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Forest Plan Revision Team
Salmon-Challis National Forest
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Re: Salmon-Challis National Forest Potential Species of Conservation Concern Comments, Submitted electronically

Dear Ms. Rasure and the Salmon-Challis National Forest Plan Revision Team:

Thank you for the opportunity to provide our feedback on the Salmon-Challis National Forest's process for identifying Species of Conservation Concern (SCC) and the species the Forest has so identified. Taking a rigorous approach to this step in the plan revision process is crucial for helping to ensure the persistence of imperiled species not listed under the Endangered Species. While we disagree with some of the species not retained on this potential SCC list, we appreciate that the Regional Forester, in cooperation with the Forest, has considered recognized science and other authoritative information to identify SCC. We ask that you consider these comments as you continue the process of identifying SCC.

Sincerely,

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Defenders of Wildlife
Salmon-Challis National Forest Potential Species of Conservation Concern Comments

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We appreciate the Regional Forester and the Salmon-Challis National Forest (SCNF) conducting a relatively rigorous review of potential Species of Conservation Concern (SCC) that includes the use of science, where available, and documentation of information used to make determinations, for most cases. However, we have some concerns about how the Forest Service has applied guidance from the planning rule and directives to exclude species from further consideration. We believe that species have not been retained that deserve to be identified as SCC. Best available scientific information (BASI) indicates that there is a substantial concern about the ability of these species to persist in the plan area. We request that the agency review the following points and reconsider the species listed under these sections for retention as potential SCC.

Determinations of occurrence on the Forest

Transient or accidental species

The guidance for SCC is clear that species may only be excluded from SCC consideration if they are "accidental" or "transient," or are "well outside the species' existing range" (FSH 1909.12, Ch. 10, 12.52c(1)). A species' range includes all areas where it regularly occurs even where that is seasonal or migratory use. The directives also acknowledge that a species range may include places where any of these uses are "becoming established" (FSH 1909.12, Ch. 10, 12.52c). In the context of the planning rule's acknowledgement of the need to plan for climate change this should be understood to include species predicted to occur in the plan area in the same "long-term" timeframe encompassed by the definition of SCC. If habitat exists (or is expected to exist) for the species, lack of recent (or any) documented occurrences should not *by itself* justify not identifying that species as a SCC.

Under 36 C.F.R. 219.9(b)(2) of the planning rule, "being migratory" is not a justifiable basis for not considering a species as an SCC or for removing a species from consideration. A migratory species can meet the criteria for SCC status even if it is later determined that it is "beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population" of that species in the plan area (36 C.F.R. 219.9(b)(2)).[1] In such cases, the Forest Service is obligated to, "[i]nclude plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to *contribute* to maintaining a viable population of the species within its range" (219.9(b)(2)(ii), emphasis added).

The Forest Service may have improperly failed to retain the following species that fall within this category.

[1] This is supported by the directives (FSH 1909.12, Ch. 20, 23.13c(2)(c), 23.13c(3), and 23.13c(4)).

- Harlequin Duck.
- Idaho Point-headed Grasshopper
- Bufflehead

Use of occurrence records

Excluding all species that have not been sighted on a forest after a fixed time period would be arbitrary. And the SCNF is apparently using 1990 as that arbitrary time threshold, before which observation do not count as occurrences (see SCNF SCC Recommendation for the Sagebrush Spur-throat Grasshopper[2]). Any rejection of past occurrences records as being "too old" must consider and discuss the biology of the species and reasons why it would no longer be present or incapable of reoccurring. The extent of subsequent surveys should also be documented, and "failure to look" should not be a basis for finding subsequent absence. Reliability and certainty of occurrence records is relevant, and should be addressed as questions of BASI.[3] Some species that fall within this category include the following.

- Idaho Point-headed Grasshopper
- Sagebrush Spur-throat Grasshopper
- Northern Golden-carpet
- Stanley's Whitlow Grass
- A mayfly (*Paraleptophlebia vaciva*)
- Ashy Pebblesnail
- White Eatonella

Determinations of substantial concern about persistence in the plan area

"Concern" is not an independent determination by the regional forester. It is a determination by the regional forester that there is concern by scientific experts about persistence, and the determination cannot be arbitrary. This is indicated by the various classifications specified in the directives, as noted above, of species that must be considered as potential SCC, and requires consideration of how those "concerns" relate to the future status of the species in the plan area. The planning rule does not direct the regional forester to subjectively determine his or her own level of concern. The question to be addressed is whether the available scientific information indicates that a substantial risk to long-term persistence in the plan area exists. This is a scientific determination to be discerned from BASI (to the extent that it suggests otherwise, "concern" is an inapt choice of words).

[2] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578718.pdf.

[3] Note that the obligation to contribute to recovery of listed species may apply to areas where a species that once occurred in the area does not presently occur. Because forest plans play a role in preventing the listing of SCC as threatened or endangered, forests should err on the side of including species on the SCC list that were formerly present.

Use and documentation of best available scientific information

According to Planning Handbook §12.52b(3) and (4), the regional forester must document the BASI used in identifying SCC. According to Planning Handbook §07.15, "citations should be one of the principal methods to show how the BASI was applied to the issues being considered." Information on potential SCC is likely to be gathered by each national forest, and the information they provide to the regional forester could be summarized and abbreviated and without supporting documentation or references. That would not allow the regional forester to comply with the requirement to determine that the "best available scientific information indicates substantial concern." The actual documents provided to the regional forester prior to identifying final SCC must be referenced and available for public review.

Moreover, relying solely on forest-produced data may lead to arbitrary differences in SCC results among national forests with the same species (See Appendix 1). Since most at-risk species are not found on a single forest a regional forester should review the range-wide status of the species, and ask the forests to address persistence in the plan area in that context (as well as adding species of local concern, Planning Handbook §1252d(3)(f)). It should be rare for differences in the SCC identification to occur among forests where vulnerable species are known to occur, and thorough documentation of such situations by a regional forester is warranted.

If a species is considered for selection as a potential SCC it is because there is at least one source of information that suggests a possible risk to persistence. Therefore, for each species considered and rejected, there should be at least one additional source of information referenced that indicates no substantial risk, and the regional forester must document "what information is most accurate, reliable and relevant" to the SCC determination in accordance with 36 CFR §219.3. This does not preclude staff professional judgment, but that must be referenced and discussed in the same manner as other sources. Some species that fall within this category include the following.

- Idaho Range Lichen
- A caddisfly (*Sericostriata surdickae*)

Broad-scale vs. state and local substantial concern about persistence

In several cases, the Forest Service eliminated from further consideration species based only on information about the species in the plan area without explaining why such a justification could be made in light of documented broader-scale concerns. Such justifications were based on, for example, favorable status or trend in the plan area of populations or habitat. The directives make an important distinction between species of broader-scale concern and those where there is local conservation concern. All but one of the categories in the directives address the former by encompassing concerns expressed by NatureServe or government agencies about viability of the species at a broader scale than the plan area. The overall approach is to cast a wide net so that the regional forester can consider species where concern about persistence is indicated for either or both of these reasons. Local

conditions in a plan area are relevant at the SCC identification stage as a basis for including additional species for which there might not be broader concern; not as a sole basis for rejecting species for which there is a broader concern.

Handbook §12.52d(2)(a) states that, "Species with NatureServe G/T1 or G/T2 status ranks are expected to be included as SCC unless it can be demonstrated and documented that known threats for these species, such as those threats listed for the species by NatureServe, are not currently present or relevant in the plan area." In addition, §12.52(f)(1) recognizes that SCC identification may be warranted by "stressors on and off the plan area." When any source of SCC information suggests that a species is vulnerable in an area that includes the plan area, it is incumbent on the regional forester to "determine what information is the most accurate, reliable, and relevant to" the persistence of the species in the plan area, in accordance with 36 CFR §219.3 and use that to demonstrate that the factors outside of the plan area are not relevant to populations in the plan area, and that there is not substantial concern for their persistence in the plan area. The greater the risk described by a source, the greater the need for countering it with better science to support a decision to not recognize a SCC. As an example, a species with NatureServe ranks of "vulnerable" (G3/S3) would require less than those with a "very high risk of extinction." The directives also include two criteria for not identifying SCC in FSH 1909.12, Ch. 10, 12.52b(4). None of these criteria for excluding species suggest that conditions in the plan area alone would be sufficient to exclude species already determined to have broader scale persistence concerns. The following species may have been removed from consideration due to this kind of misinterpretation of the directives.

