



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

July 25, 2012

Public Comments Processing
Attn: FWS-R6-ES-2012-0023
Division of Policy and Directives Management
US Fish and Wildlife Service
4401 N. Fairfax Drive,
MS 20420PDM
Arlington, VA 22203

To Whom It May Concern:

The Wyoming Department of Agriculture (WDA) appreciates the opportunity to provide comments on the 90-day finding on a petition and initiation of a status review to list the southern white-tailed ptarmigan and the Mt. Rainier white-tailed ptarmigan (ptarmigan) as threatened under the Endangered Species Act (ESA).

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this petition 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 continue to provide us the opportunity to express pertinent issues and concerns.

The WDA recognizes the ptarmigan's historical range is limited to the Snowy Range of the Medicine Bow National Forest (MBNF) and the bird is currently classified as extirpated. The US Fish and Wildlife Service's (Service) review of the petition to list the ptarmigan as threatened may be warranted due to the presented substantial scientific or commercial information. The identified potential threats to ptarmigan habitat include global climate change, recreation, livestock grazing, and mining. We are commenting in opposition of the use of the scientific data provided and the consideration of the ptarmigan as a threatened species.

The petitioner's model and research indicate the ptarmigan *"will be eliminated from the contiguous United States by year 2061."* The WDA is greatly concerned the Service would readily accept climate change modeled data, and consider it as replicable and reliable. Clearly, the petitioner is abusing the intent of the ESA, by petitioning to list the ptarmigan in order to change legislation by claiming existing regulatory mechanisms and laws such as the Clean Air Act, Clean Water Act, ESA, and Energy Policy and Conservation Act are inadequate to reduce greenhouse gas emissions. The petitioner also misuses the ESA in an attempt to remove livestock grazing, and eliminate the use of recreational vehicles on public lands.

We believe the speculative and over-use of global climate change to list species such as the ptarmigan is inappropriate. The petitioner's global climate change concerns include, *"forests invading alpine ecosystems, reducing the diversity of understory plants and habitat for alpine wildlife."* Furthermore, the petition speculates, *"the response of plants to increased levels of atmospheric carbon dioxide and shifts in precipitation patterns may impact the distribution of willow and other important ptarmigan food plants."* These instances are strictly speculative and the Service should not consider this information for listing the ptarmigan.

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The listed threats in the petition are so expansive, they actually contradict each other. One begins by describing how global climate change will cause a decrease in snow pack, thus reducing alpine meadow habitat selected by hens with broods. However, the petition later indicates snow making machines at ski resorts will adversely affect habitat. Ski resorts producing man-made snow could actually provide an increase in snow pack, creating ideal summer alpine meadow habitat for hens with broods.

The petitioner primarily focuses on global climate change, but also attacks recreation as a potential threat. The petition provides examples where noise and activity by recreationalists *"...may disturb the birds and cause them to leave their optimal feeding and roosting sites, exposing the birds to predation."* However, the petition later states *"ptarmigan are unwary, congregate in large flocks, and return to habitats even after they are repeatedly disturbed, indicating this behavior may make the birds easy to hunt."* We encourage the Service to dismiss the petition due to the numerous contradictions as well as speculatively based approach to listing the ptarmigan.

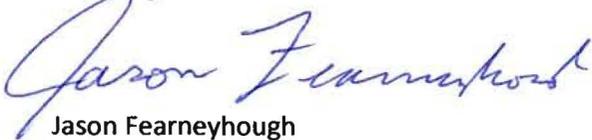
While the Service clearly states *"...the petition does not present substantial scientific or commercial information indicating the ptarmigan may warrant listing to the species' habitat or range from recreation, livestock grazing or mining,"* we question why the Service remains obligated to evaluate those activities in the status review. The petitioner claims cattle and especially sheep, *"reduce availability of food, compete for the same food source, change the availability of water, alters the diversity of plant species, disrupts the nutrient cycling and community succession, trample vegetation, crushing of birds or eggs, disturbance caused by herds or working dogs and altering movement behaviors of ptarmigan in heavily grazed areas,"* without the support of peer-reviewed science.

The petitioner's expansive list of negative impacts on ptarmigan by cattle and sheep grazing lacks adequate research, citations, or case studies directly correlating declines of ptarmigan populations in overlapping habitat with livestock grazing. The WDA encourages the Service dismiss all claims of livestock grazing management causing negative impacts upon ptarmigan populations or habitat.

We believe the petitioner is clearly abusing the ESA by bogging down the Service with a petition containing inadequate peer-reviewed scientific evidence, biased modeling, and erroneous claims to imply the ptarmigan is doomed for extinction by 2061 if it is not listed under the ESA. The petitioner's use of global climate change as the silver bullet to list a species, such as ptarmigan, is inappropriate. The WDA does not support the Service listing the ptarmigan as threatened, and we strongly urge the Service to find the petition as "not warranted."

We appreciate the opportunity to comment. Please do not hesitate to contact us with concerns or questions.

Sincerely,



Jason Fearneyhough
Director

JF/jw

CC: Governor's Policy Office
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Wyoming Stock Growers Association
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