



March 10, 2016

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Public Comments Processing
Attn: FWS-R6-ES-2015-0089
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

**Re: 90-Day Finding on Petition to List the Great Basin Silverspot Butterfly
Under the Endangered Species Act of 1973**

Dear Sir/Madam:

The U.S. Fish and Wildlife Service's (FWS) Evaluation of a Petition to List the Great Basin Silverspot Butterfly (GBSB) under the Endangered Species Act of 1973 (ESA) demonstrates that listing is not warranted at this time. The petition lacks substantial scientific information on population, habitat fragmentation and other threats necessary to warrant a listing.

Western Energy Alliance represents over 450 members involved in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. The Alliance represents independents, the majority of which are small businesses with an average of fifteen employees.

Although the petition review finds no adverse impacts to the GBSB from oil and natural gas development, a listing decision could negatively impact our members' ability to operate in the range. Therefore, we appreciate the opportunity to comment and respectfully request you take these comments into full consideration when conducting the species review.

Western Energy Alliance is proud of the fact that industry has developed and implemented horizontal drilling and other best practices that have dramatically reduced the overall footprint of oil and natural gas development. Companies have achieved a 70% reduction in surface disturbance in recent years through increased drilling of horizontal wells, every one of which is akin to replacing between 8 and

16 vertical wells.¹ Clustering numerous horizontal wells on one pad further reduces surface disturbance and habitat fragmentation. That record of success provides additional support for why oil and natural gas development should remain off the list of threats to the species.

The listing petition identified eleven factors that could potentially warrant an ESA listing, ranging from biocides and livestock grazing to climate change. Of these eleven factors, FWS found just three of the factors were substantially supported. Notably, habitat fragmentation and a lack of sufficient regulatory mechanisms were *not* identified as potential threats.

The petition review explicitly rejects inadequacy of regulatory mechanisms as a factor, finding no evidence that current regulatory mechanisms are insufficient to protect the GBSB. If no further regulatory mechanisms are necessary to protect a species, then there is no need for a listing under the Endangered Species Act.

Furthermore, the review finds that “neither the petition nor the sources it cites provide substantial information suggesting habitat fragmentation may be a threat to the Great Basin Silverspot.” The presence or absence of habitat fragmentation may help determine whether the species population is at risk, and the lack of such a threat lends further support for denying the listing petition.

The petition review finds substantial information supporting population size as an active threat to the GBSB. Focusing on population size is very problematic in this case because the petition only cites to one study from 2007 to indicate population size. FWS cannot rely upon a nearly decade-old study without further substantive analysis or more recent science on the population in making a decision. Even worse, the one study merely “cites *preliminary findings* from a Great Basin silverspot population genetics study” (emphasis added). Available data on the health of the species population is vastly insufficient at this time, and FWS should not make a listing decision until further population research is conducted.

The review also finds substantial information supporting livestock grazing and climate change as active threats to the beetle. However, these factors only affect the species through their impact on the population. As discussed above, there is no evidence that the population size is a threat, and factors that merely have an effect on the species population are insufficient to justify a listing. Numerous factors impact the population of every species on earth; the mere fact that one

¹ [“Oil and gas impacts on Wyoming’s sage-grouse: summarizing the past and predicting the foreseeable future,”](#) *Human-Wildlife Interactions* 8(2), David Applegate and Nicholas Owens, Fall 2014, 284–290.

anthropogenic or ecological factor affects the population of a species cannot be sufficient evidence for a listing decision if the population size is not itself a threat. Carried to its logical conclusion, such a determination would require the listing of every single species.

In conclusion, there is no evidence provided in the petition that the Great Basin Silverspot Butterfly population is threatened or endangered. The petition has failed to provide convincing scientific evidence that listing the GBSB is warranted. Western Energy Alliance greatly appreciates the opportunity to provide these comments.

Sincerely,



Kathleen M. Sgamma
Vice President of Government & Public Affairs