

July 22, 2015

**Comments regarding the May 21, 2015 Notice of
Proposed Rule; Revisions to the Regulations for Petitions**

Submitted by:

Energy and Wildlife Action Coalition

Filed electronically to the attention of:

Public Comments Processing
Attn: FWS-HQ-ES-2015-0016
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The Energy and Wildlife Action Coalition (“EWAC”) submits these comments in response to the U.S. Fish and Wildlife Service (“Service”) May 21, 2015 notice of a proposed rule (“Petitions Rule”) revising the regulations concerning petitions brought under the Endangered Species Act (“ESA”). EWAC is a national coalition formed in 2014 whose member entities consist of electric utilities, electric transmission providers, and renewable energy companies operating throughout the United States. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner.

EWAC expresses its support for the proposed Petitions Rule and for the Service’s goal of improving the efficiency and effectiveness of the ESA petitions processes. The proposed requirements that a petitioner solicit species information from states, append all relevant and readily-available information to a petition, and address a single species in a petition are reasonable means of assuring higher-quality information is available to the Service early in the petition process. The Petitions Rule would also benefit petitioners by clarifying petition requirements—including what will satisfy the “substantial information” standard—while conserving Service resources by ensuring that the agency is provided with the information necessary to make an informed 90-day finding.

EWAC appreciates that this proposed rulemaking aligns with the Service’s recently-announced efforts to improve the effectiveness of the ESA, which include: (1) assuring utilization of the best available science early in the process; (2) focusing resources in a way that will generate successes under the ESA; (3) incentivizing private conservation efforts; and (4) engaging the states. Press Release, U.S. Fish and Wildlife Service, NOAA Propose Actions to Build on Successes of Endangered Species Act (May 18, 2015), *available at* <http://www.doi.gov/news/pressreleases/us-fish-and-wildlife-service-and-noaa-propose-actions-to-build-on-successes-of-endangered-species-act.cfm>. The proposed Petitions Rule and the Service’s laudable goals for improved implementation of the ESA are consistent with several current legislative efforts regarding the ESA, and, while EWAC supports the Service’s announced pursuit of regulatory innovation and creativity in improving the effectiveness of the ESA, in the future EWAC may support legislative change in furtherance of these shared goals.

The Service's continued efforts to improve its efficiency and regulatory effectiveness by employing the best available science, recognizing private conservation efforts, and involving stakeholders in decision-making processes are highly valued by the regulated and environmental communities alike. EWAC looks forward to continuing to work with the Service in its efforts to continually improve implementation of the ESA and other federal wildlife laws.

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