized in CDFW 2015, pp. 17-19). Thus, we conclude that at some point, fishers occupied portions of the northern Sierra Nevada at least temporarily. Whether the northern Sierra Nevada contained a viable population or only served as a movement corridor between the current NCSO and SSN DPSs is unknown. That said, genetic information supports

Commented [PA1]: From Bridget: Connect the dots on how this information relates to our overall answer, because it does seem like this info does conflict with the data from the early 1900s.

I thought we were maintaining that the map did not necessarily represent "DPS boundaries" but was our best approximation of where fishers, if found, would be SSN fishers. But we are listing the DPS "where found"

Can we back up this assertion with a citation?

Madeline addressing

Commented [DMK2R1]: Gina wants to look over too.

Commented [DMK3R1]: Gina reviewed and is good with the change.

that the NCSO and SSN DPSs have been largely separated for thousands of years (Tucker *et al.* 2014, p. 3), so we determined that separating the NCSO DPS and SSN DPS was appropriate.

We included the area between the Tuolumne and Merced rivers in the SSN DPS because the area contains suitable habitat, and fishers found in this area would be a part of the SSN DPS. In addition, the recent detection of at least one fisher north of the Merced River indicates that the SSN DPS has the capability to expand into the area between the Tuolumne and Merced river (Stock 2020, pers. comm.). We included the area between the Tuolumne and Merced rivers in the DPS boundaries because that area contains suitable habitat that the SSN DPS may expand into in the near future. In addition, fishers may use the area between the rivers seasonally, especially male fishers searching for mates in the spring.

(30) *Comment:* One commenter stated that listing the fisher would also increase wildfire risk within the fisher's range and blunt the effectiveness of wildfire prevention measures that are already in place. Private landowners are currently implementing a Memorandum of Understanding ("MOU") that is designed to lessen wildfire risks within the fisher's range. If the fisher were listed as threatened or endangered, these wildfire reduction measures would be slowed down and would become less effective. Listing the fisher would also have the consequence of requiring federal agencies to consult under Section 7 of the ESA before taking actions that could affect fisher habitat, including the fuels reduction efforts contemplated under the MOU.

Our Response: We do not believe that listing the fisher would increase wildfire risk because XXX. The MOU referenced by the commenter pertains to the NCSO DPS area, which is found not warranted for listing in this determination. There is no similar agreement applicable to

the SSN DPS. Consequently, we believe the concerns expressed are not applicable to this listing determination. We do not believe that listing the fisher would increase wildfire risk in the SSN DPS because the Service is working with federal agencies to develop a programmatic consultation process to streamline wildfire reduction activities that provide for the conservation of fisher.

Commented [PA4]: Add why the listing would not increase fire risk in the SSN. Would we be doing a programmatic S7 with the Fed agencies re: fire so that fire mgmt projects within fisher habitat would not in fact be slowed down?

Commented [DMK5R4]: Madeline

Commented [DMK6]: I moved it to the end of the sentence since the comment is really about the MOU's within the NCSO DPS, and this is just additional information.

(32) *Comment:* Some commenters expressed that protecting fishers from extreme wildfire is important, stating that wildfires are prevalent in the DPS and are predicted to increase in frequency. They indicated that high severity burns take decades if not centuries to replace habitat structures necessary to support fishers and their prey; therefore, thinning projects and prescribed burns are necessary to prevent stand-replacing wildfires.

Our Response: High-severity fires can remove or substantially reduce fisher habitat; thus, we assessed the conservation measures in place to conduct fuel reduction projects (see Voluntary Conservation Mechanisms). The Service is working with federal agencies within the SSN DPS to develop a programmatic consultation process to streamline wildfire reduction activities that provide for the conservation of fisher.

Commented [PA7]: From Bridget: Can we say anything about our plan to streamline or incentivize such projects for SSN fisher?

Commented [DMK8R7]: Madeline

(73) *Comment:* One commenter stated that the Service is inconsistent with our handling of vegetation management as a tool to reduce the risk of large-scale, high-severity wildfire. The commenter noted that we conclude it is a threat to fisher in the proposed rule, yet in the recent finding for the California spotted owl, the Service concluded that vegetation management was necessary to reduce the overall potential for wildfires to be detrimental to California spotted owl habitat and ultimately concluded that the owl did not warrant listing.

Our Response: The Service relied on conservation efforts to reduce large-scale high severity fires within the range of California spotted owl that included specific measures to identify the greatest risks to known occupied California spotted owl activity centers, and prioritize fuels reduction work that helps to protect the greatest number of activity centers on Federal and private lands while not reducing quality of the highest quality owl habitat in treated areas. While these California spotted owl conservation measures provide benefit to fisher, they do not explicitly describe how implementation will benefit fisher. Since the 2019 Revised Proposed Rule, we received new MOUs designed to reduce high severity wildfire that include specific conservation measures to protect fisher habitat within the NCSO DPS. We have incorporated this new information into our analysis.

Commented [PA9]: From Bridget: Edit as appropriate. Need to do something to connect the dots between the previous sentence and our analysis herein. How about "These conservation measures do not necessarily translate into conservation measures for the fisher. "

Commented [DMK10R9]: Madeline