- Peregrine Falcon
- Common Loon
- Long-billed Curlew
- American Three-toed Woodpecker
- Whiteworm Lichen
- Bighorn Sheep
- Mt. Shasta Sedge
- Blandow's Helodium (or Blandow's Bog Moss)
- White Spruce
- Mountain Goat
- Sage thrasher
- White Sturgeon
- Rocky Mountain Tailed Frog
- Columbia Spotted Frog
- Northern Goshawk
- Olive-sided Flycatcher
- Black-backed Woodpecker
- Brewer's Sparrow

- Westslope Cutthroat Trout
- Gray Wolf
- Spotted Bat
- Blue Mountain Catchfly

Failure to retain Regional Forester Sensitive Species

The SCNF has failed to retain as SCC the following Regional Forester Sensitive Species (RFSS) that occur in the Salmon-Challis. An RFSS designation indicates a substantial concern about the ability for sensitive species to persist. A prior RFSS determination by the Forest Service creates an obligation for the Forest Service to refute the scientific arguments upon which the regional forester based the original decision. The Forest Service provided an insufficient justification for removing the following RFSS from further consideration as SCC. Species were classified as sensitive because "population viability is a concern" (FSM 2670.5). In the Preamble to the planning rule, the Forest Service has stated that SCC are similar to existing RFSS because population viability is a concern in each case (p. 21216).

For the Forest Service to change its conclusion about the risk to these species requires a justification that explains the changes in the science since the species was found to be sensitive, and how the current BASI counters the original rationale for sensitive species designation, and demonstrates that the sensitive species does not meet the criteria for including as SCC.

- Peregrine Falcon
- Common Loon
- American Three-toed Woodpecker
- Bighorn Sheep
- Columbia Spotted Frog
- Northern Goshawk
- Flammulated Owl
- Great Gray Owl
- Westslope Cutthroat Trout
- Gillette's Checkerspot
- Gray Wolf
- Spotted Bat

Sufficiency of information for identifying SCC

In several cases, the Forest Service rejected species due to a lack of evidence or information about persistence risk on the SCNF. It is not necessary to have complete information about a species' status on the Forest. Insufficient scientific information about likelihood of persistence in the plan area may be a reason to exclude species, but that is a difficult case to make where there is sufficient information

to determine that that same species is of broader scale concern.

Planning Handbook §12.52c states: "If there is insufficient scientific information available to conclude there is a substantial concern about a species' capability to persist in the plan area over the long-term that species cannot be identified as a species of conservation concern." This ignores the fact that, for each species that is "considered," it is because there is some information that indicates that a species may not be able to persist in the plan area. If that information is sufficient for a credible source to identify risk of persistence of the species in an area that includes the plan area, then the Forest Service must explain why it is not relevant to the plan area or why it is not sufficient information to find substantial concern for species in the plan area.

Information from authoritative sources including NatureServe rankings, Idaho's Species of Greatest Conservation Need list, or the Regional Forester Sensitive Species list, for example, provide indices of viability, at least at the broader scale. When such authoritative sources indicate a substantial concern about a species' viability, that information should be sufficient to retain the species as an SCC. We also believe species considered vulnerable at the state level (S3) by NatureServe should be considered for inclusion. While we recognize that the directives do not explicitly reference them as species to consider when identifying potential SCC, the vulnerable ranking is a science-based finding that those species are in fact of viability concern within the plan area. The Forest Service should accept this type of information as the BASI. The following species may have been inappropriately rejected based on the insufficient information rationale.

- Sagebrush Spur-throat Grasshopper
- White Sturgeon

<u>Use of population trend data that does not indicate persistence</u>

The Forest Service uses species population trend data from sources such as Sauer (2015) and NatureServe and seems to be removing from SCC consideration species for which population trends may be showing stability. Yet, a stable or positive population trend does not necessarily equate to population security; a positively trending population can still be depressed and at-risk. Species with vulnerable, imperiled, or critically imperiled ranks from NatureServe, species that are considered SGCN by the State of Idaho, Regional Forester Sensitive Species, and species for which other authoritative and local sources indicate significant concern all warrant concerns over persistence. The planning directives state that species with low population numbers should be considered for SCC status (FSH 1909.12, Ch. 10, 12.52d(3)). The following species may have been prematurely removed from further consideration based on this rationale.

- Peregrine Falcon
- Common Loon

- Bighorn Sheep
- Brewer's Sparrow

NatureServe S3 rank

While Planning Handbook §12.52d does not include this as a category that should be considered, it represents a scientific conclusion that the species is "vulnerable" in an area that includes the plan area. It would be arbitrary to exclude a species with this rank for the reason that its rank is "only" S3. Scientific information indicating vulnerability does not demonstrate a lack of concern about persistence, but in fact demonstrates that there is a concern. In addition, it would be arbitrary to not consider further whether that information indicates substantial concern about the species' persistence in the plan area.

- Sage thrasher
- Olive-sided Flycatcher
- Lewis's Woodpecker
- Flammulated Owl
- Great Gray Owl
- Blue Mountain Catchfly
- Bitterroot Milkvetch

Current or potential management of the Forest

This is not one of the Planning Handbook criteria in §12.52c for excluding SCC. Identification of SCC must be based on current conditions and potential threats; how these conditions and threats are addressed by management may change through the development of plan components during the planning process. (Considering or describing a plan area's "distinctive role and contribution" for a species is not a substitute for SCC if the species meets the criteria for SCC.) The June 16, 2016, letter from Deputy Chief Weldon to regional foresters states: "Species should not be eliminated from inclusion as SCC based upon existing plan standards or guidelines, proposed plan components under a new plan, or threats to persistence beyond the authority of the Agency or not within the capability of the plan area, such as climate change."

Current or potential management of the plan area was inappropriately considered by the SCNF as a factor for excluding SCC (even though that management could be changed by plan revision). The identification of SCC is not dependent on management of the Forest because, by regulation, management depends on which species are identified as SCC and the ecological conditions that they require.

It is important that the evaluation of threats to potential SCC is not limited to only those threats present in the plan area, but includes threats from outside of the plan area that are relevant because they affect

species in the plan area. Additionally, the reliance on protections for threatened and endangered species to justify not retaining a species for SCC consideration is not supported by the planning rule or directives. A listed species' status could change during the life of the plan. This rationale apparently applies to the following.

- Long-billed Curlew
- Northern Goshawk

Comments on species considered but not recommended for SCC identification

Harlequin Duck

The SCNF SCC Recommendation[4] for the species claims that there is suspected breeding on the Forest, the species has been observed on the Forest during breeding season, breeding pairs have been observed on the Forest, and both Birds of North America and NatureServe show the species' breeding range overlaps the Forest (Robertson and Goudie 1999; NatureServe 2017, *Histrionicus histrionicus*). The Forest's justification does not make the case that the species is a transient of vagrant.

Idaho Point-headed Grasshopper

The SCNF SCC Recommendation for the species noted occurrences on the Forest (p. 2) despite claiming the species does not occur on the Forest (p. 1).[5]

Sagebrush Spur-throat Grasshopper

The SCNF SCC Recommendation for the species noted occurrences on the Forest (p. 3) despite claiming the species does not occur on the Forest (p. 1).

Northern Golden-carpet

The SCNF did not provide sufficient evidence that the species does not occur in the Forest. It is a Regional Forester Sensitive Species on the Forest. The SCNF's draft Wild and Scenic River Eligibility Study and Report from October 2017 (p. 3-50) indicates that the species does occur in the Forest, referencing the Idaho Department of Fish and Game.

Stanley's Whitlow Grass

The SCNF SCC Recommendation (p. 1) states, "This species is not known to occur on the Salmon–Challis

[4] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578705.pdf.
[5] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578683.pdf.

National Forest. However, after careful review of available information, evidence suggests that populations of the species may be located in suitable habitat with further surveys and assessments." It is not clear what this means, and the Forest has not documented the information used to make the occurrence determination.

Idaho Range Lichen

The SCNF provided no documentation in its SCNF SCC Recommendation[6] of surveys or other information used to make the determination the species does not occur in the Forest. The species is known to Lemhi County, which overlaps the Forest.

A caddisfly (*Sericostriata surdickae*)

The SCNF SCC Recommendation[7] indicates no abundance data exist for this species on the Forest. Yet the Recommendation states, "Based on existing information, *S. surdickae* abundance and distribution across the Forest is probably adequate to ensure that persistence on the Forest is not threatened by demographic stochasticity and environmental variation" (p. 12). The SCNF makes its determination based on the species' distribution across the Forest in its Recommendation (p. 17), but distribution alone, is not a reliable indicator of viability.

