
From: Drake, Madeline K </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A702EEE74C25489280BA08B17D91A406-MADELINE_DR>
To: Russell, Daniel
CC: Hull, Josh
Sent: 3/12/2020 7:46:44 PM
Subject: Re: Cleaned version for your review

Hi Dan,

Below is the information Josh and I put together to address Bridget's concern regarding the "Additional Conservation Measures" section. The Pacific marten draft final rule did not have this section since it has 4(d) rule. Heidi was able to provide us with the FR documents for the most recent species that were listed as endangered, so we modeled our section off of those examples. Please let us know if you have any questions.

It is our policy, as published in the Federal Register on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

- (1) Any actions that may affect the SSN DPS of fisher that are authorized, funded, or carried out by a Federal agency, when the action is conducted in accordance with the consultation requirements for listed species pursuant to section 7 of the Act;
- (2) Any action taken for scientific research carried out under a recovery permit issued by us pursuant to section 10(a)(1)(A) of the Act;
- (3) Land actions or management carried out under a habitat conservation plan approved by us pursuant to section 10(a)(1)(B) of the Act, or an approved conservation agreement;
- (4) Recreation activities that comply with local rules, including hiking and backpacking.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act; this list is not comprehensive:

- (1) Unauthorized modification of the forest landscape within the fisher SSN DPS;
- (2) Unauthorized use of first- and second-generation anticoagulant rodenticides and neurotoxicant rodenticides within the fisher SSN DPS

-Madeline

From: Russell, Daniel <daniel_russell@fws.gov>
Sent: Thursday, March 12, 2020 8:20 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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California - Great Basin / Legacy Region 8
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From: Fahey, Bridget <bridget_fahey@fws.gov>
Sent: Thursday, March 12, 2020 5:41 AM
To: Russell, Daniel <daniel_russell@fws.gov>
Cc: Fris, Michael <michael_fris@fws.gov>; Picco, Angela <Angela_Picco@fws.gov>; Snyder, Caitlin <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

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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