| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| AG1 | Improvement of SWWF habitat grazing are not compatible, and the reduction and mitigation of grazing is probably the easiest way to improve conservation of the species. Study measures to protect riparian areas in places most frequented by the SWWF. Livestock grazing degrades riparian habitat; exclude these federal activities from SWWF habitat. Grazing in riparian areas needs to be limited for the benefit of wildlife, the SWWF, and water quality.<br>1) Help eliminate cow birds through trapping programs<br>2) Establish controls to monitor grazing in riparian areas to determine the extent grazing is compatible with CHD<br>3) Concentrate efforts on riparian habitat protection measures | 19 | OOS | I-088 R8<br>O-021 R8<br>O-020 R1<br>O-009 R7<br>I-023 R1<br>I-010 R6<br>I-009 R6<br>I-067 R2<br>I-057 R8<br>I-068 R1<br>I-077 R8<br>I-090 R1<br>O-021 R8<br>G-019 R5<br>O-021 R8<br>M4-R3<br>M2-R2 |
| AG2 | Cattle grazing on public lands, stream, and uplands should cease because of the following:<br>1) monetary costs outweigh the benefits<br>2) they result in increased intensity and frequency of floods,<br>3) grazing decreases groundwater recharge,<br>4) citizens suffer when streams are degraded,<br>5) fisheries are impacted,<br>6) other aquatic, terrestrial, and riparian wildlife are suffering,<br>7) voluntary buy-out is allowed,<br>8) riparian habitat accommodates 90% of Arizona's wildlife, and<br>9) all grazing in western states produces only 2%of US cattle forage and livestock. | 2 | OOS | O-014R1<br>I-092R6<br>M2-R2 |
| AG3 | Grazing profits are short term and decrease biodiversity. | 2 | IA/PN | I-022 R8<br>I-088 R8 |

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| AG4 | According to the Federal Register, habitat loss and degradation are attributed to agriculture, water diversion dams, and livestock grazing. However, the largest known population is in an area where these activities take place. In fact, they are healthy, thriving, and multiplying. Study the trend of livestock grazing with the range of the SWWF over the last 50 years. Livestock grazing has decreased as the SWWF populations decreased. Impacts by grazing have been vastly overstated. | 4 | PN | O-005 R2<br>O-006 R2<br>O-007 R2<br>O-011 R5 |
| AG5 | I am concerned about the bias that accompanies the SWWF and grazing. The exclusion of livestock will not benefits the species because it has been shown that managed grazing can benefit the SWWF. Consider the U Bar Ranch in NM show that grazing and SWWF are compatible, where reproductive rates are the highest, and rates of parasitism by cowbirds the lowest, recorded in the SW. See Zimmerman letter. and attached *Southwestern Willow Flycatchers in the Cliff-Gila Valley, New Mexico* 1997, 1998, 1999, 2000, 2001 | 1 | PN | I-056R1 |
| AG6 | Livestock grazing in riparian areas helps make these areas less vulnerable to wildfires. | 2 | ALT | I-056 R1<br>I-013 R5 |
| AG7 | I am concerned that the exclusion of cattle from riparian areas could negatively affect fisheries. This is because the channels of the Verde River that occur on my ranch would both narrow and deepen in the absence of livestock use, and would facilitate exotic rather than native fish species survival. The Rocky Mountain Research Station's preliminary conclusions on a ten year study regarding fish-grazing relationships show:<br>1) controlled grazing can maintain and enhance riparian habitats<br>2) absence of grazing changes species composition<br>3) a decrease in sedge vegetation<br>4) an increase in cover of invasive and non-invasive species<br>Findings are exotic fauna primarily affect native fish populations and there was no evidence to link grazing with loss of fish habitat. | 1 | IA | I-056 R1 |
| AG8 | It costs a lot of taxpayer money and water to subsidize the cattle industry in the SW. It should be moved in the free enterprise system to where rain is available. | 1 | OOS | O-014 R1 |
| AG9 | Unique farmlands or prime farmlands and the waters that feed them should not be sacrificed in order to support non-essential habitat for the SWWF, because the farmland values outweighs any habitat value. Consider the Farmland Protection Policy Act. | 1 | ALT | O-016 R2 |
| AG10 | Impacts to SWWFL from spraying of chemicals on agricultural land bordering CHD | 1 | IA | M5 - R4 |
| AG11 | Cattle and cowbirds: why keep feeding cattle with 40% of our water and keep cowbirds numbers up? | 1 | IA | M1 - R1 |
| AG12 | SWWF prefer cowbirds so don't blame cattle – they seem compatible | 1 | iA | M2 - R2 |

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| AG13 | CHD along the Rio Grande and Gila rivers will have a negative affect on agriculture. | 3 | ALT | O-005R2<br>O-006R2<br>O-007R2 |
| AG14 | Opposed to the designation of CH. Conservation Easements have been discussed for private lands to meet the total land area imposed by courts for CHD. These easements will reduce the value of the land and prevents use of land for collateral on loans that may be required for continued ranch operations. This may force the rancher to sell the land removing it from the local tax base. Interested in seeing a discussion on long term lease for conservation. This allows land to remain in local tax base and allow for alternative uses should CHD prove unnecessary or false. Must blend the needs of agriculture and food production with conservation. This can not be done by removing land from production. | 1 | IA | I-013R5 |
| AG15 | The federal Farmland Protection Policy Act requires FWS to evaluate the effects of proposed actions upon the conversion of farmland to nonagricultural uses. Restrictions on water and lands uses caused by CHD will accelerate the transition of prime farmlands in southern NM to development or other nonagricultural uses. | 1 | IA | O-016 R2 |
| AG16 | CHD will devastate the habitat of base ranches. We have seen a trend where the loss of livestock operations has led to urban development of these areas. This conversion to urban uses may result in habitat fragmentation and other impacts not yet considered. | 1 | IA | O-011 R5 |
| AG17 | The NEPA process must consider impacts to prime and all other soils used in agriculture production. Non-prime soils are essential to the community of Kern Co. as they are used on a variety of industries including livestock production and many crops. | 1 | IA | O-011R5 |
| AG18 | The impacts of changing crop patterns needs to be addressed. | 1 | IA | G-014R5 |
| AG19 | Noxious weeds are controlled by grazing. Affecting grazing will increase noxious weeds | 1 | IA | M4 - R3 |
| AG20 | Grazing livestock on tribal lands continues | 1 | IA | M8 - R6 |
| AG21 | Farmers are environmentalists too. | 1 | ALT | M2 - R2 |
| AG22 | Irrigation return ditches can create "suitable/occupied habitat" that spreads out grazing impact and creates habitat away from river primary channel. In valley we have good areas with patches of ditches - we want to be proactive so ditch access isn't impeded by CHD. Willows in ditches restricts flow of water and is a huge problem – cleaning the channels is a major program – willows stop this and a designation might impact irrigation practices, I.e. ditch cleaning. | 5 | ALT | M2 - R2<br>(3)M4-R3 |
| AG23 | How does lake level impact downstream irrigation? | 1 | IA | M6 - R5 |
| AG24 | Prime agricultural land – does irrigation provide a federal nexus? | 1 | ALT | M5 - R4 |

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| AG25 | Need to include the details/economics of the cattle industry on riparian areas (eutrification, temp., siltation, etc.) | 1 | IA | M1 - R1 |
| AG26 | Effect on grazing rights, cattle industry, human interests, historical and cultural aspects, flood control, no arbitrary reductions in livestock or any reductions. Federal grazing allotment holders and private land owners. | 18 | IA | (3)M3-R2<br>(7)M4-R3<br>(4)M2-R2<br>(3)M6-R5 |

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| CH1 | CHD is necessary for species survival and recovery adding CHD provides additional protection where current management plans might not be adequate for species protection. Courts in the past have generally not supported the notion of non-designation just because CH might be less beneficial than other protective measures. CHD improves the likelihood of recovery in addition to and independent of listing protections. CHD and Recovery Plans implemented for at least ten years has three times (3X) the probability of species recovery and are 17 percent less likely to decline versus those species with no CHD and recovery plans less than ten years old. Preservation of SWF should be the primary purpose. | 1035 | PN | all form letters<br>I-005 R1<br>I-006 R8<br>I-010 R6<br>I-011 R8<br>O-002R8 |
| CH2 | An extensive or wide range of CHD is necessary for the recovery and survival of the SWWF. | 1035 | ALT | all form letters<br>I-001 R8<br>I-002 R1<br>I-003 R6<br>I-004 R3<br>I-008 R6 |
| CH3 | Concentrate CHD on federal lands. | 8 | ALT | O-021R8<br>G-014R5<br>O-004R3<br>G-017R6<br>G-005R1<br>O-017R1<br>G-019R5<br>M4 - R3 |
| CH4 | Concentrate CHD in Colorado on public lands and consider ongoing activities that benefit the SWWF. | 1 | ALT | O-004 R3 |
| CH5 | The national office of the FWS has sometimes maintained CH provides no additional protection beyond the jeopardy/consultation afforded under ESA. this is plainly false. A broad designation of CH will provide a blanket of protection for species within unique ecosystems where a case by case examination by the FWS might not be adequate for species protection. This is especially so because under ESA CH calls for the protection of currently unoccupied habitat that could be recolonized. | 1 | ALT | I-026 R2 |
| CH6 | CHD provides an additional level of protection, forcing agencies to consider the impacts of their actions or actions they permit on SWWF habitat regardless of whether that habitat is occupied or not. | 1 | PN | I-076 R2 |

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| CH7 | The entire range of the SWWF cannot be designated. Carefully evaluate areas under consideration and ensure that unoccupied habitat is not designated unless strong documented justification. | 1 | ALT | O-002 R8 |
| CH8 | Opposed to the designation of more protected habitat. | 2 | PN | I-081 R8<br>M8-R6 |
| CH9 | The New Mexico Department of Agriculture finds no information warranting changes to the existing designation. | 1 | PN | G-009 R2 |
| CH10 | Effects of CH designation on ACOE multi-purpose projects in South Pacific Division numerous sites listed on this comment. | 1 | ALT | G-022 R6 |
| CH11 | With current lake level has there been an increase in bird population | 1 | IA | M6 - R5 |
| CH12 | Unoccupied habitat should not be designated as critical habitat. | 3 | ALT | O-005 R2<br>O-006 R2<br>O-007 R2 |
| CH13 | FWS must weigh the benefits of exclusion of areas already protected versus the benefits of inclusion and such exclusion will not result in the extinction of the species. | 1 | IA | O-013 R1 |
| CH14 | In examining "historically" occupied areas not currently occupies the FWS needs to address why these areas are no longer occupied. In other words, the fact that the bird isn't occupying a particular area now should lead to the inquiry about what is wrong with that habitat and can that lack of suitability factor be corrected. If so, at what cost? | 1 | ALT | O-008 R1 |
| CH15 | CHD involves a balance test between scientific data and economic impacts. Using best science available, concentrate conservation and CH in areas where it will benefit the most. The SWWF Recovery Plan should not be used alone when determining CH for the SWWF. The Recovery Plan does not solely represent the best scientific data available because the role of the recovery planning under ESA is simply different than that of CHD. CH should include areas essential to the species and high probability that the land designated as CH provide habitat that meets the criteriaand in need of special management protection. The mere presence of flycatchers frequenting an area does not mack the area CH; it must be scientifically demonstrated essential to species. In addition, our view of the often cited listing of threats to the species (livestock grazing, water diversion, cowbird nest parasitism) should be undertaken in light of information and studies that have substantiated that the SWWF can thrive in a variety of habitats previously thought detrimental. Give these studies the appropriate level of respect and consideration. | 7 | ALT | O-021R8<br>G-014R5<br>O-004R3<br>G-017R6<br>G-005R1<br>O-017R1<br>G-019R5 |
| CH16 | Is it safe to assume that habitat areas will drain from table 10 of recovery plan? | 1 | ALT | M1 - R1 |
| CH17 | All "CH" should not be lumped in one place (i.e. Gila) | 1 | ALT | M2 - R2 |
| CH18 | Do not ignore "potential" habitat just because it is not currently suitable | 1 | ALT | M2 - R2 |

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| CH19 | Provide a thorough analysis of proposed critical habitat that evaluates whether benefits of excluding specific areas out-weigh the benefits of inclusion. | 1 | PRO | G-014 R5 |
| CH20 | Area identified not good for CHD | 1 | ALT | M3- R2 |
| CH21 | CHD is not needed because flycatchers that breed in the southwest include all four subspecies, which cannot necessarily be differentiated by color. Scientific documentation of subspecies differentiation with improved understanding of species distribution | 1 | PN | I-056 R1 |
| CH22 | Don't compare areas such as Arizona and Colorado | 1 | ALT | M4 - R3 |
| CH23 | The current Recovery Plan should consider newer and more recent scientific data. | 1 | ALT | O-017 R1 |
| CH24 | It should be scientifically shown that areas not currently occupied but included as CH would be essential for species conservation. | 1 | ALT | O-017 R1 |
| CH25 | Science proves habitat quality and quantitiy is not limiting factor in some locales (Lk. Isabella). | 1 | ALT | O-017 R1 |
| CH26 | Analysis of territory numbers. Some areas above threshold for recovery. | 1 | ALT | O-017 R1 |
| CH27 | The definition of CH requires that any area proposed for CH must be shown essential for the conservation of the species. The mere presence of SWWF alone does not meet that criterion. CH must have high probabilities for supporting viable populations now or in the future. General references to broad areas that might have the potential to support species in the future is insufficient to support CHD. It is incumbent upon the Service to demonstrate and document that any areas proposed for CH have a very high potential to become occupied by the SWWF and that the "appropriate management" be physically, legally, biologically, and economically feasible--not just theoretically possible. | 1 | ALT | O-015 R1 |
| CH28 | Designating entire stream reaches – not appropriate | 1 | ALT | M7 - R6 |
| CH29 | Before using the 2002 Recovery Plan's "important stream reaches" as the basis for CHD, the FWS must evaluate the analyses, conclusions, and scientific validity of the RP and ensure peer review when DCH. | 1 | OOS | G-007 R1 |
| CH30 | Wintering grounds- Recognize that true limiting factor may be on wintering ground or during migration. How will SWWFL be protected on migratory pathways. | 8 | PRO | (3)M2-R2<br>M3-R2<br>(3)M6-R5<br>G-023 R6 |

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| CH31 | Utilize annual data collected by the BOR under the current Lower Colorado River Operations and Maintenance Activities Biological Opinion. Additional, use similar habitat and species survey data collected by Arizona Game and Fish throughout the Salt, Gila, and Verde River systems should be utilized in designating CH. | 1 | ALT | G-017 R6 |
| CH32 | The FWS should describe the relationship between the designation of the proposed CH and the identified recover and management units identified in the 2002 RP. | 1 | ALT | G-017 R6 |
| CH33 | Do SWWF nest in man-made nests? | 1 | IA | M6 - R5 |
| CH34 | CDOW has supported many efforts to document and understand the abundance, distribution, and habitat use/availability in Colorado. Believe these efforts should be considered when evaluating CH in the state. | 1 | ALT | G-002 R3 |
| CH35 | Has bird population increased or decreased since dam was built in 1951? | 1 | IA | M6 - R5 |
| CH36 | There is no scientific basis to recommend any changes in historic operation of the Lake Isabella reservoir. The data collected since 1996 has documented that the present riparian zone located within the reservoir is thriving due to current management activities and operations (exclusion of grazing, and continued routine operations consistent with flood control criteria and contracts for storage). The science indicates habitat quantity and quality do not appear to be limiting the size or reproductive success of SWWF on the South Fork. These studies indicate the reservoir should be eliminated from consideration as CH. | 1 | ALT | G-014 R5 |
| CH37 | The FWS's Recovery Plan is not a reasonable starting point for CHD. The RP can not be suitable for the CH process. The RP was not intended to be used to designate CH. The Service must further refine the analysis and conclusions reached in the RP to reduce the scope and extent of geographical areas identified in the RP. | 1 | ALT | G-006 R1 |
| CH38 | 1) Consider and focus on the implications, conclusions, and requirements reached in the final RP and biological opinions with regards to Isabella Dam and Lake operations on the SWWF and its riparian habitats along the South Fork, Kern County, CA.<br>2) Consider and rely on the most current data with regard to SWWF and habitats along the South Fork.<br>3) Consider previous studies conducted in proposed areas not cited in the RP<br>4) Consider scientific studies showing beneficial inundation effects to SWWF habitat (eg. Lake sabella).<br>5) Suitable nesting and foraging habitat is not a limiting factor for the population of the Kern River Valley.<br>6) The RP cites only one reference regarding Lake Isabella operations and habitat along the South Fork. The Corps had concerns regarding the accuracy, analytical technique, and conclusions of this report, and its failure to consider exisiting data. | 1 | ALT | G-023 R6 |

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| CH39 | The County is concerned about potential discrepancies between the boundaries of the proposed critical habitat designation based on general information and the North County MSCP boundaries that are based on current site-specific information. Such discrepancies would need to be analyzed, explained, and documented in the North County MSCP; an exercise that would provide no apparent benefit to the Flycatcher yet would elevate costs and delay the completion of the North County MSCP. The County would have the burden to bear the expense of providing the evidence and rationale for the habitat boundaries that may deviate from the critical habitat designation. | 1 | ALT | G-016 R6 |
| CH40 | What noise level is disturbance to bird? Direct and indirect. | 2 | IA | (2)M7 - R6 |
| CH41 | CHD needs to consider subspecies on Tribal lands prior to final designation. Southern Ute Indian Tribe is concerned that the subspecies of flycatcher that occurs on the Reservation appears to be the more common *adastus* subspecies rather than the endangered *extimus* subspecies. This suggests that the range boundary of extimus, and the areas which should receive consideration for CH lie outside the Reservation. See Sc5 below. CH on the reservation will be unsupportable. | 1 | ALT | T-001 R3 |
| CH42 | Zones of hybridization should not be included in CH. | 1 | ALT | T-001 R3 |
| CH43 | CHD needs to consider recent and prior surveys for the SWWF. The Absence/Presence of SWWF needs to be considered in CHD. Recent surveys conducted on the MCAS Miramar for the SWWF and the least Bell's vireo failed to identify any SWWF on the Station. Suitable riparian habitat receives special management as outlined in the Integrated Natural Resources Management Plan. | 1 | ALT | G-025 R6 |
| CH44 | Do not ignore possibility that SWWF are at low population level due to natural population cycles, etc. | 1 | ALT | M2 - R2 |
| CH45 | The Kern River water master and those agencies, landowners, and residents dependent upon the continued conservation storage of Kern River water in Isabella Reservoir request the Service suspend any further action to designate Isabella Res. and portions of the South Fork of the Kern River as CH. | 1 | ALT | G-019 R5 |
| CH46 | The Elephant Butte Reservoir holds water for several years so capacity should not be limited by the temporary presence of habitat. Water levels rise and fall depending on inflow from the Rio Grande. Any conditions created by this elevation change is only temporary. Temporary habitat should not be considered for CH because of its ephemeral nature. | 1 | ALT | O-016 R2 |
| CH47 | Critical habitat designations are too often specifically designed to limit or eliminate human activities on public/private lands. | 1 | IA | I-081 R8 |
| CH48 | A balancing of impacts and benefits associated with CH indicates that areas with pending HCPs warrant exclusion. The benefits of excluding the pending North County MACP far outweigh the benefits of CHD. | 1 | ALT | G-016 R6 |

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| CH49 | Original habitat designation was litigated by ranchers in 2001. Designation vacated and warrants redesignation. | 6 | PN | I-014 R1<br>I-026 R2<br>I-068 R1<br>I-083 R6<br>I-084 R8<br>I-095 R6 |
| CH50 | The WUWC recommends principles that should be applied when considering CHD.<br>1) recognize that not all habitat is equally important to species conservation,and delineate and rank habitat based on whether it is essential<br>2) define special management measures neccessary<br>3) apply cost-effectiveness approach to balancing the benefits of exclusions against those of inclusion<br>4) consider local and regional impacts, including near term, avoid national stance<br>5) avoid attempting to monetize the biological value of habitat areas, because monetary values generally cannot be assigned for this purpose<br>See enclosed paper. | 1 | IA | O-002 R8 |
| CH51 | Biggest threat to The SWWF is housing developments along river corridors. | 1 | PN / IA | I-032 R3 |
| CH52 | Look at population centers and potential area | 1 | IA | M8 - R6 |
| CH53 | The RP identifies a minimum of 50 territories for down-lisiting and de-listing. In 2003, 62 territories found. All on public land. Is the currently occupied habitat sufficient to conserve the subspecies? | 1 | PN | O-004 R3 |
| CH54 | The District estimates that there are more than 300ha of occupied territory in these areas. The use, these are the only areas to consider for DCH. | 1 | IA | O-004 R3 |
| CH55 | Like to determine height boundaries – no surveys done above 8000-9000 feet – make decisions based on known habitat areas | 1 | ALT | M4 - R3 |
| CH56 | Look at populations of birds and impacts on their survival. Also look at natural cycle effects and locations of previous designations. | 3 | IA | M6 - R5<br>M7-R6<br>M8-R6 |
| CH57 | Not just seasonable designations for CHD. | 1 | IA | M2 - R2 |
| CH58 | Consider Special Management Plans. | 1 | PRO | G-004 R1 |
| CH59 | CH designation provides no further conservation benefits along the South Kern River Valley as there already exist extensive and comprehensive conservation projects dedicated to the preservation and protection of habitat available to the SWWFC. None of these ongoing conservation projects needs a critical habitat designation in order to satisfy conservation objectives suited to the SWWFC. | 1 | ALT | G-019 R5 |