Peregrine Falcon

The NatureServe rank for the Peregrine Falcon is S2B (NatureServe 2018, *Falco peregrinus*) for Idaho not S3B as the SCNF SCC Recommendation states.[8]

Long-billed Curlew

The SCNF's justification for not retaining the species as a SCC reads like a rationale for including the bird on the list. The recommendation (p. 21) states, "The long-billed curlew has experienced historic population declines in North America" … "local population declines and range contractions have been documented on western breeding grounds, including southern Idaho" … "Today the species is ranked as imperiled in Idaho. Curlews are broadly distributed outside the Forest, but limited occurrence data suggest that the species is likely rare on the Forest as is its habitat." Given this status description, the Long-billed Curlew must be identified as a SCC. The SCNF SCC recommendation (p. 21) states, "Thus, although rare on the Salmon-Challis due to limited habitat, the Forest provides relatively undisturbed habitat for the species and there is not substantial concern for the capability of the long-billed curlew to persist over the long-term on the Salmon-Challis. "Undisturbed habitat" is not a legitimate justification

[6] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578851.pdf.
[7] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578647.pdf.
[8] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578701.pdf.

for not retaining the Long-billed Curlew as a SCC.

American Three-toed Woodpecker

The NatureServe rank for is S2 (NatureServe 2018, *Picoides dorsalis*) for Idaho not S4, as the SCNF SCC Recommendation notes.[9] The SCNF SCC Recommendation states, "Abundance is likely low both on and outside of SCNF …," and acknowledges that fire suppression, logging, and climate change are threats on the Forest, which are reasons for identifying the species as a SCC.

Whiteworm Lichen

The SCNF SCC Recommendation for the species[10] states (p. 15), "Whiteworm lichen has a wide range in the northern hemisphere and North America; it is considered globally to be vulnerable to secure." … "…in Idaho the taxon is considered critically imperiled. There are only two known occurrences from the Salmon-Challis National Forest." This makes the case for identifying the species as a SCC. It is ranked S1 by NatureServe (NatureServe 2017, *Thamnolia subuliformis*).

Bighorn Sheep

The SCNF SCC Recommendation[11] for bighorn noted the population density is "very low" (p. 9), "[t]oday the bighorn sheep population is roughly 50% of what is was in the early 1990's" (p. 10), "[h]istoric population declines have caused concern for the persistence of bighorn sheep in Idaho" (p. 19), that the species occurs "at relatively low abundance on the Forest" (p. 19), and that subpopulations may be genetically isolated from each other (p. 19). The species is ranked S1 by NatureServe and is an Idaho Species of Greatest Conservation Need (SGCN). The SCNF SCC Recommendation indicates the overall population size is a rationale for not retaining the species as a SCC. Given the information presented, however, it is difficult to believe that the Bighorn Sheep does not warrant identification as a SCC.

Mt. Shasta Sedge

The species is ranked S2 by NatureServe (NatureServe 2017, *Carex straminiformis*) and an Idaho Sensitive species, according to the SCNF SCC Recommendation for the species.[12] The Forest recognizes that the species is imperiled in Idaho and there have been only three confirmed element occurrence records on the forest. The SCNF uses the following justification in its Recommendation for not identifying the Mt. Shasta Sedge as a SCC: "There is assumed to be stable amounts of suitable habitat, apparently minor habitat impacts that are not believed to influence persistence on the Forest, and wide

[9] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578732.pdf.
[10] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578835.pdf.
[11] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578727.pdf.
[12] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578830.pdf.

distribution outside the Forest" (p. 14). These are not criteria in the directives that justify removing the Mt. Shasta Sedge from SCC consideration.

Blandow's Helodium (or Blandow's Bog Moss)

This species is ranked as S2 by NatureServe (NatureServe 2017, *Helodium blandowii*), is an Idaho Sensitive species, and is an Idaho rare plant (SCNF SCC Recommendation, p. 4[13]).

White Spruce

The SCNF SCC Recommendation for the species seems to be making a better case for retaining White Spruce as a SCC, stating (p. 12), "*P. glauca* is considered secure globally and critically imperiled in Idaho. It is known on the SCNF from a single population consisting of two individuals in the Lemhi Mountains."

Mountain Goat

The NatureServe rank for the species is S2 (NatureServe 2017, *Oreamnos americanus*) for Idaho not S3 as the SCNF SCC Recommendation notes.[14] The Mountain Goat is also designated a SGCN by the state of Idaho. The Recommendation states, "there is not adequate evidence for a substantial concern for the capability of the mountain goat to persist over the long-term on the Salmon-Challis," (p. 10), but the NatureServe ranking and SGCN designation indicate there is a substantial concern about persistence across the entire state.

Sage Thrasher

The species is ranked as S3B by NatureServe (NatureServe 2017, *Oreoscoptes montanus*) and is a SGCN and U.S. Fish and Wildlife Service Bird Species of Concern.

Western Pearlshell Mussel

The species is a SGCN and ranked S2 by NatureServe. The SCNF makes its determination based on the species' distribution across the forest in its Recommendation for the species (p. 20),[15] but distribution alone is not a reliable indicator of viability.

White Sturgeon

NatureServe ranks the species as S1 in Idaho. The SCNF SCC Recommendation for the species states,

[13] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578831.pdf.
[14] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578725.pdf.
[15] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578643.pdf.

"White sturgeon are native to the Forest, but appear confined to large rivers such as the Salmon and Middle Fork Salmon Rivers. Only one occurrence has been documented on the Forest, indicating rare abundance, but confidence in this criterion is low due to lack of intensive sampling effort" … "White sturgeon grow slowly and reproduce infrequently, suggesting that increases in mortality through stochastic events could influence overall abundance" (p. 16).[16] This information makes the case that the White Sturgeon should be retained as a SCC. The SCNF SCC Recommendation for the White Sturgeon states that the, "evidence is not sufficient to indicate substantial concern for the persistence of the white sturgeon on the Forest, and this species is not recommended as an SCC at this time" (p. 16). However, the Recommendation also acknowledges that there is a concern about persistence across the state, the Forest had documented only one occurrence, and the small population is vulnerable to stochastic events (p. 16). The species is ranked S1 by NatureServe. This is sufficient information to make the determination that the species should be identified as a SCC.

Columbia Spotted Frog

The NatureServe rank for the Columbia Spotted Frog is S3 (NatureServe 2017, *Rana luteiventris*) for Idaho not S4 as the SCNF SCC Recommendation states.[17] The species is also a SGCN and a RFSS. This information indicates a state and local concern about the species' ability to persist in the plan area.

Bufflehead

The SCNF did not document any sources in the SCC Recommendation that it used to determine that the species is a transient species; the species is known to occur in the Forest.[18]

Bald Eagle

The NatureServe rank for the Bald Eagle is S3B,S4N (NatureServe 2017, *Haliaeetus leucocephalus*) for Idaho not S5 as the SCNF SCC Recommendation states.[19] Additionally, the species is a RFSS.

Black-backed Woodpecker

The NatureServe rank for the Black-backed Woodpecker is S3 (NatureServe 2017, *Picoides arcticus*) for Idaho not S4 as the SCNF SCC Recommendation states.[20]

Brewer's Sparrow

[16] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578638.pdf.
[17] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578736.pdf.
[18] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578692.pdf.
[19] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578704.pdf.
[20] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578730.pdf.

The NatureServe rank for the Brewer's Sparrow is S3B (NatureServe 2017, *Spizella breweri*) for Idaho not S4 as the SCNF SCC Recommendation states.[21]

Westslope Cutthroat Trout

The NatureServe rank for the Westslope Cutthroat Trout is S3 (NatureServe 2017, *Oncorhynchus clarkia lewisi*) for Idaho not S4 as the SCNF SCC Recommendation states.[22] The Recommendation (p. 20) notes an "absence of several major threats on the Forest," but also states, "Significant threats on the Forest include climate change, unrestricted livestock grazing, unrestricted timber harvest, fire suppression, and roads" (p. 20); and this seems contradictory.

Gillette's Checkerspot

The link for the SCNF Recommendation for the Gillette's Checkerspot currently leads to the webpage for the recommendation for the Spotted Bat not the Checkerspot.

The SCNF SCC Recommendation for the Gillette's Checkerspot is linked to the Spotted Bat Recommendation.

