



The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

October 19, 2009

Public Comments Processing
Attn: FWS-6-ES-2008-0131
Division of Policy and Directives Suite 222
Arlington, VA 22203

Dear Sir or Madam:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the 90-day finding and status review on 38 species in the mountain-prairie region of the United States as threatened or endangered under the Endangered Species Act.

Our comments are specific to our mission within state government: dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

The WDA does not believe the United States Fish and Wildlife Service (Service) provided adequate time for commenting. The number of potentially listed species was originally 206. We do not support the continued blanket listing of large numbers of species as the petitioner has done. The amount of research required to adequately comment for one species is considerably time consuming, let alone trying to research all 206. We support the Service reducing the list from 206 to 38 and further reducing it to 29 after the species' petitions lacked substantial scientific or commercial information.

We understand not all species occur in Wyoming, but of the 29 species considered by the Service, the following five plants and one fish were in the finding list for our state: *Abronia ammophila* (Yellowstone sand verbena), *Agrostis rossiae* (Ross' bentgrass), *Astragalus proimanthus* (precocious milkvetch), *Boechera (Arabis) pusilla* (Fremont County rockcress), *Penstemon gibbensii* (Gibben's beardtongue) and *Lepidomeda copei* (northern leatherside chub).

- **Yellowstone sand verbena and Ross' bentgrass:** The petition states these plants are endemic to Yellowstone National Park. Yellowstone is one of the most pristine and intact places on earth. We believe the Park Service should provide additional research, including trend studies through multiple factors including, temperature, precipitation, fire, grazing by wildlife and recreation before a listing is considered.

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Trend studies of plants are very difficult due to erratic and considerable factors and timing of data collection. We do not support the listing of either the Yellowstone sand verberna or Ross' bentgrass.

- Fremont County rockcress: Researchers indicate the rockcress habitat consists of granitic soils and outcrops at high elevations. Mining was listed a historical disturbance to general areas in the southern Wind River Range in Fremont County. There was no data collected prior to mining activity and therefore, we cannot support listing a species without developing baseline data and showing a scientifically validated trend with the multiple factors listed above, including precipitation, wildlife grazing, fire, conifer encroachment and other factors. We do not support this listing of Fremont County rockcress.
- Precocious milkvetch: Researchers have found plants to favor rims, bluffs and rocky ridges. We believe the possible threats such as oil and gas exploration, garbage dumps, livestock grazing and range improvements do not occur on rims, bluffs or rocky ridges. Furthermore, there is no significant trend data available to consider the important factors such as drought, wildlife and wild horse grazing, severe winters or other factors. We do not support the listing of the precocious milkvetch.
- Gibben's beardtongue: Again, researchers acknowledge long term trend data is lack on this species as well. The original 1996 C2 designation was found inappropriate by the Service. Since then, only minimal data has been collected and trends showing increases or decreases in population due to a specific reason remain unclear. We are offended the Service fails to identify which grazing species is the cause of threat to this plant. According to Wyoming Natural Diversity Database, mule deer grazing is the cause of concern, but the lack of specification of species leads most readers to believe livestock grazing is the concern. We do not support the listing of the Gibben's beardtongue.
- Northern leatherside chub: Research indicating a distinct species is still considered uncertain. Listing a species on lack of data is a dangerous endeavor and we believe without adequate data with long term trends indicating an actual increase or decrease in a given population is inappropriate and unacceptable. Furthermore, without understanding the habitat needs or ability to adjust to new surroundings, the blame on agriculture including irrigation diversions or grazing is unacceptable. We do not believe agriculture is to blame for the possible listing of the Northern leatherside chubs, which the Service is uncertain, is in fact a taxonomically distinct species. We cannot support the listing of the Northern leatherside chub.

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We thank the Service for accepting our comments. We strongly encourage the Service to find the species "not warranted." We also encourage cooperative efforts be made by the Service, land managers and petitioners to develop neutral, landscape scale, long-term monitoring studies to collect trend data. We insist the Service continues to keep the WDA and other interested parties involved in the process.

Sincerely,

A handwritten signature in blue ink that reads "Jason Fearneyhough". The signature is written in a cursive style.

Jason Fearneyhough
Director

JF/jw

Cc: Governor's Planning Office
WDA Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
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Wyoming Farm Bureau Federation
Wyoming State Grazing Board
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