



Attn: FWS-HQ-ES-2025-0044
U.S. Fish and Wildlife Service
PRB/3W, 5275 Leesburg Pike
Falls Church, VA 22041-3803

Wyoming Native Plant Society

P.O. Box 2449, Laramie, WY 82073

Re. Endangered and Threatened Species: Interagency Cooperation (50 CFR Part 402)

December 18, 2025

Dear Madam or Sir,

We concur with proposed revisions that establish parity between the factors considered in listing species with those factors considered in delisting species.

We ask that the 2024 language be kept as the necessary wording for critical habitat designation of unoccupied habitat. Threatened and Endangered (TE) plants are immobile and adapted to their habitat. So occupancy can be mapped for many TE plants to the nearest inch but most species can be essentially destroyed by actions indirectly affecting its habitat at much greater distances. The 2024 language might be reinforced by referring to “buffer” of occupied habitat. We also realize that there are species with widespread destruction of their habitat that may need to be restored in parts of their range.

The 2024 language used to define foreseeable future is also necessary wording in defining foreseeable future. It is not a question of grammar (conjunctive vs disjunctive) but a matter of biology in which causes and effects may include indirect effects, lags in response, and repeated effects. This is consistent with comments we provided earlier this year re. 50 CFR Part 17 re. Rescinding the Definition of “Harm” Under the Endangered Species Act to exclude habitat modification from the statutory term “take.”

Finally, we also recognize the phrase “without reference to possible economic or other impacts of such determination” as essential to maintain the intent of the Endangered Species Act. Economic considerations are important for the public to know, but they are not deciding factors in making determinations on listing decision and critical habitat designations under the Endangered Species Act.

Sincerely,

Bonnie Heidel, Chair of Conservation Committee