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**From:** Willy, Elizabeth </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1B5262FD1187434CAE771F17280381C7-ELIZABETH\_W>  
**To:** Livingston, Sue; Russell, Daniel; Hull, Josh; Drake, Madeline K; Glenne, Gina; Crowell, Heidi  
**CC:** Picco, Angela  
**Sent:** 3/12/2020 12:42:19 PM  
**Subject:** Re: Cleaned version for your review

...and here is what I found during my quick skim of the comments for tone related issues (includes typos/errors that we should fix):

Is the section header supposed to read "Summary of Comments and **Recommendations**"

**Response to comment 25:** typo in last sentence. Change "which **is** the..." to "which **are** the..."

**Response to comment 27:**

Change "We have acknowledged the **inability of** law enforcement **to keep** up with illegal cultivation of cannabis on public lands in this rule (see Exposure to Toxicants section)"

To "We have acknowledged the **difficulties experienced by** law enforcement **to address** illegal cultivation of cannabis on public lands in this rule (see Exposure to Toxicants section)"

**Response to comment 33:** I think we can remove "at all" to address Bridget's concern.

**Comment 51:** why do we have page numbers in the comment? I suspect these are references to the comment letter and should be deleted. I also think we need to remove the parenthetical "(see comments under range expansion)" from the comment—I suspect this is also a holdover from our distillation of comments in the comment table.

**Response to comment 61:** The second to last sentence refers the reader back to another comment, but it is missing the comment number. In looking back, I don't see a comment that is directly responsive suggest deleting the reference to the ghost comment.

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**From:** Livingston, Sue <sue\_livingston@fws.gov>  
**Sent:** Thursday, March 12, 2020 9:35 AM  
**To:** Russell, Daniel <daniel\_russell@fws.gov>; Hull, Josh <Josh\_Hull@fws.gov>; Drake, Madeline K <madeline\_drake@fws.gov>; Glenne, Gina <gina\_glenne@fws.gov>; Willy, Elizabeth <elizabeth\_willy@fws.gov>; Crowell, Heidi <heidi\_crowell@fws.gov>  
**Cc:** Picco, Angela <Angela\_Picco@fws.gov>  
**Subject:** RE: Cleaned version for your review

Here's my take on question 29. I added an example of relationship building in Oregon. Also noted that landowners continue to participate even after listing, as evidenced by NSO HCPs and SHAs, but if there are other examples for other species in the area, particularly forest-related species, that would be good to add. Perhaps an opportunity to wrap it up with opportunities in SSN to further relationships in the face of listing?

*(29) Comment:* One commenter stated that if the fisher is listed, then positive relationships with landowners will be impossible and harm proactive, collaborative, voluntary conservation.

*Our Response:* We are committed to creating positive relationships with landowners. As an example, by working with commercial timber landowners in Oregon on fisher CCAAs, we have built collaborative relationships that have spilled over into work on proactive conservation for other species considered for listing under the Act, such as the Pacific marten (*Martes caurina*) and red tree vole (*Arborimus longicaudus*). There are many tools available to incentivize collaborative, voluntary conservation for the fisher. Potential voluntary conservation opportunities include CCAAs, HCPs, SHAs, partners projects, and more. Though not all landowners are willing participants, others continue to work with the Service in species conservation after they are listed under the Act, such as the HCPs and SHAs implemented for the northern spotted owl.

Sue Livingston

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**From:** Russell, Daniel <daniel\_russell@fws.gov>

**Sent:** Thursday, March 12, 2020 8:21 AM

**To:** Hull, Josh <Josh\_Hull@fws.gov>; Drake, Madeline K <madeline\_drake@fws.gov>; Glenne, Gina <gina\_glenne@fws.gov>; Livingston, Sue <sue\_livingston@fws.gov>; Willy, Elizabeth <elizabeth\_willy@fws.gov>; Crowell, Heidi <heidi\_crowell@fws.gov>; O'Hara, Kerry <Kerry.O'Hara@sol.doi.gov>

**Cc:** Picco, Angela <Angela\_Picco@fws.gov>

**Subject:** Fw: Cleaned version for your review

Good morning, all

Looks like we have some more touching up to do in response to Bridget's email.

