



File Code: 1570

Date: **AUG 01** 2016

Lisa T. Belenky, Senior Attorney
Jennifer L. Loda, Reptile and Amphibian Staff Attorney
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612

Dear Ms. Belenky and Ms. Loda:

This letter is in response to your June 8, 2016 60 Day Notice of Intent to Sue (“NOI”) regarding the Endangered Sierra Nevada yellow-legged frog and the Threatened Yosemite toad and grazing management on six allotments located on the Humboldt-Toiyabe National Forest (“Forest”). The allotments challenged in the NOI are: (1) the Dumont (Silver King Unit), (2) Piute, (3) Poison Creek, (4) Sardine, (5) Silver Creek, and (6) Silver King allotments.

In 2014, the Sierra Nevada yellow-legged frog (“frog”) was listed as endangered and the Yosemite toad (“toad”) was listed as threatened under the ESA. Critical habitat for both species was proposed in 2013 and is expected to be finalized in 2016. The NOI alleges that the Forest Service has failed to meet its obligations under the Endangered Species Act (“ESA”) by authorizing livestock grazing on six allotments without consultation with the US Fish and Wildlife Service in violation of section 7(a)(2) and Section 7(d). Further, the NOI alleges that if grazing is allowed to continue in areas occupied by the frog or toad “take” may occur in violation of Section 9 of the ESA.

The Center for Biological Diversity (“CBD”) requests that the Forest Service withdraw or suspend grazing authorizations for the 2016 grazing season until consultation is completed. My staff and I have reviewed the information contained in the NOI. The following addresses the stated concerns.

The Silver King allotment was closed to grazing in 2012, in accordance with the East Alpine Rangeland Project decision. Livestock grazing is not authorized in this area and therefore consultation under Endangered Species Act (ESA) is not needed. For the other five allotments the Forest Service has been engaged in informal consultation with the USFWS since 2015 and expects to complete formal consultation prior to the 2017 grazing season.

For the 2016 grazing season, grazing management for the Dumont (Silver King Unit), Poison Creek, and Silver Creek allotments has been adjusted to ensure that no irreversible or irretrievable commitment of resources will occur foreclosing the formulation or implementation of any reasonable and prudent alternatives. This determination has been documented consistent with Section 7(d) of the ESA. These Section 7(d) determinations will be in effect until consultation is completed with the USFWS. For the 2016 grazing season, livestock will not be authorized to graze the Piute and Sardine allotments.



The above grazing management is consistent with the ESA and addresses the concerns raised in the June 8, 2016 NOI. If you have any questions, please contact Bridgeport District Ranger Jeremy Marshall at (760) 932-5801 or jmarshall02@fs.fed.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W.A. Dunkelberger', with a long horizontal flourish extending to the right.

WILLIAM A. DUNKELBERGER
Forest Supervisor

cc: Nora Rasure; Irene Davidson; Jeremy Marshall