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GOVERNOR

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Public Comments Processing
Attn: FWS-R1-ES-2010-0071
Division of Policy and Directives Management
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DELIVERED VIA E-MAIL AND U.S. MAIL

**RE: State of Idaho's Comments to Federal Register FWS-R1-ES-2010-0071
Endangered and Threatened Wildlife and Plants; Designation of Critical
Habitat for slickspot peppergrass (*Lepidium papilleferum*).**

As Governor of the State of Idaho, I am submitting the State's combined comments regarding the U.S. Fish and Wildlife Service's (Service) proposed rule for designation of critical habitat for slickspot peppergrass (*Lepidium papilliferum*). Many State agencies have contributed to these comments, and they include: The Office of the Governor, the Governor's Office of Species Conservation, the Idaho Department of Fish & Game, the Idaho Department of Agriculture, the Idaho Department of Lands and, the Idaho Department of Parks & Recreation.

At the outset of our comments, I would like to remind all parties involved in the discussion regarding *L. papilliferum* that the Office of the Governor is currently challenging the Secretary of Interior's October 8, 2009 decision to list *L. papilliferum*, throughout its range, as a threatened species under the Endangered Species Act. See Notice of Intent to Sue attached as Exhibit 1. In our lawsuit, I outline the myriad errors made in the listing process, including a lack of credible data demonstrating the need to list *L. papilliferum* and ignoring the significance of my efforts to develop a Candidate Conservation Agreement for the plant. While we are providing information solely and specifically at the request of the Service for input on the proposed critical habitat designation, nothing in these comments shall be construed as a waiver of any claim or argument in the current litigation or concession as to the validity of the original listing decision.

While we acknowledge the Service's statutory obligation of designating critical habitat under the ESA, the State is not convinced that this additional regulatory mechanism will contribute to the recovery of the species. In fact, **the State of Idaho firmly believes that current management activities, many of them devised by the State under its candidate conservation planning efforts, are sufficient for the conservation of the plant and that no additional actions are necessary.**

I. Land Use Designations and Ongoing Activities in Proposed Critical Habitat

According to the Service's pronouncement for proposed *L. papilliferum* critical habitat (CH) the "primary threat factors" affecting the habitat and survival of the species are "invasion of nonnative annual grasses" (particularly cheatgrass) and "increased fire frequency." Not only do these factors impact the species "directly through competition" but they also present an indirect impact "by providing continuous fine fuels that contribute to the documented increased frequency and extent of wildfires in southwest Idaho" 76 Fed. Reg. 27186 (May 10, 2011).¹ However, the proposed rulemaking does not make clear how designation of CH would influence either of the primary threat factors, and such designation would not add in any meaningful way to the ongoing conservation measures already being undertaken by the State, Bureau of Land Management (BLM) and private stakeholders.

Another emerging threat is the Owyhee harvester ant, which "was recently identified as a potentially important seed predator" of the species. In that regard, the harvester ant, also a native species "appears to favor areas dominated by non-native annual grasses." 76 Fed. Reg. at 27186. This "emerging threat" has been documented to consume in excess of 90 percent of the seeds produced in an individual slickspot. *See*, Seed Predation on Slickspot Peppergrass by the Owyhee Harvester Ant, by Paul White. However, the proposed rulemaking does not make clear how designation of critical habitat would influence the "emerging threat factor" and such designation would not add, in any meaningful way, to the ongoing conservation measures already being undertaken by the State, BLM, and private stakeholders.

Conversely, use by livestock poses, at best, only ancillary threats. Pursuant to the Service's own position, "current livestock management conditions and associated conservation measures address this threat such that it does not appear to pose a significant risk to the species at this time." 76 Fed. Reg. at 27186, 27191, 27192. Livestock grazing is the predominant use of land where *L. papilliferum* is found.

As indicated above, the primary threat factors that affect the plant and its habitat are the invasion of non-native grasses, and consequently, an increase in fire frequency. In this event, the most effective and efficient way by which to mitigate and control these threats is through livestock grazing, as acknowledged by the Service, "with careful management, livestock grazing may be used as a tool to select for certain non- native species, or "even to control" them. 76 Fed. Reg. at 27192.