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| CH60 | Special management plans can be considered, however, by FWS after publication of the proposed rule, in the context of its analysis of whether the benefits of including certain lands within the flycatcher critical habitat designation outweigh the benefits of excluding those lands from the final rule. Consistent with the decision in Norton, the proposed stream reaches include multiple areas with special management protections already in place. Among these reaches are mitigation properties, which are subject to permanent special management and protection for flycatchers as part of the Roosevelt HCP. In the event an HCP is finalized for operation of Horseshoe and Bartlett Reservoirs, and an incidental take permit is issued by FWS, any mitigation properties acquired for flycatchers pursuant to the Horseshoe and Bartlett HCP would also be appropriate for consideration as critical habitat. | 1 | ALT | G-004R1 |

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| E1 | With demands on New Mexico landscapes only increasing, it's imperative that public agencies utilize every opportunity for preventing further impacts to SWWF habitats and on other creature habitats. It is time to distinguish between those economic activities that cost us taxpayers and the landscapes more than they contribute in the long run. There is no greater effort than to focus resources and energy on than that of maintaining and restoring NM's greatest asset for long term economic and environmental health---the integrity of NM's great landscapes. Four billion dollars in tourism every year says a lot for the value of NM's species diverse habitats. | 1 | IA | I-015 R2 |
| E2 | CHD is a poor tool by the Service that only creates conflict. | 1 | PN | I-013R5 |
| E3 | CHD will cost the taxpayers and landowners money to administrate and implement. | 1 | IA | I-013R5 |
| E5 | Bird and nature watchers provide economic influx to areas that support bird and nature watching activities. Economic benefits to communities ensue by showcasing the area's wildlife, and especially birds, through birding and nature festivals. | 2 | IA | I-061 R8<br>O-020 R1 |
| E6 | Opposed to any CHD that would impose an economic burden on rural families and communities. | 3 | IA | O-005R2<br>O-006R2<br>O-007R2 |
| E7 | Recommend eliminating any areas from CHD that are impacted by federal activities and are nondiscretionary in nature, such as Lake Mead as highlighted in Southwest Center for a Biological Diversity v. U.S. Bureau of Reclamation, et al., 143 F.3d 515 (9th Cir. 1998). | 1 | ALT | O-008R1 |
| E8 | DCH on Tribal lands will present unjust economic burden on the tribe. Most tribal activities will have a Federal nexus because of association with the Bureau of Indian Affairs or funding. This will require that the tribe obtain permits or enter consultation for most of their developmental ventures, increasing both costs and time for completion of projects. | 2 | IA | R6T-005<br>R6T-004 |
| E9 | Lake Isabella residents live at or below the poverty level with tourism as the primary source of income. | 1 | IA | I-091R8 |

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| E10 | The Kern Farm Bureau is concerned that restrictions imposed on farming and ranching activities in and around the reservoir would be detrimental to local landowners and the economy, and are not necessary to promote a healthy population of SWWF. Work with local agencies when preparing economies analysis. It is clearly in the discretion of the Service to exclude lands from CH to avoid adverse economic consequences. We believe excluding agricultural and water resources will not hamper recovery efforts, as it will lead to the greater implementation of cooperative solutions that will benefit the economy and the SWWF. The FWS should not adopt CH on Lake Isabella and the South fork as it is likely to cause counter-productive backlash potentially underming positive conservation efforts. | 1 | IA | O-011R5 |
| E11 | The FWS should examine impacts of CH in light of current drought conditions in southern NM. Water levels are low at Elephant Butte and Caballo Reservoirs. The ability to refill these without impediments created by SWWF habitat is crucial to the economic and social sustenance of southern NM. | 1 | IA | O-016R2 |
| E12 | The CHD in Arizona would be inappropriate because it is not essential to species and any benefits will be outweighed by the socioeconomic impacts that would occur. Concerned that designating CH in Arizona will likely result in the destruction of the economic viability of personal ranching business by unnecessarily and permanently excluding livestock from within or near riparian areas on the Tonto National Forest. | 1 | IA | I-056R1 |
| E13 | Wildlife and water resources are important to the economies of the southwest. | 1 | IA | O-014R1 |
| E14 | We fear the designation of critical habitat would eliminate much of the ranching in and around Lake Isabella. In areas with livestock production, no CHD is needed as this will impair the livestock sector's economic livelihood and will likely promote conversion to non-agricultural uses. | 1 | IA | O-011 R5 |
| E15 | An impact not covered in the scoping needs clarification. A recent UC Berkeley Study showed 87% of ranchers stated that regulations were the biggest impact to their grazing permits. When regulations are implemented, most of these ranchers said they would be forced to sell all or part of their home ranch. Their biggest concern is the lack of suitable and available alternative forage in the state of CA. This lack of available resources shows that the designation of CH on lands utilized for livestock grazing will have devastating impacts to the economy, environment, and ranch families. | 1 | IA | O-011 R5 |
| E16 | Responsible grazing, logging, mining, and agriculture is a viable use of public and private lands. The continued ability to operate these activities is vital to the socioeconomic status of western rural areas and communities. Species protection should not penalize responsible land users. There are no incentives to support habitat. | 2 | IA | I-081R8<br>I-013R5 |

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| E17 | Designation of CH has happened in the past with spotted owl, spikedace minnow, northern goshawk and others forcing the removal of livestock from CH. Because this may cause economic harm to rural agricultural producers, we request the FWS produce a detailed economic evaluation that thoroughly analyzes this issue. | 1 | IA | G-009R2 |
| E18 | FWS must consider the economic impacts of CHD for the SWWF. This must include a through evaluation of the economic impact of specifying any area as CH. This requires analysis of local economic impacts that result from each area designated as CH. This must include impacts to industry, mining, agriculture, current and proposed land uses (in riparian areas) and water use and availability. Section 7 consultation, increased permitting costs, multiple years of required data collection and surveys, mitigation measures, and land purchases often result. A proper valuation of these costs and the commensurate benefit to the species as a result of the commonly imposed mitigation measures must be a component of the NEPA documentation. | 1 | IA | O-013R1 |
| E19 | Most SWWF habitat in Utah is on public lands. Although economic activity occurs on these lands, this is a privilege not a right; therefore economic costs of restricting these activities are minimal. CHD will have minimal economic impacts when balanced with the substantial progress the CHD will make on the SWWF. | 1 | IA | O-009R7 |
| E20 | An economic analysis should carefully examine, on a site specific basis, the economic impact of the designation of a specific habitat. In other words, if a specific stream segment is proposed for CH, then the analysis should focus on the water users, recreational users, and other users, and the costs and benefits of designation to those users. It is important the FWS develop a detailed methodology for analyzing economic impacts, and provide for the public review and comment of the methodology before implementation. | 1 | IA | O-015R1 |
| E21 | Encourage the FWS to carefully evaluate the potential economic impacts related to CHD within the floodplain of the major river systems. Must include explicit inclusion/exclusion criteria in the context of economic impacts. Clarify the proposed timeline associated with the identification (is CH expected to be in place for the same period of time as in the RP). Compare and contrast the economic impacts associated with listing the species versus the designating of CH. | 1 | IA | G-017R6 |
| E22 | Would like the FWS to use meaningful economic analysis in the decision-making process, assed in the immediate area and not conducted on a regional basis. statewide or region assesment might show minimal impact while local assesment might show devastating effects to the way of life for a community. | 1 | IA | G-005R1 |

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| E23 | If CHD is not allowed to be worked with to accomplish all purposes of the Rio Grande river, there may be extremely harsh economic and other affects on Colorado. For example, the BOR is proposing to leave a large hole in the low flow conveyance channel near San Marcia, NM. This will cause water losses to the river and create a situation that may subject NM to huge litigation expenses and potential judgments under the Compact. I would like to see these issues explored in the economic analysis for San Luis Valley. | 1 | IA | G-012R3 |
| E24 | Designating CH in the delta regions of Lake Mead would result in the prolonged and costly T&E species evaluations, specifically pertaining to the SWWF during normal operations of Lk. Mead. As a result, Section 7 consultation would be repeatedly required for standard operations. | 1 | IA | G-011R4 |
| E25 | Consider all economic impacts (both directly and indirectly) resulting from CHD in Kern County. Consider economic studies documenting significant economic impacts to regional residents in Kern County, CA, when determining CH. | 1 | IA | G-014R5 G-019 R5 |
| E26 | Economic Impact assessment methodology must be comprehensive in addressing the many indirect and direct effects of CHD in Kern County. Section 7 consultation costs will need to be addressed. The use of NRCS programs by private landowners would have to consider Section 7 consultations that impose higher standards of mitigation than would otherwise be required, and translates into higher mitigation costs. CH can have effects on local government efforts to implement necessary public safety improvements such as bridge, road, and flood control safety improvements. Some of these projects never reach Section 7 because of processing delays and requirements. These secondary effects should be estimated based on known DOI staffing and budget shortfalls. | 1 | IA | G-014R5 |
| E27 | The FWS should evaluate potential economic impacts (both positive and negative) on consumptive and non-consumptive wildlife activities (wildlife and bird viewing, photography), and recreational sport fishing (creel data from state) opportunities. To fully elucidate potential impacts, CH must be identified and quantitative data used in the evaluation. See these sources of information related to economic benefits derived from fishing, hunting, and non-consumptive wildlife related recreation in Arizona:<br>1) Southwick Associates. 2003. Economic impact analysis of non-consumptive, wildlife-related recreation in Arizona. Conducted for the Arizona Game and Fish Department.<br>2) U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau. 2001. National survey of fishing, hunting, and wildlife-associated recreation Arizona.<br>3) Silberman, J. 2001. The economic importance of fishing and hunting: economic data on fishing and hunting for the state of Arizona and for each Arizona county. Prepared for the Arizona Game and Fish Department. Arizona State University West. | 1 | IA | G-001R1 |

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| E27 | Fully analyze the economic and social effects of DCH in the Kern River Valley and San Joaquin Valley, especially relating to agriculture and the long-term impacts. Take into account local water agencies affected by proposed CH. The analysis must demonstrate and mitigate for the impacts to a base industry of Kern County (agriculture) in cases where CH impacts water flow or agriculture use in any way, including every one of the supporting businesses that helps turn raw agricultural commodities into products on the grocery shelves. | 1 | IA | O-011R5 |
| E29 | Should FWS consider designation of CH of any areas within the Elephant Butte Reservoir, it must make a full evaluation of all effects including operations and to the District's constituents. Weigh the benefits of inclusion versus exclusion. | 1 | IA | O-016R2 |
| E30 | Phoenix suggests using an meaningful economic analysis to determine socioeconomic impacts. Any designation that limits water supply so that a replacement supply is needed, must look at the adverse impacts caused by the replacement. Use a cost effectiveness framework that is designed to find the least-cost means to designate CH. Identify the most essential habitat with the least economic costs. Regional, local and near-term economic impacts must be analyzed and not discounted because the impacts may be small or insignificant on a national level. Direct impacts to the affected party must be determined. Indirect impacts, conceptualized as lost "value added," must be determined. | 1 | IA | G-006R1 |
| E31 | This requires the identification of significant activities that would affect an area considered for desgination as critical habitat or likely to be affected by the designation. Once activities are identifed and after propsing an area for designation, the FWS must consider the probable economic and other impacts of the designation upon propsed or ongoing activities. | 1 | IA | O-004R3 |
| E32 | The WUWC belives that a cost-benefit analysis would balance species conservation with economic impacts, thereby avoiding over-designation. | 1 | IA | O-002R8 |
| E33 | Estimate economic impacts over 20-30 years. 10 years is not sufficient. | 1 | IA | G-004 R1 |
| E34 | Recreation such as rafting is vital to local economy and if lake is not full then businesses will suffer. | 1 | IA | I-007R5 |
| E35 | See "Economic Impacts of the 1991 Drought on Kern County Agriculture", Northwest Economic Associates, 1991. Groundwater withdraw during dry years is important to the Districts. | 1 | ALT | G-019 R5 |
| E36 | CHD could limit the ability to store water in the Elephant Butte Res. And have a dramatic affect on local economies. Cost for designation would far exceed benefits, thereby requiring exclusion from CH. | 1 | ALT | O-016R2 |
| E37 | Economic impacts to Phoenix. | 1 | ALT | G-006R1 |

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| E38 | There is ample evidence to support the determination that the benefit of exclusion outweighs designating Isabella Reservoir and the South Kern River Valley. Significantly, a designation may likely disrupt the continued routine operation of Isabella Reservoir causing devastating economic harm to Kern County. The total area dependent upon the conservation of Kern River water stored in Isabella Reservoir exceeds 300,000 acres within the southern San Joaquin Valley portion of Kern County. Numerous public and urban water agencies have developed extensive water supply projects predicated on the continued availability of Kern River water to the region. Without the unrestricted use of the full water supply at Isabella Reservoir the continued production of valuable agricultural crops and the maintenance of local urban water supplies, including two water treatment plants providing water to 25% of the urban Bakersfield area, are threatened. Based on past conditions of drought, it is readily acknowledged that a loss in supply in water can lead to hundreds of millions in dollars in reduced crop production and a like amount in increased operation costs not including the economic cost of the lost supply. (See, "Economic Impacts of 1991 Drought on Kern County Agriculture", Northwest Economics I Associates (1991) and "The Economics of Potential Restrictions to Irrigation Storage in Isabella Reservoir" Northwest Economics Associates (1993).) Further, impacts are recognized to occur throughout the j regional economy in the form of reductions in the production and marketing of goods and services in the region and associated loss in employment. (Id.) Furthermore, such changes in the availability of Kern River water are likely to have other significant adverse socio-economic and environmental impacts (direct, indirect and cumulative) which must be assessed and mitigated. | 1 | ALT / IA | G-019R5 |
| E39 | CHD would increase the economic burden on MSCP Participants. Critical habitat would require private landowners and public agencies that have reached the final stages of a multiple-year planning process to incur additional regulatory review that would translate into significant new costs and delays affecting the implementation of public and private projects. The designation of Flycatcher critical habitat in areas included in the pending North County MSCP would subject the County to substantial costs prior to and after permit approval. Since the Service is proposing critical habitat for the Flycatcher, the County presumes to incur costs associated with assessing the potential effect of a designation on the pending North County MSCP. | 1 | ALT / IA | G-016R6 |
| E40 | Consideration should be given to the effect that the proposal to designate CH would have on regional transportation efforts that are ongoing in the northern portion of San Diego County. In particular, the intent to rule threatens the proposed funding for habitat and conservation associated with the improvement to State Route 76 and other regional transportation arterials that are currently included in the proposed-TransNet Authorization, a potential $100 million funding source. | 1 | ALT / IA | G-016R6 |

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| E41 | Will the economic analysis consultant be going to the Tribe for solicitation and Tribal and Pueblo imput for economic impact; strongly suggest that they do. Tribes and Pueblos would like to be contacted!! | 1 | ALT / IA | AA |
| E42 | Currently, SWWF Section 7 is not required for operation and maintenance activities of the Santa Ana River Channel and Levees system. CHD will ensure Section 7 consultation is required whether that habitat is occupied or not. The CHD would subject Section 404 for regulated maintenance activities or any FEMA hazard mitigation grants to the lengthy and potentially costly Section 7 consultation process. Such delays could compromise public safety. The Section 7 will substantially increase the costs associated with surveys, permitting, and mitigation.<br>The benefits of excluding flood control facilities especially the Santa Ana River Channel and Levees from CHD far outweigh any benefits of including them in the proposed rule. The economic analysis will need to address the effect, including potential prohibitions, delays, increased regulatory oversight, and associated costs, that proposed CH could have on operation, maintenance, and restoration of the channel and levee system. | 1 | IA | G-018R6 |
| E43 | Restricting the elevation of Lake Isabella through CHD will have adverse economic effects on Kern County impacting recreation and tourism including the Kern River and surrounding areas. Farmers and agricultural producers would be impacted by curtailment or modification of water delivery schedules. Increased discharges could flood irrigated lands. Such discharges could lead to increased siltation and higher maintenance downstream. The reduced available water supply will increase ground water overdraft and production costs for farmers and agricultural water districts and decrease the amount of agricultural lands suitable for production. Other impacts are land subsidence | 1 | IA | G-014R5 |
| E44 | The area served by the Elephant Butte and Caballo Reservoirs is one of the poorest in the country and includes a high percentage of Hispanic and other minorities. Restricting water uses and storage could sevelry impact the local economy of this poor area. In preparing NEPA documents analyze E.O. 12898. Environmental Justice | 1 | IA | O-016R2 |
| E45 | Request the Service produce an in-depth economic and social analysis on designation and how it will affect rural families and communities, particularly minority populations. Stress local analysis, not national or state, but one that describes affects on local communities within proposed CH areas. | 3 | IA | O-005R2<br>O-006R2<br>O-007R2 |

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| E46 | The WUWC recommends principles that should be applied when considering CHD.<br>1) recognize that not all habitat is equally important to species conservation, delineate and rank habitat based on whether it is essential<br>2) define special management measures neccessary<br>3) apply cost-effectiveness approach to balancing the benefits of exclusions against those of inclusion<br>4) consider local and regional impacts, including near term, avoid national stance<br>5) avoid attempting to monetize the biological value of habitat areas, because monetary values generally cannot be assigned for this purpose<br>See enclosed paper. | 1 | IA | O-002R8 |
| E47 | Designation of critical habitat can have adverse affects (socioeconomic) on municipal water supplies, on COE water projects (dams and reservoirs), maintenance projects, and other human dependent water projects. CHD should include analysis of affects to:<br>1) water delivery to farmers and ranchers,<br>2) power generation and flood control,<br>3) Water banking and public health and safety,<br>4) flood control relating to public health and safety,<br>5) water recreation,<br>6) complete analysis for potential changes to water delivery and operations,<br>7) high lake levels and operations,<br>8) floodway maintenance, and<br>9) storage capacity, groundwater pumping, costs, subsidence, dollar loss to users as related to groundwater pumping. | 1 | IA | O-015 R1 |
| E48 | Eighty-five percent (85%) of all lands within the Tempe water service area have rights to use water stored at Roosevelt Dam and other Salt River Project reservoirs on the Salt and Verde Rivers. I am concerned about potential areas for inclusion, which may affect the operations of several reservoirs within the Salt River Project system. The socioeconomic analysis of CHD must include impacts to water supplies of cities and Indian communities. Adverse effects include changes in operations and water deliveries. | 1 | IA | G-007R1 |
| E49 | The Western Urban Water Coalition and its constituents whom draw their municipal water supply from dams and related facilities within the range of the SWWF. These entities would have their supply activities significantly curtailed and costs significantly increased if the activities in the draft plan were implemented. The WUWC supports appropriate measures to achieve recovery, including appropriately defined CH. Important to undertake a through and balanced examination under Section 4. | 1 | IA | O-002R8 |

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| E50 | The following requirements can have a significant impact on utilities:<br>limiting reservoirs capacity<br>requiring spillage of otherwise stored and utilized water<br>restricting access to facilities and water sources<br>requiring the purchase of replacement water at higher cost<br>disrupt established water rights and contracts | 1 | IA | O-002R8 |
| E51 | What are the economic and other impacts associated with alternative proposals to designate flycatcher critical habitat? On public lands the impacts would be minimal and benefits of inclusion are likely to outweigh the benefits of exclusion. | 2 | IA | O-004R3 M2-R2 |
| E52 | In the Valley, nearly all the land not federal or state lands is publc, where economic and other impacts over the long term by limiting land uses including flood control maintenance, agricultural activities, and water management. (Rio Grande Compact) | 1 | IA | O-004R3 |
| E53 | More info. on how exactly to assess economic impact with no rules – who decides exactly what that impact will look like. | 1 | IA | M2 - R2 |
| E54 | While I agree that critical habitat is only "invoked" [in a Section 7] when there is a Federal nexus, I would request that FWS and its consultant consider the more global economic impacts of designating critical habitat for the SWWF. As an example, California Dept. of Fish & Game along with other state regulatory agencies increase their demand for mitigation, based on designation of critical habitat. | 1 | IA | M5 - R4 |
| E55 | With all of the rural open areas why do we have to jeopardize the financial wellbeing of the retail merchants of the Kern River Valley | 1 | IA | M6 - R5 |
| E56 | Water level effects on economy. The higher the lake = more tourism. Do not establish arbitrary levels. | 17 | IA | (17)M6-R5 |
| E57 | When "think tank" comes it needs to consult the Chamber of Commerce | 1 | ALT | M6 - R5 |
| E58 | Cost of fixing problems (ex. cleaning channel) – disclose the cost – are we wasting money on these projects. | 1 | IA | M6 - R5 |
| E59 | No improvement even with all the effort/money spent | 1 | IA | M6 - R5 |
| E60 | Efficiency of it – how will it be managed? Cost of what the CHD is creating. | 1 | IA | M6 - R5 |
| E61 | Municipality concerns about transportation funding. | 1 | IA | M3- R2 |
| E62 | Impacts of CHD on tourism and tourist economy | 4 | IA | (1)M1-R1<br>(3)M6-R5 |
| E63 | Detail the negative aspects of other industrial activities as well | 1 | IA | M1 - R1 |

