June 6, 2016

Daniel M. Ashe
Director, United States Department of the Interior
Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240


Dear Director Ashe,


Since 1905, the Wyoming Wool Growers Association has represented Wyoming’s sheep and wool industry. We have served to protect and preserve the interests of sheep and livestock producers throughout the state and continue to advocate for the businesses, communities, and families that constitute the agricultural industry in Wyoming.

The WWGA believes that the most effective mitigation recommendations will come as a result of collaboration with local governments, project proponents, and stakeholders. We have some concerns about proposed revisions to the mitigation policy and the way in which the Service would coordinate and engage with these groups. We believe that bottom-up collaboration can best address any conservation and mitigation that the Service wishes to implement in the future and we believe that the final rule should outline the mechanism in which collaboration with local governments and stakeholders will occur, as landscape-scale mitigation will undoubtedly require involvement in more complex ways than before.

The WWGA requests that the final revisions include wording regarding coordination that requires the Service to engage agencies and applicants during the early planning and design stages of actions. Currently the proposed language in Section 5.2- Collaboration and Coordination states that “The Service should engage agencies and applicants during early planning and design stage of actions”. We strongly believe collaboration with local governments, project proponents and stakeholders is a vital component of mitigation recommendations and that all parties should be involved in the early planning and implementation stages of mitigation.
An additional concern we have is the vagueness of the terms “high-value habitat” as well as “key species”. These two terms are used to justify areas where the Service will employ the recommendation of impact avoidance. The proposed revisions do not include a process in which the service would make such determinations. We urge the Service to clearly define these terms so that determinations can be made in a clear and objective way and avoid subjective justifications in mitigation decisions.

The term “net gain” is also vague and metric for measurements of gains is not addresses. These goals are imprecise and not objective and we believe this will lead to inconsistency in mitigation planning and implementation.

It is unclear in the proposed rule the extent to which the Service will involve action proponents when setting conservation or mitigation goals that will be implemented. We are concerned that this lack of coordination will result in unrealistic mitigation ambitions that will place excessive burdens on the proponents of any particular project.

The WWGA believes that the Service’s tiered system of “Avoid, Minimize, and Compensate” should give fair and realistic objectives to each proposed project. To place an undue burden that requires project proponents to compensate for impacts under a “net gain” objective could effectively lead to proponents avoiding projects. This could be especially problematic in areas where “no net loss” mitigation could far exceed the Service’s conservation capabilities, essentially undermining big-picture conservation objectives.

We are also unclear about when the Service will implement “net gain” goals versus “no net loss” goals because no real measurable standards are outlined in the proposed revisions that determine when one or the other will be implemented. Compensatory mitigation should be proportional and kept in line with existing “no net loss” guidelines of FWS mitigation policy. This will give project proponents realistic opportunities to compensate for potential impacts.

Finally, we are also deeply concerned with the inclusion of the wording regarding Section 5.4 Evaluation Species. It is difficult to understand how the Service would objectively and accurately evaluate any impact using an evaluation species that had been selected using what we see as incredibly arbitrary guidelines. We are not supportive of the inclusion of this section as a mitigation policy without more definition and clarification.

We appreciate the Service considering our comments and if there is a need for any further clarification or input, please feel free to contact us.

Sincerely,

Amy W. Hendrickson
Executive Director

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