Livestock on the Juniper Butte Range has reduced "the amount of standing grass biomass," which subsequently has reduced "wildfire risk" in general. 76 Fed. Reg. at 27192. In this regard, the University of Idaho has conducted cutting edge research "designed to specifically examine the relationship between livestock use" and the species. 76 Fed. Reg. 27186. According to the findings of this study, livestock "trampling" had "no effect on the population of exotic annuals" of the species. *See* Effects of Trampling and Fire on *Lepidium papilliferum* and Slickspot Habitat, Professor Stephen C. Bunting, Ph.D., (May 2011), a copy of which is attached to these Comments for the Service's consideration and review, as Exhibit 2.

¹ *See also* 76 Fed. Reg. at 27191 ("primary threats" are "increasing frequency, size, and duration" of wildfires and "invasive, nonnative plant species.")

The State of Idaho Candidate Conservation Agreement (CCA) has been the primary tool used in avoiding and minimizing the potential impacts of livestock trampling. Accordingly, the Service has “encouraged the continued implementation of the conservation measures” contained in the CCA. 76 Fed. Reg. 27192. With this in mind, the BLM has incorporated pertinent measures, as recommended in the most recent Biological Opinion on the Effects of Land Management Ongoing Livestock Grazing Actions in Idaho on the Slickspot Peppergrass. Specifically, BLM has implemented “27 individual ongoing livestock grazing actions” and “conservation measures” also contained in the CCA. *See* Biological Opinion at Page 6, 9.

“The CCA represents an important milestone in the cooperative conservation of *L. papilliferum* given its rangewide scope and coordinated management across Federal and State managed lands.” *See* Biological Opinion at Page 9. “The CCA includes rangewide efforts that are intended to address the need to maintain and enhance *L. papilliferum* habitat; reduce intensity, frequency, and size of natural and human caused wildfires; minimize loss of habitat associated with wildfire suppression activities; reduce the potential of nonnative plant species invasion from wildfires; minimize habitat loss associated with rehabilitation and restoration techniques; minimize the establishment of invasive nonnative species; minimize habitat loss or degradation from off highway vehicle (OHV) use; mitigate the negative effects of military training or other associated activities on the Orchard Training Area (OTA), an IDARNG training area on Bureau land; and minimize the impact of ground disturbances caused by livestock penetrating trampling when soils are saturated . . .” *See* Biological Opinion at Page 9.

Once again, the “primary factors threatening *L. papilliferum* include changes in wildfire regime (i.e., increased frequency) and invasive nonnative plants, especially cheatgrass . . .” *See* Biological Opinion at Page 21. “Additional factors threatening the species include land conversion associated with urban and agricultural development (a moderate risk factor); seed predation by the harvester ants (an emerging threat); habitat fragmentation and isolation of small populations; and climate change.” *See* Biological Opinion at Page 21. “Livestock use” is not considered “to pose a significant threat to the species rangewide.” *See* Biological Opinion at Page 21. Thus, conservation measures “designed to reduce wildfire threats and competition from invasive nonnative plants are expected to be especially important for the survival and recovery of the species.” *See* Biological Opinion at Pages 36, 226. “Livestock herbivory of invasive nonnative plants, especially annual grasses such as cheatgrass, is suggested as one of the potential benefits of livestock use that may contribute to the restoration of the sagebrush steppe ecosystem . . . by reducing competition imposed by annual grasses and reducing fine fuels capable of carrying fire.” *See* Biological Opinion at Page 41. “With careful management, livestock grazing may potentially be used as a tool to control cheatgrass . . . or, at a minimum, retard the invasion . . .” *See* Biological Opinion at Page 47. Targeting grazing of cheatgrass dominated sites has been suggested as the “first step in breaking the cheatgrass-fire cycle via removal of fire disturbance.” *See* Biological Opinion at Page 47.

In another cutting edge research project, the “results” suggest that “moderate livestock grazing decreases the risk of wildfires in sagebrush steppe plant communities and potentially other semi-arid and arid rangelands.” *See* Effects of Long-Term Grazing on Fuel Characteristics in Rangelands by Kirk W. Davies, Jonathan D. Bates, Tony J. Svejcar, and Chad S. Boyd, a copy of which is attached to these Comments for the Service’s consideration and review as

