In the Angeles National Forest

Thru-Hiking v. Endangered Foothill Yellow Legged Frog Trail Closure HA-29-5-25

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Trail name: Rainbo

It is proposed the Angeles National Forest be fined $500 to clean up the slash pile in the Eagle's Roost picnic area, beneath Mt. Baden-Powell, that is dedicated to the English Lord who founded the Boy of Scouts of America, and the Mt. Williamson arson scene that extends to the banks of the Little Rock Creek, under 36CFR§261.5 in order for the Secretary of Agriculture under 16USC§551 to afford to place two signs, one at each end of the disputed 4-mile PCT segment through the critical habitat of the endangered yellow-legged frog along Little Rock Creek, that extends from Eagle Roost Picnic Area (mile 390.2) to the Burkhart Trail (mile 393.8) near Buckhorn Campground to resolve water resource issues in concert with conservation of endangered species pursuant to Sec. 2(c)(2) of the Endangered Species Act 16USC§1531(c)(2). It is advised the permanent signs say: “Endangered Yellow Legged Frog (*Rana boylii*) Habitat - Dogs on Leash, No Bathing, No Camping, No Campfires, Day-Use Only, Stay on Trail, Next 4 Miles.”

I. Little Rock Creek Trail Closure Contest
II. Foothill Yellow-Legged Frog
III. Critical Habitat Designation under the Endangered Species Act

Work Cited

Alsea Valley Alliance v. Lautenbacher, 2007 U.S. Dist. Lexis 60203 (D. Or. 2007)

Arson within the maritime and territorial jurisdiction 18USC§81

Conspiracy Art. 81 of the Uniform Code of Military Justice 10USC§881

Designation Endangered Species Habitat 50 CFR 424.12

Endangered Species Act 15USC§1531 et seq.

Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments 88 FR 59698 Sep 28, 2023

Fire 36CFR§261.5

Interagency Cooperation of Endangered Species Act 50 CFR part 402

Protection of National Forest, Rules and Regulations 16USC§551

R v. Kruk 2024 SCC 7

Scope of Review 5USC§706

T v. Sanders Hospitals & Asylums HA-16-5-24

Washington Environmental Council v. National Marine Fisheries Service, 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)

I. Little Rock Creek Trail Closure Contest

There are only two bars for a half mile in this fifty mile westward trek on the PCT between the Coastal Range and the central San Gabriel Mountains, communication is obviously compromised, and I have therefore taken the liberty to commit this case to memory of the confused hikers, many wearing green and yellow, "leap frogging" north around the closed trailhead. The term leap frogging, cheers up the thought of having to get off the trail to let, other, faster, hikers, pass, pass them when they are resting later in the day, and then being passed by them again, whereas, the only true rule of thru hiking seems to be road-walking doesn't count, for the resolution of recreational trip and developmental national trail-sidewalk connectivity planning. There is however no mistaking oncoming travelers, especially those seemingly disgruntled hikers, going uphill, prayer for the speedy and peaceful passage of Oedipus Rex, who in sooth receives as many, usually suppressed, angry comments, as a nomadic "leap frog" going the same direction, but there is no case of intentional violence of the credible fear that one passing hiker will accidentally push another off the side of the trail, or irrational phobia about slowing down the hiking, for another.

It is proposed that the Los Angeles National Forest be fined $500 to clean up the slash pile in the Eagle's Roost picnic area, beneath Mt. Baden-Powell, dedicated to founder of the Boy of Scouts of America, and Mt. Williamson arson, under 36CFR§261.5 in order for the Secretary of Agriculture under 16USC§551 to afford to place two signs, one at each end of the disputed 4-mile PCT segment through the critical habitat of the endangered yellow-legged frog along Little Rock Creek, that extends from Eagle Roost Picnic Area (mile 390.2) to the Burkhart Trail (mile 393.8) near Buckhorn Campground resolve water resource issues in concert with conservation of endangered species pursuant to Sec. 2 of the Endangered Species Act 16USC§1531(c)(2). It is advised the permanent signs say: "Endangered Yellow Legged Frog (*Rana boylii*) Habitat - Dogs on Leash, No Bathing, No Camping, No Campfires, Day-Use Only, Stay on Trail, Next 4 Miles."

Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments was published 88 FR 59698 on Sep 28, 2023. Consequently, the Los Angeles National Forest in the San Gabriel Mountains in the South Sierra range of the Foothill Yellow-legged Frog, has overzealously closed a 4 mile section of the Pacific Crest Trail (PCT) to hiking, under penalty. By closing the trail the Forest Service forces hikers to walk three miles on a dangerous mountain road before the Burkhart Trail reconnects with the PCT. It is not fair that protecting endangered foothill yellow-legged frog life should endanger human life and there is a predator in a blue Camaro who wants to indemnify PCT thru-hikers for UN Compensation by the USDA if they should be struck by an automobile incidental to this arbitrary and capricious trail closure. Thru-hiking does not pose any threat to the endangered species, and thru-hiking seems to be all the Secretary is obligated to negotiate with, to officially designate this area as critical habitat, despite the vulnerability of the unconstitutionally vague language in 50CFR§424.12, to judicial review of the Administrative Procedures Act under 5USC§706, not to mention suggesting Deb Haaland, be

appointed first Native American justice after being, the first Native American Secretary of the Interior to go bankrupt and betray states with more than 30 percent protected land, because the Interior Department (ID) is as historically unaccountable as aggravated identity theft by their law enforcement, but she is an appealing lawyer and think she would be nicer on the Supreme Court than William Howard Taft.

