
From: Russell, Daniel </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D84F6C6D50E74230B05C507F1800FB6D-DANIEL_RUSS>
To: Drake, Madeline K
Sent: 3/10/2020 5:27:50 PM
Subject: comment 45!

(45) Comment: Three commenters stated that our discussion of the Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE) Policy in the proposed rule was insufficient, and asserted that we should conduct a PECE analysis. Two of these commenters stated that conducting this analysis would result in a decision that the species is not warranted for listing.

The third commenter also claimed that we failed to consider numerous existing conservation efforts (e.g., MOUs or HCPs that address wildfire risk and enforcement programs) that were developed to benefit fishers and other species that inhabit forested lands. The third commenter also claimed that the revised proposed rule did not explain why the variety of existing regulatory mechanisms and voluntary conservation measures are not at a scale or magnitude sufficient to ameliorate the primary significant threats. Generally, these commenters stated or implied that we could not reach a conclusion to list the species as endangered or threatened when no analysis under the PECE Policy or a cumulative effects analysis is conducted.

Our Response: Upon determining that our status assessments would be conducted individually on the NCSO DPS and SSN DPS, we then evaluated threats and any potentially ameliorating measures specific to each. For the NCSO DPS, as discussed above in its specific Determination section, our analysis found that the cumulative effect of threats acting on the DPS at their current scale and magnitude did not cause the DPS to be in danger of extinction throughout all or a significant portion of its range, now or in the foreseeable future, especially given the DPS's overall resiliency, redundancy, and representation. While we acknowledged and evaluated various regulatory mechanisms and conservation efforts, and the potential benefits they may provide to the DPS, we did not rely on them for our conclusion that the NCSO DPS did not meet the definition of either an endangered or threatened species. As such, no PECE analysis was necessary. For the SSN DPS, our analysis found that the cumulative effect of threats acting on the DPS at their current scale and magnitude do cause the DPS to be in danger of extinction throughout all of its range, in light of the anticipated effect of the identified threats on the DPS's overall resiliency, redundancy, and representation. Our analysis included consideration of any potential benefits provided to the SSN DPS by existing regulatory mechanisms, as well as potential benefits that may result collaterally from existing voluntary conservation efforts that were not developed for fisher conservation. In addition, we considered the benefits resulting from an existing voluntary conservation strategy, while noting that changed circumstances arising from tree mortality events in the range of the SSN DPS will require revisions to some of the strategy's conservation measures. While all of the conservation efforts identified are being implemented and are effective in some measure, and therefore not requiring a PECE analysis, we found that they are not ameliorating the threats such that the SSN DPS did not meet the definition of an endangered species.

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