Gray Wolf

The NatureServe rank for the Gray Wolf is S3 (NatureServe 2017, *Canis lupus*) for Idaho not S4 as the SCNF SCC Recommendation states.[23]

White Eatonella

The SCNF SCC Recommendation for the species states, "This species cannot be presumed to occur on the SCNF" (p. 1).[24] The Recommendation then states, "From data provided by IDFG (2017) there are two occurrences listed as occurring on the SCNF. However, the majority of the GIS buffer occurs outside of the SCNF" (p. 1). We believe the SCNF may misconstruing the concept of a "GIS buffer." If an element occurrence occurs within the buffer, there is a possibility that the occurrence occurs on the Forest.

Additional Species of Conservation Concern recommendations

We believe the species list in Appendix 2 may occur in the Forest and that a substantial concern about

[21] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578738.pdf.
[22] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578646.pdf.
[23] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578693.pdf.
[24] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd578845.pdf.

their persistence exists. We ask that you consider these species for SCC designation.

Addressing federally protected species in the revised forest plan

The SCC identification criterion, "known to occur in the plan area," (36 CFR 219.9(c)) does not apply for selecting target threatened, endangered, proposed, and candidate species relevant to forest planning. Federally recognized species must be addressed by plan components if they "may be present" in the plan area (50 C.F.R. 402.12(c)(1), (d)) or if they are not present but would be expected to occur there to contribute to recovery. Thus, for example, the revised plan should address how the Forest will provide a secure condition for grizzly bears.

Under 219.9(b)(1), the revised plan must provide for ecological conditions that will conserve species that are proposed or candidates for listing under the Endangered Species Act (ESA). The requirement is relevant for such species as White Bark Pine (ESA candidate) and North American Wolverine (ESA proposed). The SCNF revised management plan should provide plan components that will "protect, preserve, manage, or restore natural environments and ecological communities to potentially avoid federally listing" of these species (219.19).

In addition, proposed and candidate species should also be evaluated as a potential SCC, though not eligible for designation—at least not yet. This would ensure that future plan components would be sufficient to meet any applicable regulatory requirements. Furthermore, we believe that planning rule requirements for federally listed, proposed and candidate species are in addition to the baseline requirements for SCC. In other words, the SCNF should identify the ecological conditions necessary for the persistence of these species in the plan area, or those necessary to contribute to their persistence across the species range, so that plan components can be developed for them as a proposed, candidate, or SCC species. The revised plan should include mechanisms whereby proposed and candidate species are automatically added to the SCC list in the event that the U.S. Fish and Wildlife Service determines that imperiled candidate and proposed species are not warranted for listing. Given the expected life-span of the revised plan, this is very important to ensure that the plan can anticipate potential actions by other federal agencies in the future, but during the life of the revised plan.

Conclusion

Overall, the process developed by the Forest Service is supposed to be very expansive and inclusive in identifying SCC. The actual needs of these species related to management of the national forest may then be determined when plan components are being developed. Having a large number of SCC does not necessarily lead to pages of plan components if their necessary ecological conditions can be provided by ecosystem plan components. Please see Appendix B for additional sources to help identifying SCC and planning for at-risk species conservation. Thank you for considering these comments and recommendations related to the SCNF potential SCC determinations.

Literature Cited

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Appendix 1

Evaluation of Species of Conservation Concern Identification Process
Defenders of Wildlife

Introduction

Defenders of Wildlife is committed to the effective implementation of the 2012 Planning Rule. In particular we are dedicated to working in good faith with the Forest Service and all forest planning stakeholders to achieve the high conservation standards established under the National Forest Management Act and the 2012 Planning Rule. Accordingly, we are investing significant organizational capacity into the implementation of the 2012 Planning Rule, through our work on the Planning Rule Federal Advisory Committee, as well as on many of the national forests that have begun revising their land management plans under the new rule.

The Forest Service, the Planning Rule Advisory Committee, and forest planning stakeholders have noted challenges in administering the species of conservation concern planning and management program under the planning rule. The agency has undertaken an internal review of the SCC program, coupled with an Advisory Committee review effort centered on the observations of stakeholders familiar with implementation of the SCC program.

Consistency in implementation of the planning rule has been an important issue since the formulation of the rule began in 2009; it was addressed as a key issue in the public engagement and NEPA processes, acknowledged in the preamble to the rule, and was central in the formation of the Advisory Committee. In particular, there was significant interest in the development of a clear and cohesive approach to conserving at-risk species across the National Forest System under the rule. By placing the administration of the SCC program at the regional level, the planning rule acknowledges that the effective conservation of those species requires a consistent approach across national forests. Consistency in administration of the SCC program is also the aim of the planning rule directives. The procedures and rationales outlined in the directives for identifying and managing at-risk species should be repeatable in similar circumstances regardless of which national forest or individual is implementing them.

Summary of SCC Identification Review

In order to contribute to the ongoing discussion and evaluation of the SCC program, for the purposes of improving its implementation and ensuring consistent conservation outcomes across national forests, we reviewed processes for identifying SCC on 14 national forests in six regions that are currently revising their plans under the 2012 Planning Rule.

The review was based on an interpretation of the guidance for SCC found within the planning directives, applied to specific SCC identification processes for individual national forests. A

summary of that interpretation of the directives is provided in the "Policy for Identifying Species of Conservation Concern" section below.

Our review indicates a wide divergence in SCC identification processes both across and within regions. In addition, the review raises concerns of inconsistent interpretation and application of SCC identification processes found within the planning directives.

Key findings from the review are summarized below. Detailed documentation of the findings from the various national forests is provided in the "Detailed Forest Evaluation" section below.

Summary of Key Findings

1. Assessments reviewed potential SCC, but ambiguity exists over the interpretation of "potential SCC", and assessments did not always provide rationales for selecting or not selecting species to consider as SCC

The planning rule requires that the regional forester identify SCC, and that the responsible official, in the assessment for plan revision, "evaluate existing information relative to the plan area for potential species of conservation concern." All of the assessments we reviewed identify potential SCC. However, Forest Service officials have not always interpreted "potential" the same way, and used other terms like "recommended" or "proposed." The assessments also have not always included a rationale for selecting or not selecting species to consider for SCC, and therefore public review of SCC identification at the assessment stage has been limited on some forests.

2. Forests generally followed guidance on categories of species to consider as SCC, but many did not specify whether all species were considered that met guidance criteria

All forest planning processes we analyzed have generally followed the directives' guidance concerning SCC, which outlines categories of species to consider when identifying potential species of designation. However, many forests have failed to specify whether they considered all species that meet any of the criteria. In our review, we note species that meet the criteria, but were either considered and not included or evidently not considered for potential SSC designation.

3. Rationale for excluding SCC have not been available for review and for most forests there is little indication that the regional forester was involved in SCC identification; criteria for identification of SCC were not consistently established

For many forests, the rationale for excluding SCC have not been available for review when public input could have influenced the assessment and development of a proposed action. For most forests, there is little indication that the regional forester was involved in SCC identification. We found that the regional forester formally identified SCCs in just three forest planning processes (in three different regions). In two of these cases, identification occurred prior to the assessment, and the regional forester provided accompanying rationale for identifying SCC in one of these cases.

Among all forests, criteria for identification were sometimes explicitly established in advance, in others they may have been developed as species were evaluated. We found instances in every forest planning process where planners cited criteria that may not have been appropriate for rejecting SCC.

4. Rationales for not identifying SCC were rarely linked to the best available scientific information

The planning rule requires that the Forest Service use—and document the use of—best available scientific information (BASI) in making SCC determinations. However, we found that if a rationale was provided for not identifying a SCC, it was rarely explicitly linked to a scientific source that rebuts established concerns about the species' vulnerability that warranted its consideration as a SCC.

5. Inconsistent results for the same species across forests

We did not comprehensively review whether species were treated consistently across regions and among forests. However, there are instances of species being identified as an SCC on one forest and not on an adjacent forest, and without explanation for the distinction. There are also cases where different forests provided different rationales for SCC identification, even where they arrived at the same decision for a given species.

6. Inconsistent application of occurrence criteria

The guidance for SCC is clear that species may only be excluded from SCC consideration if they are "accidental" or "transient," or are "well outside the species' existing range." Forests frequently expanded this concept to include occurrences that are infrequent, occasional or "peripheral". Some required that species must have nesting or breeding habitat or known nest sites on the forest, which effectively excluded some migratory species.

Several forests excluded species based on the length of time since it was last recorded on the forest, even as recently as within the past 10 years. One forest excluded species because there were "no known surveys." No mention was made of any species "becoming established" in a plan area, as provided in the directives; one species was actually excluded in part because the plan area was at the northern end of the species' range, even though its range could be expected to move northward with climate change.