II. Foothill Yellow-Legged Frog

The Fish and Wildlife Service (FWS) report: The foothill yellow-legged frog (*Rana boylii*) is a small to medium-sized frog, 1.5 to 3.2 inches in length, with rough, pebbly skin that is generally mottled gray, olive or brown. The frog gets its name from the yellow shading on its belly and underside of the rear legs. The foothill yellow-legged frog lives in foothill and mountain streams from the Pacific Coast to the western slopes of the Sierra Nevada and Cascades mountains, up to approximately 5,000 feet in elevation. The foothill yellow-legged frog occurs in a wide variety of vegetation types including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian , ponderosa pine, mixed conifer, mixed chaparral and wet meadows. The frog is closely associated with streams and is rarely observed far from the water's edge.

Breeding stream habitat is typically shallow, rocky and at least partially exposed to direct sunlight. When out of the water, foothill yellow-legged frogs are typically observed in the open, perched on an exposed rock, sand bar or sandy shore. Tadpoles feed on algae and related freshwater organisms. After metamorphosis, juvenile and adult frogs feed on aquatic and terrestrial invertebrates including snails, moths, flies, water striders, beetles, grasshoppers, hornets and ants. During the breeding season, foothill yellow-legged frogs exhibit a lek-style mating system, where males congregate at breeding sites and often establish small calling territories to attract female mates. Female foothill yellow-legged frogs lay one egg mass per year, containing approximately 1,000 to 2,500 eggs, but may range from approximately 100 to more than 4,000 eggs. Foothill yellow-legged frog maximum life span could be as long as 10 to 15 years. However, typical life span in the wild is likely closer to 5 years.

The foothill yellow-legged frog consists of six geographically and genetically distinct population segments (DPS). The U.S. Fish and Wildlife Service listed the South Coast DPS and South Sierra DPS as endangered due to a strong pattern of declining stream occupancy, rapid reductions in occupied range and predicted inability to survive a catastrophic event. The North Feather DPS and Central Coast DPS are listed as threatened due to decreasing levels of stream occupancy and the potential for a variety of threats to cause additional declines. The U.S. Fish and Wildlife Service determined the North Coast DPS and North Sierra DPS are not warranted for listing after data showed high levels of occupancy in streams located throughout their ranges, giving them greater ability to withstand environmental changes and catastrophic events. The amphibian faces several threats, including altered waterflows that are related to water infrastructure, competition with and predation by non-native species and disease. The species also faces threats from precipitation and temperature changes that are related to climate change , as well as high-severity wildfires. Water-related recreation and habitat conversion and degradation also threaten this species.

A species status assessment (SSA) team prepared an SSA report for the foothill yellow-legged frog to determine the impacts of past, present, and future factors (both negative and beneficial) affecting them. Peer reviewer comments addressed issues related to the effects of disease (chytridiomycosis), mining, wildfire, climate change, and watershed impairment on the species, as well as its preferred hydraulic

conditions, potential for species hybridization, breeding conditions, metapopulation dynamics, and elevational range studied through the three conservation biology principles of resiliency, redundancy, and representation. Foothill yellow-legged frogs can be negatively affected by amphibian chytrid fungus (*Batrachochytrium dendrobatidis* (Bd)), parasitic copepods, and Saprolegnia fungus. Bd is implicated in the declines or presumed extinctions of hundreds of amphibian species. The spread of Bd in the range of the foothill yellow-legged frog is presumably linked to increased human use of habitat and the introduction of nonnative bullfrogs, which are Bd reservoir hosts. Foothill yellowlegged frog declines in the South Sierra unit may be linked to agricultural pesticide use. Impacts from recreation can be localized, such as trampling or dislodging of egg masses, while others are greater in extent or contribute to other threats. These greater threats include off-highway vehicle use causing habitat degradation and increased sedimentation. In the case of Little Rock Creek trail closure, where motorized vehicles were already prohibited, it is held that keeping dogs on leash is the most important prohibition, bathing, camping, campfires, bush-wacking are also arbitrarily prohibited to maximize protection of this four mile stretch of foothill yellow-legged frog critical habitat.

