

Congress of the United States
Washington, DC 20515

June 19, 2013

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife Service
Main Interior
1849 C Street NW, Room 3331
Washington, DC 20240-0001

Re: Request for 90 day extension of comment period

Dear Director Ashe:

We write regarding the U.S. Fish and Wildlife Service's proposal to list the Sierra Nevada yellow-legged frog and the northern distinct population segment of the mountain yellow-legged frog as endangered species, the Yosemite toad as a threatened species, and designate critical habitat of these species. We request you extend the comment period by no less than 90 days to ensure that public input is maximized and the effects of this proposal are fully understood.

These listings and the associated critical habitat will impact over two million acres of private, state, and federal land. Critical habitat designations will likely cause severe restrictions on land access and could limit or forbid activities such as grazing, trout stocking, logging, mining, and recreational use resulting in a devastating impact on the local economy.

Because of the far-reaching and damaging effects these listings and critical habitat would have on local economies and communities, it is imperative that you allow for maximum public input before taking further steps forward. The proposed rules include 100 pages of Federal Register detailing more than a decade of legal issues, previous federal actions, dozens of scientific studies, and recent research culminating in these proposals.

There were only 41 business days from the time the proposed rules were published in the Federal Register to the June 24 comment deadline. It strains credulity that local communities could become aware of the proposals, research the voluminous issues presented, understand the impact on the jurisdiction, and formulate responsible feedback.

We have also received reports that Fish and Wildlife staff are refusing to meet with localities to explain this proposed listing. FWS's own guidance on endangered status notes that comments "merely" stating support or opposition will not be considered, and that the decision is to be made "solely on the basis of the best scientific and commercial data available."

It is extremely difficult for local agencies without professional scientific staff to provide constructive comment in the short amount of time they were given. If the Service does not have

the time or resources to brief the public, it isn't fair to expect meaningful public comments without extending the time frame.

Furthermore, the necessity and effectiveness of these listings remain unclear, because the Service seems to underestimate the adequacy of at least two already-existing protections. First, a "large number" of mountain yellow-legged frog locations within wilderness areas is already afforded habitat protection via the Wilderness Act. Second, Fish and Wildlife also seems to be discounting the protections afforded to the mountain yellow-legged frog under the California Endangered Species Act.

Instead of rushing to list these species and designate new critical habitat, we ask the Service to carefully evaluate the protections these species receive under existing law while affording local communities the necessary time to properly examine and comment on this proposal.

We appreciate your consideration of our request and look forward to hearing from you.

Sincerely,



Kevin M^c Carruth



Dennis Nunn