7. Inconsistent treatment of Forest Service sensitive species and NatureServe rankings; use of plan area information, current or potential management, and other rationales to exclude species

Three forests in three different regions explicitly recognized Forest Service sensitive species as species that they needed to consider as SCC. However, in most or all regions sensitive species on at least some forests were not identified as SCC. In their decisions to exclude species from SCC consideration, none of the forests addressed the original rationale for sensitive species designation.

The forests and regions have also not used NatureServe rankings consistently in making SCC decisions, and have varied in whether and how they have used other authoritative sources listed in the directives. In many cases, the Forest Service either implicitly disagreed with a NatureServe

"vulnerable" ranking (instead finding a species to be "secure" or "stable") without any explanation, or found insufficient information to agree with the existing broader-scale classification. One region's forests used a "vulnerable" ranking by NatureServe as the justification for not identifying a few SCC. In all regions where rationale was provided, the Forest Service frequently used information about a species in the plan area as its entire justification for not identifying SCCs, and it did so without explaining why such a justification could be made in light of broader-scale concerns. Such justifications were based on lack of information about the species in the plan area, lack of habitat in the plan area, lack of threats to habitat in the plan area, or favorable status or trend in the plan area of populations or habitat.

Current or potential management of the plan area was also considered a factor for excluding SCC (even though that management could be changed by plan revision). The identification of SCC is not dependent on management of the national forest because, by regulation, management of the national forest depends on which species are identified as SCC and the ecological conditions that they require. In three regions, some species were not identified as SCC because planners concluded that the forest plan would mitigate threats to the species in the plan area. In four regions the rationale indicated lack of control over threats (which included climate change in one case).

Two regions determined that a finding of "not warranted" for listing under the Endangered Species Act also meant there is not a substantial concern about persistence, regardless of the species' classification by any other authority (wolverine and bi-state sage grouse, though the latter was subsequently identified after public comment). Three regions believe that designation as a "game species" demonstrates a lack of scientific concern for persistence (gray wolf, band-tailed pigeons and two subspecies of bighorn sheep). Regions took different approaches to considering the effects of other laws on likelihood of persistence, with one relying on the Bald Eagle and Golden Eagle Protection Act requirements as a reason for not identifying a species as SCC.

Policy for Identifying Species of Conservation Concern

This section provides background and policy information on the SCC identification process, including an interpretation of the identification process as outlined in the directives, and provides the basis for our review.

When the Forest Service adopted its new planning regulations in 2012, the agency included a new approach for meeting its requirement under the National Forest Management Act to "provide for the diversity of plant and animal communities." It embraced a "complementary ecosystem and species-specific approach." Ecosystem plan components are expected to provide the ecological conditions for the persistence of most species in the plan area, while species-specific plan components would be developed where ecosystem components are insufficient for some species deemed to be at-risk. The planning rule requires that the combined ecosystem and species plan components provide "the ecological conditions necessary" for these species.

The Forest Service established what amounts to a two-step process for demonstrating compliance with the requirement for conserving at-risk species. First, it requires the regional forester to identify the species that must be addressed during the forest planning process. These include federally listed threatened and endangered species, species proposed for listing and candidate species, determined in accordance with the Endangered Species Act. Plans must also address SCC. SCC are defined as species that are 1) "known to occur in the plan area," and 2) "the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area."

The second step is for the responsible official (normally a forest supervisor) to develop plan components that provide ecological conditions that are necessary for these species. For the ESA-recognized species, the conditions are those necessary to contribute to conservation and recovery of the species. For SCC, the conditions are those necessary to "maintain a viable population" within the plan area (or for some species, "to contribute to maintaining a viable population of the species within its range").

We reviewed how SCC were treated in the assessment and found that there appears to be confusion over the use of "potential" SCC in the SCC identification process, which has implications for which species are considered for SCC, and for who actually makes those decisions. The directives (Section12.52) cite the planning rule 219.6(b)(5), which requires that an assessment discuss "available information relevant to the plan area for…potential species of conservation concern present in the plan area." The directives however state that the planning rule requires the responsible official to actually identify potential SCC. However, the planning rule does not say this; the rule actually says that the responsible official must identify information about potential species that the regional forester has identified.

There is also confusion over which species are considered for SCC, and who is responsible for applying criteria that exclude species from consideration. The directives in Section 12.52b direct responsible officials to use the criteria in Section 12.52d to select the species to consider. This section distinguishes between species that "must" be considered and species that "should" be considered. This is an unnecessary distinction.[1] Since only the regional forester can determine which species are identified as SCC, a forest supervisor cannot determine which species will not be considered.[2] Therefore the responsibility of the responsible official is simply to identify the species in any of the categories listed in the directives because they may meet the criteria for SCC, and to suggest any other species that might meet the criteria. The regional forester must then determine which of these species actually meet the two criteria in the planning rule.

[1] There should be no practical difference between species that "must" and "should" be considered as SCC in any case. The Handbook explains the degree of compliance required by the term "should" (Section 05.1): "Action is mandatory, unless a justifiable reason exists for not taking action. Employees must fully consider, but may depart from based on a written finding as applied to specific circumstances that the deviation will enhance program management efficiency or better achieve desired results or other objectives."

[2] "This authority to identify species of conservation concern may not be delegated" (directives Section 21.22a(1)(b))

It is worth thinking about what it means to "consider" in this administrative context. It requires that the regional forester document the information that was taken into account, and provide a rationale for including or rejecting a species. Moreover, the information must include the "best available scientific information."[3] With regard to SCC, the documentation must explain how the information indicated or did not indicate "substantial concern about the species' capability to persist over the long-term in the plan area." Note that this is referring to scientific concern that has been expressed that is applicable to species persistence in the plan area rather than a subjective perception of concern by the regional forester.

The directives also make an important distinction between species of broader-scale concern and those where there is local conservation concern. All but one of the categories in the directives address the former by encompassing concerns expressed by NatureServe or government agencies about viability of the species at a broader scale than the plan area. The overall approach is to cast a wide net so that the regional forester can consider species where concern about persistence is indicated for either or both of these reasons. Local conditions in a plan area are relevant at the SCC identification stage as a basis for including additional species for which there might not be broader concern; <u>not as a sole basis for rejecting species for which there is a broader concern</u>.

The directives are clear about the approach that should be taken for one category of species. For species with status ranks of G/T1 or G/T2 in the NatureServe ranking system, the directives specify that these species are "expected to be included unless it can be demonstrated and documented that known threats for these species, such as those threats listed for the species by NatureServe, are not currently present or relevant in the plan area." ("Included" means identified or selected as a SCC.) It is important to note that this evaluation is not limited to only those threats present in the plan area, but includes threats from outside of the plan area that are relevant because they affect species in the plan area.

This language establishes a presumption that should be applied to any species that the regional forester considers identifying as a SCC. Species are considered because there is some evidence that they may meet the criteria for SCC. The regional forester is thus obligated to document why the threats suggested by that evidence "are not currently present or relevant in the plan area."

Missing from these directives' categories of broader viability concerns are species identified as sensitive by the Forest Service because of viability concerns in the region. This prior determination by the Forest Service creates a similar obligation to refute the scientific arguments upon which the region based its original decision. Also missing are species considered vulnerable at the state level (S3) by NatureServe. While we recognize that the directives do not explicitly reference them as

[3] A requirement of all aspects of the planning process, but repeated in 36 CFR 219.9(c)). "Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered" (36 CFR 219.3).

species to consider when identifying potential SCC, our review notes cases where the Forest Service rejected sensitive and vulnerable species without rebutting the science-based finding that those species are in fact of viability concern within the plan area.
The last category of species to be considered is, "Species for which the best available scientific information indicates there is local conservation concern about the species' capability to persist over the long-term in the plan area …" The directives list possible reasons for the local concern. This section is clearly intended as an additional reason for inclusion as a SCC, not as a basis for excluding species considered because of broader-scale conservation concerns.

The regional forester is then directed to use the two criteria from the planning rule for identifying SCC. Here the directives also provide two criteria that could be used to not identify species as SCC. One is that a species is "secure," and "its long term-persistence in the plan area is not at risk …"[4] This is simply the reverse of the criterion to include species where persistence is at risk, but it highlights the need for BASI to counter the findings of vulnerability that led to considering the species in the first place. The other criterion, insufficient scientific information about likelihood of persistence in the plan area, may also be a reason, but that would be a difficult case to make where there is sufficient information at a broader scale to put the species in the categories to consider. The directives also include two criteria for not identifying SCC in 12.52b(4).[5] None of these criteria for excluding species suggest that conditions in the plan area alone would be sufficient to exclude species already determined to have broader scale persistence concerns.