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| E64 | The flycatcher or any other endangered species are not always known unless economic projects – housing construction or other assessed projects uncover environment. | 1 | IA | M8 - R6 |
| E65 | If econ. comes after NEPA, how can NEPA respond to economic impact issues? | 1 | IA | M5 - R4 |
| E66 | Will CHD get more teeth and affect developers? | 1 | IA | M8 - R6 |
| E67 | At what geographic scale will Econ. Analysis be conducted? Large or small? | 1 | ALT | M1 - R1 |
| E68 | Economic impact for gross prol. in the San Juaquin Valley reservoir | 1 | IA | M6 - R5 |
| E69 | Recreation/fishing, hunting from Lake Isabella – downstream of dam | 2 | IA | (2)M6 - R5 |
| E70 | Identification and full disclosure of economic impacts from listing vs. residual impacts - ranchers, farmers, business, and counties. | 10 | IA | (4)M1-R1<br>(5)M2-R2<br>(1)M6-R5 |
| E71 | How far out will Economic Analysis be projected (short vs. long) | 1 | ALT | M1 - R1 |
| E72 | Exxon and PD have extensive water rights on Gila River | 1 | ALT | M2 - R2 |
| E73 | How will designation affect visitor days and demographics | 2 | IA | (2)M6 - R5 |
| E74 | Impacts on planning/funding federal projects | 1 | IA | M2 - R2 |
| E75 | Consider contacting Jon Fowler with NM State for economic analysis | 1 | IA | M2 - R2 |
| E76 | Actual SWWF presence probably triggers more potential work/consultation than a critical habitat designation would | 1 | IA | M3- R2 |
| E77 | Mitigation for development, would there be requirements. Land mitigation for CHD. | 3 | ALT | M4-R3<br>M3-R2<br>M6-R5 |
| E78 | Eco-tourism improved because of bird and other species | 1 | IA | M6 - R5 |
| E79 | Anything negatively impacting economy because of lake – community needs decision-making | 1 | IA | M6 - R5 |
| E80 | Can we designate CH without significant human collateral damage? | 1 | IA | M4 - R3 |
| E81 | Interactions with development; why have higher elevation areas been removed | 1 | IA | M4 - R3 |
| E82 | Tax base of entire community property value | 2 | IA | (2)M6 - R5 |
| E83 | Could CHD shut-down riverine development | 1 | IA | |
| E84 | Dam operations - How does critical habitat affect dam operations? (economic impacts of this) | 1 | IA | M1 - R1 |
| E85 | Effects to other resources? | 1 | IA | M6 - R5 |

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| E86 | Will businesses that control noxious weeds be impacted – this will be an economic impact on the community | 1 | IA | M4 - R3 |
| E87 | There could be negative economic impacts if designated areas include exotic vegetation areas | 1 | IA | M3- R2 |
| E88 | Impacts on SRP site power generation, transmission and distribution facilities, power lines and other Project Works. | 1 | ALT | G-004 R1 |
| E89 | Include economic impacts of Section 10 consultations. | 1 | IA | G-004 R1 |
| E90 | Discuss impacts to private land owners due to federal nexus. | 1 | IA | G-004 R1 |
| E91 | A designation may likely disrupt the continued routine operation of Isabella Reservoir causing devastating economic harm to Kern County | 1 | IA | G-019 R5 |
| E92 | Impacts are recognized to occur throughout the regional economy in the form of reductions in the production and marketing of goods and services in the region and associated loss in employment. | 1 | IA | G-019 R5 |
| E93 | Changes in the availability of Kern River water are likely to have other significant adverse socio-economic and environmental impacts (direct, indirect and cumulative) which must be assessed and mitigated. | 1 | IA | G-019 R5 |
| E94 | A designation of critical habitat for Isabella Reservoir or the South Kern River Valley may adversely impact land values, provide an additional layer of land use regulation on adjacent lands, and constrain routine operation of Isabella Reservoir. Overall, a critical habitat designation is viewed as completely unnecessary and "heavy-handed" regulation by the Federal Government which only serves to create political turmoil threatening future cooperative efforts. Because such a designation is not required and is likely to discourage the conservation of SWWFC, the Service should exclude Isabella Reservoir and the South Kern River Valley from any designation. | 1 | IA | G-019 R5 |
| E95 | CHD would increase the economic burden on MSCP Participants. Critical habitat would require private landowners and public agencies that have reached the final stages of a multiple-year planning process to incur additional regulatory review that would translate into significant new costs and delays affecting the implementation of public and private projects. The designation of Flycatcher critical habitat in areas included in the pending North County MSCP would subject the County to substantial costs prior to and after permit approval. Since the Service is proposing critical habitat for the Flycatcher, the County presumes to incur costs associated with assessing the potential effect of a designation on the pending North County MSCP. | 1 | PRO | G-016 R6 |

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| E96 | Consideration should be given to the effect that the proposal to designate CH would have on regional transportation efforts that are ongoing in the northern portion of San Diego County. In particular, the intent to rule threatens the proposed funding for habitat and conservation associated with the improvement to State Route 76 and other regional transportation arterials that are currently included in the proposed-TransNet Authorization, a potential $100 million funding source. | 1 | IA | G-016 R6 |
| E97 | Not excluding Isabella Reservoir from the critical habitat designation as the benefits of avoiding devastating economic damage to Kern County substantially outweigh the inclusion of Isabella Reservoir because it is neither suitable habitat nor essential to the conservation of the species. | 1 | IA | G-019 R5 |
| E98 | Economic value of riparian habitats (socio as well) – good for the animal species – fish, other birds, good for fisherman – inform public on the importance of healthy riparian areas | 1 | IA | M1 - R1 |
| E99 | Need to include the details/economics of the cattle industry on riparian areas (eutrification, temp., siltation, etc.) | 1 | IA | M1 - R1 |
| E100 | The flow of the Kern River and the level of the lake are vital to the valley's economy. | 1 | IA | I-091R8 |
| E101 | Economic analysis process – what standard used, ability to input, fair/impartial | 8 | PRO | (6)M1-R1<br>(1)M5-R4<br>(1)M6-R5 |
| E102 | Private property - What constitues a federal nexus. Does federal nexus follow NRCS assistance re: grazing/agriculture and EQUIP-SIC dollars (NRCS cost-share program). Private land owners always have a federal nexus, how are they affected? What trips the federal nexus? Impacts on private property rights, economics, and tax base. How will permit requirements change. Provide incentives to private land owners. | 17 | PRO,IA | (7)M2-R2<br>(2)M3-R2<br>M4-R3<br>(2)M5-R4<br>(5)M6-R5 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| HE1 | Critical Habitat Designation include the following elements:<br>1) Areas of currently and recently occupied habitat.<br>2) All areas identified in the 2002 Recovery Plan.<br>3) Areas with sufficient habitat to recover the SWWF to an area greater than its historic range.<br>4) Prioritize areas within 50 miles of existing territories.<br>5) Areas that would connect existing populations across the regions.<br>6) Designation should include a minimum of the FEMA 100-year floodplain.<br>7) Constituent elements of critical habitat needs to include riparian vegetation, the surrounding aquatic environment, and stream banks. | 1,041 | ALT | form letters<br>I-001R8<br>I-002R1<br>I-004R3<br>I-005R1<br>I-026R2<br>I-065R1<br>I-087R8<br>I-089R8<br>I-090R1<br>I-093R1<br>O-002R8 |
| HE2 | CHD that includes **only** current and recently occupied habitat not areas historically occupied nor areas within the 100 year flood plain. Include Tamarisk. | 3 | ALT | I-062 R6<br>O-013 R1<br>R1-M1 |
| HE3 | The primary elements of CH should focus on breeding habitat because it is essential to the species and the specific characterisitics are relatively unique inthe SW, and thus, comprise the limiting factor for SWWF populations. Although flycatchers sometimes use adjacent upland and riparian areas for feeding and other activities, these areas, which are integral to breeding are always found in conjunction with breeding habitat, and thus do not require seperate consideration. | 1 | ALT | O-004R3 |

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| HE4 | The primary constiuent elements of SWWF habitat should be defined as listed.<br>1) The stream reach is perennial, with still or slow moving water<br>2) The stream reach is not entrenched<br>3) The stream has an active floodplain of a minimum width of 300m with a depth to groundwater of 1.5m or less.<br>4) Stream is free from significant impacts by current or imminent land and water use activities.<br>5) The stream reach has watershed characterisitcs and conditions favorable for maintenance of hydrological and geomorphological conditions that support tall woody vegetation.<br>6) The active floodplain along the stream reach currently has or will supprot tall woody vegetation with a height of 2 to 4m at elevations above 1,525m and 3 to 30m at lower elevations; dense vegetation within the first 2 to 4m above ground; and a stand width of greater than 10m.<br>7) The stream reach is within 100km of occupied habitat.<br>8) The stream reach wil support a patch of tall woody vegetation larger than 20 acres if it is farther than 30km to another suitable patch.<br>9) The stream reach does not have the presence of uncontrollable numbers of predators and parasites. | 1 | ALT | O-004R3 |
| HE5 | If suitable habitat locations are available elsewhere, it does not make sense to DCH along stream reaches that are already impacted or are likely to be impacted by those activities. Examples of these locations are urbanized stream reaches, lower elevations of most reservoirs, and areas with intensive irrigation and grazing activity on private land. Regardless of ESA these are unlikely to provide breeding habitat over the long-term. | 1 | ALT | O-004R3 |
| HE6 | CHD hopefully will result in larger, viable populations. Catastrophic events, in which the outcome could be detrimentally magnified where metapopulations are large and more stable, need be considered. The importance of corridors between isolated populations needs to be considered, as well as potential habitat that is not currently considered suitable, but may be essential for SWWF recovery. | 1 | ALT | G-021R6 |
| HE7 | Recovery needs to focus on "natural areas", away from urban development, cities, etc. | 1 | ALT | M1 - R1 |
| HE8 | Establish a "buffer zone" upslope of "potential CH" be created | 1 | ALT | M1 - R1 |
| HE9 | Science supporting buffer zones – make it clear and justified, use local knowledge, breeding tied to riparian range, adjacent habitats critical. | 6 | ALT | (1)M2 - R2<br>(1)M3-R3<br>(1)M4-R3<br>(3)M8-R6 |
| HE10 | Questioning logic that habitat is related to breeding – how can those claims be made | 1 | IA | M2 - R2 |

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| HE11 | Consider historic habitat information and riparian areas. Also historic actions of service. | 5 | | M2-R2<br>(3)M3-R2<br>(2)M6-R5 |
| HE12 | What does "potential H." mean and how will this play out | 1 | ALT | M4 - R3 |
| HE13 | Localities of SWWF – positive/negative characteristics | | | M5 - R4 |
| HE14 | What/if/will reservoir "delta" habitat be designated as CH? Ephemeral nature of that habitat; legal complexities, etc. | 1 | ALT | M1 - R1 |
| HE15 | Within areas – bioprocesses going on that do not have to do with human interference – how are those habitats managed and accounted for. | 1 | ALT | M1 - R1 |
| HE16 | Recognize that box elder is suitable habitat. | 1 | ALT | M2 - R2 |
| HE17 | Proposed SWWF habitat size/location, how much considered? | 2 | ALT | M5-R4<br>M6 - R5 |
| HE18 | Focus on quality habitat not quantity and establish good critical habitat. | 4 | ALT | M2-R2<br>M6-R5<br>(2)M8-R6 |
| HE19 | Possible to allow habitat designation to "move" with channel? | 2 | ALT | M1-R1<br>M6-R5 |
| HE20 | Habitat characteristics should be clearly defined and justified with the characteristics that are utilized or to be developed. Specifically, habitat must be dynamic in nature, successional, proximity to development and powerlines, do not use freeze-frame approach, not channelized, have established connection to riparian areas, water component. Use hard data to justify what suitable or potential habitat is. Use some general and some specific characteristics. General for floodplains and rivers. | 17 | ALT | (3)M1-R1<br>(3)M3-R2<br>M4-R3<br>(3)M5-R4<br>(2)M6-R5<br>(2)M8-R6 |
| HE21 | We feel we know what the "perfect" habitat may be for given species, but they are adapting to exotic vegetation and so forth. Concern that it will become an "us and them" decision process that may seem biologically correct but not actually be the best choice for species. Some sites may not support native vegetation so designations should be site specific. Look at regional and local characteristics. | 3 | ALT | (2)M3-R2<br>M5-R4 |
| HE22 | There's a period of time where these habitats are suitable – take this into account | 1 | ALT | M1 - R1 |

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| HE23 | The primary constituent elements of SWWF habitat should be defined as listed.<br>1) The stream reach is perennial, with still or slow moving water<br>2) The stream reach is not entrenched<br>3) The stream has an active floodplain of a minimum width of 300m with a depth to groundwater of 1.5m or less.<br>4) Stream is free from significant impacts by current or imminent land and water use activities.<br>5) The stream reach has watershed characteristics and conditions favorable for maintenance of hydrological and geomorphological conditions that support tall woody vegetation.<br>6) The active floodplain along the stream reach currently has or will support tall woody vegetation with a height of 2 to 4m at elevations above 1,525m and 3 to 30m at lower elevations; dense vegetation within the first 2 to 4m above ground; and a stand width of greater than 10m.<br>7) The stream reach is within 100km of occupied habitat.<br>8) The stream reach will support a patch of tall woody vegetation larger than 20 acres if it is farther than 30km to another suitable patch.<br>9) The stream reach does not have the presence of uncontrollable numbers of predators and parasites | 1 | ALT | G-004R1 |

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| HS1 | Flycatchers are perfect insect controls in ecosystems. They eat thousand of mosquitoes. | 1 | IA | I-018 R7 |
| HS2 | Low lake levels on Lk. Isabella can lead to respiratory problems caused by dust and wind erosion along the exposed lakebed. Increased fugitive dust worsens air pollution and contributes to airborne disease. More injuries and deaths are likely to occur as increased runoffs aggravated the hazards inherent in the recreational uses of the river. This would create greater burdens on the Sheriff Department's Search and Rescue Unit. | 5 | IA | I-031 R5<br>O-011 R5<br>I-013 R5<br>G-014 R5<br>M2-R2 |
| HS3 | Mosquito controls for the West Nile virus needs to be considered and not restricted in any way by the CHD. Major health impact on Alamosa & cost because of mosquitos and potential viruses. | 5 | IA | G-012 R3<br>(4)M4-R3 |
| HS4 | Low Lk. Isabella levels and the exposed lake bed has the potential to cause health problems for the region. Respiratory problems caused by wind and dust from the dry lake bed is a common concern for residents of Kernville and the surrounding areas, similar to the problems in the Owens Valley where dry lake beds and wind created many health problems and the lakes had to be filled to prevent this unhealthy condition. | 1 | IA | I-031 R5 |
| HS5 | How lake level affects safety | 3 | IA | (3)M6 - R5 |
| HS6 | Flooding | 1 | IA | M6 - R5 |

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| LO1 | It seems reasonable to assume that enough habitat already exists to sustain the SWWF population. | 1 | PN | I-091 R8 |
| LO2 | Strongly oppose any additional habitat that will place storage limits on Lake Isabella | 1 | ALT | I-091 R8 |
| LO3 | Include the following areas and documentation as listed in G-001R1.<br>Upper Big Sandy River - Upstream on Trout Creek (T18N, R13W, S14) downstream on the Big Sandy River to the confluence with the Groom Spring Wash (T13N, R13W, S9-10). Large population documented 1994-2003.<br>Lower Gila River - upstream from confluence with Colorado River to T8S, R17W, S12. Resident (1996) and migratory SWF documented, historic accounts indicate large population.<br>Verde River - Upstream of Horseshoe Lake - Sob Canyon (T17N, R3E, S29) to upstream boundary of Horseshoe Lake Conservation Pool. Numerous occupied sites since 1993, many other suitable habitat areas in reach.<br>Middle/Lower San Pedro River - The Narrows (north of Benson) downstream to the Gila River confluence. One of the largest populations in AZ, number of sites acquired as mitigation/conservation habitat (Roosevelt Lake). Documented movement upstream (Smith, 2004) suggest that protection of unoccupied but suitable habitat, and the ecological process that create and sustain suitable breeding habitat along the entire reach should be protected.<br>Gila River - Safford - The upstream side of Earven Flat (T5S, R28E, S29) downstream to the San Carlos Reservation eastern boundary. Residents docmented 1995-2003. Provides occupied and suitable habitat for recovery.<br>Gila River - Duncan - The New Mexico Border downstream to Guthrie (border between T5S, R30E, S2, and S4). Residents documented 1995-2002. Suitable habitat occupied and unoccupied.<br>Santa Cruz River - Tubac - Rio Rico downstream to Aqua Linda (T20S, R12E, S19). No documented residents, late migrants documented, suitable habitat in an area with few SWF.<br>Greer Area Streams - Little Colorado River - Little Colorado River (South Fork): from the confluence with the Little Colorado River (T8N, R28E, S17) to Joe Baca Draw (T8N, R28E, S34). Residents not documented 1993-4 but were found here historically. No surveys since 1994, some of last remaining high elevation suitable habitat.<br>Greer Area Streams - Little Colorado River (East Fork): from the confluence with the West Fork of the Little Colorado River (T7N, R27E, S14) to Forest Service Road 113 (T6N, R27E, S4). No documented SWF, suitable habitat.<br>Greer Area Streams - Little Colorado River (West Fork): from the diversion ditsh at T8N, R28E, S16, upstream to Forest Road 113 (T7N, R27E, S33). Residents documented 1993-2003. One of few high elevation breeding sites in AZ.<br>Alpine - San Fransisco River - San Francisco River from Forest Service Road 249 near headwaters (T6N, R30E, S33 and T5N, R30E, S4) downstream to Luna Lake (T5N, R31E, S17). Documented residents 1993-2003. One of few remaining high elevation sites in AZ.<br>Nutioso Creek - Confluence with Riggs Creek (T7N, R30E, S17) downstream to Correjo Crossing (T8N, R30E, S17). Resident documented 1994, some of the last remaining suitable habitat at high elevations in AZ. | 1 | ALT | G-001 R1 |

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| LO4 | Any draft or final management plans, habitat conservation agreements that provide a conservation benefit to the flycatcher. Areas should not be designated as critical habitat.<br>Colorado River - Grand Canyon - river miles 20-71.5, documented resident SWF 1993-2003.Protected by NPS. Colorado River - Lake Mead - river mile 246 to Lake Mead delta between 1993-2001. Protected by NPS. BO in place for riparian habitat in delta.<br>Alamo Lake and Lower Bill Williams River - Documented population, source for other sites. Bill Williams River Corridor Steering Committee provides input to ACOE about Alamo Dam for adaptive management. BO on operation of Alamo Dam and LBWR is on USFWS refuge.<br>Colorado River - mainstem - numerous SWF reported downstream of Lake Mead, The Lower Colorado River Multi-Species Conservation Program addresses, conserves, and restores riparian habitat.<br>Gila/Salt River - Phoenix - one nesting flycatcher documented 2001, multiple restoration projects occuring.<br>Verde River - Horseshoe Lake - recent documentation withint he conservation pool and downstream of Horseshoe Lake. Salt River Project and the Service are working towards a Habitat Conservation Plan.<br>Roosevelt Lake - Tonto and Salt inflows - 1/3 of breeding population in state, adressed in a BO for Lake and SRP's impacts adressed in an HCP.<br>Cienega Creek - small number nesting SWF documented, Las Cienegas National Conservation Area managed by BLM to protect riparian integrity.<br>San Pedro River - Conservation Area - small number documented 1996-7 within or adjacent to Conservation area, manged by BLM to protect Riparian<br>Hassayampa River - small number at Hassayampa River Preserve 1997-2003, managed by TNC. | 2 | ALT | G-001 R1<br>G-011R4 |
| LO5 | Include areas within the Rio Grande Recovery Unit - San Luis Valley Management Unit (2002)- 26 areas surveyed at Alamosa National Wildlife Refuge (NWR), Rio Grande National Forest, and CO Division of Wildlife State Wildlife areas (SWA). Rio Grande SWA - 26 individuals, Alamosa NWR South Survey Route - 19 individuals. Additional SWF observed at Higel SWA, Hot Creek SWA, Sego Springs SWA. None observed at LaJara SWA, Poso Ck SWA, or any RGNF or BLM Saguache lands. Refer to CDOW attatchments. | 1 | ALT | G-002 R3 |
| LO6 | Include areas with in the Rio Grande Recovery Unit - San Luis Valley Management Unit (2003) - 22 areas surveyed in San Luis Valley at Alamosa National Wildlfie Refuge (NWR), Lil' Pop (USFWS), Rio Grande National Forest, and CO Division of Wildlife State Wildlife areas (SWA), and BLM Sanguache. Rio Grande SWA - 29 individuals, Alamosa NWR South Survey Route 24 individuals. Additional SWF observed at Higel SWA, Sego Springs SWA, and Lil' Pop. No SWF observed at La Jara SWA, Poso Ck SWA, or any RGNF or BLM sanguache lands. Refer to CDOW attatchments. | 1 | ALT | G-002 R3 |
| LO7 | Include areas within the Upper Colorado Recovery Unit, San Juan Managemetn Unit (2003) - 5 major river drainages - Animas, Florida, Piedra, Pine, and San Juan Rivers on BOR, private and Ute indian tribal lands. One detected on the Piedra River, one at LePlatt's Pond in Pine River, SWF detected at 4 sites on Ute lands on the Pine R. | 1 | ALT | G-002 R3 |