Her primary concern is about the Additional Conservation Measures section...and my apologies, because it was my guidance to Madeline to abbreviate what we have there.

But here's how I'd like to ask for your assistance:

- Team SSN - if you could look at the Additional Conservation Measures section in the attached version, and provide me **an email** back with some suggested wording to address Bridget's issue, then I will make those changes in an updated version.
- Everyone, please take a look at our Response to Comments section...if you were the "author" of the response Bridget points to directly, if you could provide me back some wording revisions, I can also put those into the updated version.
- For the rest of those responses to comments, if you were involved in any of them and can take a quick scan to look for "tone" issues, I'd appreciate it!

Kerry, you might be wondering why I included you in this email...

I just thought I would let you see what these last HQ comments were, so that you can let us know whether you'll want to see how we address them, or just let it go. Let me know what you think.

Okay, I think that's it. Everyone, please let me know if you have any questions or concerns about this.  
Thanks,  
Dan

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**From:** Fahey, Bridget <[bridget\\_fahey@fws.gov](mailto:bridget_fahey@fws.gov)>  
**Sent:** Thursday, March 12, 2020 5:41 AM  
**To:** Russell, Daniel <[daniel\\_russell@fws.gov](mailto:daniel_russell@fws.gov)>  
**Cc:** Fris, Michael <[michael\\_fris@fws.gov](mailto:michael_fris@fws.gov)>; Picco, Angela <[Angela\\_Picco@fws.gov](mailto:Angela_Picco@fws.gov)>; Snyder, Caitlin <[caitlin\\_snyder@fws.gov](mailto:caitlin_snyder@fws.gov)>  
**Subject:** Re: Cleaned version for your review

Thanks Dan et al

Overall looks good, I appreciate that the majority of my comments are addressed.

My largest remaining thought pertains to the "Additional Conservation Measures" section where our policy states that we would provide information on the types of activities that would or would not result in a S9 violation. This section is supposed to help the regulated community what kinds of activities would or would not require consultation or a S10 permit. For the "woulds", I mostly see activities like those that alter the habitat (cutting trees, removing snags, etc) and for the "would nots" I've seen things like using pesticides in compliance with label restrictions, recreation activities that comply with the local rules. So, we should use this section to set the stage on what types of activities we expect them to talk with us about and those that we don't think they should worry about.

The tone of a few of the response to comments still come off a little harsh (e.g., statements about LE "inability" to address illegal cannabis, and our response to Q33 that the model is "not based **at all**" (emphasis added) on fisher use of stands). The additions to Q29 to address my comment there seem pretty minimal; I see this as a potential opportunity to build a bridge to work with landowners so wonder if we can expand on how we plan to do so. Could we provide more detail on Partners Program or the other funding opportunities that were mentioned?

Minor things that hopefully would get caught before we send forward -- there's a typo "once commenter" in Q33, and the Skinner et al reference in the "wildfire" section is missing a year. (sorry I can't give page #s, I created a compare docs version to see what changed since my last review so I presume the #s won't track with the clean version).

I know we talked about Kerry's surname, I forgot to ask about Paul's. We'll need both of those and PPM surname before it goes to Gary.

Caitlin -- anything else I'm missing?

**Bridget Fahey**  
**Division Chief for Conservation and Classification**  
**U.S. Fish and Wildlife Service**  
**(703) 358-2163**

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**From:** Russell, Daniel <daniel\_russell@fws.gov>  
**Sent:** Wednesday, March 11, 2020 3:27 PM  
**To:** Fahey, Bridget <bridget\_fahey@fws.gov>  
**Cc:** Fris, Michael <michael\_fris@fws.gov>; Picco, Angela <Angela\_Picco@fws.gov>; Snyder, Caitlin <caitlin\_snyder@fws.gov>  
**Subject:** Cleaned version for your review

Bridget,  
Attached is our final draft of the doc that is going to Kerry for her final review and surname.

When we address any final edits from her, as well as any changes we need per PRB, we'll get that final version (with both Kerry's and R8's surname pages) out to you to give to Gary.

I think that's it for now, but please let me know if I'm forgetting anything or if you need something else from us at this point.

Thanks,  
Dan

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