Species may also be excluded from consideration if they are not "known to occur" in the plan area. This may occur if individual occurrences in a plan area are merely "accidental" or "transient," or are "well outside the species' existing range at the time of plan development" (directives Section 12.52c). A species' range includes all areas where it regularly occurs even where that is seasonal or migratory use. The directives also acknowledge that a species range may include places where any of these uses are "becoming established." In the context of the planning rule's acknowledgement of the need to plan for climate change this should be understood to include species predicted to occur in the plan area in the same "long-term" timeframe encompassed by the definition of SCC. If habitat exists (or is expected to exist) for the species, lack of recent (or any) documented occurrences should not by itself justify not identifying that species as a SCC.

Overall, the process developed by the Forest Service is very expansive and inclusive in identifying SCC. The actual needs of these species related to management of the national forest may then be determined when plan components are being developed. Having a large number of SCC does not necessarily lead to pages of plan components if their necessary ecological conditions can be provided by ecosystem plan components.

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[4] The only species found to be "secure" by NatureServe are those with 4 and 5 rankings.
[5] Document the best available scientific information that supports not identifying a species that was considered but not identified as a potential species of conservation concern. Such rationale may include: a. Knowledge of the species abundance, distribution, lack of threats to persistence, trends in habitat, and responses to management, or b. Lack of sufficient scientific information available about the species status.

The assessment is intended to provide information on potential SCC to help determine the "status" of the species in the plan area (directives Section 12.53). This section does address management under the current plan and whether stressors are subject to Forest Service management. This is because the primary value of the assessment of species status is "in identifying the need for change and in developing plan components that provide the ecological conditions necessary to sustain the species." It may also provide the basis for adding SCC based on local concern. It could be used to support not identifying SCC only if the information it includes is "relevant to the plan area," is the BASI, and it indicates there is not "substantial concern about the species' capability to persist over the long-term in the plan area" as explained above.

Detailed Forest Evaluation[6]

The evaluation of the SCC identification process is based on a review of various documents from these 14 national forests:

Region 1
- Nez Perce-Clearwater
- Flathead
- Helena-Lewis & Clark

Region 2
- Rio Grande

Region 3
- Cibola
- Carson
- Santa Fe

Region 5
- Inyo
- Sequoia
- Sierra

Region 8
- El Yunque
- Francis Marion
- Nantahala-Pisgah

Region 10
- Chugach

Review Question: Did the assessment include potential species of conservation concern as required by 219.6(b)(5)?

[6] This evaluation is based largely on the reviews of individual forest plan documents by different reviewing organizations, and more in-depth discussion can be found in the comments they have submitted to the Forest Service on these planning documents.

Region 1: For the Nez Perce-Clearwater, the regional forester selected 13 terrestrial SCC in September 2013 and these were documented in the assessment in 2014. The assessment also includes aquatic and plant potential SCCs. The Flathead assessment includes the "species review process" in Appendix D for species to "recommend" as potential SCC (apparently not yet approved by the regional forester). The Helena-Lewis & Clark assessment includes tables showing all species considered and their recommendations.

Region 2: The Rio Grande included a list of 82 species that "meet the criteria developed in the 2012 Planning Rule" for SCC in its wildlife assessment dated February 22, 2016.

Region 3: The assessments for the three forests identify potential SCC.

Region 5: The assessments for the three forests identify potential SCC.

Region 8: The Francis Marion assessment includes lists of plant, aquatic and terrestrial animals of "potential" conservation concern. These appear to be lists of all species considered. The El Yunque assessment also includes a list of species, but they have already been narrowed from those considered. A 2014 update to the Nantahala-Pisgah assessment identified potential SCC using the Handbook criteria for species that "must be included on the potential list" or may be. The assessment also made "recommendations" for species to be removed from the SCC list based on stated rationale (and sometimes refers to them as "proposed" SCC).

Region 10: The Chugach assessment lists potential SCC (four birds and five plants).

Review Question: Is it clear that the regional forester considered all species that must or should be considered, and was rationale provided for not doing so (if applicable)? The directives list the criteria the Forest Service must follow when selecting species for SCC consideration.

Region 1: The Nez Perce-Clearwater assessment describes a process that includes the directives direction as "primary guidance Criteria," for species that were considered. The Flathead frames the SCC question as part of a choice that also included "species of public interest" and focal species. The Flathead assessment stated that it considered NatureServe ranks 1-4 for SCC, but also that "S3 species were considered if there was/is scientific information showing the species is in decline or at risk on Flathead NFS lands." The assessment also considered the Montana wildlife action plan and "a variety of bird assessments." The Helena-Lewis & Clark assessment follows the directives' criteria rigorously (for plants, even stating that all factors listed in the directives "must" be given consideration).

Region 2: The Rio Grande assessment lists the criteria used to determine which species to consider, and these are the criteria from the directives.
Region 3: Several species that appear to meet the criteria for consideration were not addressed or mentioned by the three forests in their assessments, including mountain plover (imperiled in New Mexico according to NatureServe). Reasons for not considering species were not disclosed.

Region 5: The documentation displays the rationales for evaluating those species that were considered and it results in species that are "proposed SCC." It does not state that all of the directives' categories have been considered or address any species that were not included in the displays.

Region 8: The Francis Marion assessment cites the sources for the lists of potential SCC, and they appear to follow the direction within the directives. The Nantahala-Pisgah also appeared to use the appropriate criteria. However, it only treated the "must consider" categories as mandatory, and it excluded some G/T3 ranked plant species that "did not meet the criteria for inclusion on the potential SCC list." The El Yunque assessment includes a list of sources of species that were considered. It is not clear that they include all of those in the directives that are available (plants were based on a model).

Region 10: NatureServe G/T 1-2 produced an initial list. Additional "watch lists" were "evaluated against the SCC evaluation criteria" to eliminate species (which are not identified, but appear to be the criteria for adding local species of concern).

Review Question: Did the regional forester provide the rationale for identifying or not identifying SCC from among those species considered? The two regulatory criteria that may be used are 1) "known to occur in the plan area," and 2) "the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area."

Region 1: The Nez Perce-Clearwater Notice of Intent soliciting comments on SCC provided only a list of identified SCC and information about these species. The NOI included no substantive information explaining why other species that were considered were not selected. When the Flathead solicited comments on SCC, the proposed action did not include a list. No documentation explained the process or criteria by which potential SCC went from being considered (Assessment Appendix D) to recommended/potential (Assessment Table 55) to non-selection (Proposed Action), nor was there any indication of regional forester involvement. The assessment does include explanations of why nine species received "no special designation." The Helena-Lewis & Clark assessment included rationale for recommendations to identify or not. There was no indication of regional forester involvement.

Region 2: A "basis" is provided for each species "not carried forward for analysis as SCC" that addresses both regulatory criteria for each species. However, the criteria listed for "determining 'substantial concern'" are only the criteria designated in the directives to be used for species of "local concern" (directives Section 12.52d(3)(f)). Thirty-seven species were considered but not carried forward.

Region3: The forests established criteria to use as a basis for not identifying species as SCC. Several of these criteria were not included in the directives (some details below).

Region 5: The forests provided draft lists in July 2015 without accompanying rationale. They provided rationale several months later consisting of "information we considered in determining whether a species satisfies the criteria that must be met to be considered an SCC."

Region 8: The Francis Marion DEIS includes a list of SCC. There is no explanation for why the majority of the potential SCC were not carried forward into the DEIS. (DEIS Appendix E explains the process, but is not species-specific and includes no rationales.) Neither the DEIS nor the assessment contain any information about individual SCCs. (Documentation of the rationale was received on March 1, but has not been reviewed.) The regional forester provided a list that "has been identified as 308 SCC"(sic) in a letter to the Nantahala-Pisgah forest supervisor in July 2015. This letter did not include any rationale or any discussion of changes from what the assessment recommended. The El Yunque documentation does not include rationale for not selecting species as SCC.

Region 10: The regional forester issued a letter in December 2015 finding that one species met the requirement for SCC on the Chugach. The regional forester also rejected forest recommendations to include other species, and considered (but rejected) species that the forest did not recommend. Rationale was provided.

Review Question: Did the regional forester document the use of BASI to support decisions to not identify species as SCC? The use of BASI is required for all planning actions and explicitly required for determination of SCC.

Region 1: No information cited for species on the Nez Perce-Clearwater. The Flathead assessment includes some scientific information for some species that relates to concern about persistence. The Helena-Lewis & Clark assessment provides little information about the species not selected.

