

Congress of the United States
Washington, DC 20515

November 26, 2012

Public Comments Processing
Attn: FWS-R3-ES-2012-0065
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, MS2042-PDM
Arlington, VA 22203

RE: U.S. Fish and Wildlife Service (USFWS) proposal to list the grotto sculpin as endangered under the Endangered Species Act (ESA).

To whom it may concern:

We urge USFWS to seek other alternatives to recover the grotto sculpin species instead of listing a new species to the endangered list and designating critical habitat. Listing the grotto sculpin as endangered and to designate critical habitat under the authority of the Endangered Species Act could have a significant negative effect on the quality of life for our constituents in Perry County, Missouri. The looming possibility of designating this area as critical habitat provides uncertainty and threatens potential use of the land for agricultural use, development and perhaps most troubling, endangering private property rights. In past cases, the economic effects of critical habitat designation have been to increase the cost of development by making it more difficult to obtain necessary permits. Moreover, critical habitat designation imposes additional costs on developers, consumers and others in the affected region.

This process should be driven by science and not legal challenges from agenda-driven environmental organizations. It is our understanding this listing and critical habitat designation was proposed as part of a listing work plan. The work plan was part of a proposed settlement between USFWS and an environmental organization. In this plan, USFWS agreed to review the 250 species listed on the 2010 Candidate Notice of Review to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants. We urge USFWS to move deliberately based on sound science, not a legal framework with arbitrary timelines. USFWS should take more time to gather scientific input from a number of sources before proceeding any further.

We are concerned this process has resulted in limited cooperation between our state agencies and USFWS to put effective incentives-based recovery measures in place. Before acting to make a federal designation that will threaten private property rights and hurt a community economically, we urge USFWS to work more closely with the state of Missouri on recovery measures for the grotto sculpin. We believe that providing incentives to landowners is a more effective approach.

While well-intentioned, over the history of the ESA, its regulatory approach has proven ineffective at recovering species. According to the Congressional Research Service, of the total 1,043 U.S. species of animals and plants that have been listed as either endangered or threatened, only 28 species have been delisted due to recovery. Ten species have become extinct since their listing; five have been delisted due to scientific reclassification of the species; and eleven have been delisted due to improved data, changes in law, or improved scientific understanding.

The Missouri Department of Conservation has taken an incentives-based approach to recover species in the past that involved landowners. This approach has proven effective and does not require the designation of critical habitat. When the Topeka shiner was a candidate for listing and its habitat proposed for critical habitat designation, the USFWS worked with the Missouri Department of Conservation to recover this species with an incentives-based approach. Missouri Department of Conservation invested tens of thousands of dollars monitoring Topeka shiner populations, developing public outreach videos and other materials and implementing management plans for specific watersheds. Landowners were provided assistance to become involved in programs such as the Conservation Reserve Program which mutually benefited both landowners and the Topeka shiner. We suggest a similar course be taken in regards to recovery efforts for the grotto sculpin.

We would also like to highlight proactive efforts taken by local stakeholders to alleviate the need for critical habitat. The Perry County Economic Development Authority, City of Perryville, Perry County, Perryville Development Corporation, Perryville Chamber of Commerce, Perry County Farm Bureau, Perry County Soil and Water Conservation District and SEMO Regional Planning and Economic Development are working together to develop a Perry County Community Plan for submission to USFWS.

An economic analysis must be completed, too, before further action is taken on critical habitat designation. We are concerned that while this analysis has not yet been conducted, USFWS continues to move forward. We urge USFWS to move as quickly as possible to conduct this economic analysis and to ensure impacts to all stakeholders are taken into account – this includes developers, landowners, consumers, businesses and residents.

In addition to our comments, we request a response from USFWS on the following questions concerning the proposal.

1. Has the Missouri Department of Conservation taken on any cooperative efforts with landowners similar to what they have done in the past with regards to the Topeka shiner action plan in Missouri? If so, how long have these efforts been ongoing and do you have any measurable results to quantify the effectiveness of their efforts?

2. Why is critical habitat designation being proposed before the grotto sculpin is listed as endangered? In most instances a species is listed and then later it is determined whether or not area should be designated as critical habitat.
3. When will an economic analysis be conducted? Who will conduct the analysis? Will it have any effect on whether or not the species is listed or critical habitat is designated? Will the analysis assess all economic impacts including those that affect developers, landowners, consumers, businesses and residents?
4. Have deadlines required by a legal framework limited USFWS's ability to work with MDC on cooperative voluntary efforts to recover the grotto sculpin?

Thank you for the opportunity to comment. We again urge USFWS to pursue other alternatives by working closely with local stakeholders and the state of Missouri. We believe it is possible to achieve effective solutions involving the community and its stakeholders rather than implementing ineffective restrictions and regulations that endanger private property rights.



ROY BLUNT
U.S. Senator



JO ANN EMERSON
Member of Congress

CC: Daniel Ashe
Director, USFWS