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| LO8 | Include areas listed below from letter G-008R2.<br>Rio Grande del Rancho in Taos County, from the confluence of Sarco Canyon downstream to confluence of Arroyo Miranda: The occupied Tierra Azul site forms the core of this reach.<br>Rio Grande from Taos Canyon (the Taos Junction Bridge) downstream to the Otowi Bridge below Espanola: Several historic and recently occupied sites are here, with a large core site at San Juan Pueblo and smaller sites and/or good potential both upstream and downstream from there.<br>Rio Grande from vicinity of Isleta (I-25 bridge) downstream to Elephant Butte Reservoir: Perhaps the most important reach in the Rio Grande Valley, with several occupied sites including large sites in the vicinities of Isleta, La Joya, Sevilleta NWR and San Marcial. Good potential for continued habitat development (including on federal and state refuges) adn subsequent flycatcher dispersal and occupancy. | 1 | ALT | G-008 R2 |
| LO9 | Elephant Butte and Rio Grande - do not designate any CH. | 1 | ALT | O-016 R2 |
| LO10 | Include the areas within Rio Grande from Elephant Butte Dam downstream to the Texas line: Two currently occupied sites (Radium Springs, Selden Canyon) form the core of this reach, which historically hosted nesting flycatchers south to the vicinity fo El Paso and which has potential for riparian restoration projects through proactive partnerships.<br>Coyote Creek at Coyote Creek State Park in Mora County: A small but important occupied site.<br>Bluewater Creek from headwaters in Zuni Mts in Cibola Co. downstream to vicinity of Bluewater Lake: Reach contains one recently occupied site, and potential for habitat development, particularly on federal lands.<br>Rio Nutria Diversion Dam downstream to confluence with Zuni River: one currently occupied site with potential for expansion.<br>Zuni River from confluence with Rio Nutria downstream to AZ line : One currently occupied site with potential for expansion.<br>San Francisco River from AZ line downstream to confluence with Centerfire Creek: This reach is adjacent to occupied sites near Alpine, AZ and similar in habitat and could receive dispersing SWF from there. Reaches of the San Francisco River for some distance above and below Reserve traverse generally narrow canyons that lack the characteristics of SWF habitat and have no historical or current records and are not considered essential.<br>San Fransisco River from the confluence of Deep Creek (just upstream from US 180 bridge) downstream to San Fransisco Hot Springs: Only one recently ossupied site, near Alma, but historically hosted breeding SWF in Glenwood and Pleasanton Valleys. Area has good potential for habitat restoration and recolonization, including lower reaches of tributaries such as Whitewater Creek.<br>Tularosa River in Catron Co. from confluence of Apache Creek downstream to Cruzville: This small reach contains developing habitat that may prove suitable for SWF. Other reaches of the Tularosa River appear to have low potential, and lack historic and recent records. Gila RIver from confluence of Mongolon Creek downstream to the AZ line: this reach contains vitally important SWF sites in the Cliff-GIla Valley. | 1 | ALT | G-008 R2 |

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| LO11 | Exclude areas listed below from G-008R2:<br>The Redrock Valley, and above, on, and below the Gila River areas upstream from Mongollon Creek, including the West, Middle, and East Forks of the Gila, lack historic and recent records of summering SWF, and are not considered essential for conservation.<br>Rio Grande and Gila River - do not designate areas with no nests that cannot be easily grown.<br>Rio Grande and Gila River - concentrate habitat funds and protection measures to a few highly productive sites where traditional populations exist. | 1 | ALT | G-008 R2 |
| LO12 | Exclude areas on the Rio Grande and Gila River - do not designate areas with no nests that cannot be easily grown | 1 | ALT | G-009R2 |
| LO13 | Include areas from letter G-009R2:<br>Rio Grande and Gila River - concentrate habitat funds and protection measures to a few highly productive sites where traditional populations exist. | 1 | ALT | G-009R2 |
| LO14 | Excluding areas within:<br>Entire Muddy River in Clark County from the headwaters at Warm Springs (T14S R65E Section 15 and 16 MOM) south to the Muddy River Delta (T16S R68E Section 29 MOM). The Department has found only a pair of nesting flycatchers at Warm Springs during surveys in 2003, yet no flycatchers in 2000, 2001 or 2002.<br><br>a small population of flycatchers does occur at the Overton State Wildlife Management Area near the Muddy River Delta, the Department believes this area is *not* essential for the long-term conservation of the flycatcher as defined in ESA.<br>Meadow Valley Wash extends from the Caliente area in Lincoln County (T4S R57E Section 7 MOM) south to just south of the Lincoln County line into Clark County (T13S R66E Section 7 MOM).<br>Clover Creek extends from immediately east of Caliente to approximately Islen (T5S R69E Section 7 MOM). We do *not* recommend critical habitat be designated for the aforementioned.<br>Beaver Dam State Park (T5S R71 E Section 17 MOM) is located in extreme eastern Lincoln County on the Utah state line, incorporating the short Nevada reach of upper Beaver Dam Wash. | 1 | ALT | G-013 R4 |
| LO15 | Include areas within the northern portion of Pahranagat National Wildlife Refuge (T7S R61 E Section 27, and T8S R61 E Section 2 and 3 MDM). (McKernan et. al. 1998, 1999, 2000, 2001) and that population may be of regional importance for conservation of the species. Upper portion of Key Pittman State Wildlife Management Area (WMA) (T4S R60E Section 26 MDM) on the western edge of Nesbitt Lake in the northern portion of Pahranagat Valley | 1 | ALT | G-013 R4 |

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| LO16 | Exclude private lands in Pahranagat Valley south of Key Pittman WMA to the Pahranagat National<br>Oasis Valley area of Nye County comprising the upper Amargosa River drainage basin from Springdale, Nevada (T10S R47E Section 31 MOM) to the Amargosa River narrows immediately south of the town of Beatty (T12S R47E Section 7 MOM). | 1 | ALT | G-013 R4 |
| LO17 | Include Ash Meadows National Wildlife Refuge meets the essential criteria for designation of critical habitat. There are isolated pockets of flycatchers on the refuge lands and there is considerable riparian habitat in the area that nominally appears suitable for flycatchers (NDOW 2000, 2001, 2002, 2003). | 2 | ALT | G-013 R4<br>M4-R4 |
| LO18 | Include Isabella Dam, South Fork Kern River, and South Fork Wildlife Area (SFWA) studies in support of ESA compliance. Information still being compiled on documents. | 4 | ALT | G-014R5<br>G-021R6<br>G-023R6<br>G-022 R6 |
| LO19 | Exclude San Diego County Multiple Species Conservation Program (MSCP) Subarea Plan, as well as lands subject to an ongoing regional habitat conservation planning effort for the Flycatcher in the North County MSCP Subarea Plan (North County MSCP). North County MSCP not completed. Critical Habitat Designation will create disincentives to complete the North County MSCP. The Service has recognized in prior rulemaking that critical habitat designations present challenges to the Service's HCP program by adding uncertainly and complexity to plan development and implementation. As the Service has acknowledged, critical habitat may create a disincentive for local government and private landowner participation in the development of HCPs -an outcome directly contrary to the Service's stated policy of supporting and encouraging conservation planning efforts. In effect, critical habitat designations and habitat conservation planning seem to work at cross purposes, with designations calling into question the value of investing in extended planning processes, developing partnerships with the Service, and obtaining stakeholder support for conservation planning. | 1 | ALT | G-016 R6 |
| LO20 | Exclude Flood control facilities such as the Santa Ana River Channel and Levees, Bautista Creek Channel and Basin, Norco Bluffs. Santa Ana River Levees system that extends approximately from Mount Rubidoux to about one mile upstream of the Riverside Avenue Bridge within the Cities of Riverside and Colton in the Counties of Riverside and San Bernardino, respectively | 1 | ALT | G-018 R6 |
| LO21 | Include Lower Santa Ana River on San Bernardino National Forest | 2 | ALT | G-020 R6<br>I-079 R6 |
| LO22 | Include Prado Dam in Santa Ana River Basin - observed SWF. | 1 | ALT | G-021 R6 |
| LO23 | Exclude Cahuila Band of Indians not aware of this species on reservation | 1 | ALT | T-004 R6 |
| LO24 | Exclude Tohono O'odham Nation - no records of SWF, closest observation on Buenos Aires NWR | 1 | ALT | T-003 R6 |
| LO25 | Exclude Agua Caliente Reservation outside of area and unsuitable habitat | 1 | ALT | T-006 R6 |

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| LO26 | Evaluate impacts to ACOE operations at the listed areas from G-022 R6<br>John Martin Lake, Arkansas River - CO<br>Trinidad Lake, Purgatoire River - CO<br>Abiquiu Lake, Chama River - NM<br>Cochiti Lake, Rio Grande - NM<br>Conchas Lake, Canadian and Conchas rivers- NM<br>Santa Rosa Lake, Pecos River- NM<br>Los Angeles County Drainage Area - CA<br>Sepulveda dam - CA<br>Hansen dam - CA<br>Lopez dam - CA<br>Santa Fe dam - CA<br>Whittier Narrows dam - CA<br>Brea dam - CA<br>Fullerton dam - CA<br>Santa Ana River Drainage Basin - CA<br>San Antonio dam - CA<br>Prado dam - CA.<br>Carbon Canyon dam - CA<br>Mojave River Dam - CA<br>Lower Colorado River Drainage Basin - AZ<br>Alamo dam - AZ<br>Painted Rock dam -AZ<br>Whitlow Ranch dam-AZ<br>Clover Creek Drainage Basin - NV<br>Pine Canyon dam -NV<br>Mathews Canyon dam - NV<br>Section 7 Projects (flood control regulation only) | 1 | ALT | G-022 R6 |

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| | Hoover Dam - Colorado River Arizona/Nevada<br>Modified Roosevelt Dam - Salt River - AZ<br>Tat Momolikot Dam - AZ<br>Twitchell Dam, Cuyama River, CA<br>Eastman Lake and Buchanan Dam, Chowchilla River - CA<br>Hensley Lake and Hidden Dam, Fresno River - CA<br>Pine Flat Lake and Dam, Kings River - CA<br>Lake Kaweah and Terminus Dam, Kaweah River - CA<br>Success Lake and Dam Tule River - CA | | | |
| LO27 | SRP is concerned about the particular areas being considered by FWS for inclusion in the flycatcher critical habitat designation, which may affect the operation of several reservoirs within SRP's system. The designation of critical habitat for the flycatcher also has the potential to directly affect SRP in the event SRP elects to site power generation, transmission or distribution facilities, or other Project works, in areas designated as critical habitat for this species. Accordingly, SRP has a particularly strong interest in the content of the designation itself. | 1 | IA | G-004R1 |
| LO28 | Specific areas for inclusion/exclusion. Refer to pages 10, 11, 12, 13, and 14 of letter G-004R1. | 1 | ALT | G-004R1 |
| LO29 | Specific comments on areas that should be excluded form CHD.<br>1) Horseshoe Reservoir<br>2) Bartlett Reservoir<br>3) Roosevelt Lake<br>Reasons for excluding these areas further described in letter G-004R1 pages 21, 22, 23, 24. | 1 | ALT | G-004R1 |
| LO30 | Concerned with the inclusion areas within the Lower Verde Watershed in designation. The primary limits on the potential of this area for flycatcher habitat concern the competing use of resources by livestock and recreation users. The nature and extent of these uses, and their effects on riparian vegetation along the Lower Verde River are documented in the Biological Opinion for the RHCP, 76-78. In the absence of a reduction or curtailment of these activities, it is unlikely that the quality of the habitat along this reach of the Verde River will improve significantly. For these reasons, we have not proposed that these areas be included in the proposed designation. | 1 | IA | G-004R1 |
| LO31 | Surveys by the University of California Riverside for the SWWF on the Agua Caliente Reservation failed to identify any SWWF. It is not prudent to expand CH along the Rio Grande and Gila Rivers where no areas contain nest sites and where habitat cannot be easily grown. Concentrate efforts on a few highly productive sites where traditional populations exist in large enough quantity to ensure breeding success. | 2 | ALT | R6T-006<br>G-009R2 |

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| LO32 | Southern Ute Tribal Lands - Upper Colorado Recovery Unit. Tribe believes documented birds not SWF. | 1 | ALT | T-001 R3 |
| LO33 | Lower Virgin River from Mesquite (T13S R71 E Section 15 MOM), south to the Virgin River Delta at Lake Mead (T16S R68E Section 25 MOM). Essential for conservation. | 1 | ALT | G-013 R4 |
| LO34 | Numerous sites in San Bernardino National Forest with documented SWF - refer to comment. | 1 | ALT | I-079 R6 |
| LO35 | CDOW Riparian and Wetland Mapping Project - detailed GIS maps of wetland and riparian habitat usefull for modeling. Quadrangle maps due out June 30, 2004. Other mapping in the San Luis Valley Management Unit will be mapped 2004-5. | 1 | ALT | G-002 R3 |
| LO36 | Chamas River from the vicinity of Chama downstream to El Vado Reservoir: two occupied sites in the vicinity Las Ojos/Parkview, form the core of this area, with suitable habitat around. | 1 | ALT | G-008 R2 |
| LO37 | Most of the lower reaches of the Rio Grande River in Colorado , downstream of the Conejos River, are incised and floodplain too narrow to support SWWF habitat. | 1 | IA | O-004R3 |
| LO38 | Exclude these areas - FWS is considering the inclusion of portions of the Salt River Pima-Maricopa and Fort McDowell Reservations along the Lower Verde River watershed, although these lands do not now support habitat for flycatchers, and, in our view, do not meet the minimum standards for the primary constituent elements of critical habitat for the flycatcher. | 1 | LO | G-004 R1 |
| LO39 | Include areas of the San Carlos Reservation upstream from Coolidge Dam, which are currently occupied by flycatchers, are not designated as possible flycatcher habitat on the FWS map. It is not clear why these areas, which already support flycatcher habitat, would be excluded from further consideration, while the Fort McDowell and Salt River Pima-Maricopa Reservations, which do not currently support such habitat, are being considered. | 1 | LO | G-004 R1 |
| LO40 | Exclude Isabella Dam as critical habitat due to Kern River interests. | 1 | ALT | G-019 R5 |
| LO41 | Isabella Dam and South Kern River areas do not possess the physical or biological features essential to the conservation of the SWWFC and it is unnecessary to have these lands designated as critical habitat in order to provide necessary special management and protection; | 1 | ALT | G-019 R5 |
| LO42 | Isabella Dam area: Based on the best scientific and commercial data available the benefits of exclusion are outweighed by the benefits of specifying the area | 1 | PN | G-019 R5 |
| LO43 | Isabella Dam area: Designation of these areas will not promote the conservation of SWWFC and the ecosystems upon which they depend but may discourage and impede ongoing conservation efforts in the region by various private and public agencies. | 1 | ALT | G-019 R5 |
| LO44 | The Service needs to study the benefits of exclusion and inclusion of specific areas. | 1 | IA | G-019 R5 |

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| LO45 | The United States Forest Service is responsible for managing the 1,200 acre South Fork Wildlife Area located within the limits of Isabella Reservoir consistent with routine operation and contractual requirements, the National Audubon Society owns and manages the 1,100 acre Kern River Preserve, the State Wildlife Conservation Board/California Department of Fish and Game own and manage the historic Bloomfield Ranch which exceeds over 1,400 acres (with recent acquisition of the Allen Ranch Property), and the Natural Resources Conservation Service has purchased a 92 acre permanent conservation easement from the Hafenfeld Ranch. All these projects have been developed and implemented independent of any critical habitat designation. Significantly, very substantial projects (relating to potentially thousands of additional acres of riparian and upland habitat) have been proposed for sale for conservation purposes. However, these transactions are at a critical stage of development and have not been finally approved and implemented. The designation of critical habitat has the potential of impeding, delaying or increasing the cost of these projects | 1 | ALT | G-019 R5 |
| LO46 | This comment is presented in opposition to the proposed rule because the FWS's proposal to designate critical habitat encompassing all of Isabella Reservoir and significant portions of the South Fork of the Kern River is contrary to the NEPA and the provisions of ESA and the Service's own rules and regulations. | 1 | PRO | G-019 R5 |
| LO48 | Exact locations | 1 | ALT | M6 - R5 |
| LO49 | South of Seldon Canyon area not appropriate for SWWF breeding – not suitable | 1 | ALT | M3- R2 |
| LO50 | Forest Service area ranch – excellent populations for SWWF | 1 | ALT | M3- R2 |
| LO51 | Effects on City of Alamosa Ranch where forest surveys are occuring. | 2 | ALT | (2)M4 - R3 |
| LO52 | Gila River and Colorado area – concerned about (Imperial Dam) | 1 | ALT | M5 - R4 |
| LO53 | Upper Lake Mead area – reservoir down in 1993 – flooded and destroyed | 1 | ALT | M5 - R4 |
| LO54 | In Lake Isabella build a dam from lime point to lime dike 2 foot higher than the spillway at the main dam. This will stop the lake from encroaching into the Willow Flycatcher area. | 2 | OOS | (2)M6 - R5 |
| LO55 | Santa Ana River area including lower reaches | 2 | ALT | (2)M7 - R6 |
| LO56 | Gila River/San Samoan Ramones | 1 | ALT | M8 - R6 |
| LO57 | San Lois Rey | 2 | ALT | M8 - R6 |
| LO58 | Camp Pendleton – not noticeable impact because areas dealt with as a whole – (larger concerns) – encompassed approach for other issues – letter stating more time – Camp Pendleton would have been excluded from CHD – no requirements | 1 | ALT | M8 - R6 |
| LO59 | Sana Margarita River Valley – current consultation – Las Pulues area – added this year – new breeding | 1 | ALT | M8 - R6 |

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| LO60 | Exclude Rio truches area because it was looked at but not much going for it – hit hard by drought – not good area | 1 | ALT | M3- R2 |
| LO61 | Interested in proposed areas – Lower Colorado River | 1 | ALT | M5 - R4 |
| LO62 | Will the CHD affect water level of Lake Isabella? | 1 | IA | M6 - R5 |
| LO63 | Opposed to CHD for the Upper Rio Grande River- San Luis Valley. | 1 | ALT | M7 - R6 |
| LO64 | Lake Mead delta habitats are artificially created by Hoover Dam, therefore not historic habitats and should not be considered critical to SWFL existence. | 1 | IA | G-011 R4 |
| LO65 | Do not designate the entire following river stretches: sections of the Santa Cruz River through Tucson, Much of the Lower Colorado River channel, and Verde River below Bartlett Dam. | 1 | ALT | O-015 R1 |
| LO66 | Exclude Lake Isabella and S. Kern River Fork Valley Area from CHD. | 1 | ALT | G-019 R5 |
| LO67 | The FWS must address how much flycatcher habitat might need to be designated in the San Luis Valley to conserve the subspecies? | 1 | ALT | O-004 R3 |
| LO68 | The Cahuilla Band of Indians does not desire to have any land deemed critical habitat designation on the reservation. | 1 | ALT | T-004 R6 |
| LO69 | Actions which may hinder or interrupt the defined purposes of Hoover Dam & reservoir would violate the Boulder Canyon Project Act.. | 1 | ALT | G-011R4 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| LX1 | This comment group supports the designation of all suitable habitat within the 500-year floodplain. | 2 | ALT | O-018R1<br>R1-M1 |
| LX2 | Request serious consideration before using the 100-year floodplain. | 3 | ALT | O-005R2<br>O-006R2<br>O-007R2 |
| LX3 | The 100-year floodplains associated with streams and washes often do not contain the primary constituents elements of suitable SWWF habitat and as such would be outside the geographical area occupied by the SWWF. FWS must give due consideration to the notion of CHD on such an expansive and unwarranted area. This is not supported by best available science and can not be sustained. | 1 | ALT | O-013R1 |
| LX4 | Lateral boundaries of DCH should not extend to the edge of the 100-year floodplain. Only small portions of the floodplain support riparian vegetation and only small portions of that vegetation is suitable to support SWWF populations. Inclusion of the entire 100-year floodplain ensures that the vast majority of DCH will not support SWWF at any given time and that much of it will never support SWWF. This is especially true in areas with agricultural, industrial, or residential development of the floodplain. An obvious example is the Salt River from Granite Reef Diversion Dam downstream to the confluence with the Gila River, and the Gila River from the confluence with the Salt River downstream to Gillespie Dam. Existing land use in the floodplain, for the most part, consists of sand and gravel mining operations and irrigated agriculture. Such a designation is likely to have significant economic consequences and provide little additional benefit to the conservation of the species. Designating the lateral extent of CH to the 100-year floodplain from the edges of areas with surface water, as done in 1997, will significantly increase the amount of area but will not necessarily contribute to conservation of species. A 100-meter boundary, but not beyond the edge of the active floodplain, may be sufficient to include the vast majority of suitable habitat even in dynamic systems since the 100-meter boundary moves with the edges of surface water. However, it should be noted that as the stream moves, the lateral extent of any boundary will likewise move, and create future uncertainty. Alternatively, a depth to groundwater criterion of five feet may eliminate this latter uncertainty. | 1 | ALT | O-015R1 |