Region 2: The rationales in the assessment consist of conclusory statements, with no reference to supporting science. However, "species overviews" have been prepared for each species considered for SCC (but were not readily available in conjunction with the draft assessment), and they may include the scientific basis for the rationale.

Region 3: Determining how BASI was used to remove species from consideration was difficult in several cases. The forests used secondary data sources that did not reveal the specific information used to support the rationale.
Region 5: Although the rationale spreadsheets include sources used, clear connections between the rationale and sources used was rarely established.

Region 10: The regional forester's December 2015 letter includes conclusory statements with no scientific references.

Review Question: Is the rationale internally consistent on a national forest?

In most or all regions, the processes used for fish wildlife and plants are not the same.

Region 5: Rationale within invertebrates is not consistent and is also inconsistent between invertebrates and vertebrates.

Review Question: Is there an explanation of differences among national forests for the same species?

Region 1: The Flathead does not mention the species previously selected by the regional forester for the Nez Perce-Clearwater (which is one of the directives' criteria). While the Helena-Lewis & Clark considered species because they were recommended on the adjacent Flathead, some species are treated differently without adequate explanation. For example, the Flathead designated the Veery as a potential SCC citing dramatic declines in western Montana whereas the Helena-Lewis & Clark states that information does not indicate regional concern.

Region 3: "Game species" was used as a criterion for exclusion on two of the three forests, but not on the Santa Fe. The Cibola used different criteria than the other two forests. There are ten species where the evaluation and/or conclusion pertaining to SCC differed among the forests for the same species. These differences were not explained.

Region 5: The rationales for many species are different across the three national forests, but the final identification is the same, with one exception: The Mt. Pinos sooty grouse is identified as a SCC only on the Sequoia National Forest (based on essentially the same rationale for not identifying it on the other forests).

Review Question: Did the rationale for not identifying SCC include relevant and appropriate factors?

We identified the following 16 situations where regional foresters have provided justification for not identifying species as SCC that are not relevant factors, as defined by the two regulatory criteria.

1. **Species not known to occur in the plan area because there are no known surveys.** BASI does not require population surveys. The rationale must explain what information was used. (Region 1 and Region 10 did not include a specific discussion of species not "known to occur.")

Region 3: The Cibola excluded species where there were no known surveys.

2. **Species known to occur in the plan area, but on an infrequent basis.** The directives are clear that species may be excluded if they are "accidental" or "transient," or are "well outside the species' existing range. A species' range includes all areas where it regularly occurs even where that is seasonal or migratory use.

Region 2: The basis for several species not being selected is occurrence that is "peripheral," "very few documented," or "very limited." It is not clear whether these meet the criteria in the directives.

Region 3: Species were not selected if they used the plan area only seasonally ("migrants") or "occasionally" (such as for forging) and did not nest or breed on the national forest.

Region 5: White Mountains copper was not identified as an SCC on the Inyo even though the rationale concluded, "There are less than 5 occurrence records suggesting that on this Forest, this species could be critically imperiled."

3. **Species known to occur in the plan area, but not recently.** Where occurrence records are old, this could substantiate the decline of the species and suggest potential recovery and restoration needs. Age of occurrence records should not be a justification for ignoring a species in the planning process without demonstrating that the likelihood of future occurrence is remote.

Region 1: The Helena-Lewis & Clark excluded the black rosy-finch because of no documented presence in 30 years and because the plan area is at the northern edge of its range (whereas climate change might move its range northward into the plan area).

Region 2: One species was excluded because the most recent occurrence record was 1972.

Region 3: The Cibola excluded a number of species with past observations that ranged from 1963 to 1998, while citing as the rationale "no known surveys."

Region 5: Seven species on the Sequoia were excluded due to the age of occurrence records.

Region 8: Some species were included for the Francis Marion "although they have not been recorded on the FMNF in the last 10 to 15 years." Plants were excluded on both forests by the regional forester if the most recent occurrence records were older than 50 years.

4. **Species included on the regional forester's list of sensitive species.** If the Forest Service has listed a species as "sensitive," there should be a substantial burden on the Forest Service to explain why the BASI no longer supports a concern for viability. It must specifically address the prior agency findings regarding viability.

Region 1: While the Nez Perce-Clearwater assessment points out that 9 of the 13 SCC are currently sensitive species, it does not explain why the other 11 existing sensitive species were not selected. Nine Flathead sensitive animal species and several plant species were not included, without any explanation. Sensitive species were explicitly considered by the Helena-Lewis & Clark, but seven species of terrestrial wildlife were not selected without rationale being provided.

Region 2: The existing regional sensitive species list provided the "initial starting point" for species to consider, in addition to the directives' categories. Many sensitive species were identified as SCC, and one was explicitly not identified because it had been removed from the sensitive species list.

Region 3: The Carson and Cibola failed to consider two species each that are existing sensitive species.

Region 5: Seven sensitive species were not identified as SCC.

Region 8: The Francis Marion considered sensitive species addressed by the existing forest plan. The same appears to be true for the El Yunque, since the need for change documentation states that, "Some old Regional Forester's sensitive species did make the new scc list." There is no mention of sensitive species in the Nantahala-Pisgah documentation.

Region 10: The regional sensitive species list was included in the assessment and apparently considered. Only 1 of the 23 sensitive species was found to have substantial concerns for persistence in the plan area, and no rationale was provided for most of them.

5. **Species identified as vulnerable by NatureServe or others, but no alternative justification provided.** It is not appropriate to categorically take a position that NatureServe "vulnerable" ranks (level 3) necessarily demonstrate that there is not a substantial concern for persistence in the plan area.

Region 5: Sierra marten (S3), western pond turtle (G3S3), Sierra ambersnail (G3), three invertebrates (G3G4).

6. **Species identified as vulnerable by NatureServe or others, but considered "secure" by the Forest Service with no justification.** If a species is "vulnerable" at either the global or state level (G3 or S3), they are not considered "secure". Statements by the Forest Service dismissing them as SCC because the species is considered "secure" or "stable" (or better) must be supported by BASI that addresses the species' vulnerability and demonstrates security.

Region 5: This rationale was used for 15 species.

7. **Species identified as vulnerable by NatureServe or others, but insufficient information for the Forest Service.** If there is sufficient information to find that a species is vulnerable at a global or state level, the Forest Service must demonstrate that the same information is not adequate to show substantial concern for persistence in the plan area.

Region 2: Uncertainty was part of the rationale for INCLUSION of some species as SCC.

Region 3: The Cibola excluded 9 species, "for which specific threats have not been identified." The Carson (6) and Santa Fe (1) excluded species where "there is insufficient information to evaluate whether or not the species is at risk for persistence within the plan area."

Region 5: This criterion was used to exclude 5 vertebrate species and 29 invertebrates.

Region 10: The regional forester cited taxonomic uncertainty.

8. **Species identified as vulnerable by NatureServe or others, but lack of threats in the plan area.** Infrequent presence or limited habitat in the plan area, and lack of threats from national forest management activities are insufficient to demonstrate that species vulnerable at a broader scale are secure in the plan area. (Limited habitat might suggest the opposite.) If a species is "known to occur" in a plan area, the apparent absence of habitat is not a relevant justification. (It may be appropriate to consider when developing plan components.)

Region 1: Clark's nutcracker was not recommended on the Helena-Lewis & Clark because, "Declines in whitebark pine not as severe in plan area as on other NFs." Common loon was excluded because of lack of breeding habitat. Golden eagle was not recommended because, "No clear evidence of decline in plan area, or of impact of forest management activities on population." The trumpeter swan was excluded because of, "lack of established breeding activity, probable lack of suitable breeding and wintering habitat except on two GAs ..." Wolverine was not recommended in part because, "most forest management activities have little impact on wolverines."

Region 2: The basis for not including several vulnerable species was "very little suitable habitat on the Rio Grande National Forest." The big free-tailed bat was not selected because there are "no known roosting or breeding areas."

Region 3: Excluded several species that inhabit areas within the plan area not known to be affected by the threats to the species (especially rocky, cliff or talus areas that have not changed from historical reference condition).

Region 5: This criterion was used for 21 bird species and 2 mammals.

Region 10: The Aleutian cress was excluded in part because mining is a "hypothetical" threat.

9. **Species identified as vulnerable by NatureServe or others, but favorable population or habitat status or trend in the plan area.** Localized trends are relevant to adding a SCC that is secure at a broader scale but may be at risk in the plan area (directives Section 12.52d(3)(f)). However, localized trends do not counter broader scale circumstances.

