

information regarding the subspecies' historic and current distribution, habitat conditions and use, biology and ecology, threats, and ongoing conservation measures for the subspecies and its habitat. We requested any available information on the three Washington populations of the western gray squirrel concerning (1) the genetics of these populations as they relate to each other and to the closest populations in Oregon; (2) the extent to which the two populations east of the Cascade Mountains are discrete from each other; (3) current status and trends of each of these populations; (4) the presence of the subspecies on additional public or private lands; (5) identification of the current specific threats to each of the populations; and (6) any additional information supporting the DPS analysis of significance, as defined in our DPS policy (61 FR 4722), of each of these populations to the subspecies as a whole.

We received comments, information, and data concerning the status of the western gray squirrel from 27 individuals, State and local agencies, nongovernmental organizations, industries, museums, and universities. Some commenters expressed only support for or opposition to a potential listing without providing additional documentation. Information or data from more substantive comments are incorporated, where appropriate, and concerns raised in the comments are addressed throughout this petition finding. We also reviewed information from peer-reviewed journal articles, agency reports and file documents, telephone interviews, and correspondence with biologists familiar with the western gray squirrel.

Western Gray Squirrel Status Summary

The rangewide status review initiated in the 90-day petition finding (67 FR 65931) entailed obtaining and considering the best scientific and commercial information available to assist us in our DPS analysis for the western gray squirrel in Washington.

Nevada

Western gray squirrels are considered uncommon in Nevada. They are only found on the Carson Range in west-central Nevada where they are yearlong residents; they are not documented to currently occur elsewhere in Nevada (Biological Resources Research Center, University of Nevada-Reno (UNR) 2003). Johnson (1954) reported collection of the subspecies in Washoe County near the California State line, and observations of individuals along the

base of the Carson Range. Hall (1981) cites marginal records in Verdi and just southwest of Carson City.

The Nevada western gray squirrel population probably represents a migrant population from the Sierra Nevada in California on the fringe of the subspecies' range (UNR 2003). Although western gray squirrels occur along the west slope of the Sierra Nevada, up to 7,700 ft (2,347 m) at times, they probably crossed into Nevada from lower elevations in the northern Sierra Nevada. The subspecies has never been wide-ranging in Nevada, and its limited range in Nevada is probably related to the absence of oak trees (Johnson 1954).

The western gray squirrel is a "protected species" under the Nevada Administrative Code (NAC) (NAC 503.030). There is no open season on species classified as protected (NAC 503.090), according to criteria specified in NAC 503.103. The National Heritage Status Rank for the western gray squirrel in Nevada is S4 (Apparently Secure) (NatureServe Explorer 2002).

Current distribution and population sizes in Nevada have not been documented. Although small and possibly isolated from other populations in the subspecies' range in California, this western gray squirrel population has apparently never been large. Two public comments in response to our request for information in the 90-day finding provided data suggesting that western gray squirrels are "common in the Lake Tahoe basin, especially in the urbanized areas of the basin" (J. Shane Romsos, Tahoe Regional Planning Agency (NV), pers. comm. 2002) and are "common and well-adapted to the urban/forest interface setting in South Lake Tahoe, California" (Peter Maholland, California Tahoe Conservancy, pers. comm. 2002). Western gray squirrels are apparently adapted to habitat and food sources available in these urbanized areas.

California

The western gray squirrel is fairly common in California where it occupies mature stands of most conifer, hardwood, and mixed hardwood-conifer habitats in the Klamath, Sierra Nevada, Tehachapi, Little San Bernardino, Santa Rosa, Laguna Mountains, and Transverse and Peninsular Ranges. Western gray squirrels are also found in riparian stands and other suitable habitats in the Sacramento Valley (CDFG 1990).

The western gray squirrel is a regulated game species in California. CDFG bases hunting regulations on estimates of approximately 12 million ha (30 million ac) of western gray

squirrel habitat, not including orchards, that are occupied by approximately 18 million squirrels just before the breeding season. Their estimates include an average net increase of about 1.2 million squirrels annually, after assuming a 50 percent juvenile mortality, a 50 percent adult mortality, and a hunting harvest rate of less than 1 percent each year. Their conclusions, based on these estimates, are that hunting mortality does not have adverse effects on the western gray squirrel populations, and that environmental and density-dependent mechanisms help keep the populations in check with their habitats (CDFG 2002). Also, CDFG data indicate the number of tree squirrel hunters has declined from a high of about 68,000 in the late 1960s to about 12,000 hunters in 2000. The number of tree squirrels harvested has declined from a peak of about 350,000 in the late 1970s to about 75,000 tree squirrels harvested in 2000 (CDFG 2002).

The National Heritage Status Rank for the western gray squirrel in California is S4 (Apparently Secure) and S5 (Secure) (NatureServe Explorer 2002). None of the subspecies of the western gray squirrel is included on the CDFG "special animal" list. This list is a general term referring to all of the taxa the California Natural Diversity Data Base is interested in tracking, regardless of their legal and protection status (CDFG 1999).

Several conservation programs, policies, and regulations help maintain western gray squirrel habitat in California. The Integrated Hardwood Range Management Program, established in 1986, aims to maintain, and increase where possible, acreage of California's hardwood range resources. In 2001, the Oak Woodlands Conservation Act created the Oak Woodlands Conservation Fund for conservation actions to preserve oak woodlands and guidelines for the program are under development. The California Forest Practice Rules provide regulations for maintaining hardwood and riparian components during timber harvest planning. California Partners in Flight prepared an oak woodland bird conservation plan to conserve and restore oak woodlands, which will help maintain western gray squirrel habitats and populations. The 1985 hardwood conservation policy and 1989 hardwood guidelines developed by the California Fish and Game Commission are used as references to ensure hardwood conservation measures are considered in all project proposals reviewed under the California Environmental Quality Act (Patrick Lauridson, CDFG, *in litt.* 2002).