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| LX5 | Believe the 100-year floodplain is not sound scientific reasoning. Many stretches of the Salt and Verde rivers with deep groundwater not suitable for habitat. Also some portions scoured too frequently to support habitat. If floodplain is used for CHD, then there must be a linkage between hydrology/hydraulics of the floodplain and the potential for the land to support habitat. Those factors must be specifically analyzed to determine if a given area is essential to the conservation of the SWWF. | 1 | ALT | G-005R1<br>G-006R1 |
| LX6 | Designation of the entire 100-year floodplain is inappropriate. The Rio Grande WaterConservaton District is not aware of any scientific evidence that the entire100-year floodplain will or ever will support riparian vegetation suitable for the SWWF. A substantial body of literature indicates most of this habitat is produced and maintained in the 25-year floodplain (Scott et al. 1993; Shafroth et al. 1998; Stromberg 2001). In the Roosevelt HCP and BO, lands with a maximum depth to groundwater of 1.5m on the active floodplain were determined to be the maximum extent of SWWF habitat. The FWS can quickly determine CH using the criterion of a maximum depth to ground water of 1.5m using readily available information including GIS, aerial photographs, topographic maps, field observations, reports, and inteviews with local biologists and hydrologists. The District supports DCH using specific stream reaches. | 1 | ALT | O-004R3 |
| LX7 | Use 100-year Floodplain versus specific corridor width | 2 | ALT | G-013 R4<br>O-002R8 |
| LX8 | Lateral extent of CH should consider the following:<br>1) physical and biological environment necessary for SWWF conservation and recovery,<br>2) patches of dense young trees, riparian forest and floodplain conditions outside this narrow band, [Ofeten, Hatten& Paradizick (2003), respectively].<br>3) hydro-geomorphic processes influence habitat both laterally and longitudinally.<br>4) the Department recommends using the 100-year floodplain as a description of the area desginated CH, but for those river reaches where this area is unknown to public mangers, we suggest also providing a generalized description of the latersal extent using hydrology, soil, topograpghy, and vegetation. The descriptions could be specific. Expert in these fields could assist the FWS in this effort. | 1 | ALT | G-001R1 |
| LX9 | CH within high water zones may not have the three primary constituent elements associated with wet/dry hydrological cycles and may be subject to inundation and desecration of habitat. The SWWF is able to adapt to these cycles. This habitat is temporary and ephemeral in nature. | 1 | ALT | G-011R4 |

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| LX10 | Include "constituent elements" for lateral extent definition on a watershed basis, lateral extent of buffers. | 16 | ALT | (3)M1-R1<br>(2)M2-R2<br>(6)M4-R3<br>(3)M5-R4<br>(2)M6-R5 |
| LX11 | Width of critical habitat designation, will it be different for different areas. | 2 | ALT | M3-R2<br>M4-R3 |
| LX12 | Maybe levy to levy (might not apply but consider) | 1 | ALT | M3- R2 |
| LX13 | How is the extent of "100-year floodplain" defined and how it will be identified (agency, technique, etc.). Consider entire watershed. | 2 | ALT | (3)M1 - R1 |
| LX14 | Establish lateral boundaries | 4 | ALT | (3)M1-R1<br>(1)M4-R3 |
| LX15 | Lateral extent should include "potential habitat" [and may need to include features recognizable map features] – should include hydrologic functionality/succession factors | 1 | ALT | M1 - R1 |
| LX16 | Fed legislation for outstanding area – will be buffer of 1300 feet on both sides of river – SWWF will play into the development of that legislation | 1 | ALT | M4 - R3 |
| LX17 | Willow width isn't near 1300 feet – more like 800 feet on both sides of river | 1 | ALT | M4 - R3 |
| LX18 | Ongoing projects going on there – small area 600-1000 feet wide – not a hydrology | 1 | ALT | M3- R2 |
| LX19 | What is lateral extent of mitigation requirement (i.e. BHC trapping, grazing buffer, etc.) | 1 | ALT | M1 - R1 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| PL1 | The Flycatcher Recovery Plan 2002<br>The Nature Conservancy's Rangewide Assessment of Habitat Acquisition Priorities for the Southwestern Willow Flycatcher, (Fichtel and Marshall, 1999)<br>A model of flycatcher habitat in central Arizona (Hatten and Paradzick 2003)<br>The Roosevelt Habitat Conservation Plan and biological opinion (FWS 2003). | 1 | ALT | O-004R3 |
| PL2 | Published or unpublished information Physical and Biological Features essential to conservation of the flytcatcher. List of Publications in G-001 R1. | 1 | ALT | G-001 R1 |
| PL3 | Historically or currently occupied areas that may contain the physical and biological features essential to the conservation of the flycatcher and may require special management considerations. List of publications and unpublished drafts in G-001 R1 | 1 | ALT | G-001 R1 |
| PL4 | Published or unpublished information on why identified areas in AZ are important (or no longer important) for flycatcher conservation and whether or not the areas are currently occupied by the species. List of documented populations supporting as found in G-001R1. | 1 | ALT | G-001 R1 |
| PL5 | Unpublished - Soboba Band Tribal literature. | 1 | ALT | T-005 R6 |
| PL6 | Cliff-Gila Valley RMRS and Reports from Phelps Dodge Corporation on Cliff-Gila Valley, NM. Refer to other R1 comments for specifics | 1 | ALT | O-017 R1 |
| PL7 | Kern River Valley Community Response Plan | 1 | ALT | G-003 R6 |
| PL8 | del Nevo, A.J., S.A. Laymon, J.R. McBride, R.M. Marshall, R.D. Ohmart, and M.K. Sogge. 1998. California Subcommittee of the Southwestern Willow Flycatcher Recovery Team: an assessment of the status and habitat use of the southwestern willow flycatcher in relation to operation of Isabella Reservoir within the Kern River Valley. Final Report (6/22/98). Submitted to U.S. Anny Corps of Engineers, Sacramento District. Sacramento, CA. | 1 | ALT | G-023 R6 |
| PL9 | Jones and Stokes Biological studies in support of Endangered Species Act compliance for routine operations of Isabella Dam and Lake, California; Kern River Valley; Census for southwestern willow flycatchers and least Bell's vireos - summary report; Riparian vegetation along the South Fork Kern River; Habitat suitability Index Model along South Fork Kern River; Brown-headed cowbird control program; Brown-headed cowbird monitoring; existing and potential southwestern willow flycatcher habitat in Kern River Valley; EA for protection of 1100acres upstream of Isabella Dam and Lake (located in G-023 R6).<br>1998, 1998a, 1998b, 1998c, 1998d,1999, 2000, 2000a, 2000b, 2000c, 2000d, 2001, 2001a, 2001b, 2001c, 2002, 2002a, 2003, 2003a, 2003b, 2003c, 2003d | 1 | ALT | G-023 R6 |

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| PL10 | Formal consultation and conference on the U.S. Army Corps of Engineers 1996 operation and management of Isabella Reservoir. Sacramento, CA; Biological Opinion for the reinitiation of fonnal consultation on the Anny Corps of Engineers' long-term operation of Isabella Dam and Reservoir, Kern County, CA. Sacramento, CA.; U.S. Fish & Wildlife Service. Biological opinion for the reinitiation of formal consultation on the Army Corps of Engineers' long-term operation of Isabella Dam and Reservoir, Kern County, CA. Sacramento, CA; Southwestern Willow Flycatcher Recovery Plan. Albuquerque, New Mexico; questions and answers: scoping for southwestern willow flycatcher critical habitat proposal; Notice of scoping meetings and intent to prepare an environmental assessment for the proposed designation of critical habitat for the southwestern willow flycatcher<br>1996, 1996a, 1997, 1997a, 2000, 2002, 2004, 2004a, | 1 | ALT | G-023 R6 |
| PL11 | Whitfield, M. J. et al. A brown-headed cowbird control program and monitoring program for the southwestern willow flycatcher, South Fork Kern River, California. Reproductive response of the southwestern willow flycatcher to the removal of brown-headed cowbirds; "Range-wide impacts of brown-headed cowbird parasitism on the southwestern willow flycatcher."<br>1994, 1995, 1996,1997, 1999, 1999a, 2001, 2001a, 2002, 2003, 2003a | 1 | ALT | G-023 R6 |
| PL12 | Mapping and Monitoring SWF Breeding Habitat in AZ: A Remote Sensing Approach | 1 | ALT | G-023 R6 |
| PL13 | SWWF documents for review and consideration:<br>1) Isabella Lake and Dam Tree Mortality Study -September 2003<br>2) South Fork Kern River Riparian Vegetation Mapping ( 4 - 11x17 maps).<br>3) Southwestern Willow Flycatcher monitoring and Removal of Brown-headed Cowbirds -SSRS Final report.<br>4) Task 2: Summary of 1997 -2002 Survey Results for Southwestern Willow Flycatcher and Least Bell's Vireo - J&S Final report.<br>5) Task 3: Summary of 1997 - 2002 Survey Results for Brown-headed Cowbirds - J&S Final report. | 1 | ALT | G-015R6 |
| PL14 | Kern River Watermaster: November 24, 1993, re: "Written Comments of the Kern River Watermaster In Opposition to The Proposed Rule to List as a Federally Endangered Species the Southwestern Willow flycatcher Along With Designation of Critical Habitat (Federal Register Notice Vol. 58, Number 140, Friday, July 23, 1993, Pages 39495-39522) | 1 | PRO | G-019 R5 |
| PL15 | Kern River Watermaster: September 25, 2001, re: "Comments of the Kern River Watermaster 10 the Draft Recover ~ Plan Southwestern Willow flycatcher (Empidonax traillii extimus); (Federal Register Notice, Vol. 66, Number 109, Wednesday, June 6,2001, Pages 30477-304"78) | 1 | PRO | G-019 R5 |

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| PL16 | Kern River Watermaster: June 13, 2002, re: "Informal Request For Information Pursuant to The United States Fish And Wildlife's Letter Dated May 2, 2002, Regarding Possible Re-proposing of Critical Habitat For The Southwestern Willow Flycatcher (Empidonax traillii extimus) | 1 | ALT | G-019 R5 |
| PL17 | SWWF documents for review and consideration:<br>1) Isabella Lake and Dam Tree Mortality Study - September 2003<br>2) South Fork Kern River Riparian Vegetation Mapping (4 11x17 maps).<br>3) Southwestern Willow Flycatcher monitoring and Removal of Brown-headed Cowbirds-SSRS Final report.<br>4) Task 2: Summary of 1997-2002 Survey Results for Southwestern Willow Flycatcher and Least Bell's Vireo - J&S final report.<br>5) Task 3: Summary of 1997 - 2002 Survey Results for Brown-headed Cowbirds - J&S Final report. | 1 | ALT | G-015 R6 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| PR1 | Too much public land is sacrificed for the extraction and ranching interests at the expense of native flora and fauna. Animal species are disposable in favor of profit. | 2 | OOS | I-033 R8<br>I-034 R6 |
| PR2 | Methodologies and criteria used for designation in the Salt River Project area. | 1 | PRO | G-004 R1 |
| PR3 | The protection of predators has a history of decimating prey. What predator/prey studies are available for the SWWF. Include background justification for listing in NEPA document. | 2 | IA | I-038R8<br>I-031 R5 |
| PR4 | Fewer than 1,000 breeding pairs/territories remain in range with some populations with fewer than 10 pairs. This warrants CHD. | 13 | PN | I-084 R8<br>O-018 R1<br>I-025 R6<br>I-023 R1<br>I-010 R6<br>I-008 R6<br>I-003 R6<br>I-022 R8<br>I-026 R2<br>I-057 R8<br>I-069 R8<br>I-070 R8<br>I-076 R2 |
| PR5 | Consider direct and indirect effects. | 1 | IA | G-004 R1 |
| PR6 | Alternatives to CHD should be considered in the NEPA document:<br>1) Black-headed cowbird and cattle co-exisitng<br>2) fences<br>3) wind power to delivery water to cattle from riparian areas<br>4) micro drip irrigation<br>5) reducing agriculture water uses increases water in rivers promoting increased tourism | 1 | ALT | I-092R6 |
| PR7 | Five steps for critical habitat designation in letter G-004 R1. | 1 | PRO | G-004 R1 |
| PR8 | The most pressing reason to DCH within unoccupied habitat is the threat of urban development in Washington County. The county expects high population growth over the next 50 years. | 1 | PN | O-009 R7 |

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| PR9 | The Virgin River near St.George has felt the impact of human development along the river corridor. The impacts to SWWF habitat along the entire course of the Virgin could be considerable, unless a large portion of the river and its tributaries are DCH. | 1 | IA | O-009 R7 |
| PR10 | Let local districts create local HCP for the SWWF. | 3 | ALT | I-021 R3<br>G-012 R3<br>G-002 R3 |
| PR11 | Incentives need to be used to entice more rural support for CHD efforts. Previous efforts of ESA has always had negative affects. With incentives rather than punitive actions, agricultural producers could and would recover this and other endangered species. | 3 | OOS | O-005R2<br>O-006R2<br>O-007R2 |
| PR12 | Communities can do better job working within the HCP environment than by CHD. By having local HCPs, the Districts and Divisions can work out problems. In order to deal with highly regulated Rio Grande River and all other water issues associated with it, ranchers, farmers, residents, and developers and State Division of Water Resources need flexibility. | 1 | OOS | I-021R3 |
| PR13 | Consider the effects of existing voluntary conservation agreements, HCPs and mandated Section 7 conservation measures on the SWWF. These may supplement the need for CHD in many instances. Voluntary conservation efforts should not be hampered by the severe economic impact and restrictions from a designation of CH. | 2 | ALT / IA | O-013R1<br>G-016 R6 |
| PR14 | FWS should evaluate existing benefits from mitigation lands included in HCPs such as the Roosevelt HCP and exclude the reservoir areas covered by the plan from CHD. For the Roosevelt HCP and pending Verde HCP, the FWS should evaluate mitigation lands for CHD, but exclude the water storage reservoirs covered by those plans from CHD. | 1 | ALT | G-007R1 |
| PR15 | Areas covered by existing SWWF-specific management plans should generally be excluded from CHD. Some areas covered by SWWF incidental take permits should be generally excluded from CHD, such as Roosevelt Lake because these areas have been mitigated. In cases where a management plan, such as a HCP, provides for purchase of lands for permanent management for the SWWF should be considered for CHD. | 2 | ALT | O-015R1<br>G-005R1 |
| PR16 | Controversy can result as in Arizona Cattle growers Association v. USFWS, et al., 273 F.3d 1229 (9th Cir. 2001), where habitat is listed but not occupied. If these areas are subjected to the incidental take permit process under Section 10 of the Act. | 1 | ALT | O-008R1 |

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| PR17 | Consider not designating CH in areas that have comprehensive species conservation programs that address suitable measures for the SWWF, or habitat restoration programs that address riparian habitats being developed or already in place. This may recognize the intrinsic value of large scale multi-species conservation planning efforts in protection of endangered species and riparian habitats. For example, enhancing, restoring, and maintaining SWWF habitat in conjunction with implementation of the Lower Colorado River Multi-Species Conservation Plan could become more difficult with the extra regulatory burden with designating CH along the Lower Colorado River. | 1 | ALT | G-017R6 |
| PR18 | HCPs and Safe Harbor Agreements create benefits for species they cover. Special management plans like these should be evaluated on the merit of whether including these areas in CHD outweigh the benefits of excluding those lands. For example, these plans may provide greater conservation benefit to the species when protection of mitigation lands, which may be designated as CH, replace lands with no conservation benefits. The City of Phoenix is in the process of completing two SHAs. One is the Rio Salado Environmental Restoration Project and the other for the Tres Rios Ecosystem Restoration Project. Both address land management practices that will benefit the SWWF through the improvement of minimal habitat that exists in baseline conditions. The City believes that the best alternative for benefiting the SWWF in this instance ties to the operation and maintance of these projects. | 1 | PRO | G-006R1 |
| PR19 | HCPs being developed along the Rio Grande river would be a better tool to protect the SWWF and should be the first and only alternative. | 1 | ALT | G-012R3 |
| PR20 | The HCP for the San Luis Valley and ongoing collaboration of the local communities is the biggest benefit to the SWWF. | 1 | ALT | I-032R3 |
| PR21 | Ongoing Conservation Programs negate the need for CH on the South Fork of the Kern River. The benefits of exclusion into CH outweigh the benefits of inclusion. The South Fork Wildlife Area, Kern River Preserve, State Wildlife Conservation Board's purchase of Bloomfield Ranch and the Hafenfield Ranch Conservation Easement all contribute to SWWF habitat. Other owners adjacent have expressed interest in selling land for conservation purposes. In addition, the prohibition of development within the primary floodway of the South Fork and the non-intensive resource land use designations and zoning of the adopted Kern County General Plan and Zoning Ordinance contribute to SWWF habitat. Rather than adding more regulations, the Service should coordinate with land use management programs of Kern County, Forest Service, State Game and Fish, and Kern Valley Resource Conservation District, and private property owner's stewardship efforts. CH removes any incentive by private interests to promote beneficial conservation efforts. | 1 | ALT | G-014R5 |

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| PR22 | CHD in Colorado need careful consideration. Current estimates of abundance on public lands alone in the San Luis Valley suggest recovery goals have been met. The developing HCP by the Rio Grande Conservation District will help meet the needs of the SWWF in the San Luis Valley and still allow for the ongoing water delivery and agricultural activities. Active, voluntary participation by local landowners is critical in this developing HCP. Maintaining an active, mutually respectful relationship with these important constituents will enhance opportunities for conservation of SWWF habitat in the Valley. | 1 | ALT | G-002R3 |
| PR23 | The Lower Colorado Multi-Species Conservation Plan and the BOR are in the process of providing requisite SWWF habitat at multiple locations along the Colorado River. This action obviates the necessity to include vegetation communities within the high water zone of the Lake Mead delta regions to full pool elevation within proposed CH. | 1 | ALT | G-011R4 |
| PR24 | The FWS should consider the Western Riverside County MSHCP. The County has identified Santa Anna River and Prado Dam from Orange County line to San Bernardino County line as an existing Core. The SWWF is one of the species in this plan which requires specific management and monitoring activities including preservation of Core acreage. The HCP includes guidelines for maintanence of facilities to avoid and minimize the effects of these facilities on the biological functions of the Core. All federal activities and permits will be subject to incidental takes of listed species as authorized through the Section 7 consultation process following approval of this HCP. We understand the Service is making CH designation consistent with this proposed HCP. | 1 | ALT | G-018R6 |
| PR25 | The Southern Ute Indian Tribe employs wildlife managers, and has adopted a comprehensive natural resource management plan to guide land use and ensure protection of sensitive natural resources. If the FWS believes that Southern Ute Tribal lands constituent a critical portion of the extimus range, then the Tribe is willing to work cooperatively with the Service to develop a plan which meets the conservation needs of the SWWF in a manner both acceptable to the FWS and the Tribe. | 1 | ALT | R3T-001 |
| PR26 | The Agua Caliente Band of Cahuilla Indians has established an Indian Canyons Park to protect the resources. A Tribal HCP is in place that will protect 90% of all riparian habitat. Monitoring of endangered riparian species will continue, including the Saw, and appropriate conservation efforts will be enforced. | 1 | ALT | R6T-006 |

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| PR27 | The Rio Grande Water Conservation District, on behalf of five counties in the San Luis Valley, has initiated a feasibility study for the preparation of a HCP for the SWWF in the San Luis Valley. The anticipated goals of the HCP would be to provide long-term protection and conservation for the SWWF, its habitat, to protect the land and water use practices and values of private landowners which are essential to the large agricultural community in the San Luis Valley, and to provide an example of implementing a regional HCP in rural areas. The District believes a HCP would be a more proactive approach to SWWF conservation than endless consultations between the FWS and affected parties. It is the District's position that development and acceptance of the HCP by FWS would preclude the need to designate CH within the San Luis Valley except on public lands that have existing or potential habitat. | 1 | ALT | O-004R3 |
| PR28 | Exclude areas under special management plans like HCPs from DCH. | 1 | ALT | O-002R8 |
| PR29 | The San Luis Valley should be considered as "one big community"<br>1) Consider the benefits that the local ranchers and farmers provide including ongoing data collection.<br>2) Voluntary conservation measures | 1 | PRO | I-032 R3 |
| PR30 | The Rio Grande Water Coservation District was created in 1967 to represent the San Luis Valley in litigation concerning the Rio Grande Compact. The District is concerned about CHD in the Valley and is responding to scoping:<br>1) Possible adverse effects on the District's statutory obligation to safeguard the waters of the Rio Grande and its tributaries, to which Colorado is entitled, and to meet Colorado's Rio Grande Compact obligations<br>2) Possible adverse effects on land and water uses, including delivery and irrigation systems<br>3) Adverse effects on the District's proposed HCP<br>4) Possible effects on agricultual activities including grazing<br>5) Possible damage to the existing good working relationship between private landowners and federal and state agencies, to protect and benefit wildlife.<br>6) Possible loss of future opportunities to mange habitat for the benefit of other wildlife species | 1 | IA | O-004R3 |
| PR31 | Consideration of the lack of communication and collaboration between the national and local levels. | 1 | PRO | I-032 R3 |

