

Questions and Answers (INTERNAL)

Withdrawal of Proposal to List the West Coast DPS of Fisher

Q: What is the West Coast distinct population segment (DPS) of the fisher and where does it occur?

A. A Distinct Population Segment (DPS) is a vertebrate population or group of populations that is discrete from other populations of the species and significant in relation to the species as a whole. Fishers are native only to North America. Although fishers are found throughout the country, the West Coast DPS has been reduced in size to the point where they occur only in scattered pockets within their historic range. Historically, fishers were present in most of the forested landscapes of California, Oregon and Washington. The West Coast DPS of fisher that was proposed for listing by the Service encompasses the area where fisher historically occurred (see map). Within the DPS, fishers occur in two original native populations in the Southern Sierra Nevada of California (~300 individuals) and the Klamath Mountains of Northern California and Southwestern Oregon (~a few hundred to 4,000 individuals). Fishers are also found in three reintroduced populations, one in the Northern Sierra Nevada of California, one in the Southern Cascades of Oregon, and one on the Olympic Peninsula in Washington.

Q: What is the fisher?

A. Fishers are forest-dwelling mammals in a family that includes weasels, mink, martens and otters. They are about the size of a large house cat and are light brown to dark blackish-brown. The fisher has a long body with short legs and a long bushy tail. Male fishers are about twice the size of females and range in size from about 7 to 12 pounds. Fishers can live up to 10 years. The fisher is an opportunistic predator with a diverse diet that includes birds, rodents, reptiles, insects and vegetation. Fishers are one of the few known predators of porcupines.

The fisher's range was reduced dramatically in the 1800s and early 1900s through trapping, predator and pest control, and alterations of forested habitats brought about by logging, fire, urbanization and farming. Fishers search for trees that have cavities for adequate shelter in the trunks of larger/older trees, snags and hollow logs, and platforms formed by mistletoe ("witches brooms") or large or deformed branches. Cavities in large-diameter live or dead trees are selected by females for denning and raising young. Litter size is on average between one and three kits.

Q: What action is the Service taking for the West Coast distinct population segment (DPS) of the fisher?

A. The Service is withdrawing the proposal to list the West Coast Distinct Population segment of fisher as threatened under the Endangered Species Act (ESA).

Q. What caused you to change your position since the proposed rule published in 2014?

A. In October 2014, the Service proposed listing the West Coast DPS as threatened under the ESA based on potential threats to the population from habitat loss and habitat change associated with wildfire, some timber harvest practices and toxicants associated with anti-coagulant rodenticides. These threats, combined with the reduced size of the West Coast DPS, were thought to pose a significant threat to the species. On evaluation of the best scientific and commercial information available, the Service determined these threats are not as significant as previously thought. Although stressors exist at varying levels across the fisher's range in California, Oregon and Washington, they are not causing significant impacts or declines in the population. Based on this information, the proposed West Coast fisher DPS is not at the risk of extinction now or in the foreseeable future.

Q. Why and how has your position changed on the threat of toxicosis to fisher in light of reports indicating an increase in numbers of animals dying from exposure to toxicants?

A. We consider a stressor to rise to the level of a threat to a species if the magnitude of the stressor is such that it is resulting in significant impacts at either the population or rangewide scales. We also stated in our proposed listing rule, and reiterate here, that when we consider what stressors might constitute threats; we must look beyond the mere exposure of the DPS to the stressor to determine whether the DPS responds to the stressor in a way that causes actual negative impacts to the DPS.

At the time of the proposed listing, we were aware of four individuals in California (none in Oregon or Washington) known to be exposed to and killed by anticoagulant rodenticides (ARs). We concluded that ARs are likely a threat to fisher populations although we did not have specific information about the population-level effects. Since that time, the number of individuals rangewide known to be exposed to and killed by ARs increased to 15 individuals (all in California, although exposure to ARs, as opposed to deaths, is known from a couple cases in Oregon and Washington). In light of the varied comments received on our "Exposure to Toxicants" stressor evaluation presented in the proposed listing rule, as well as new information received since that time, we believed it prudent to evaluate all of the best information available on toxicant (including AR) impacts. Our new/current analysis revealed that, although the number of individuals across the proposed DPS's range known to be exposed to and killed by toxicants increased by 11 individuals, this level of impact is not considered a significant impact at either the population or rangewide scales. Also, at this point in time, the best available information does not indicate that the level of exposure to toxicants (including ARs) is resulting in deleterious sublethal effects on fishers at either the population or rangewide scales. Given this information, we determined that although there was a small increase in the number of individuals killed by exposure to toxicants across the DPS's range as compared to the time of the proposed listing rule, those impacts are occurring at the individual scale, not functioning as an operative threat on the fisher populations or the proposed DPS as a whole across its range, both currently and in the foreseeable future.

Q. How and why have you changed your position on the potential threat of habitat loss from wildfire and vegetation management to fisher in California?

A. As stated above, we consider a stressor to rise to the level of a threat to a species if the magnitude of the stressor is such that it is resulting in significant impacts at either the population or rangewide scales. Following our review of all the best available information, including new information received since the time of the proposed listing rule, data do not indicate habitat impacts are significant at either the population or rangewide scales. We reached this conclusion for wildfire impacts after taking into consideration both the beneficial and negative aspects of wildfire, continued management activities that will help reduce future wildfire impacts, and the presence of suitable but unoccupied habitat present in the DPS's range (although to a greater extent in the northern portion of the range), coupled with the extremely low likelihood that future wildfires would impact entire fisher population areas. For vegetation management, we were able to consider new information made available that provided an improved picture on past changes in vegetation across portions of the proposed DPS's range, without having to rely on northern spotted owl habitat data as a surrogate for fisher habitat. We found that although timber harvest is still ongoing throughout the west coast States, habitat ingrowth is also occurring, offsetting some of those losses. For example, in the southern Sierra Nevada region specifically, ingrowth of fisher habitat actually replaced habitat lost by all disturbances (as opposed to just timber harvest) between 1990 and 2012, and although this analysis occurred before the 2013-14 large wildfires, a net increase in fisher habitat still resulted. Overall, we found no empirical evidence that either wildfire or vegetation management are manifesting themselves such that significant impacts are resulting in either population or rangewide impacts, both currently and in the foreseeable future.