Foothill yellow-legged frog presence is negatively associated with agriculture within 5 kilometers (km) (3.1 miles (mi)). Many population declines across the foothill yellow-legged frog's range have been attributed to the altered flow regimes and habitat fragmentation associated with water storage and hydropower dams. Where populations of foothill yellow-legged frogs persist in these areas, breeding population densities were more than five times smaller below dams than in free-flowing rivers (based on breeding populations in the North Coast DPS, North Feather DPS, and Central Coast DPS). In 2006, flow releases for recreational boating were discontinued on the Cresta reach due to possible impacts from flows resulting in low foothill yellow-legged frog egg masses that year. In 2009 and again in 2014, modified flow programs were implemented to mimic natural flow regimes by reducing flows in spring and summer (April through the foothill yellow-legged frog's breeding season between March and early June).

III. Critical Habitat Designation under the Endangered Species Act

Section 4(a)(3) of the ESA 16USC§1533 requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the maximum extent prudent and determinable. The Fish and Wildlife Service (FWS) has however not yet been able to obtain the necessary economic information needed to develop a proposed critical habitat designation for the four DPSs of the foothill yellow-legged frog. Therefore, the FWS found that designation of critical habitat for the four DPSs is currently not determinable. Once FWS obtains the necessary economic information, the FWS will propose critical habitat designations for the four DPSs. A careful assessment of the economic impacts that may occur due to a critical habitat designation is still ongoing, and FWS is in the process of working with the State and other partners in acquiring the complex information needed to perform that assessment under the unconstitutionally vague rules regarding the designation of critical habitat at 50 CFR 424.12. It is proposed, incidental to the resolution of this overzealous trail closure with PCT thru-hikers by prudent regulation of recreational use, there be no other trespassers on the critical habitat of the endangered yellow-legged frog habitat, to resolve water resource issues in concert with conservation of endangered species pursuant to Sec. 2(c)(2) of the Endangered Species Act 16USC§1531.

Section 7(a) of the ESA 15USC§1536 requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision

of the Act are codified at 50 CFR part 402. Federal agencies are required to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with the Service. Actions that result in a determination by a Federal agency of ‘‘not likely to adversely affect’’ continue to require the Service’s written concurrence and actions that are ‘‘likely to adversely affect’’ a species require formal consultation and the formulation of a biological opinion. Regulations governing permits are codified at 50CFR§17.32.

The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States... It is our policy, as published in the Federal Register on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibit take of threatened wildlife or include a limited taking prohibition see *Alsea Valley Alliance v. Lautenbacher*, 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002). With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act and are included as standard exceptions in the 4(d) rule. The prohibition regarding taking the life of endangered species must be applied by common sense to the designation of critical habitat, that must be ironically be protected most of all against pyromania, by enforcing the prohibition of flammable debris and ignition, inter alia, prohibition of slash piles and prescribed burns under 36CFR261.5 and *R v. Kruk* 2024 SCC 7.

Anecdotally, foothill yellow-legged frog populations have survived low- to moderate-severity wildfires , and it is suspected that low-severity fires do not have adverse effects on the foothill yellow-legged frog. In fact, wildfires may benefit habitat quality by decreasing canopy cover and increasing habitat heterogeneity. Direct mortality from scorching is unlikely, given the species’ aquatic nature and the sightings of foothill yellow-legged frogs immediately after wildfires. In contrast, high-severity wildfires can greatly alter water and habitat quality, remove all vegetative canopy, and reduce habitat heterogeneity by burning vegetative and woody debris that foothill yellow-legged frogs use for shelter. Short- and long-term effects of severe wildfires include potentially harmful changes in water chemistry and increased erosion and sedimentation from flooding, which can destroy or degrade breeding habitat and interstitial spaces. Furthermore, the use of fire retardants and suppressants during wildland firefighting can affect amphibians by harming water quality and by direct toxicity to amphibians and their food sources.

Measures to conduct wildfire prevention activities, non-emergency suppression activities, and other silviculture best management practices that are in accordance with an established forest or fuels management plan that follow current State of California Forest Practice Rules, State fire codes, or local fire codes/ordinances are wrongly viewed as appropriate, although slash piles are prohibited flammable debris 36CFR§261.5 to fined up to $500 by the Secretary of Agriculture under 16USC§551. The National Forests in the State of California are one of the major megaton offenders of slash piles. So

far, in 2024, slash piles seem to be limited to right in front of the Work Center near economically depressing Big Bear, but they obviously need to be further prohibited as a form of robbery. To abate western wildfires it will be necessary for the US Supreme Court to enforce the prohibition of slash piles on public land, Interior Department (ID) law enforcement customarily ignite, when they aggravated identity theft, due to an FBI leak in their communication and identification. The USDA Forest Service must be made to understand slash piles are prohibited as flammable debris on public land by 36CFR§261.5 no matter how dyslexic they are due to ephedra exposure incidental to arson conspiracy in violation of 18USC§81 and Art. 81 of the Uniform Code of Military Justice 10USC§881.

In regards to case(s) captioned T v. the *The Hiking* plaintiff name is hereby changed to *Thru-Hiking* in the pursuit of good sportsmanship and English language truth.

Mount Baden-Powell Summit

Source: Lord Baden-Powell founded Boy Scouts in 1857