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| PR32 | Critical habitat designation for the SWWF should be done through an EIS versus an EA.<br>1) impacts significant<br>2) forthcoming litigations<br>3) significant economic impacts<br>4) highly controversial | 14 | PRO | I-092 R6<br>O-013 R1<br>O-011 R5<br>G-007 R1<br>O-008 R1<br>G-006 R1<br>G-017 R6<br>G-019 R5<br>O-017 R1<br>R1-M1<br>O-004R3<br>O-002R8<br>G-004 R1<br>(2)M1-R1<br>M4-R3 |
| PR33 | CHD will make the process of creating SWWF habitat more difficult because agencies would have to consider impacts regardless of occupation. CHD will result in less management flexibility in areas where habitat creation projects are being developed. Concerned and wants omitted from CH designation the stretch of Verde River from Sheep Bridge to Bartlett Lake. Public projects designed to create SWWF habitat and other species habitat will be made difficult because environmentalists will insist on permanent exclusion of all livestock from or near riparian areas in the SW, and governmental agencies are unlikely to do anything to prevent court-enforced implementation of these unsupportable, endangering demands. | 1 | IA | I-056 R1 |
| PR34 | Factors such as breeding grounds, migration routes, wintering grounds, predators, and parasites have greater impact on the SWWF than just the amount of protected habitat. These topics need analysis in the NEPA document. | 1 | PN | I-091R8 |
| PR35 | The FWS must give consideration to the status of the SWWF in its wintering habitat. There may be impacts occurring in its over-wintering habitat that may not be ameliorated by the most well intentioned conservation effort in the US during nesting season. | 1 | OOS | O-013 R1 |
| PR36 | In examining factors that have been attributed to the SWWF decline, extraterritorial impacts in addition to loss of wintering habitat needs to be examined. Factors impacting its migration as well as wintering habitat contributes to species mortality. It is difficult to justify actions protecting habitat in the US, especially habitat that is not currently occupied during the nesting season, when extraterritorial affects outside the US remain unquantified. | 1 | PN | O-008 R1 |

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| PR37 | SWWF migrate to South America where they still use DDT. This is a large factor for why there are not doing well in the US. They will not do better until South America stops using DDT. No need for more conservation in US when real problem is in South America. | 1 | OOS | I-013 R5 |
| PR38 | Other factors that have been documented to have major effects on the reproductive success of the SWWF populations along the South Fork and elsewhere across their range include nest predation, nest parasitism by brown-headed cowbirds, and possible habitat destruction and mortality in their winter range and or migratory stopover sites. | 1 | PN | G-023R6 |
| PR39 | The Federal Register notice and timing of scoping meeting did not allow enough time for the public to gather comments. Only 8 days from publication to the meeting. Public comments might not accurately reflect constituents comments. | 1 | PRO | G-002 R3 |
| PR40 | Recovery Plan extrapolates general information about reservoir, dam, and river flow operations. This information needs to be site specific and include site specific analysis. If not this is arbitrary and capricious. | 1 | PRO | G-019 R5 |
| PR41 | Consider Section 4 of ESA prior to designation of critical habitat. | 1 | PN | G-016R6 |
| PR42 | Concerned about the impact CHD can have on the Southern Ute Tribal lands and the Tribe's exercise of its sovereign decision-making authority and use and development of our natural resources. | 1 | IA | R3T-001 |
| PR43 | CHD could potentially impact numerous Indian Tribes, and thousands of Tribal Trust lands. Tribal trust lands are considered those specific geographical areas essential to the survival and betterment of Native American peoples. | 1 | IA | R8T-002 |
| PR44 | Use recent surveys to identify occupied versus unoccupied potential habitat. Establish number of unoccupied habitat areas needed per management unit for recovery. | 1 | PRO | G-004 R1 |
| PR45 | Jeffrey Humphrey for the FWS said DCH would not apply for the Tohono O'odham Nation. | 1 | ALT | R1T-003 |
| PR46 | Tribal lands should not be DCH. Reservation lands are primarily home to the people who live and work there and were created for the safe haven,e ecological, social, and economic benefit of the Indian people. The Soboba Band of Luiseno Indians desires that first and foremost no portion of the Reservation be designated as CH, based on the governments responsibility in ensuring that reservations are used for the protection and benefit of the Tribe. Should CH be identified on the reservation, the Tribe reserves its right to final comments until after the Secretarial evaluation and documentation of the alternatives as wells as affirmative determination the lands in the reservation are essential to recover. This must be provided in writing to the Tribe for review. | 1 | ALT | R6T-005 |

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| PR47 | Requests the FWS works with tribes on a government-to-government basis to identify alternatives and compromises with CH on tribal lands. Consider Native American Policy 1994, Secretarial Order 3206 1997, and Executive Order 13175 2000. | 4 | PRO | R3T-001<br>R8T-002<br>R6T-004<br>R6T-005 |
| PR48 | Without CHD, habitats in amounts adequate to ensure long-term species survival is not going to be achieved. By refusing to seriously pursue CH for the SWWF, the USFWS is abandoning its legal mandate to aid in the recovery of the species. CH in the SW would have many benefits for the region and for its wildlife. Protecting the SWWF habitats in amounts adequate to ensure long-term security of the species will be a substantial step towards rehabilitating the badly damaged riparian systems of the Southwest in general. It would also provide considerable support to other species at risk in the region. | 1 | PN | O-019 R6 |
| PR49 | HCPs are not adequate enough to protect the SWWF. CHD needs to include areas with existing or potentially existing HCPs or management plans. | 2 | ALT | O-018 R1<br>O-003 R3 |
| PR50 | The primary constiuent elements should be set forth more specifically in order to designate only the habitat that is essential to the species and accurately assess the potential future destruction or adverse modification of CH. Best available science should be used to specify the primary constiuent elements of SWWF habitat. | 1 | ALT | O-004R3 |
| PR51 | CHD may or may not provide any additional conservation benefit to the species. CH may be redundant and provide no additive conservation values in areas where CH has been previously designated. Concerned about the designation, role, and additive value of CH. In ,many cases, CHD does not contribute to species already protected through compliance and consultation requirements under Section 7 of ESA. In these cases, the Department supports development of regional conservation plans that are locally driven, community based, and seek to address the needs of the species while addressing the needs of local citizens, local governments and other stakeholders. | 1 | PN | G-001R1 |
| PR52 | Designation independent of Recover Plan. FWS has an independent duty to evaluate CH that is distinguishable from areas considered desirable to a species under a recovery plan. Different standards apply. In particular, FWS is required to exclude areas from CH where adverse economic impacts exceed conservation benefits and where special management considerations are present. | 1 | ALT | O-002R8 |
| PR53 | Comply with the Critical Habitat Designation legal process. | 1 | ALT | G-014R5 |
| PR54 | Identify a range of reasonable alternatives to the proposed action. | 2 | ALT | G-014R5<br>G-019 R5 |

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| PR55 | FWS must recognize the range of alternatives that reflect the variation in the biological and physical features that occur across the geographic area under consideration. Avoid generic findings or overly-broad assumptions, such as the 100-year floodplain where conditions might not support habitat. | 1 | ALT | O-002R8 |
| PR56 | Request Kern County Planning be consulted and offered opportunity for comment through-out the process. | 1 | PRO | G-014R5 |
| PR57 | FWS can only designate CH after taking into consideration the economic impact and any other relevant impact, of specifying any particular area as CH. Thus, the preparation of the economic analysis should be undertaken simultaneously with the analysis of impacts under NEPA before publication of the final rule. | 1 | PRO | O-004R3 |
| PR58 | In order for the Secretary to designate an area as critical habitat it must find that the specific area contains the physical or biological features essential to the conservation of the SWWFC and which may require special management considerations or protection. The Secretary must base the decision on the best scientific data available after taking into consideration the economic impact and any other relevant impact of specifying any particular area as critical habitat. | 1 | ALT | G-019 R5 |
| PR59 | Would like to see data (science) that says SWWF eat mosquitos! | 1 | PRO | M4 - R3 |
| PR60 | EA needs an evaluation of CHD and how it will relate to Section 404 of the CWA and to Section 7 of ESA.<br>1) Increased workload for COE and other agency consultations.<br>2) Extended timeframes for permit applications and decisions<br>3) During flood emergency events and Section 7 implications. | 1 | ALT | G-021R6 |
| PR61 | Develop streamlined consultation procedures following the concepts and intent of the Southwest Strategy "Long-Term Strategy for Streamlining Consultations under the Endangered Species Act in Arizona and New Mexico", 1999. | 1 | OOS | G-021R6 |
| PR62 | Federal jurisdiction under Section 404 will likely overlap many areas proposed for CHD. The COE is currently developing ordinary high water indicators for the arid southwest. Consider:<br>Lichvar,R.W. and J.S. Wakeley, Eds. 2004. Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwest United States. U.S. Army Engineer Research and Development Center, Technical Report 04-1. 127p. | 1 | PRO | G-022R6 |
| PR63 | Water rights are within the New Mexico portion of the Rio Grande Project are owned by EBID members. These are vested property rights under state law and are protected against takings without due process. No federal agency owns or controls any water rights within the Project. The right to store water in the reservoirs is essential to these rights. The FWS is bound to undertake a complete Takings Implications Analysis if CH impacts private water rights. | 1 | IA | O-016R2 |

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| PR64 | Some environmental groups stand to receive tax dollars for land grants and conservation. If this money was not available one wonders if these groups would be so vocal about CH. If this funding is stopped in the future, the land will be abandoned and the habitat will suffer. Whereas if the land was left in public hands the habitat would continue to be managed and likely improved. Against CHD. | 1 | PRO | I-013 R5 |
| PR65 | Would like to see full disclosure of the NEPA process, including scoping report, access to Recovery Plan, and public involvement. | 1 | PRO | R1-M1 |
| PR66 | Request all oral and written materials produced by the CHD process be provided in both English and Spanish. | 3 | PRO | O-005 R2<br>O-006 R2<br>O-007 R2 |
| PR67 | CDOW Riparian and Wetland Mapping Project - detailed GIS maps of wetland and riparian habitat usefull for modeling. Quadrangle maps due out June 30, 2004. Other mapping in the San Luis Valley Management Unit will be mapped 2004-5. | 1 | ALT | G-002 R3 |
| PR68 | Exclude areas from CHD that already afford protection for SWWFL. | 1 | ALT | O-011 R5 |
| PR69 | Cooperate with State and local water agencies to resolve water resources issues consistent with the requirements of ESA. | 1 | PRO | G-019 R5 |
| PR70 | 1) Public involvement was too brief<br>2) SWWF habitat at Lake Isabella is 3miles long, 1/2 mile wide<br>3) Build a dam from Lime Pt. to Lime Pike across Lake<br>4) Lake Isabella resident want the lake as high as possible<br>5) Residents do not want to harm SWWF.<br>6) Residents feel insulted by maps not depicting Lake. Accordingly, residents were not able to show problems or solutions. Local maps should have been used.<br>7) Support local ecology and SWWF.<br>8) We do not want anyone to tell us to stay out of the Lake.<br>9) Dam 1 to 3 feet higher than existing over flow at main dam, not built using taxpayer money, resulting in no overflow into SWWF nesting habitat. | 1 | PRO | I-028R6 |
| PR71 | Will the economic analysis consultant be going to the Tribe for solicitation and Tribal and Pueblo imput for economic impact; strongly suggest that they do. Tribes and Pueblos would like to be contacted!! | 1 | ALT / IA | M8-R6 |
| PR72 | Exclude areas if the detrimental economic effects are greater than the beneficial environmental effects. | 1 | IA | G-004 R1 |
| PR73 | Expressly determine the amount of habitat needed in each unit for unoccupied, but potentially needed habitat using minimum number determined per management unit from the Recovery Plan. | 1 | PRO | G-004 R1 |

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| PR74 | Rank unoccupied habitat by constituent elements when determining needed unoccupied habitat. | 1 | PRO | G-004 R1 |
| PR75 | Using the best available science, rank the available habitat identified in Steps 1 and 2 in terms of the quality of primary constituent elements. Publish the proposed rule designating the portion of available suitable habitat necessary to achieve recovery, as well as alternative suitable habitat. | 1 | PRO | G-004 R1 |
| PR76 | Define "adverse modification" of critical habitat and consistently apply this definition. The present definition was held invalid by the 5th circuit court. | 1 | PRO | G-004 R1 |
| PR77 | Use this definition: Adverse modification or destruction of critical habitat results from an action that appreciably reduces or impairs the value of a primary constituent element." Further, SRP suggests that this definition of destruction or adverse modification of critical habitat be used to describe those activities that may modify the habitat or may be affected by the designation. | 1 | PRO | G-004 R1 |
| PR78 | Special management plans can be considered, however, by FWS after publication of the proposed rule, in the context of its analysis of whether the benefits of including certain lands within the flycatcher critical habitat designation outweigh the benefits of excluding those lands from the final rule. | 1 | PRO | G-004 R1 |
| PR79 | SRP alternative 1: broad alternative designating all occupied habitat identified in Step 2, or if the occupied habitat is insufficient in a particular watershed, designating the suitable habitat necessary to achieve the minimum recovery goals | 1 | PRO | G-004 R1 |
| PR80 | SRP alternative 2: the preferred alternative, designating only that portion of the habitat "essential to the conservation of the species," after consideration of economic and other impacts required under the ESA and NEPA. | 1 | PRO | G-004 R1 |
| PR81 | For purposes of determining whether lands should be excluded from the final designation, the EIS should initially consider areas of relatively low quality habitat with high impacts resulting from the designation, progressing to higher quality areas with lower impacts. | 1 | PRO | G-004 R1 |
| PR82 | Isbella Dam: Scientific studies demonstrate that the current regime of management activities and operations, e.g., the regulation of cattle grazing, and continued routine operation of the reservoir consistent with the current flood control criteria and existing contracts for conservation storage, has fully conserved this riparian area. | 1 | ALT | G-019 R5 |
| PR83 | The best available scientific data demonstrates empirically that the riparian area within Isabella Reservoir has proven to be very resilient and tolerant of inundation resulting from continued routine operations of the Reservoir. There is no scientific data that demonstrates any long-term adverse effects on the riparian habitat used by the SWWFC result from current operations of Isabella Reservoir. In fact, the present riparian area located within Isabella Reservoir is thriving due to current management activities. Rather, the scientists have documented that the periodic flooding of the riparian area in high flow years disperses and establishes a high density of new seedlings and enhances growth rates for mature trees. | 1 | ALT | G-019 R5 |

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| PR84 | There is no evidence that there is a need for special management considerations or protections over and above that presently exist without any designation of critical habitat. Because Isabella Reservoir and the South Kern River Fork Valley area do not meet the statutory standard to qualify as critical habitat the Service should exclude this area from any proposed designation. | 1 | ALT | G-019 R5 |
| PR85 | As part of the Service's no jeopardy biological opinion dated June 14, 2000 (1-1-99-F-216) concerning continued routine operation of Isabella Reservoir, the Corps is responsible for a wide-range of non-discretionary terms and conditions intended to address potential adverse impacts to the SWWFC and associated habitat. While the scientific data referenced in the Final BO. does not establish that effects actually caused by routine reservoir operations necessitate the imposition of these terms and conditions, the Corps has nonetheless committed to "implement or fund a habitat restoration and/or enhancement plan on ...1,150 acres of protected lands." In that regard, the Corps, in conjunction with the United States Fish & Wildlife Foundation, National Audubon Society, Packard Foundation, Wildlife Conservation Board/California Department of Fish & Game, and other private parties and local public agencies, is in the course of completing transactions intended to fully satisfy the current Final BO. consistent with the best scientific data that is available | 1 | PRO | G-019 R5 |
| PR86 | Isabella Dam: The Corps has and continues to fulfill all of the remaining provisions of the Opinion as required under Section 7 of ESA. | 1 | PRO | G-019 R5 |
| PR87 | The United States Forest Service is responsible for managing the 1,200 acre South Fork Wildlife Area located within the limits of Isabella Reservoir consistent with routine operation and contractual requirements, the National Audubon Society owns and manages the 1,100 acre Kern River Preserve, the State Wildlife Conservation Board/California Department of Fish and Game own and manage the historic Bloomfield Ranch which exceeds over 1,400 acres (with recent acquisition of the Allen Ranch Property), and the Natural Resources Conservation Service has purchased a 92 acre permanent conservation easement from the Hafenfeld Ranch. All these projects have been developed and implemented independent of any critical habitat designation. Significantly, very substantial projects (relating to potentially thousands of additional acres of riparian and upland habitat) have been proposed for sale for conservation purposes. However, these transactions are at a critical stage of development and have not been finally approved and implemented. The designation of critical habitat has the potential of impeding, delaying or increasing the cost of these projects. | 1 | ALT | G-019 R5 |
| PR88 | Kern River: Private landowners in the region have indicated a willingness to consider selling portions of their lands for conservation purposes. | 1 | ALT | G-019 R5 |
| PR89 | For the reasons listed in G-016 R6, we believe that the benefits of excluding areas subject to HCPs far outweigh the benefits of including lands is CH. | 1 | ALT | G-016 R6 |

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| PR90 | Critical Habitat Designation creates vulnerability to legal challenges. The County's concern over these issues appears to be well founded. Over the past few years, the role of critical habitat in the context of the overall framework of the ESA has come under intense legal scrutiny, creating a fluid regulatory landscape that has yet to stabilize. Of particular concern is the unresolved relationship between critical habitat and habitat conservation plans and the potential effect of designations on the Service's review and approval of the North County MSCP. | 1 | PRO | G-016 R6 |
| PR91 | The Service has failed to comply with ESA in several respects including; not considering the best scientific data, economic and other relevant impacts, likely to be caused by designating Isabella Reservoir; including significant acreage as "critical habitat" which does not possess the principal biological and physical constituent elements essential to the species. | 1 | PRO | G-019 R5 |
| PR92 | Concerned about arbitrary boundaries on map | 1 | ALT | M2 - R2 |
| PR93 | Using the "stretch of river" approach might not actually help species – make approach biologically sound – this will get community support and stand up to litigation | 1 | ALT | M8 - R6 |
| PR94 | Will new standards be met and kept? Need clear justification and documentation of numbers and why we need to designate and how standards were made. Look at other influences on numbers. Use best available science. Start with a reasonable baseline. Provide information on when full recovery is accomplished. Answer all comments. Discuss the designation process. | 26 | ALT | (6)M1-R1<br>(7)M2-R2<br>M3-R2<br>M4-R3<br>(4)M6-R5<br>M7-R6<br>(4)M8-R6 |
| PR95 | Areas where Habitat Conservation Plan -adopted and areas being developed – hopefully both will be excluded. Relationship to land ownerships. Take into account current plans. And maintain existing agreements. Don't undo work. | 10 | ALT | (5)M1-R1<br>M2-R2<br>(3)M4-R3<br>(2)M6-R5<br>M8-R6 |
| PR96 | Is bird habitat limited | 1 | ALT | M6 - R5 |
| PR97 | Is critical habitat the best approach? | 1 | OOS | M6 - R5 |
| PR98 | Should concentrate on listing of species incongruencies in approach | 1 | ALT | M6 - R5 |
| PR99 | NEPA document addresses relationship between other T&E species | 1 | ALT | M7 - R6 |
| PR100 | Consider different views/perspectives | 3 | ALT | (2)M1-R1<br>(1)M3-R2 |

