



THE WILDLIFE SOCIETY

South Dakota Chapter
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September 4, 2020

Public Comments Processing
U.S. Fish and Wildlife Service
MS: PRB(3W)
5275 Leesburg Pike
Falls Church, VA 22041-3803

RE: Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat (Docket No. FWS-HQ-ES-2020-0047, RIN 1018-BE69)

Dear Director Skipwith,

These comments are submitted on behalf of the South Dakota Chapter of The Wildlife Society. We have had internal discussions and have participated in multi-state conversations on this topic to help provide a more consistent response to the U.S. Fish and Wildlife Service (Service).

Our overall concerns are:

- The regulatory definition of habitat *should* be broader than the definition of critical habitat.
- The final definition of habitat for use in the ESA must better clarify that future occupancy may require habitat management or manipulation, particularly in areas that rely on dynamic ecological processes, such as fire, grazing or hydrological cycles. Although this concept is included in the critical habitat definitions, it is not obvious in either of the alternative definitions presented by the Service. For example, the Dakota skipper (*Hesperia dacotae*) occurs in portions of northeastern South Dakota in remnant tallgrass prairie patches. These areas evolved under natural disturbance regimes of fire and grazing. Suppression of these disturbance regimes now requires active management of prescribed fire and livestock grazing to simulate previous disturbances. A habitat definition that does not incorporate the reality that managed disturbances are critical will not provide support for species and habitat management and restoration within prairie ecosystems.
- Although the context for this proposal rule is for Section 4 of the ESA, it is not clear whether this new definition could also be used in other federal regulations that use the term "habitat" but lack a definition within their implementing regulations. Clarification on how the definition could be legally applied would be helpful.

The proposed rule invited new definitions, aside from the two draft definitions presented. We recommend the Service consider the following definition for the final rule on this topic:

The types of places that contain a combination of abiotic and biotic attributes, conditions, and processes that support the survival or reproduction of a species, including unoccupied areas made usable by restoration, management, or natural processes that enable the species to persist through emerging threats and changing environmental conditions.

We believe this definition accounts for necessary habitat management and provides flexibility to accommodate unanticipated future conservation challenges.

Thank you for this opportunity to provide input.

Sincerely,

A handwritten signature in black ink that reads "Casey Heimerl". The signature is written in a cursive, flowing style.

Casey Heimerl
Chapter President