



June 15, 2023

Via: <https://www.reginfo.gov>
Info_Coll@fws.gov

Service Information Collection Clearance Officer
U.S. Fish and Wildlife Service
MS: PRB (JAO/3W)
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Safari Club International Comments on Agency Information Collection Activities; Submission to the Office of Management and Budget; Implementing Regulations for Petitions, 88 Fed. Reg. 31270 (May 16, 2023), OMB Control Number 1018-0165

Dear Chief Baucum:

Safari Club International (“SCI”) appreciates the opportunity to comment on the Notice of Information Collection related to the information collected with Endangered Species Act (“ESA”) petitions.

SCI, a nonprofit I.R.C. § 501(c)(4) corporation, has approximately 50,000 members and advocates worldwide. Its missions include conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. SCI members are directly impacted by ESA listing and delisting decisions for both domestic and foreign species. For this reason, SCI, on behalf of its members and others in the hunting community, regularly participates in the U.S. Fish and Wildlife Service’s (“Service”) decision-making processes for ESA listings and delistings. Petitions are part of that process, and SCI suggests that the Service request additional information with each petition to better inform the Service’s decision-making and implement the requirements of ESA Section 4. SCI also suggests certain limits be placed on petitioners, to minimize the burden of the information collection on the Service.

Required Information in Petitions

In addition to the information already collected by the Service in ESA petitions, SCI recommends that the Service require petitioners to include information regarding the socioeconomic impact of each petitioned action. Neither petitioners nor the Service should ignore the socioeconomic impacts of listing decisions. Ignoring socioeconomic impacts of listing decisions, especially for foreign species, regularly results in unintended and detrimental impacts to wildlife and habitat conservation efforts. The Service should strive to avoid such detrimental impacts, particularly given the mandate to “conserve” listed species and the specific directive to encourage foreign conservation programs.

SCI also recommends that the Service require petitioners to explain efforts by any state or foreign nation—or any political subdivision thereof—to protect the species, and how those efforts are insufficient in the petitioner’s view to mitigate any threats to the species that would otherwise suggest a listing is necessary. Section 4(b)(1) of the ESA requires the Service to “tak[e] into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction...” 16 U.S.C. § 1533(b)(1)(A). The Service has implemented a regulation to this effect, but it rarely discusses this requirement in listing and delisting determinations. Having petitioners first discuss this requirement will allow the Service to better implement Congress’ directive in the ESA.

Similarly, SCI requests that the Service’s regulations be revised to conform to the Executive Order on Advancing Racial Equity and Support for Underserved Community through the Federal Government.¹ This Executive Order requires each agency to “assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups.” Specifically, Section 5 mandates that each agency assess “[w]hether new policies, regulations, or guidance documents [are] necessary to advance equity in agency actions and programs.” New regulations are necessary to ensure that the Service’s listing process does not continue to perpetuate systemic barriers for people of color and underserved communities, particularly those in southern Africa who rely on regulated hunting as a means to improve their community livelihoods. These underserved communities are negatively impacted by Service policies which do not expressly take into account, much less prioritize, their interests when the Service makes listing decisions. Several community organizations petitioned for specific amendments to reduce the disproportionate negative impacts that current regulations impose. To SCI’s knowledge, the Service has not acted on that petition. The Service is obligated to assess its policies under the Executive Order; this information collection offers yet another opportunity to undertake that review.

Last, SCI recommends that the Service’s petition regulations require petitioners who request a species be listed or up-listed to explain how the requested action will demonstrably benefit the relevant species. Listing simply for the sake of including the species’ name on the threatened and endangered species lists, without any on-the-ground conservation benefit, accomplishes little more than wasting the Service’s valuable and limited resources. Petitioners should be required to justify their request by demonstrating that action under the ESA will have direct conservation benefits.

Limits for Petitions

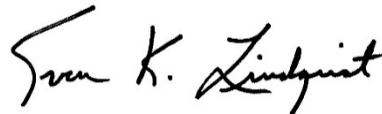
To improve the efficiency of the Service’s review, SCI recommends that the Service limit the number of species for which a group can petition for action per year (e.g., three species per year). SCI further recommends that the Service cap the number of times it can consider listing or up-

¹ Available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

listing petitions for a certain species in a particular timeframe (e.g., once every five years). It is no secret that a handful of animal rights organizations regularly inundate the Service with listing petitions (and subsequent lawsuits, for which they obtain attorneys' fees) and the Service simply cannot keep up with the workload. Implementing such limitations will relieve the Service from reviewing and responding to unwarranted petitions, prevent excessive sue-and-settle litigation, and allow the Service to focus its resources on at-risk species that may benefit from federal intervention.

SCI appreciates the opportunity to provide these recommendations. We support the Service's efforts to improve the petition and ESA decision-making processes. If you have any questions about these comments, please contact SCI's Litigation Counsel at litigation@safariclub.org.

Sincerely,

A handwritten signature in black ink that reads "Sven K. Lindquist". The signature is written in a cursive style with a large, sweeping initial 'S'.

Sven Lindquist
President, Safari Club International