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| PR101 | Consider method used in L. Roosevelt HCP (Dr. Stromberg HSU); depth to groundwater, this does not address the drought issue. | 1 | ALT | M1 - R1 |
| PR102 | Disclose explicit likely results (i.e. 12 1/2 miles of CH, X ft wide = 80% chance of recovery etc.) | 1 | IA | M6 - R5 |
| PR103 | Evaluation will occur on critical habitat designations | 1 | ALT | M2 - R2 |
| PR104 | Economic analysis process – what standard used, ability to input, fair/impartial | 8 | PRO | (6)M1-R1<br>(1)M5-R4<br>(1)M6-R5 |
| PR105 | Private property - What constitues a federal nexus. Does federal nexus follow NRCS assistance re: grazing/agriculture and EQUIP-SIC dollars (NRCS cost-share program). Private land owners always have a federal nexus, how are they affected? What trips the federal nexus? Impacts on private property rights, economics, and tax base. How will permit requirements change. Provide incentives to private land owners. | 17 | PRO,IA | (7)M2-R2<br>(2)M3-R2<br>M4-R3<br>(2)M5-R4<br>(5)M6-R5 |
| PR106 | How much active habitat management will/can be done within CH? | 1 | ALT | M1 - R1 |
| PR107 | Articulate how CH areas may be "partnered" for improvement: USFWS ~ private owners. | 1 | ALT | M1 - R1 |
| PR108 | Effects should consider values of having CH maintain population baseline. | 1 | IA | M1 - R1 |
| PR109 | Means for continued & future actions | 1 | PRO | M1 - R1 |
| PR110 | Conservation vs. conservation and recovery | 1 | PN | M1 - R1 |
| PR111 | Alternative perspective – if habitat will be in 5-10 years how are those decisions made now? | 1 | ALT | M1 - R1 |
| PR112 | If there is an ongoing action – once the critical habitat is designated – what does that look like – how will the action be affected? | 1 | ALT | M1 - R1 |
| PR113 | How does critical habitat designation help the species | 1 | PN | M2 - R2 |
| PR114 | Concerned that ESA is designed to put the water-industry out of business | 1 | PRO | M2 - R2 |
| PR115 | How can they say that once critical habitat is designated that they won't stop public access | 1 | PRO | M2 - R2 |
| PR116 | More local control for leasees | 1 | PRO | M2 - R2 |
| PR117 | Local community has been responsible and wants their efforts known and used in decision-making process; work with local USFWS agencies to get info, including Chambers of commerce, community members, bring community together with stakeholder groups. Also wants to be educated and have more information. | 25 | PRO | M1-R1<br>(3)M2-R2<br>(1)M4-R3<br>(15)M6-R5<br>(3)M8-R6 |

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| PR118 | Process of CHD will put one more step in an already lengthy and exhaustive process – too beaurocratic, just one more red line. Just adds time to regulatory process | 3 | PRO | (3)M2-R2 |
| PR119 | Sunset clause – Needs to be process that reviews and modifies CHD – shouldn't be set in stone because dynamics change – should be flexible and reviewed often (conditions change) | 2 | PRO | (2)M2-R2 |
| PR120 | Compatibility of agency programs, get information to agencies. | 2 | PRO | M3-R2<br>M6-R5 |
| PR121 | Collaboration between state/federal agencies. Involve other agencies. | 4 | PRO | (4)M3-R2 |
| PR122 | Timeframe for developing willows for "potential habitat areas" | 1 | ALT | M4-R3 |
| PR123 | Community misled that their areas were the last place for SWWF, public concerned about full disclosure of numbers and information and fair/impartial treatment of all interests. | 4 | PRO | (2)M2-R2<br>(2)M4-R3 |
| PR124 | We request that the FWS have a formal process for soliciting information from agencies/utilities on the location of facilities, and number of consultations conducted and anticipated, the estimated cost of these consultations, future project planned, etc. The practice in the past has been for the economic consultants to call us on a Monday and request all this information by that Friday "if we're interested in getting them input". It is important that the consultants have this info., and it is important that the agencies/utilities have adequate time to assemble it. It is also important that all agencies/utilities have an opportunity to provide information of this type, and not just the ones that happened to receive a phone call. A formal, noticed process would help in this regard. | 1 | PRO | M5 - R4 |
| PR125 | How many breeding territories do we need | 1 | ALT | M6 - R5 |
| PR126 | Previous designation didn't address issue new CHD needed – populations weren't covered by designation | 1 | PRO | M8 - R6 |
| PR127 | Designation and goals should be developed and made known for the recovery of the species | 2 | PN | M4-R3<br>M8-R6 |
| PR128 | Does the info. from the 5th circuit influence this? | 1 | PN | M1-R1 |
| PR129 | Service has not considered impacts beyond listing – request that in NEPA process – impacts are fully explored (from their perspective impacts are significant so an EIS should be considered). When will this decision be made? | 5 | IA | (4)M1-R1<br>M5-R4 |
| PR130 | This CH designation only influences 3 months out of a 12-month life cycle | 1 | IA | M2-R2 |

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| PR131 | Members of the Kern-Kaweah Chapter of the Sierra Club enjoy the Kern River Valley and is birds. We help plant trees at the Kern River preserve and table at the festivals at least once an average year. Sometimes a couple of us stay for dinner near the park. I am not expert enough to know why the Flycatcher is not increasing its' numbers and making it more likely that my grandchildren and I can see one when I visit this valley. In general, any migrating animal needs habitat in its summer breeding grounds, along its migratory route and in its winter grounds. It seems to me that if there is a problem in the migratory route and/or in wintering grounds, and if those habitats are not carrying all the animals they have a capacity for, the more animals are placed on the problem habitats, the more animals will return to the summer habitat. Thus, restricting summery habitat makes sense only if migrating or winter habitat is saturated. Being generous with habitat does not mean we cannot also attack parasitism by the cowbird.<br>Rather than drown SWWF habitat in wet years, we should let water out of the lake just before nesting season and store it in the KWB. We may need to find other storage areas as well; we need to do this before the West Side Parkway AKA Kern River Freeway and the sprawl it will inspire paves more excellent recharge areas. Thank you for the opportunity to comment. | 1 | ALT | M6-R5 |
| PR132 | Specify the mechanism by which tribal lands will/will not be involved in CH being designated for tribes. | 1 | PRO | M1-R1 |
| PR133 | Indian lands should be excluded from USFWS critical habitat designation. Tribes should be the ones to do their own designating of CH. Designate other public lands first (FS, BLM, Navy, Marines, Air Force, Army Reserves). Some tribes too small. Respect tribal soveriegn nations and consult with them. | 8 | ALT | M3-R2<br>(7)M8-R6 |
| PR134 | Any news should be sent to the tribal chairperson and environmental departments of each reservation. | 1 | ALT | M8 - R6 |
| PR135 | Some tribes have areas that may be weeded for other uses than habitat for species deemed endangered. | 1 | ALT | M8 - R6 |
| PR136 | Also this should not be left to tribal areas to hold because they do not develop their lands – these tribes should not fell the brunt because they choose not to develop. | 2 | ALT | (2)M8 - R6 |
| PR137 | 1000 acres have been designated with little evidence – more land designated than needed | 1 | ALT | M5 - R4 |
| PR138 | San Lois Ray N. County HCP – draft document check published document | 1 | ALT | M8 - R6 |
| PR139 | (Ex. McKernin study is after recovery plan) | 1 | | M1 - R1 |
| PR140 | Need more information on bird (intensive study) to know what is best for species. What is biological information used for designation. | 8 | IA | (1)M1-R1<br>(5)M6-R5<br>(1)M7-R6 |
| PR141 | Local research used, work with local agencies | 8 | ALT | (4)M2-R2<br>(3)M6-R5<br>(1)M8-R6 |

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| PR142 | How can USFWS justify designating land that won't be used by flycatcher | 1 | ALT | M1 - R1 |
| PR143 | Survey protocol may underestimate true population size | 1 | PRO | M2 - R2 |
| PR144 | Look at old designation and use info./science that is valid | 1 | IA | M2 - R2 |
| PR145 | Less vegetation designation and more a sound ecological designation | 2 | IA | (2)M8 - R6 |
| PR146 | Consider studies from U-Bar and Phelps | 1 | IA | M2 - R2 |
| PR147 | Question dollar amount for re-operation of dams – the process for arriving at numbers (ex. 20 million vs. 2 million) | 5 | IA | (5)M1 - R1 |
| PR148 | Federal nexus possibilities: MRGCD/BOR water delivery to private landowners? Discharge (NPDES) for industry, agriculture? Temporary irrigation forebearance during periodic drought? Flood control, 404, lease rotations to private land | 1 | PRO | M3- R2 |
| PR149 | How far back does CH designation go | 1 | PRO | M6 - R5 |
| PR150 | This does not exclude the possibility of development if they choose to | 1 | PRO | M8 - R6 |
| PR151 | Clearly identify indirect vs. direct effects of CH designation: cumulative also? | 1 | IA | M1 - R1 |
| PR152 | Reasonable way – look at literature where nests/breeding occur – 200 feet from next - this is the appropriate number for CHD. | 1 | IA | M5 - R4 |
| PR153 | Look at each site and do case-by-case designation – unique characteristics, No sweeping analysis – site specific. | 3 | IA | (2)M5-R4 M7-R6 |
| PR154 | Past science/decision-making has been flawed | 1 | IA | M2 - R2 |
| PR155 | If there are NEPA processes on water it would be unfortunate for CHD to overturn issue – consider those now! | 1 | PRO | M3- R2 |
| PR156 | Concern that full NEPA compliance be met for all resources, not just SWWF and their habitat | 1 | ALT | M3- R2 |
| PR157 | Livestock permittees should be contacted regarding this process. | 1 | ALT | M1 - R1 |
| PR158 | Provide more detail of water usage (I.e. limitations for water users, agriculture, drinking water, etc. ) to the general public - include statistics, etc. | 3 | IA | (2)M1-R1 M6-R5 |

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| PR159 | As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The U.S. continues to work with Indian Tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights. The U.S. recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination. With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.<br>When undertaking to formulate and implement policies that have tribal implications, agencies shall: encourage Indian tribes to develop their own policies to achieve program objectives; where possible, defer to Indian tribes to establish standards; and, in determining whether to establish Federal standards, consult tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the perogatives and authority of Indian tribes. | 1 | PRO | R8T-002 |
| PR160 | To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless: funds necessary to pay the direct costs incurred by the Indian tribal government in complying with the regulation are provided by the Federal Government, or the agency, prior to the formal pomulgation of the regulation, consulted with tribal officials early in the process of developing the proposed regulation; and in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of the tribal officials have been met; and makes available to the Director of OMB any written communications<br>On issues relation to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consesual mechanisms for developing regulations, including negotiated rulemaking. Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes. | 1 | PRO | R8T-002 |

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| PR161 | The purpose of the Endangered Species Act is "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may by conserved..." To accomplish this conservation mandate, FWS is required to designate critical habitat "on the basis of the best scientific data available." Critical habitat refers to "the specific areas within the geographical area occupied by the species...on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection." Critical habitat also includes "specific areas outside the geographical area occupied by the species...upon a determination by the Secretary that such areas are essential for the conservation of the species." | 1 | PN | O-009 R7 |
| PR162 | FWS shall identify any significant activities that would either affect an area considered for designation of critical habitat or be likely to be affected by the designation, and shall, after proposing designation of such an area, consider the probably economic and other impacts of the designation upon proposed or ongoing activities. | 1 | PN | O-013 R1 |
| PR163 | FWS may then use the results of this analysis to exclude areas from critical habitat if it concludes that the "benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat". | 1 | IA | O-013 R1 |
| PR164 | With respect to intensity, the CEQ regulations instruct that a variety of different factors should be considered including: impacts that may be beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial, and the degree to which the effects on the quality of the human environment are likely to be highly controversial; and the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks; and the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. | 1 | IA | O-013 R1 |
| PR165 | Section 3 of the ESA defines critical habitat to include areas occupied by the species, which are "essential to the conservation of the species" and which "may require special management consideration or protection." Areas outside of the geographical areas occupied by the species also may be designated as critical habitat if FWS finds that "a designation limited to [the species] present range would be inadequate to ensure the conservation of the species. | 1 | PN | O-004 R3 |

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| PR166 | The Secretary shall identify any significant activities that would either affect an area considered for designation as critical habitat or be likely to be affected by the designation, and shall, after proposing designation of such an area, consider the probable impacts of the designation upon porposed or ongoing activities. The Secretary may exclude any portion of such an area from the critical habitat if the benefits of such exclusion outweigh the benefits of specifying the area as part of the critical habitat. The Secretary shall not exclude any such area if, based on the best scientific data available, [s]he determines that the failure to designate that area as critical habitat will result in the extinction of the species concerned. | 1 | PRO | O-004 R3 |
| PR167 | Thus, the designation of critical habitat requires a balancing of interests, which requires public input in the collection and analysis of information relevant to the designation. | 1 | PRO | O-004 R3 |
| PR168 | Critical habitat is defined by Section 3 of the ESA to include, first, geographical areas occupied by the species, which are "essential to the conservation of the species" and which "may require special management consideration or protection." Areas outside of the geographical areas occupied by species also may be designated as critical habitat, but only if FWS finds that "a designation limited to [the species'] present range would be inadequate to ensure the conservation of the species." The ESA further requires that any unoccupied habitat included in the designation be "essential for the conservation of the species." | 1 | PN | G-004 R1 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| R1 | Areas between existing territories (w/50 miles) should remain open to public access and recreational activities. What are impacts of recreational users? Will CHD limit public access? What about public access to Gila R. and Rio Verde areas. 1) Access to CH should remain open for recreational activities. | 12 | ALT | I-062 R6 (2)R1-M1 (5)M2-R2 (2)M3-R2 M6-R5 |
| R2 | Bird watching and tourist activities are bad for the SWWF. This is why the SWWF are doing so well on private land versus public lands open to public access and recreation. | 1 | OOS | I-013 R5 |
| R3 | Evaluate impacts to public benefits posed by water-use recreation versus marginal habitat in reservoirs and lakes. How do lake level changes affect whitewater boating (ex. kayak, canoe) and on commercial rafting (socio-economic)? Effects on downstream users. Larger lake level makes opportunities for recreation/facilities. For information about impacts to river recreation specifically kayaking and commercial whitewater rafting, I can put you in contact with owners and operators of commercial rafting companies on the Kern who are affected by lake levels (Mike Merg 760-376-8851, creatch@untamedpath.com) | 3 | IA | O-016 R2 (2)M6-R5 |
| R4 | Impede/affect recreational activities including OHV, etc. | 4 | IA | (2)M2-R2 M3-R2 (1)M6-R5 |
| R5 | Can potential impacts to recreation be included? Trade-offs (benefit 1 user group, impact another) [regionalized "costs" = AGFD website report on costs] Also, use appropriate user-day value on regional basis. Balanced approach – people come for both recreation and eco-tourism – need a balanced approach. | 4 | IA | M1-R1 M2-R2 (2)M6-R5 |
| R6 | Recreational impacts, economic, tax revenue, start-up businesses | 4 | IA | (4)M6 - R5 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| RV1 | Critical Habitat Designation should include riparian vegetation. | 2 | ALT | I-033R8<br>I-021R8 |
| RV2 | The FWS has requested comment on the modified CH critieria which would incorporate the 100-year floodplain as a general designation rather than a measured distance perimeter around habitat patches, in order to capture the dynamic nature of riparian areas. Support this decision along lower Virgin R. specifically below SR170 where the river floodplain and riparian demonstrate highly changeable and dynamic morphology. In other areas of Nevada where we indicate appropriate CHD, we recommend retention of a smaller unit of measure around suitable patches. We believe that for other areas, the exisitng standard provides ample protection while limiting conflicts with private landowners and adjacent land uses. In general those riparian habitats in southern Nevada outside the Virgin River are more stable and do not exhibit the large scale of dynamic floodplain-width changeability which would justify the more robust designation criteria. See attached maps to letter. | 1 | ALT | G-013 R4 |
| RV3 | In evaluating alternatives, the FWS should address the variability in riparian habitat conditions by analyzing long-term hydrological records from the University of Arizona Tree Ring Research Laboratory and other sources to characterize southwestern riparian habitat variability over time. | 1 | ALT | G-007R1 |
| RV4 | Consider the biological and ecological realities associated with the maintenance and/or reestablishment of native riparian habitats in many highly developed river systems in the arid southwest. For example, along the Lower Colorado River below Hoover Dam much of the floodplain is hydrologically decoupled by channelization and channel incisement. Therefore much of the historic floodplain maybe ecologically suitable or provide the biological constituents to warrant CHD. | 1 | ALT | G-017R6 |
| RV5 | Biologically and legally feasible, CH must contain the hydro-geomorphic processes suitable for riparian vegetation. | 1 | ALT | O-013R1 |

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| RV6 | Scientific studies demonstrate that the current regime of management activities and operations, e.g., the regulation of cattle grazing, and continued routine operation of the reservoir consistent with the current flood control criteria and existing contracts for conservation storage, has fully conserved this riparian area. Specifically, the best available scientific data demonstrates empirically that the riparian area within Isabella Reservoir has proven to be very resilient and tolerant of inundation resulting from continued routine operations of the Reservoir. There is no scientific data that demonstrates any long-term adverse effects on the riparian habitat used by the SWWFC result from current operations of Isabella Reservoir. In fact, the present riparian area located within Isabella Reservoir is thriving due to current management activities. Rather, the scientists have documented that the periodic flooding of the riparian area in high flow years disperses and establishes a high density of new seedlings and enhances growth rates for mature trees.<br><br>Significantly, there is no evidence that there is a need for special management considerations or protections over and above that presently exist without any designation of critical habitat. Because Isabella Reservoir and the South Kern River Fork Valley area do not meet the statutory standard to qualify as critical habitat the Service should exclude this area from any proposed designation. | 1 | ALT | G-019R5 |
| RV7 | Support CH because loss or riparian habitat across the southwestern states is caused by urban development, grazing, water withdrawal, and other factors. This puts the SWWF at high risk for extinction. | 10 | PN | I-094R6<br>I-032R3<br>I-008R6<br>I-022R8<br>I-026R2<br>I-070R8<br>I-075R1<br>I-076R2<br>I-084R8<br>I-086R1 |
| RV8 | Address current programs for removing salt cedar and the impacts of such removal programs in the short and long term to the SWWF. | 1 | IA | O-008R1 |
| RV9 | The implications of CHD on exotic species management, control, and eradication in the southwest need to be fully evaluated. | 1 | IA | G-021R6 |
| RV10 | Control measures for invasive species are not addressed in scoping. Control of salt cedar and other invasive should be considered as an alternative over designating CH. | 1 | ALT | O-011R5 |
| RV11 | Implementing effective mitigation measures of human related activities near riparian areas will be essential. | 1 | OOS | O-021R8 |

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| RV12 | Riparian habitat is in danger from fire, cowbirds, water projects, and replacement of native vegetation by introduced and nonnative vegetation. | 3 | PN / IA | I-023 R1<br>I-003 R6<br>I-057 R8 |
| RV13 | The protection of riparian habitat must be done through ESA and CHD. No adequate protection of riparian habitat and there is plenty of threat from urban development. | 3 | PN | I-003 R6<br>I-026 R2<br>I-085 R8 |
| RV14 | Concern that designating non-native habitat could prevent appropriate restoration | 1 | ALT | M3- R2 |
| RV15 | How will CHD affect CFRP (Collaborative Force Rehabilitation Program) – could CHD affect areas you treat | 1 | IA | M3- R2 |
| RV16 | How will Tammarisk Removal effect bird and CHD effect Tamarisk removal projects. Would CHD have requirements for certain types of revegetation and restoration such as removal of Tammarisk | 6 | IA | (3)M2 - R2<br>M3-R2<br>(2)M4-R3 |
| RV17 | Tammarisk is nesting habitat. | 1 | IA | M3- R2 |
| RV18 | A lot of Bosque projects – removing but not revegetating – vegitate those areas | 1 | IA | M3- R2 |
| RV19 | Have a BO that says no removal of Tammarisk without written consultation | 1 | ALT | M3- R2 |
| RV20 | Have to re-establish alternative habitat before removal of Tammarisk | 1 | ALT | M3- R2 |
| RV21 | Consultation (Section 7) not necessarily required for Tammarisk stands – but would be if it fell within designated habitats | 1 | ALT | M3- R2 |
| RV22 | Since the object is to recover SWWF habitat, if they are using exotic vegetation, it should still be designated as critical habitat, even if it may be inconvenient or incompatible with some aspects of riparian restoration projects | 1 | ALT | M3- R2 |
| RV23 | Even if salt cedar does provide SWWF habitat in certain sites, there is concern that restoration projects will go to the extreme and not clear any areas to restore native vegetation | 1 | ALT | M3- R2 |
| RV24 | Invasive weeds – management (white top), tammy, methods such as spraying of chemicals, and other methods used. Short-term adverse impacts. | 5 | ALT, IA | (3)M4-R3<br>(2)M5-R4<br>(1)M8-R6 |
| RV25 | Ash Meadows - control of fires – Tammarisk (impact on) | 1 | ALT | M5 - R4 |
| RV26 | How is habitat evaluated regarding native vs. non-native vegetation? How is this incorporated into the analysis? | 1 | ALT | M1 - R1 |
| RV27 | Concern that focus on designating critical habitat be on native vegetation | 1 | ALT | M3- R2 |
| RV28 | Dependent on willow growth in area? | 1 | ALT | M4 - R3 |
| RV29 | Vegetation dependent, water access, adjacent to breeding habitat | 1 | ALT | M5 - R4 |

