

direction that the national forests be managed using principles of multiple use and to produce a sustained yield of products and services. Specifically, MUSY gives policy that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, wildlife, and fish purposes. Land management for multiple uses has inherent conflicts. However, MUSY directs resource management not to impair the productivity of the land while giving consideration to the relative values of the various resources, though not necessarily in terms of the greatest financial return or unit output. This act provides direction to the USFS that wildlife (which includes the mountain yellow-legged frog), is a value that must be managed for, though discretion is given to each national forest when considering the value of the mountain yellow-legged frog relative to the other uses for which they must manage. MUSY does not have any provisions specific to the protection of either the mountain yellow-legged frog or its habitat.

The Federal Land Policy and Management Act of 1976 (FLPMA), as amended, gives management direction to the Bureau of Land Management; however, its application is to all Federal lands, including those managed by the USFS. FLPMA includes a provision requiring that 50 percent or \$10,000,000 per year, whichever is greater, of all moneys received through grazing fees collected on Federal lands (including the USFS-administered lands within the range of the mountain yellow-legged frog) be spent for the purpose of on-the-ground range rehabilitation, protection, and improvement. This includes all forms of rangeland betterment such as fence construction, water development, and fish and wildlife enhancement. Half of the appropriated amount must be spent within the national forest where such moneys were derived. FLPMA provides for some rangeland improvements intended for the long-term betterment of forage conditions and resulting benefits to wildlife, watershed protection, and livestock production. Land improvements initiated pursuant to FLPMA may have benefitted the mountain yellow-legged frog and its habitat; however, some mountain yellow-legged frog habitat has continued to be destabilized and deteriorate due to livestock grazing on lands subject to FLPMA (R. Knapp, *in litt.* 1993a, 1993b, 1994, 2002; Jennings 1995, 1996). We are unaware of any USFS-initiated projects developed under FLPMA for the specific benefit of

the mountain yellow-legged frog, and, if the USFS has conducted such projects, what effects they have had.

The Wilderness Act of 1964 established a National Wilderness Preservation System made up of federally owned areas designated by Congress as "wilderness" for the purpose of preserving and protecting designated areas in their natural condition. Commercial enterprise, road construction, use of motorized vehicles or other equipment, and structural developments are generally prohibited within designated wilderness. Livestock grazing is permitted within designated wilderness, subject to other applicable laws, if it was established prior to the passage of this act. The Wilderness Act does not specifically mention fish stocking although it does state that it shall not affect the jurisdiction or responsibilities of States with wildlife and fish responsibilities in the national forests. Whether fish stocking is permitted under the Wilderness Act is an issue that has been debated (Bahls 1992; Landres *et al.* 2001). However, it generally has not limited fish stocking in the Sierra Nevada (Knapp 1996). Passage of the Wilderness Act has not positively affected mountain yellow-legged frog populations in wilderness areas of the Sierra Nevada as it does not prevent fish stocking (Knapp and Matthews 2000). Potentially, the Wilderness Act has helped to protect mountain yellow-legged frog habitat from development or other types of habitat conversions and disturbances; however, mountain yellow-legged frog populations have continued to decline despite its passage.

The National Environmental Policy Act of 1969 (NEPA), as amended, requires all Federal agencies to formally document and publicly disclose the environmental impacts of all actions and management decisions. NEPA documentation is provided in either an environmental impact statement, an environmental assessment, or a categorical exclusion, and may be subject to administrative appeal or litigation. The Pacific Southwest Region (Region 5) of the USFS considers the mountain yellow-legged frog a Forest Service sensitive species. Therefore, as part of USFS policy, the analysis related to planning under the National Forest Management Act of 1976 (NFMA) and conducted by the USFS to evaluate potential management decisions under NEPA includes a biological evaluation which discloses potential impacts to sensitive species at both the forest planning level and on a project-by-project basis. Under USFS policy (FSM 2620 and 2670), projects must not result

in contributing to a trend towards Federal listing of species. Despite the analyses pursuant to NEPA on all Federal actions potentially affecting the mountain yellow-legged frog in the Sierra Nevada, and analyses pursuant to both NFMA and NEPA on national forests, the species' populations have continued to decline (Bradford *et al.* 1993, 1994a; Drost and Fellers 1996; Jennings 1996; Knapp 1996).

The revised NMFA planning regulations recently proposed by the USFS (67 FR 72770) may affect the status of this policy requirement (FSM 2620 and 2670), as the underlying regulatory framework pertaining to providing for the diversity of plant and animal communities is proposed to be substantially altered from the existing regulatory requirement. The outcome of both the regulations and the related policies that tier to them is uncertain.

In the few cases where the Sierra Nevada mountain yellow-legged frog occurs in habitat occupied by species listed pursuant to the Act, the mountain yellow-legged frog may be afforded protection under this legislation. The native Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) and native Paiute cutthroat trout (*Oncorhynchus clarki seleneris*) are federally listed species, occurring predominantly in drainages on the east side of the Sierra Nevada. They co-occur with several small populations of mountain yellow-legged frogs at lower elevations on the edge of the species' range. The native Little Kern golden trout is a federally threatened species, co-occurring with the mountain yellow-legged frog in a few isolated locations in the southern Sierra Nevada (Knapp 1996; Moyle 2002). Recovery actions for these trout species, such as physical habitat protection, may benefit the mountain yellow-legged frog. For example, on the Tahoe National Forest, grazing, recreation, and other restrictions for the benefit of the Lahontan cutthroat trout and its habitat have been established. One of these measures that benefits the mountain yellow-legged frog is the establishment of a bank protection measure that allows for 10 percent bank disturbance (measured as bare ground accompanied by soil displacement and/or cutting of plant root crowns). Elsewhere the standard for bank disturbance is 20 percent (A. Carlson, *in litt.* 2002). However, the use of chemicals or electrofishing to remove non-native fish from threatened trout habitat may adversely affect mountain yellow-legged frogs present at the time of treatment. Additionally, listed native trout species