

Harvey, Kimberlee

Subject: FW: [CAUTION EXTERNAL] Your Comment Submitted on Regulations.gov (ID: FWS-HQ-ES-2020-0047-0001)

From: no-reply@regulations.gov <no-reply@regulations.gov>

Sent: Friday, September 04, 2020 4:00 PM

To: Jon White <Jon.White@traviscountytexas.gov>

Subject: [CAUTION EXTERNAL] Your Comment Submitted on Regulations.gov (ID: FWS-HQ-ES-2020-0047-0001)

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.



Please do not reply to this message. This email is from a notification only address that cannot accept incoming email.

Your comment was submitted successfully!

Comment Tracking Number: 1k4-9irx-goad

Your comment may be viewable on Regulations.gov once the agency has reviewed it. This process is dependent on agency public submission policies/procedures and processing times. Use your tracking number to find out the status of your comment.

Agency: Fish and Wildlife Service (FWS)

Document Type: Rulemaking

Title: Endangered and Threatened Wildlife and Plants: Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat

Document ID: FWS-HQ-ES-2020-0047-0001

Comment:

Public Comments Processing

Attention: FWS-HQ-ES-2020-0047

U.S. Fish and Wildlife

MS: PRB(3W)

5275 Leesburg Pike

Falls Church, VA 22041-3803

September 4, 2020

Re:Comments on Proposal to Add a Definition of "Habitat" to Regulations that Implement Section 4 of the Endangered Species Act (ESA)

Dear Sir or Madam:

Thank you for the opportunity to comment on the proposed regulatory definition of the term "habitat" as a term used in the context of critical habitat designations. Travis County, in partnership with the City of Austin,

manages the Balcones Canyonlands Conservation Plan one of the nation's largest urban preserves, covering more than 32,000 acres in Western Travis County under an ESA 10(a)(1)(b) permit issued in 1996.

The Service has proposed a primary definition for habitat as well as an alternate. Unfortunately, both are insufficient and create more problems than they solve.

Both proposed definitions provide that "habitat" for a species can include not only areas that are currently occupied by the species, but also certain areas that are not occupied. This is an important element of a useful definition for habitat.

The proposed rule also clarifies that it would be prospective only and would not trigger revisions to prior designated critical habitat. I support this as well.

However, neither of the proposed definitions provides for the inherent dynamics of biotic communities over time in response to climate change, successional changes, or other dynamics associated with human caused habitat changes and habitat fragmentation. In the case of climate change, this is unreasonably short-sighted. With respect to successional change and other community dynamics, it ignores a fundamental principal of ecology.

The alternative proposal recognizes that habitat "includes areas where individuals of the species do not presently exist but have the capacity to support such individuals" but restricts this to "only those sites where the necessary attributes to support the species presently exist." There is no recognition of the potential for minor management efforts to restore the necessary characteristics of habitat.

The primary definition appears to be most amenable to useful modification. I propose the following edits:

The physical places that a species uses to carry out one or more of the full range of life processes essential to that species' continued existence in the wild. Habitat includes areas where individuals of the species are not currently present but with existing attributes that have the capacity to support individuals of the species immediately or with reasonable management of the biotic community.

In the Federal Register notice of the proposed rulemaking, the Services (FWS and NMFS) stated their intent to stimulate discussion with respect to the definition of habitat. The Services also noted that, "In developing this particular definition of habitat, we reviewed many definitions of habitat from the ecological literature; however, no pre-existing definition was adequate to address the particular regulatory framework that we are implementing." This is not surprising as the proposed definition is something of a departure from the generally accepted usage of the term developed over a century of analysis and debate. While "habitat" is a fundamental concept in ecology with great utility and a generally understood common sense meaning, it is also very difficult to define precisely in the close up analysis. I suggest the seminal paper by Whittaker, Root, and Levin (1973) as a starting point. We all understand the concept of a cloud and see it as a real thing, but the precise boundaries are difficult to define and they are ever changing.

The Services' decision not to base the definition of habitat on physical and biological attributes because of potential confusion with the definition of "critical habitat" was probably a mistake. This is precisely how habitat has been viewed in the ecological literature for 60 years or more. It is better to refine the understanding of critical habitat as a subset of habitat.

While I am not, overly concerned about how the proposed definition of habitat affects the concept of critical habitat, I am concerned that the definition will adversely affect future development of recovery plans by failing to provide for habitat restoration of management.

Thank you for the opportunity to comment.

Yours truly,

Jon A. White
Director, Natural Resources & Environmental Quality Division
Travis County Transportation & Natural Resources Department

cc:M. Mallia, Natural Resources Program Mgr
K. Harvey, Balcones Canyonlands Conservation Plan Secretary
S. Kuhl Division Mgr, Wildland Conservation Division, Austin Water
C. McDonald, TNR County Exec.
S. Biscoe, County Judge

Reference:

R. H. Whittaker, S. A. Levin, and R. B. Root, "Niche, Habitat, and Ecotope," The American Naturalist 107, no. 955 (May - Jun., 1973): 321-338. [URL REMOVED]

Uploaded File(s):

- Travis County Comments re Habitat Definition.pdf

This information will appear on Regulations.gov:

First Name: Jon
Last Name: White
City: Austin
Country: United States
State or Province: TX
ZIP/Postal Code: 78701
Organization Name: Travis County Trans & Nat Res Dept,
Submitter's Representative: Jon A. White
Government Agency Type: Local
Government Agency: Travis County Trans & Nat Res Dept

This information will not appear on Regulations.gov:

Mailing Address: Travis County Transportation & Natural Resources Dept
Mailing Address 2: Suite 544
Email Address: jon.white@traviscountytexas.gov
Phone Number: 512-854-7212

For further information about the Regulations.gov commenting process, please visit
<https://www.regulations.gov/faqs>.

*** For security purposes, URLs were removed from this receipt but not from your comment on Regulations.gov.**

This electronic mail message, including any attachments, may be confidential or privileged under applicable law. This email is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this email, you are notified that any use, dissemination, distribution, copying, disclosure or any other action taken in relation to the content of this email including any attachments is strictly prohibited. If you have received this email in error, please notify the sender immediately and permanently delete the original and any copy of this email, including secure destruction of any printouts.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.