Region 1: The Flathead did not "recommend" several species as potential SCC "based on Flathead NF observation records and habitat trends."

Region 2: Using the directives' criteria for including additional species, the Rio Grande excluded species of concern at a broader scale but having stable populations on the forest or because they are "widespread," "common" or had "good viability" on the Forest.

Region 3: Excluded species having stable or upward habitat trends on the forest.

Region 10: The rusty blackbird was excluded because "the existing population on the Chugach National Forest ... is stable and growing and there is therefore not currently a viability concern … on National Forest System lands." Similar rationale was used for Alaska yellow-cedar and Aleutian cress.

10. **Species identified as vulnerable by NatureServe or others, but insufficient information about the species specifically in the plan area.** If a species has either a global or state ranking as "vulnerable," uncertainty about the status of a population in the plan area should not disqualify such species from SCC designation because it does not address the condition of the larger population.

Region 1: The Helena-Lewis & Clark did not recommend the Brewer's sparrow as a SCC because there was "not enough information regarding contribution of NFS lands to overall population," and the gray crowned rosy-finch because, "Not enough information regarding presence and distribution in plan area."

Region 2: The basis for excluding many vulnerable species was "Lack of sufficient information regarding the species status in the general area."

Region 5: This rationale was used for 1 vulnerable vertebrate species and 19 vulnerable invertebrates.

11. **Species identified as vulnerable by NatureServe or others, but current or expected management mitigates any threats in the plan area.** The existence of current management direction or expectations about the revised forest plan are never relevant to determining SCC status because they may change as a result of the planning process.

Region1: The regional forester stated that "management actions that would contribute to those threats and stressors" were considered in identifying SCC on the Nez Perce-Clearwater. On the Flathead, most of the species not recommended for special designation include current forest plan components in the rationale. (Some rely on Amendment 21, which is specifically proposed for change in the revision.)

Region 3: Species were excluded because they are not affected by management activities under the current Cibola forest plan. They include bald eagle, ferruginous hawk, golden eagle, northern harrier, osprey, and Wilson's warbler. Also excluded were three plant species that are found on rocky outcrops or other areas "not suitable for typical forest-management activities such as timber harvest or cattle grazing." Also excluded were three species where declines that have been associated with "legacy management actions" that are "no longer practiced" by the Cibola.

Region 5: Northern goshawk, black swift, black-backed woodpecker, Sierra marten

12. **Species identified as vulnerable by NatureServe or others, but no control over threats by the Forest Service.** The directives specifically recognize climate change as an example of a threat to a species that might warrant identifying it as a SCC even though it is beyond the control of national forest management actions.

Region 1: The Helena-Lewis & Clark failed to include the Brewer's sparrow because habitats occur "primarily off NFS lands" (though it is known to occur in the plan area).

Region 2: The sage sparrow was not identified as a SCC because of "very limited ability to influence species through management actions of Rio Grande National Forest."

Region 5: Mt. Lyell shrew

Region 10: Aleutian cress was excluded in part because climate change is "outside the control of the agency." Sessileleaf scurvygrass was excluded in part because its habitat "may be within the regulatory control of the State of Alaska."

13. **Species identified as vulnerable by NatureServe or others, but does not contribute to larger population.** This criterion is not included in the directives. Its use appears to confuse the criteria for identifying SCC with requirements for plan components to provide ecological conditions for viable populations.

Region 1: The Helena-Lewis & Clark excludes the white-tailed ptarmigan and fisher for this reason.

14. **Species identified as vulnerable by NatureServe or others, but a not warranted finding under ESA**. The criteria for listing under ESA are more stringent than for SCC, so the failure to list a species under ESA is irrelevant to the SCC determination (risk of extinction is not required of SCC). A previous positive 90-day finding is compelling evidence that there is substantial concern for persistence.

Region 1: Wolverine

Region 5: The bi-state sage grouse was initially not included but apparently added in response to comments.

15. **Species identified as vulnerable by NatureServe or others, but designated as a game species in a state.** The fact that a species is hunted does not provide a scientific justification for lack of concern about persistence.

Region 1: The Helena-Lewis & Clark excluded gray wolf for this reason.

Region 3: Game species was used as a criterion for the Carson (band-tailed pigeon and Rocky Mountain bighorn sheep).

Region 5: Nelson desert bighorn sheep, Mt. Pinos sooty grouse

16. **Existing laws or regulations applicable to the Forest Service cited as alleviating concerns about persistence in the plan are.** Unless these directly address and mitigate all of the threats to a species they do not necessarily affect concerns for persistence in the plan area.

Region 3: The Bald Eagle and Golden Eagle Protection Act requirements were assumed to alleviate a concern for the continued persistence of these species.

Region 8: Bird species protected by the Migratory Bird Treaty Act WERE recommended as SCC by the Nantahala-Pisgah, as well as fish protected by the Clean Water Act and North Carolina Sediment and Pollution Control Act.

Appendix 2
Additional Species of Conservation Concern to Consider

Common Name	Scientific Name	Substantial Concern about Persistence[1]	Potential Occurrence in SCNF[2]
Northern Leopard Frog	*Lithobates pipiens*	NS: G3G4, S3 SGCN	Butte, Blaine
Sagebrush Sparrow	*Artemisiospiza nevadensis*	NS: G5, S3B	Butte, Clark, Blaine
Ferruginous Hawk	*Buteo regalis*	NS: G4, S3B SGCN	Custer, Lemhi, Butte, Clark, Blaine
Lark Bunting	*Calamospiza melanocorys*	NS: G5, S2B	Butte, Clark, Blaine
Merlin	*Falco columbarius*	NS: G5, S2B,S2N SGCN	Custer, Lemhi, Butte, Blaine
Prairie Falcon	*Falco mexicanus*	NS: G5, S4B,S3N SGCN	Butte, Clark
Loggerhead Shrike	*Lanius ludovicianus*	NS: G4, S3	Butte, Clark
A Grasshopper	*Argiacris amissuli*	NS: G1G3, S1	Butte
A Mayfly	*Centroptilum bifurcatum*	NS: G5, S1	Butte, Blaine
Blind Cave Leiodid Beetle	*Glacicavicola bathyscioides*	NS: G1G3, S1 SGCN	Butte
Tiny Forestfly	*Malenka tina*	NS: G3, S1	Butte, Lemhi, Blaine
A lichen	*Catapyrenium congestum*	NS: G4, S2	Butte, Clark
Merriam's Shrew	*Sorex merriami*	NS: G5, S2 SGCN	Butte
American Water Shrew	*Sorex palustris*	NS: G5, S3	Butte, Clark, Blaine
Idaho Pocket Gopher	*Thomomys idahoensis*	NS: G4, S3	Butte
Townsend's Pocket Gopher	*Thomomys townsendii*	NS: G4G5, S2 SGCN	Butte, Clark
Wyoming Ground Squirrel	*Urocitellus elegans*	NS: G5, S3	Butte, Clark
Piute Ground Squirrel, Great Basin Ground Squirrel	*Urocitellus mollis, Spermophilus mollis*	NS: G4G5, S2 SGCN	Butte, Clark, Blaine

[1] Abbreviations: NS = NatureServe Rank; RFSS = Regional Forester Sensitive Species; SGCN = Idaho Species of Greatest Conservation Need

[2] County occurrence records from NatureServe.

Common Name	Scientific Name	Substantial Concern about Persistence[1]	Potential Occurrence in SCNF[2]
Pygmy Suncup	*Camissonia pterosperma*	NS: G4, S2	Butte, Clark
Low Fleabane	*Erigeron humilis*	NS: G5, S2	Butte
Hidden Buckwheat	*Eriogonum capistratum*	NS: G4, S2	Butte
Inconspicuous Scorpionweed	*Phacelia inconspicua*	NS: G2, S1	Butte, Blaine
Marsh's bluegrass	*Poa abbreviata ssp. marshii*	NS: G5, S1 RFSS	Butte, Blaine
Northern bluegrass	*Poa abbreviata*	NS: G5, S1	Butte, Blaine
Hoary Willow	*Salix candida*	NS: G5, S2	Butte, Clark
Common gartersnake	*Thamnophis sirtalis*	NS: G5, S3	Lemhi, Clark, Blaine
A Cave Obligate Mite	*Flabellorhagidia pecki*	NS: G1G2, S1 SGCN	Butte
A Cave Obligate Harvestman	*Speleomaster pecki*	NS: G1G2, S1 SGCN	Butte