Q. How and why have you changed your position on the cumulative and synergistic effects of these and other stressors acting on small populations of fishers?

A. As stated above, we consider a stressor to rise to the level of a threat to a species if the magnitude of the stressor is such that it is resulting in significant impacts at either the population or rangewide scales. We also recognize that fishers in the west coast States have been exposed to multiple stressors, in some cases over many decades. However, we found that the best available data indicates impacts are occurring to fishers or their habitat at the individual scale. Although all or some of the stressors could potentially act in concert, there is ambiguity in either the likelihood of impacts for various stressors at either the population or rangewide scales, or the data indicate only individual-level impacts. At this time, the best available data do not suggest that current fisher populations in the west coast States are experiencing population declines or further reductions in distribution, which would be indicative of population or rangewide scale impacts.

Q: What's the difference between "individual-level" and "population level" impacts?

A: Stressors that may impact fishers or their habitat are viewed at three different scales: individual, population, and rangewide.

******An individual-level impact is when a stressor(s) negatively affects individual animals in one or more populations currently or in the foreseeable future, and the specific response of the species

to the stressor(s), according to the best available data, indicates that the entire population(s) is not significantly impacted (e.g., reproduction declines, abundance or distribution declines, loss of a significant amount of a necessary habitat component).

******A population-level impact is when the best available data indicates a stressor(s) is causing negative, significant impacts across the whole of one or more populations currently or in the foreseeable future, such that the stressor(s) may drive or contribute to the risk of extinction of the species.

******A rangewide-level impact is when the best available data indicates a stressor(s) is causing negative, significant impacts across the entire range of the species currently or in the future, such that the stressor(s) is driving or contributing to the likely risk of extinction of the species.

Q. What is being and can be done to recover the fisher?

A. The Northwest Forest Plan (NWFP), implemented since 1994, has provided substantial protection to late successional forest species such as the fisher. These NWFP protections have advanced fisher conservation through: 1) consistent management across federal lands, 2) establishment of a reserve network of old growth forest, and 3) retention of important structural features within allocations identified for timber harvest to provide connectivity between the reserves.

Federal, state and local agencies must continue to combat the threat of anti-coagulant rodenticides, which are believed to be widely used to protect the marijuana grown illegally in remote forests. The environmental devastation associated with these grow sites continues to take a heavy toll on fish and wildlife as well as human communities, especially tribes and rural neighborhoods.

The Service is working with the timber industry to minimize its impacts on fisher and with federal and private landowners to promote fisher conservation through Candidate Conservation Agreement with Assurances (CCAA). There are three reintroduction efforts underway to help establish fishers in areas of their historical range. In Washington, the Washington Department of Fish and Wildlife, the National Park Service, the U.S. Geological Survey, Conservation Northwest, the government of British Columbia, and other conservation partners have been working with the Service to restore fisher populations since 2008.

We hope that these efforts and the establishment of multiple self-sustaining populations will allow fishers to be more resilient to threats such as wildfire and the added stress of climate change.

Q. The BLM recently issued a final EIS proposing changes to the NWFP. What are the anticipated impacts of the new BLM plans to fisher?

A. BLM is scheduled to finalize revisions to their resource management plans in western Oregon later this year. Once approved, BLM would no longer implement the standards and guidelines present within the NWFP on their lands. Although we don't know what management alternative BLM will ultimately implement, BLM has described a preferred alternative that would result in

management similar to ongoing NWFP management in terms of retaining and developing fisher habitat.

Q. How does the Fish and Wildlife Service determine whether a species warrants protections under the Endangered Species Act (ESA)

A. The ESA (Section 4(a)(1)) requires that we determine whether a species is endangered or threatened based on one or more of the five following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

The ESA requires us to base our assessment solely on the best scientific and commercial data available.

What is a petition?

A petition is a request filed under the ESA by an interested party asking that a species be listed on, delisted from, or reclassified on the Federal List of Endangered and Threatened Wildlife and Plants. The ESA requires that we make and publish specific findings on the petition. We must make a finding within 90 days of receiving a petition (to the extent practicable) as to whether or not there is “substantial information” indicating that the petitioned listing *may be* warranted. If this preliminary finding is positive, a status review is conducted.

What is a 90-day Finding?

The ESA requires the Service to determine if a petition to list a species contains substantial information to support the requested action. Findings are based on information contained in the petition, supporting information submitted with the petition, and other readily available information in the Service’s files.

What is the next step?

The Service will conduct in-depth status reviews of the species with substantial findings. Species undergoing this review will not be afforded any additional protections under the ESA during this review, which typically takes about one year. The Service is also requesting information from the public, scientific community and academics that may assist us in our status review. The Service will accept information from the public for 60 days following publication of the findings in the Federal Register.

What options does the Service have when making a status review determination following a 90-day finding?

Based on the status review, the Service will make one of three possible findings:

- Listing is not warranted, in which case no further action will be taken. This finding will be published and the petitioner notified.

- Listing as either endangered or threatened is warranted. The Service will publish a proposed rule, solicit scientific peer review, seek input from the public, and consider the input before a final decision about listing is made.
- Listing is warranted but precluded.