



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:
FWS/R6/ES

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Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

James A. Horsley
3431 15th Ave. S.
Fargo, North Dakota 58105

Dear Mr. Horsley:

Thank you for your petition dated and received on March 2nd, 2015, which requested that we list the wild herds of bison (*Bison bison*) in Yellowstone National Park as threatened or endangered under the Endangered Species Act (Act), and to designate critical habitat. The petition was assigned to my Region for response, and I have delegated responsibility for review of this petition to the Wyoming Field Office Ecological Services program in Cheyenne Lakewood, Wyoming Colorado.

Comment [SB1]: Correct?

Comment [SJ2]: yes

Under the provisions of section 4 of the Act, we must first make an initial finding as to whether or not a petition to add a species to the List of Endangered and Threatened Wildlife and Plants presents substantial information indicating that the requested action may be warranted. Section 4(b)(3)(A) of the Act provides that, to the maximum extent practicable, this finding be made within 90 days. If this initial finding concludes that the petition presents substantial information indicating that the requested action may be warranted, then section 4(b)(3)(B) gives the Service one year from the date the petition was received to either: decide that the petitioned action is not warranted; decide that the petition action is warranted, but precluded; or decide that the petitioned action is warranted, and promptly publish a proposed rule. Please note that emergency listing a species is not a petitionable action under the Administrative Procedures Act or the Act; therefore we treat a petition requesting emergency listing solely as a petition to list a species under the Act.

While we have not made a decision on whether the petition presents substantial information that the petitioned action may be warranted, we have looked at the immediacy of possible threats to the species to determine if any emergency is posing a significant risk to the wellbeing of the species, such that the protections of the Act should be put in place immediately pursuant to Section 4(b)7 of the Act. Our initial review of your petition does not indicate that any emergency situations exist. However, if at any time conditions change and we determine emergency listing is necessary, an emergency rule may be developed.

Comment [SB3]: Need FO (or Joy? Or Justin/intern?) to confirm this.

Comment [SJ4]: Confirmed. An interesting petition, but nothing I see says emergency listing.

We are currently required to complete a significant number of listing and critical habitat actions in Fiscal Year 2015 pursuant to court orders, judicially approved settlement agreements, and other statutory deadlines. ~~We will expect to~~ conduct an initial review of your petition ~~as soon as resources become available during this calendar year.~~

If you have any questions concerning this matter, please contact ~~Mark Sattelberg~~ Mike Thabault, ~~Field Supervisor~~ Assistant Regional Director, ~~Wyoming~~ Ecological Services Office, at ~~(307) 772-2374 extension 234~~ (303) 236-4210.

Sincerely,

Regional Director

Comment [SB5]: Anything further we can say here? Will this be part of the batched 90-day that Justin is working on?

Note from Bridget – check with HQ on this.

Comment [SJ6]: HQ is aware of this plan.