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Public Comments Processing
Attn: FWS-R1-ES-2009-0085
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

Re: Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States

To whom it may concern:

The Northwest Mining Association (NWMA) appreciates the opportunity to comment on the U.S. Fish and Wildlife Service's (Service) proposal to revise the designation of critical habitat for the bull trout under the Endangered Species Act (ESA). NWMA opposes the Service's proposal to significantly expand the amount of habitat designated as critical.

NWMA is a 115 year old, 2,094 member, non-profit, non-partisan trade association based in Spokane, Washington. NWMA members reside in 40 states and are actively involved in exploration and mining operations on public and private lands, especially in the West. Our diverse membership includes every facet of the mining industry including geology, exploration, mining, engineering, equipment manufacturing, technical services, and sales of equipment and supplies. NWMA's broad membership represents a true cross-section of the American mining community from small miners and exploration geologists to both junior and large mining companies. More than 90% of our members are small businesses or work for small businesses. Most of our members are individual citizens.

CURRENT HABITAT DESIGNATION IS EFFECTIVE

We do not believe the Service is justified in proposing this far-reaching expansion of critical habitat. The number of miles of streams in Washington, Oregon, Idaho, Montana, and Nevada designated as critical habitat increases from fewer than 4,000 in the 2005 rule to nearly 23,000 miles in the proposed rule. The number of acres of lakes that would be designated increases from 143,000 to 533,000 acres. These numbers are mind boggling, and will lead to unnecessary land use and access restrictions. Critical habitat designations tend to be more about putting up roadblocks to access and responsible use rather than what is reasonable and necessary to help the species.

Local conservation and management efforts are the key to success for the bull trout, and those efforts have proven to be effective regardless of a critical habitat designation. Wildlife protection already in place should not be overwritten with onerous critical habitat rules that are poorly

defined and add little benefit to the species. Bull trout habitat is already being managed more effectively through state and local efforts.

THE SERVICE MUST ADHERE TO THE STRICT DEFINITION OF CRITICAL HABITAT UNDER THE ESA

The Service's broad designation of critical habitat in the proposed rule for bull trout is inconsistent with the ESA's definition of critical habitat. Congress has provided an express and narrow definition of critical habitat.

The term "critical habitat" for a threatened or endangered species includes:

- The *specific* areas within the geographical area occupied by the species...on which are found those physical or biological features (I) *essential* to the conservation of the species *and* (II) which may require special management considerations or protection; and
- Specific areas outside the geographical area occupied by the species...upon a determination by the Secretary that such areas are *essential* for the conservation of the species.
- Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.

Unfortunately, with the broad brush used by the Service in designating nearly 23,000 miles of streams and more than 500,000 acres of lakes and reservoirs as critical habitat for bull trout, this proposal appears to not have followed these strict requirements. The agency must differentiate between those areas that are critical habitat as opposed to just habitat.

DESIGNATION WILL CAUSE UNDUE HARM TO THE NATION'S ECONOMY

The ESA mandates that, before designating critical habitat, careful consideration must be given to the economic impacts, impacts on national security, and other relevant impacts of specifying any particular area as critical habitat.

The potential incremental cost of the proposed revised critical habitat is estimated at \$5 to \$7 million per year over the next 20 years. That is in addition to the approximately \$100 million per year already being spent on bull trout recovery efforts. Unfortunately, the estimated incremental cost of the revised habitat designation will likely be much higher, as future administrative costs and project modifications that may be required by federal agencies related to section 7 consultation under the ESA are factored in.

Section 7 consultation under the ESA for projects requiring federal agency funding or authorization will lead to additional delays in an already lengthy, thorough and cumbersome federal permitting process. This will inevitably frustrate job creation and hinder our economic recovery.

Erecting bureaucratic roadblocks to responsible mineral development will have serious consequences beyond the loss of high-paying jobs. It will lead to an increased, unhealthy reliance of foreign sources of minerals. The U.S. can and should be more self-reliant for the minerals we need. Despite reserves of 78 important mined minerals, the United States currently attracts only seven percent of worldwide exploration dollars. As a result, our nation is becoming more dependent upon foreign sources to meet our metal and minerals requirements, even for minerals with adequate domestic resources.

According to the U.S. Geological Survey, America now depends on imports for 100 percent of 19 minerals commodities and is more than 50 percent import reliant for 38 critical minerals. This increased import dependency makes our country vulnerable in troubling political times and is not in our national interest.

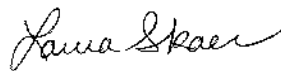
DEPENDENCE ON CLIMATE CHANGE “SCIENCE” IS WRONG

It is wholly inappropriate for the Service to determine that climate change is likely to pose additional threats to bull trout, especially in view of the continuing stream of evidence of fraud and manipulation of data by the Climate Research Unit (CRU) at East Anglia University. The science regarding climate change is certainly not “settled” and to rely on temperature models to predict warming air temperatures over the next 40 years, resulting in increasing water temperatures, is suspect at best.

CONCLUSION

Thank you for the opportunity to comment. NWMA believes the proposed revised critical habitat designation for bull trout is an unreasonable expansion which will unduly harm our economy and national security with little or no benefit to the species. We strongly urge the Service to reconsider this misguided proposal.

Sincerely,



Laura Skaer
Executive Director