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Public Comments Processing
Attn: FWS-HQ-ES-2018-0007
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

RE: Docket No: FWS-HQ-ES-2018-0007-0001. *Endangered and Threatened Species: Revision of Regulations for Prohibitions to Threatened Wildlife and Plants*

The National Cotton Council (NCC) appreciates the opportunity to provide comments on this issue. The NCC is the central organization of the United States cotton industry. Its members include producers, ginner, cottonseed processors and merchandizers, merchants, cooperatives, warehousemen and textile manufacturers. A majority of the industry is concentrated in 17 cotton-producing states stretching from California to Virginia. U.S. cotton producers cultivate between 9 and 12 million acres of cotton with production averaging 12 to 18 million 480-lb bales annually. The downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. Farms and businesses directly involved in the production, distribution and processing of cotton employ more than 125,000 workers and produce direct business revenue of more than \$21 billion. Annual cotton production is valued at more than \$5.5 billion at the farm gate, the point at which the producer markets the crop. Accounting for the ripple effect of cotton through the broader economy, direct and indirect employment surpasses 280,000 workers with economic activity of almost \$100 billion. In addition to the cotton fiber, cottonseed products are used for livestock feed and cottonseed oil is used as an ingredient in food products as well as being a premium cooking oil.

The U.S. Fish and Wildlife Service (hereafter referred to as “the Service”) proposes to revise its regulations, which would extend most of the prohibitions for activities involving endangered species to threatened species. For species already listed as a threatened species, the proposed regulations would not alter the applicable prohibitions. The proposed regulations would require the Service, pursuant to section 4(d) of the Endangered Species Act, to determine what, if any, protective regulations are appropriate for species that the Service in the future determines to be threatened.

The Endangered Species Act of 1973, as amended (“ESA” or “Act”; 16 U.S.C. 1531 et seq.), states that the purposes of the Act are to provide a means to conserve the ecosystems upon which listed species depend, to develop a program for the conservation of listed species, and to achieve the purposes of certain treaties and conventions. Moreover, the Act states that it is the policy of Congress that the Federal Government will seek to conserve threatened and endangered species

and use its authorities to further the purposes of the Act. This proposed rulemaking pertains primarily to sections 4 and 9 of the Act: Section 9 sets forth prohibitions for activities pertaining to species listed under the Act, and section 4(d) pertains to protective regulations for threatened species.

In carrying out Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” the Department of the Interior (DOI) published a document with the title “Regulatory Reform” in the Federal Register on June 22, 2017 (82 FR 28429). This proposed rule addresses some of the comments that DOI has received in response to the regulatory reform docket. Specifically, the proposal would add language in both sections to paragraph (a) to specify that its provisions apply only to species listed as threatened species on or before the effective date of this rule. Species listed or reclassified as a threatened species after the effective date of this rule, if finalized, would have protective regulations only if the Service promulgates a species-specific rule. In those cases, the Service intends to finalize the species-specific rule concurrent with the final listing or reclassification determination and seeks comment on this proposed action. This change would make the Service’s regulatory approach for threatened species consistent with the approach that the National Marine Fisheries Service (NMFS) has used for decades.

The Service states that it has experience in species-specific rule writing which has shown accrued benefits including eliminating redundant permitting, facilitating beneficial conservation actions, and better use of resources by focusing on actual stressors to the endangered/threatened species. The Service believes this action will align their practices with their sister agency (NMFS) and streamline protections to species. The action would not cause any pre-existing listings, etc., to be reevaluated and would not interfere with the consultation process between Federal agencies.

The NCC supports the proposal in the interest of streamlining and/or reducing the regulatory burden to stakeholders. The Service states that this action will not interfere with the consultation process which would be a major concern for the cotton industry if there are further constraints placed on an already stalled process between the Service and the Environmental Protection Agency.

The NCC urges the Service to recognize the critical need for streamlining and reducing regulatory overreach while still protecting critical species and habitats.

Thank you for your consideration.

Respectfully,

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

Steve Hensley
National Cotton Council