



THE WILDLIFE SOCIETY

Leaders in Wildlife Science, Management and Conservation

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Public Comments Processing

Attn: FWS-HQ-ES-2021-0033

U.S. Fish and Wildlife Service, MS: PRB/3W

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The Wildlife Society

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Re: Endangered and Threatened Wildlife and Plants; Designation of Experimental Populations [FWS-HQ-ES-2021-0033]

Thank you for the opportunity to submit comments in response to the U.S. Fish and Wildlife Service's (hereinafter "Service") efforts to advance the conservation of America's threatened and endangered species.

Founded in 1937, The Wildlife Society (TWS; wildlife.org) and our network of affiliated chapters and sections represents over 15,000 wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitat through science-based management and conservation.

The Wildlife Society supports the intent of this proposed regulatory change, namely:

Expanding species' conservation efforts beyond historical range for experimental populations will allow the Service more flexibility to restore species in suitable habitat in the context of climate change, invasive species, and human encroachment. On-the-ground conditions have and will continue to change, impacting the ability of an area to support a species. Adapting to these changing conditions can help species recover more efficiently.

Expanding Section 10(j) flexibilities will also provide the opportunity for more transparency for private landowners and other stakeholders concerned about limits on take that result from species' listings.

In addition, the proposal to include Tribal governments in the list of entities that require consultation on experimental populations is a commonsense measure that advances more robust representation in consultation processes.

The proposed regulatory language raises questions that should be addressed before the rule is adopted. We encourage the Service to examine these considerations and questions prior to finalization of rulemaking:

Implications to existing ESA processes - To be considered for listing under the Endangered Species Act, a species must be deemed at-risk of extinction throughout a significant portion of its range. Delisting decisions are based on the same question. Therefore, populations that are *outside* of the historical range may not apply to this question. If the species reaches population targets within its newly introduced range, it is presently unclear what the corresponding impact to the listing status of a species will be.

If an experimental population is introduced into areas beyond the species' historical range, we recommend that the Service clearly describe how this population contributes to reaching recovery targets and how these introduced populations will be included in the delisting process. This process will be particularly necessary for essential experimental populations introduced outside of historical range, as this designation denotes the population is indeed essential to the continued existence of a species.

Environmental Review - The use of experimental populations as a tool for recovery brings up several value-laden questions on weighing the costs and benefits of deploying such a tool in a specific circumstance. The expansion of this tool to include suitable habitat outside of the historical range of a species only multiplies the factors and consequences to be considered. Fundamentally though, when do the risks of no action (i.e., this species is virtually certain to go extinct unless introduced outside the historical range) outweigh the possible risks to the recipient system?

Such questions will be impossible to answer in the abstract. As the Service undertakes these considerations on a species-specific basis, a thorough environmental review will be necessary to ensure the Service and the public understand risks and potential outcomes.

The Wildlife Society recommends a more significant investment in environmental review when considering introduction of a species beyond historical range. Such processes should go beyond the use of the typical Environmental Assessment and include the compilation of an Environmental Impact Statement to explore and solicit input on all possible alternative actions with stakeholders. If introduction beyond a species' historical range is targeted as

the preferred action, emphasis must be placed on understanding and planning for the potential cumulative and indirect impacts of such an action.

Exploration of potential negative outcomes through the NEPA process should include the evaluation of competition with other native species occupying a similar niche, disruptions to existing food web and energy transference processes, or unforeseen degradation of habitat. This analysis should extend beyond the suitable habitat in question and include the evaluation of the potential for range expansion into additional areas.

If species introduction beyond historical range is determined to be the preferred federal action, monitoring is vital to evaluate effectiveness and positive implications, but also to aid in planning for unforeseen negative impacts, or impacts deemed unlikely through the NEPA process that must be enacted and ready to deploy in a limited timeframe. Responding to such negative impacts will be simplified when the experimental population is deemed non-essential to the survival of the species. However, the designation of essential experimental populations will likely face additional hurdles related to responding to any such negative effects. Pre-introduction planning for anticipated or unforeseen impacts should be a core component of public review and solicitation of input. The Service should consider frequent use of Section 4(d) rules for essential populations introduced beyond their historical range to allow for increased flexibility in management and take of the introduced species.

Expanding the use and breadth of 4(d) rules will also allow for expanded contemplation of the needs of private landowners and other stakeholders. While this proposed rulemaking primarily mentions biological limitations, it is important to note the potential for adverse public reaction to introduction and management of species beyond their historical range. Promulgation of a 4(d) rule will allow the Service to hear from landowners and other stakeholders on concerns and thoughts on additional tools or federal support that may be required to accommodate species they have no historical interactions with.

Interagency and stakeholder coordination - The expansion of 10(j) flexibilities will serve as a vital tool for non-migratory and migratory species alike. If a migratory species is introduced outside of their historical range, they may ultimately cross new jurisdictional boundaries. Successful implementation of the proposed rule will require ongoing coordination with state, local, tribal, and international governments, as well as private landowners and other partners, in areas where experimental populations are introduced and managed. The Service should also work closely with these entities to ensure that the management of experimental populations introduced outside their historical range is not in direct conflict with state, tribal, and local laws and regulations governing the management of similar species or exotic invasive species.

The Wildlife Society strongly supports the addition of Tribal governments to the list of parties affected by the introduction of experimental populations. Tribes share important biocultural connections to species which will be affected by the decision to introduce a species outside of its historical range. Previously, The Wildlife Society has provided [recommendations](#) on the inclusion of Indigenous Traditional Ecological Knowledge (ITEK) in federal policymaking. In accordance with those recommendations, the Service should work closely with Tribal employees and holders of ITEK to define criteria for when the introduction of experimental populations outside a species' historical range is appropriate, and when analyzing the risks and benefits of this management tool.

Thank you for taking the time to review input provided by members of the wildlife profession. The Wildlife Society thanks the Service for grappling with an important and multifaceted issue that has direct implications for the survival and longevity of species. We look forward to having these and other questions addressed and contemplated prior to finalization of rulemaking. Please contact our policy team at The Wildlife Society (policy@wildlife.org, 301-968-1903), with any questions on the comments provided.

Sincerely,



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