Exhibit 3.² The “results” also suggest that “wildfires in moderately grazed sagebrush rangelands have decreased [the] severity, continuity, and size of the burn compared to long-term non-grazed sagebrush rangelands.” *See* Exhibit 3. Specifically, the “results” suggest that moderate livestock grazing reduces the risk of wildfires on sagebrush rangelands by decreasing the amount of fine fuels available for ignition and limiting potential fire spread by reducing fine fuel continuity, accumulation, and height.” *See* Exhibit 3. “The reduction in potential spread of fire in long-term moderately grazed sagebrush plant communities can also increase the efficiency of suppression efforts.” *See* Exhibit 3. The “results” also suggest “long-term grazing exclusion compared to moderate livestock grazing” will actually “increase the probability that sagebrush steppe plant communities” will “burn.” *See* Exhibit 3. “Increased probability of wildfire is a concern because . . . fire decreases the habitat value of less productive sagebrush plant communities to sagebrush obligate wildlife species.” *See* Exhibit 3.

This leads to another point we wish to emphasize concerning the CCA. We continue to assert, the CCA is more than sufficient to meet all of the Service’s concerns with respect to the viability of the species and that no listing was ever necessary³. The CCA’s “conservation measures” are “designed to reduce, mitigate, and eliminate the potential threats to the species, especially the threat of wildfire.” *See* 60 Notice of Intent to Sue for Violations of Section 4 of the Endangered Species Act in Connection with Listing *Lepidium papilliferum*, as attached at Page 5. In fact, the Service previously concluded the CCA contained “sufficient assurances that the conservation efforts have reduced threats over most of the range of the species.” 74 Fed. Reg. at 3116. The research and studies conducted by Dr. Stephen C. Bunting at the University of Idaho, on the lack of any significant impact on the species from livestock trampling, and by Kirk W. Davies, Jonathan D. Bates, Tony J. Svejcar, and Chad S. Boyd, on the positive effects of livestock grazing on the reduction of the species’ primary threats, i.e. wildfires and nonnative species invasion, represent the best scientific and commercial data and information available today. *See* Exhibits 2 and 3. Not only is this a statutory requirement for listing a species in the first place, it is also a mandatory requirement for establishing any critical habitat for a species.⁴ Again, the State of Idaho strongly supports the conservation measures laid out in the CCA.

Because of all of the above-described conservation measures, ongoing activities, and research results, designation of critical habitat is unnecessary for conservation of the species. The proposed ruling designates 57,756 acres as critical habitat, but yet clearly states that any activities with a Federal nexus that may affect those areas outside of the critical habitat are also subject to review. This statement suggests that the designation has implications beyond the lands identified within the ruling and, therefore, does not reflect the true potential impact of the proposed rule on state endowment lands. This is despite the fact that the area actually occupied by the species is but “a small fraction of the total acreage, since slickspots occupy only a small percentage of the landscape, and the *L. papilliferum* occupies only a fraction of those slickspots” *See* Biological Opinion at Page 25. This suggests to us substantial overkill in the Service’s critical habitat designation, particularly under current livestock grazing practices as managed by BLM, wherein the designation of a single quarter-quarter section of land may impact the

² *See* also Summary of Symposium Conclusions Analyzing Strategies for Reducing Rangeland Fires in Southwestern Idaho, a copy of which is attached for the Services review and consideration as Exhibit 5.

³ *See* Exhibit 1, pg 5.

⁴ *Compare* 16 U.S.C. Section 1533(b)(1)(A) (Section 4 Listing Requirement), with 16 U.S.C. 1336 Section (a)(2) and (c)(1)(Section 7 Critical Habitat Designation Requirement).

livestock grazing management of an entire multi-thousand acre pasture or perhaps an entire grazing allotment which has the direct consequences of de facto expanding the proposed critical habitat. In that regard, the “total area affected by trampling within slickspots” is “less than 5 percent.” See Biological Opinion at Page 52. In the Service’s proposed critical habitat designation, the Service indicates that it is not proposing to “designate areas outside of the geographical area *presently occupied by the species.*” 76 Fed. Reg. at 27188.

The use of the public land survey system does allow for an orderly identification of land being noted as critical habitat for *L. papilliferum*. The real critical habitat for *L. papilliferum* is small a slickspot within the quarter-quarter section boundaries and may only be one percent or less of the landscape. We understand that part of the Service’s rationale of identifying more acres than just the slickspot is to protect the surrounding habitat for the native vegetation and pollinators. We recommended that each slickspot within the quarter-quarter section boundaries be identified as the real critical habitat and as the science become more finite on who the real pollinators are, that each such pollinator’s particular habitat be added within the quarter-quarter section boundary. As for the native habitat, there are non-native perennial grassland habitats that are within the existing identified critical habitat maps and surrounding slickspots with the present of *L. papilliferum*. Again, we recommend that the upland vegetative habitat areas within the quarter-quarter section boundaries not be identified as critical habitat, only the real slickspots critical habitat should be identified.

