



May 16, 2016

Submitted via Federal eRulemaking Portal: <http://www.regulations.gov>

Public Comments Processing
Attn: FWS-R2-ES-2016-0016-0003
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 Leoncita False-Foxglove 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 Leoncita False-Foxglove (LFF) under the Endangered Species Act of 1973 (ESA) demonstrates that listing is not warranted at this time. The species is located exclusively in areas that are currently managed for the conservation and recovery of endangered species, so further protections are unnecessary to protect LFF habitat at this time and FWS should not list the species.

Western Energy Alliance represents over 300 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 LFF 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.

It is important to note, first and foremost, that no information is provided in the petition or the lone scientific study on which it is based indicating that the population of the LFF is declining, much less endangered or threatened. In fact, the petition notes that "populations at both known locations have been reported to be in the hundreds to thousands of individuals within the past 11 years," but no

definitive current or historic population figures are provided. 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 listing petition focuses instead on habitat degradation, specifically groundwater depletion, and the inadequacy of existing regulatory mechanisms as factors that indicate a listing may be warranted. Throughout the petition, however, petitioners make clear that LFF habitat is currently managed for the conservation of endangered species. The two locations of the LFF's known population are the Bitter Lake National Wildlife Refuge (BLNWR) in New Mexico and the Diamond Y Spring in Texas, which is owned by the Nature Conservancy of Texas. Combined, these two locations are home to seven endangered, threatened, or candidate species, and land use plans are currently in place to manage both areas for the benefit of those species.

Petitioners argue that the land use plans are insufficient to protect the LFF, and therefore a listing is necessary. However, absent specific scientific information that demonstrates declining LFF population levels are a result of ongoing habitat degradation, a listing decision is not warranted. Instead, the only proper action that should be considered for conservation of the LLF is to amend the land use plans for the BLNWR and the Diamond Y Spring to take into account LFF habitat needs.

The petition has failed to provide convincing scientific evidence that listing the Leoncita False-Foxglove is warranted, so FWS should not list the species. Western Energy Alliance greatly appreciates the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,



Kathleen M. Sgamma
Vice President of Government & Public Affairs