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| RV30 | Riparian forest – impact | 1 | IA | M5 - R4 |
| RV31 | Find ways to inundate riparian areas to maintain healthy riparian habitat | 1 | ALT | M6 - R5 |
| RV32 | Economic value of riparian habitats (socio as well) – good for the animal species – fish, other birds, good for fisherman – inform public on the importance of healthy riparian areas | 1 | IA | M1 - R1 |
| RV33 | Analyze socio-economic issues of water (i.e. streams, forested rivers, etc.) - detail the aesthetic value of riparian areas | 1 | IA | M1 - R1 |
| RV34 | How will CHD affect areas of restoration – what impacts on project and vice versa – site-by-site basis – areas such as Kern River above Lake Isabella - don't make them conform to some generic norm and undo the efforts/progress they have made | 1 | ALT | M5 - R4 |
| RV35 | Priority areas in valley for restoration efforts | 1 | ALT | M4 - R3 |
| RV36 | Development and restoration – design plans and efforts of restoration – Design standard (stream buffer zone program) – how will this project impede/affect those efforts. Contact and look at BOR, UNM (SWWF-LTER) restoration projects, and contact conservation orgs. | 6 | IA and PRO | (2)M4-R3<br>(3)M3-R2<br>M6-R5 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| S1 | The SWWF are important as watchable wildlife. Birders come to occupied habitats to watch the SWWF. | 4 | PN | I-005 R1<br>I-061 R8<br>O-020 R1<br>O-009 R7 |
| S2 | The loss of any creature/species, including biodiversity is heartbreaking. | 4 | IA | I-059 R8<br>I-068 R1<br>I-077 R8<br>I-084 R8 |
| S3 | Consider the values of wildlife habitat (healthy riparian systems) for present generations and the value to posterity. | 4 | IA | I-061 R8<br>I-088 R8<br>I-082 R8<br>R1-M1 |
| S4 | Designation could have disapportional high and adverse impacts on the minority and low-income populations residing in these areas if agriculture is limited or curtailed. Request the Service produce an in-depth economic and social analysis on designation and how it will affect rural families and communities, particularly minority populations. Stress local analysis, not national or state, but one that describes affects on local communities within proposed CH areas.The area served by the Elephant Butte and Caballo Reservoirs is one of the poorest in the country and includes a high percentage of Hispanic and other minorities. Restricting water uses and storage could sevelry impact the local economy of this poor area. In preparing NEPA documents analyze E.O. 12898. Environmental Justice | 4 | IA | O-005R2<br>O-006R2<br>O-007R2<br>O-016 R2 |
| S5 | CH would probably not cause any negative impact on minority or low-income populations with possible exception of some populations on tribal lands. | 1 | IA | O-020R1 |
| S6 | Such runoffs could alter archaeological resources. | 1 | IA | G-014R5 |
| S7 | Analyze socio-economic issues of water (I.e. streams, forested rivers, etc.) - detail the aesthetic value of riparian areas | 1 | IA | M1 - R1 |
| S8 | Impacts to school districts. Specifically South Fork School District – tied to lake level | 2 | IA | (2)M6 - R5 |
| S9 | Effect on grazing rights, cattle industry, human interests, historical and cultural aspects, flood control, no arbitrary reductions in livestock or any reductions. Federal grazing allotment holders and private land owners. | 16 | IA | (3)M3-R2<br>(7)M4-R3<br>(4)M2-R2<br>(3)M6-R5 |
| S10 | How can they say that once critical habitat is designated that they won't stop public access | 1 | PRO | M2 - R2 |

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| S11 | Local community has been responsible and wants their efforts known and used in decision-making process; work with local USFWS agencies to get info, including Chambers of commerce, community members, bring community together with stakeholder groups. Also wants to be educated and have more information. | 25 | PRO | M1-R1<br>(3)M2-R2<br>(1)M4-R3<br>(15)M6-R5<br>(3)M8-R6 |
| S12 | Specify the mechanism by which tribal lands will/will not be involved in CH being designated for tribes. | 1 | PRO | M1-R1 |
| S13 | Indian lands should be excluded from USFWS critical habitat designation. Tribes should be the ones to do their own designating of CH. Designate other public lands first (FS, BLM, Navy, Marines, Air Force, Army Reserves). Some tribes too small. Respect tribal soveriegn nations and consult with them. | 8 | ALT | M3-R2<br>(7)M8-R6 |
| S14 | Any news should be sent to the tribal chairperson and environmental departments of each reservation | 1 | ALT | M8 - R6 |
| S15 | Some tribes have areas that may be weeded for other uses than habitat for species deemed endangered | 1 | ALT | M8 - R6 |
| S16 | Also this should not be left to tribal areas to hold because they do not develop their lands – these tribes should not fell the brunt because they choose not to develop. | 2 | ALT | (2)M8 - R6 |
| S17 | Look at the effects on the quality of the human environment | 1 | IA | G-004 R1 |
| S18 | Tribal relations significance should not take precedence or have any more weight when making CHD. | 1 | PRO | G-004 R1 |
| S19 | Must decide if tribal soveriegnty outweighs FWS authority | 1 | PRO | G-004 R1 |
| S20 | Changes in the availability of Kern River water are likely to have other significant adverse socio-economic and environmental impacts (direct, indirect and cumulative) which must be assessed and mitigated. | 1 | IA | G-019 R5 |

| Issue ID # | Comment Type & Organization Code(s) | # of Comments | Comment Disposition | Letter ID. # |
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| W1 | Groundwater is a finite resource and protection of SWWF will help conserve water. Protection of riparian habitats are beneficial to flood control and storage capacity. | 5 | IA | I-034 R6<br>I-003 R6<br>(3)M5-R4 |
| W2 | CHD may interfere with the Rio Grande Compact. Designation could impact river channels and the intent to keep water free flowing from San Luis Valley to El Paso, Texas, inhibit obligations as required by the Compact, and encur litigations from downstream states should requirements not be fulfilled. CH may subject states to financial liability as well as loss of water supply for water right holders. | 1 | IA | G-012R3 |
| W3 | Lake Isabella Dam was finished in 1955 as a flood control project to prevent flooding and maintain a dependable water source for farmers and residences in and around Bakersfield. The city and surrounding area depend on water from the lake and Kern River. The Kern River merchants and services depend on visitors from out of the valley to buy and use their services, water in the lake is what draws outside people to the valley. The dam should be used for intended purpose of flood control, recreation, and dependable water source. | 2 | ALT | I-031 R5<br>M5-R4 |
| W4 | Lake Isabella Dam can not be used for flood control because by law it cannot be filled more than 1/2 capacity because it may flood out a SWWF nest. | 1 | ALT | M5-R4 |
| W5 | When Lake Isabella water levels are low a dangerous condition may exist because of rocks and trees sticking out of the water and just below the surface. This poses a hazard to boats and people. The Lake is shallow and does not store as much water as people think. | 1 | IA | I-031 R5 |
| W6 | New Mexico and the southwest is under a drought and has seen a drop in lake and stream levels. I am concerned that a SWWF CHD may affect water managers abilities to rebuild water storage in lakes and dams. The ability to hold water and cover land not currently covered by water will seriously impact NM's ability to deliver water not only to agricultural producers, but to meet court ordered mandated water compacts with other states. CHD should not further harm New Mexicans and others dependent upon storage at dams and lakes within the state. | 3 | ALT | O-005 R2<br>O-006 R2<br>O-007 R2 |
| W7 | Recovery Plan extrapolates general information about reservoir, dam, and river flow operations. This information needs to be site specific and include site specific analysis. If not this is arbitrary and capricious. | 1 | ALT | I-013 R5 |

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| W8 | CHD in Lake Isabella Res. And South Fork of Kern River opposed due to the following:<br>- districts are dependent upon urban water supplies, groundwater storage, water replenishment, and irrigation that could be decreased from CHD.<br>- water supply projects have already been developed based on the continued availability of water to the region, which could be limited by CHD.<br>- water rights exist and must be protected/maintained as per the Issabella Reservoir Agreement.<br>Agricultural water demands require stored runoff during drought years, which could be limited from CHD. | 1 | ALT / IA | G-019 R5 |
| W9 | Numerous public and urban water agencies have developed extensive water supply projects predicated on the continued availability of Kern River water to the region. Without the unrestricted use of the full water supply at Isabella Res, the continued production of valuable agricultural crops **will suffer.....missing this page** | 1 | IA | G-019 R5 |
| W10 | The numerous districts identified in this comment letter are either successors in interest to the historic water rights of Kern River as allocated in the 1888 Miller-Haggin Agreement, or have secondary rights derived from contracts with the City of Bakersfield. Many may have storage rights provided by the Oct. 23, 1964, Isabella Reservoir storage agreement entitled "Contract Among the United Sates of America and North Kern Water Storage District, Buena Vista Water Storage District." | 1 | ALT | G-019 R5 |
| W11 | In the Isabella Reservoir Agreement, conservation storage and irrigation was recognized a Congressionally authorized purpose. The agreement says "the Districts shall have and are granted the perpetual right to the exclusive irrigation use of the storage capacity of the Project." How will CHD satify both mandates for water. | 1 | ALT | G-019 R5 |
| W12 | Eighty percent (80%) of Arizona's water resources are allocated for use by the cattle industry, while 20% are allocated for municipal & industrial uses. Accordingly, water "shortages" are an easily subsidized misallocation. | 1 | OOS | O-014R1 |
| W13 | The South Fork of the Kern River is one of the places where riparian habitat has increased substantially over the past 20 years as documented by Jones and Stokes and digital photography from 1947, 1954, 1981, and 1997. Given that current operations at Isabella Res. have actually increased habitat, there is no reason to alter these operations. In fact, restricting periodic inundation of upper portions of the lake is likely to cause significant adverse affects on developing vegetation supporting the SWWF. | 1 | IA | G-019 R5 |

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| W14 | There is no water under the trees at Lake Isabella because of the water use from the area and downstream demands. It may take 7 years to fill up the lake to capacity as required by law. I am told by the Bakersfield Planning Department that 50,000 new homes with supporting businesses are expected in the next few years and water will be in much more demand than it is now. Because of no water under the trees, there are no SWWF in the Kern River Valley and the Valley should be removed from the list of areas designated as SWWF habitat. | 1 | ALT | I-031 R5 |
| W15 | Water resources should be protected and shared by all users. Habitats are important to the SWWF and to those who value healthy environments and want to keep them from disappearing. Aesthetic values need to be considered. | 2 | IA | I-072 R8<br>R1-M1 |
| W16 | Designating CH for the SWWF in Salt, Colorado, and Verde river watersheds can have adverse affects on Chandler's water supply and the residents it serves. We share SRPs concerns and support their methodology for CHD. Evaluate and consider alternatives that minimize impact on citizens of the southwest. | 1 | IA | G-005R1 |
| W17 | The loss of flexibility that will occur to manage water resources and its corresponding impact on water banking and flood control efforts needs evaluation. | 1 | IA | 0-011R5 |
| W18 | Elephant Butte Reservoir stores water for irrigated agriculture in southern NM and for both agricultural and municipal purposes in the EL Paso area. The reservoir is essential for international delivery to Mexico by treaties. Accordingly, Mexico is annually entitled to 60,000 acre feet delivered to headgate of the Acequia Madre, Mexico. | 1 | ALT | O-016R2 |
| W19 | Identify and evaluate alternatives that include any potential impacts to Phoenix's source waters, including the Salt, Verde and Lower Colorado Rivers. | 1 | ALT | G-006R1 |
| W20 | Re-regulation of flood flows and dams should be used to restore quality deciduous riparian habitat. | 1 | OOS | O-014R1 |
| W21 | Review scientific studies and affects pertaining to inudation and dam/reservoir operations along water projects and courses. | 2 | IA | G-006R1<br>O-017R1 |
| W22 | Degradation of the quality of surface and subsurface water supplies needs to be addressed. Floodway Maintenance needs of the South Fork of the Kern River. The potential exists for extensive flood damage to private property as well as County maintained bridge crossing the South Fork on Sierra Way due to sediment buildup, dense vegetation and debris on the Fork. FEMA administers regulation prohibiting encroachments within floodway that compromises flood-carrying abilities. CHD may affect FEMA, NRCS, and Kern County efforts to remove vegetation and sediment necessary to restore channel capacity. The inability to undertake normal maintenance could cause the river to divert of flood other area as well as destroy riparian habitat occupied by the SWWF. | 1 | IA | G-014R5 |

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| W23 | Designation of critical habitat can have adverse affects (socioeconomic) on municipal water supplies, on COE water projects (dams and reservoirs), maintenance projects, and other human dependent water projects. CHD should include analysis of affects to:<br>1) water delivery to farmers and ranchers,<br>2) power generation and flood control,<br>3) Water banking and public health and safety,<br>4) flood control relating to public health and safety,<br>5) water recreation,<br>6) complete analysis for potential changes to water delivery and operations,<br>7) high lake levels and operations,<br>8) floodway maintenance, and<br>9) storage capacity, groundwater pumping, costs, subsidence, dollar loss to users as related to groundwater pumping. | 1 | IA | G-021R6 |
| W24 | Eighty-five percent (85%) of all lands within the Tempe water service area have rights to use water stored at Roosevelt Dam and other Salt River Project reservoirs on the Salt and Verde Rivers. I am concerned about potential areas for inclusion, which may affect the operations of several reservoirs within the Salt River Project system. The socioeconomic analysis of CHD must include impacts to water supplies of cities and Indian communities. Adverse effects include changes in operations and water deliveries. | 1 | IA | G-007R1 |
| W25 | The Western Urban Water Coalition and its constituents whom draw their municipal water supply from dams and related facilities within the range of the SWWF. These entities would have their supply activities significantly curtailed and costs significantly increased if the activities in the draft plan were implemented. The WUWC supports appropriate measures to achieve recovery, including appropriately defined CH. Important to undertake a through and balanced examination under Section 4. | 1 | IA | O-002R8 |
| W26 | The following requirements can have a significant impact on utilities:<br>limiting reservoirs capacity<br>requiring spillage of otherwise stored and utilized water<br>restricting access to facilities and water sources<br>requiring the purchase of replacement water at higher cost<br>disrupt established water rights and contracts | 1 | IA | O-002R8 |
| W27 | Recognize how drought, cyclic natural variation can influence "potential" or CH | 1 | ALT | M2 - R2 |

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| W28 | Concern about economic impacts and other impacts on water rights, diversions, and compacts and administration and litigation, by state. | 6 | ALT | M2-R2<br>(4)M4-R3<br>M4-R3<br>M8-R6 |
| W29 | Silt should be dredged/managed | 1 | IA | M6 - R5 |
| W30 | What will happen if dam is eliminated? | 1 | IA | M6 - R5 |
| W31 | River critical to operations at camp (production wells, sewage) | 1 | IA | M8 - R6 |
| W32 | On the computer it shows where they took underground pipe out and allowed the water to run above ground and create wetland areas | 1 | OOS | M6 - R5 |
| W33 | Impacts on Lower Colorado River | 1 | IA | M1 - R1 |
| W34 | Effect on dam and water operations – delivery of water, drought management, ACOE operations, lake level effects on habitat, agriculture, tourism, economy. | 14 | ALT | M1-R1<br>(3)M3-R2<br>(10)M6-R5 |
| W35 | Tribes concerned about water rights – some are more concerned about deliverance of water than CHD | 1 | IA | M3- R2 |
| W36 | Ex. conflict with water users (Roosevelt Lake, Elephant Butte) – how will potential conflicts be dealt with. | 2 | ALT | (2)M3- R2 |
| W37 | What will happen to the lower river if lake level drops? South end? N.F.? | 1 | IA | M6 - R5 |
| W38 | Lake level doesn't have to do with designation – CHD has no impact on lake level | 1 | ALT | M6 - R5 |
| W39 | Downstream affects water rights | 3 | IA | (3)M6 - R5 |
| W40 | How will the two EIS be compatible, like to consider the water EIS | 1 | ALT | M3- R2 |
| W41 | Why was lake level affected by 97-01 CHD; will it happen again? | 1 | IA | M6 - R5 |
| W42 | Based on past conditions of drought, it is readily acknowledged that a loss in supply in water can lead to hundreds of millions in dollars in reduced crop production and a like amount in increased operation costs not including the economic cost of the lost supply. (See, "Economic Impacts of 1991 Drought on Kern County Agriculture", Northwest Economics I Associates (1991) and "The Economics of Potential Restrictions to Irrigation Storage in Isabella Reservoir" Northwest Economics Associates (1993).) | 1 | ALT | G-019 R5 |

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| W43 | Section 4(b)(2) if the ESA requires the Service to consider economic and any other relevant impacts of designating a particular area as critical habitat. Also, the Service may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of designating such areas as critical habitat. Based on the above information, it is clear that the benefits of excluding flood control facilities especially the existing Santa Ana River Channel and Levees from the SWF Critical Habitat far outweigh any benefits of including them in the proposed rule. If the existing Santa Ana River Channel and Levees are not clearly excluded from the proposed Critical Habitat, the propsed rule, the NEPA document and the economic analysis will need to address the effect, including potential porhibitions, deloays, increased regulatory oversight and its associated costs, that the propsed Critical Habitat designation could have on the operation, maintenance and restoration (emergency or otherwise) of the channel and levees system. | 1 | ALT | G-018 RG |

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| WF1 | Concerned with the RP as it conflicts with the RP of Rio Grande silvery minnow. One calls for eradication of salt cedar and the other protects this cedar at certain heights and densities. One of the problems with ESA is it is species specific and does not account for the entire ecosystem. This in turns conflicts with other species recovery. | 4 | IA | O-005R2<br>O-006R2<br>O-007R2<br>M3-R2 |
| WF2 | Funding has been approved for on-going SWWF survey in the San Luis Valley in 2004. Priority needs are to:<br>1) continue to document populations in Alamosa NWR and Rio Grande SWA<br>2) investigate other SWAs which have suitable habitat that maybe used more if drought conditions change<br>3) further investigate presence/absence at RGNF and BLM Saguache sites to document northern distribution in the Valley and in higher elevation sites<br>Continuing genetics studies will also collect samples to better understand distribution and interaction between *extimus* and *adastis* subspecies in Colorado. | 1 | OOS | G-002R3 |
| WF3 | Prior to 1955, there were no SWWF in the Kern Valley because the dam, associated riparian vegetation did not exist. | 2 | ALT | I-031 R5 |
| WF4 | Increased runoff may result in flooding along the lower Kern adversely impacting endangered species like the San Joaquin Kit Fox and Tipton Kangaroo Rat and their habitats. | 1 | IA | G-014R5 |
| WF5 | Threatened and endangered species, Sensitive species, and specific area species, and; diversity. | 6 | ALT | M3-R2<br>M6-R5<br>M7-R6<br>(3)M2-R2 |
| WF6 | Concerns about subspecies occurrence here, boundary, why, etc. What are the characteristics and song of subspecies? | 2 | ALT | (2)M4 - R3 |
| WF7 | Steel head fish passage and listing. | 2 | IA | M7-R6<br>M8-R6 |
| WF8 | Fish and wildlife populations | 1 | IA | M6 - R5 |
| WF9 | What about those little Crippled birds | 1 | IA | M6 - R5 |
| WF10 | Effect on Spotted Owl designation | 1 | ALT | M3- R2 |
| WF11 | Concern for other bird species (and mammals, herps, etc.) that utilize habitat with Tammarisk, not just the SWWF | 1 | ALT | M3- R2 |

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| WF12 | Impacts to aquatic mammal control, beavers, etc. | 2 | IA | (1)M4-R3<br>(1)M8-R6 |
| WF13 | Species need to be protected – specifically indicator species | 1 | PN | M2 - R2 |
| WF14 | Level of lake for fish/game | 1 | IA | M6 - R5 |
| WF15 | Roosevelt HCP will work with two other endangered fish upstream. | 1 | ALT | G-004 R1 |
| WF16 | Fishermen, tourists, nature lovers, wildlife watchers-just plain citizens all sugger when streams are degraded, silted and algae-laden. No fishery resource can thrive in the arid Southwest when the water is overheated from sun due to lack of stream canopy. No fishery can benefit when cattle urine and feces accumulate and cause eutrophication in those hot, un-shaded, algal-blooming, stream bank-eroded (by cattle hooves etc.) watercourses. | 1 | IA | O-014 R1 |
| WF17 | Bald Eagles and other threatened and unique fish and wildlife suffer as a result. Bald eagles prefer trees to hot cliffs for nest sites in the arid Southwest. But when the trees have been destroyed by cattle and their food supply has also been destroyed by cattle, they are no longer able to thrive. The public may not be able to make field identification of WIFOS, but they enjoy the thrilling sight of a Bald Eagle, as well as the other birds, mammals, fish and vegetation associated with those dynamic, productive desert rivers here in the Southwest. THey are encouraged to know the WIFOS, the Western Yellow-billed Cuckoos and other threatened riparian species can survive there. | 1 | IA | O-014 R1 |
| WF18 | Retirement of public lands ranching would save taxpayers money as well as riparian habitats. The recently introduced legislation of US Rep, Raul Grijalva et. Al. allowing voluntary buyout of public lands permittees would save taxpayers the expense of public lands management costs and subsidy payments. More importantly, it would aid and restore our rivers here in the Southwest. THese fragile riparian environments provide habitat for 90% of this state's wildlife at some time in their life cycles. | 1 | ALT | O-014 R1 |
| WF19 | To compound this attack upon our riparian habitats, consider that all federal public land grazing (BLM, USFS, at below-market AUM's) in the eleven western states produces only 2% of the nation's cattle forage and livestock | 1 | OOS | O-014 R1 |