The State of Idaho’s Department of Lands and the BLM are currently engaged in conservation efforts throughout the region identified within the ruling recently made by Judge Winmill in the Jarbridge case. See pertinent excerpts from Judge Winmill’s decision attached for the Service’s consideration and review as Exhibit 5.⁵ Both agencies were involved in the development of the CCA, which was reviewed and accepted by the Service. The total area covered by the agreement is approximately 129,000 acres, which is more than double the acreage identified as critical habitat. State endowment lands located in the Jarbridge management area include special lease language requiring management practices to protect *L. papilliferum*. Although the proposed ruling recognizes conservation efforts with regards to grazing, it does not recognize existing conservation efforts as either mitigation or sufficient to warrant exemption from CH listing. This is one of the most important reasons the State continues to resist the listing through these comments as well as in court. The State’s concerns are inferentially supported by the recent decision of the United States District Court for the State of Idaho lifting the ban on certain grazing in the Jarbridge management area, ie Owyhee County, Map 10-Unit 4. See Exhibit 5, pages 7-8 and 15-16.⁶ In his decision, Judge Winmill openly recognizes the benefits of well managed grazing in the areas where *L. papilliferum* habitat is actually occupied. See Memorandum Decision and Order Filed July 22, 2011, pages 7-8, Document #505, in *Western Watersheds Project v. Steven Ellis, et al.*, CV-04-181-S-BLW (US District Court, District of Idaho) filed. It is time for the Service to openly acknowledge the benefits provided by livestock grazing to the species’ survival. It may be the species’ best hope.

⁵ See Memorandum Decision and Order Filed July 22, 2011, pages 7-8, 15-16, Document #505, in *Western Watersheds Project v. Steven Ellis, et al.*, CV-04-181-S-BLW (US District Court, District of Idaho)

⁶ See also Memorandum Decision and Order filed April 11, 2003, Document #65, in *Committee of Idaho High Desert et al. v. Edward Guerrero et al.*, CV-02-00521-S-MHW (US District Court, District of Idaho)

Actions that are identified as potential impacts to critical habitat include new road construction, existing road maintenance, new energy projects, existing energy corridor maintenance, wildfire suppression and post-fire rehabilitation. Much of the State endowment land located within the critical habitat designation is isolated within federal lands. Any limitations on adjacent and surrounding federal lands will impact the ability of the Department to appropriately manage and lease State endowment lands. Without the ability to access State endowment lands, these lands will be rendered un-leasable. An inability to maintain existing roads and infrastructure or create roads to provide access could result in reduced leasing revenues. Limitations to future projects such as infrastructure to allow for energy development, or energy development projects themselves significantly reduces potential future revenues on state endowment lands. Finally, restriction in the form of access, or development potential also greatly reduces the entitlement value of State endowment lands, which could impact future land exchanges or the State's ability to trade lands within the critical habitat area for lands with higher revenue potential and less risk to the species.

At no point in the Services proposal, is information provided that suggests that the current number of slickspots is sufficient to support a viable population of *L. papilliferum*. It is, therefore, not clear as to how the total acreage of 57,756 was chosen in relation to survival of the plant. Also, as noted in the document, slickspots were developed during previous historical periods, and do not appear to be regenerating or expanding. It is also the fate of every depression in the landscape (including slickspots if they are not regenerating at the present time) to be filled with organic matter and/or soil, eventually, and the proposed rulemaking does not address this eventuality or explain how the designation of critical habitat would address or alter this eventuality. Thus, if current habitat acreage is insufficient to achieve a population necessary to meet the requirements outlined in the Act, it is unclear as to the objectives of the critical habitat listing and thus measures of success.

The proposed rule contains a great deal of generalities and, therefore, is difficult to provide constructive comments. Results of the final ruling are likely to impact state endowment lands, but again, because of the vague nature of the ruling, it is difficult to quantify the full potential economic impact. It is obvious however, from the language provided in the proposed ruling that actions resulting from a listing of critical habitat will have significant impacts on the management of state endowment lands and the potential income to the trust beneficiaries.

We understand that the Service will provide a draft economic analysis of the proposed critical habitat decision in October of this year. This is important to the State, as this is one of the very few sections of the Act where economic considerations may be applied. The State maintains, as it had in its comments on proposed critical habitat for bull trout, that the Service methodically and consistently undervalues the adverse economic impact of critical habitat designation. Indeed, the Service underestimates the implications of critical habitat designation itself.

A thorough economic analysis considers all potential economic impacts, not just those solely borne by the Service. The economic impacts can be far-ranging, dramatic, and punitive. Let us provide the Service with a very specific example of an actual economic impact, so that we may discuss this issue in the "real world" and not a vague "regulatory world" scenario.

The following statement is of an incident which fully illustrates the economic hardship brought about by *L. papilliferum* conservation. This statement is provided by Wally Butler, Range and Livestock Specialist for the Idaho Farm Bureau Federation. Mr. Butler has a Master of Science in Range Management and has been with the Idaho Farm Bureau for nearly fifteen years. His resume is attached.

On Thursday, 31 Mar 11, I was contacted by a BLM permittee that had been notified that day that he would not be allowed to turnout because of standing water on a "slickspot" in his allotment. I agreed to meet him and the appropriate BLM personnel on site the next morning. The permittee, several BLM personnel, and I met at the allotment and walked to the slickspot. The BLM personnel present included the range conservationist, botanist, ecologist, etc. The issue was over standing water and turned out to be less than one-half an inch deep in a single hoof print from the previous grazing season.

The presence of that bit of water was to cause a seven day delay in turnout of the permitted livestock. I walked across the slickspot and no evidence of a footprint was visible. The spring of this year was very wet and rain fell every few days. At the end of this proposed seven day delay in turnout, a rain could have continued the delay. Cattle were staged across the highway and were ready for turnout. Denying turnout of approximately 100 head, for seven days, at 1 ½ tons of hay per day time (\$150 per ton) is a real cost of \$1575, plus transportation and labor.

That week would have costs the rancher nearly \$2000 and each subsequent delay would cost a like amount. These costs, if extended, for any period of time over the number of effected permittees, would become a huge economic impact on ranchers and the local economy.

In this case, we were able to negotiate the installation of a temporary electric fence to satisfy the requirements of the Biological Opinion, but there is still a cost to such actions to both the BLM and the ranchers involved. The kicker to this is that the slickspot in question is not even an occupied site⁷.

Certainly, this is not an isolated issue. It has occurred myriad times, and we fully expect it to continue to do so through the course of the future. To further expound on this incident, the restrictions in place, and others who may be impacted, we provide the sampling protocol and specific persons who may feel the economic sting of compliance.

II. Slickspot Moisture /Range Readiness Sampling Protocol within *L. papilliferum* occupied habitat.

Soil moisture will be sampled at established sampling points- to be determined by the botanist in conjunction with the appropriate range staff.

Individual slickspots will constitute the sampling unit. The number of slickspots monitored at each sample point may vary from one-three.

Standing water in a slickspot will result in a no turnout determination. Each sampling point will be visited at one week (7 day) intervals until no standing water is present on the

⁷ Wally Butler, Idaho Farm Bureau, email correspondence, 8/30/2011, attached for the Services review and consideration as Exhibit 6.

slickspot/slickspots in question. When no standing water is observed in a slickspot/slickspots the slickspots soils will be tested by placing one booted foot within the periphery of the slickspots and placing the sampler's full weight on that foot. If the boot print is ½ inch deep or deeper, a no turnout determination will result. The sampling point will be revisited at one week intervals until the boot sampling technique results in a boot print less than ½ inch in depth, at which point turnout may occur.

Slickspots chosen for sampling should not be those known to definitely contain *L. papilliferum* plants as indiscriminate sampling may result in damage to the seed bank of slickspots with known *L. papilliferum* plants.

Allotments needing sampling points - with permittee

- 1). # 176 Black Canyon - Littles
- 2). #189 McCool Individual - T&T Enterprise
- 3). #196 McPherson Individual - Van Hanson
- 4). #246 Smith Black Canyon - Cunningham
- 5). #278 Spring Valley - McCloud
- 6). #310 Black Canyon - Shirts, Davidson
- 7). #813 Mountain Home Subunit - Ireland, Olson, Jean Smith
- 8). #818 Ditto Creek - Ditto Cr Ranch
- 9). # 820 Cornell - Ditto Cr Ranch
- 10).#825 Sunnyside Spring & Fall - Davidson, Nicholson
- 11).#830 Bowns Creek - Ditto Cr Ranch
- 12). #873 Reverse Allotment - Danskin Cattle
- 13). #878 Indian Creek FFR - Nicholson
- 14). #886 Craters/Squaw Creek - Jean Smith
- 15). #887 Simco
- 16). #1030 SW Alkali Seeding - Riggs
- 17). #1036 Hammett #4 - Half Moon, Batruel
- 18). #1127 Lower Alkali - Barber/Cavin
- 19). #1129 SE Alkali Seeding - McCallum
- 20). #1130South Cold Springs - McCallum
- 21). #20135 Black Canyon Shaw - Davidson & Son.

These types of issue-specific, site-specific -- even person-specific -- examples must be thoroughly examined by the Service for an accurate picture of "economic impacts." Already several more have come to our attention, and we have recommended to these individuals, agencies and companies, to prepare information that will be provided for the economic analysis

proposed in October. We will ask them, with regard to critical habitat designation, “*What will you have to do differently, and what will it cost you?*”

III. Private Lands

As the maps indicate, proposed CH for *L. papilliferum* runs the gamut of ownership: Federal, State, and private property can be found within the boundaries of the proposal. As 85% of the *L. papilliferum* elemental occurrences are found on federal lands administered by BLM, the State recommends these lands be the primary focus of proposed CH designation. Indeed, the State commends the Service for asserting the problematic nature of including private lands in final CH designation.

The ESA provides the Secretary with great discretion when considering areas to exclude from critical habitat designation. The Act states, “[t]he Secretary may exclude an area from critical habitat designation if he determines that the benefits of exclusion outweigh the benefits of specifying such area as part of the critical habitat,” unless he determines, “based on the best scientific and commercial data available” that to do so will result in the extinction of the species. 16 U.S.C. 1533(b)(2). The Service indicates in the proposed rule that it is considering applying Section 4(b)(2) to currently occupied private lands. 76 Fed. Reg. 27202. The State of Idaho strongly urges the Service to exclude private lands from critical habitat designation as we question whether designating currently occupied lands, which represents less than 5 percent of the proposed designation, would actually contribute to the recovery of the species.⁸ As the Service has recognized in the past, private landowners often view the harboring of endangered and threatened species on their private lands as a liability- as both the listing and subsequent critical habitat designations come with additional regulatory burdens that are perceived as a loss of individual freedoms.⁹ Therefore we believe the benefits of excluding areas on private lands outweigh the benefits of including those areas in critical habitat.

While the benefits of excluding private lands from critical habitat designation outweigh the benefits of inclusion, the same can be said for excluding lands owned and managed by the Idaho Department of Lands (Department), which included private lands held by the endowment, not the State. The mission of the Department is to professionally and prudently manage Idaho's endowment assets to maximize long-term financial returns to public schools and other trust beneficiaries. This mission is a trust responsibility outlined in the Idaho Constitution. The proposed critical habitat ruling for *L. papilliferum* has the potential to negatively impact the ability of the Department to achieve its mission, by reducing the current economic activities of State endowment trust lands and limiting future opportunities for activities. As all of the State endowment lands within the critical habitat area are leased for grazing, exclusion would present a loss of revenue from impacted lands. Many of the lands identified are either completely within federal lands or do not have adequate access, or are grazed in conjunction with federal lands.

⁸ See also 76 Fed. Reg. 27202 (“We consider the benefits of including private lands as designated critical habitat in this case to be minimal since monitoring has been limited, data is generally lacking on the overall status of *L. papilliferum* on privately-owned lands, and any activities that would trigger the benefits of consultation on critical habitat, under a Federal nexus are highly unlikely.”)

⁹ See also 76 Fed. Reg. 27202 (The Service goes on to state, “We believe that in some cases designation (of critical habitat) can negatively affect the potential working relationships and conservation partnerships formed with private landowners to provide conservation benefits.”)

IV. Conclusion

This concludes the State of Idaho's comments on proposed critical habitat for *L. papilliferum*. We stand ready to assist you with any questions or concerns you have regarding these comments.

As Always – Idaho, “Esto Perpetua”

A handwritten signature in black ink, appearing to read "C.L. Butch Otter". The signature is stylized and cursive.

C.L. “Butch” Otter
Governor of Idaho