



New Mexico Cattle Growers' Association

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February 9, 2022

Public Comments Processing
Attn: FWS-R2-ES-2021-0069
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Comments on Docket No. FWS-R2-ES-2021-0069; FF09E21000 FXES1111090FEDR 223; RIN 1018-BG01; Endangered and Threatened Wildlife and Plants; Endangered Species Status for Sacramento Mountains Checkerspot Butterfly

Dear Sir or Madam:

The U.S. Fish and Wildlife Service (Service), proposes to list the Sacramento Mountains checkerspot butterfly (*Euphydryas anicia cloudcrofti*), a butterfly from New Mexico, as an endangered species under the Endangered Species Act of 1973, as amended (Act). The New Mexico Cattle Growers' Association, (NMCGA), opposes the listing for the reasons stated herein. A better course would be to hold federal and state agencies accountable for fulfilling their responsibilities to mitigate any impact of alleged climate change on habitat.

In its Notice, the Service maintains that the "Sacramento Mountains checkerspot butterfly inhabits high-altitude meadows in the upper-montane and subalpine zone at elevations between ... 7,800 and 9,000 feet (ft) within the Sacramento Mountains, which are an isolated mountain range in south-central New Mexico. The ecosystem at this elevation usually is cool and wet, supporting diverse and robust plant life." The Service acknowledges that this "range has always been discontinuous and fragmented. Spruce-fir forests punctuate suitable butterfly habitat comprised of mountain meadows, creating intrinsic barriers to butterfly dispersal and effectively isolating populations from one another." The Service admits that there are "no active grazing allotments in any areas occupied by the butterfly [and] that livestock grazing is not a primary risk factor for the status of the Sacramento Mountains checkerspot butterfly." The Service notes that among the "[t]he primary risk factors (i.e., threats) affecting the status of the Sacramento Mountains checkerspot butterfly are overgrazing by" elk and feral horses, recreation, and an altered wildfire regime."

Each of these alleged threats is directly related to the failure of responsible federal and state agencies to fulfill their responsibilities. The issues here with this species did not just pop up. The Service states that it has been studying the butterfly for more than twenty years. If there are 60,000 head of feral horses living in the Sacramento Mountains, why hasn't the Forest Service controlled this population? Access to the forest for recreation is under Forest Service control. If ATV access in the Sacramentos has had a negative impact on butterfly habitat,

LOREN PATTERSON, President, Corona; **BRONSON CORN**, President-Elect, Roswell **JOE CULBERTSON**, Vice-President At Large Amistad, **ROY FARR**, SW Vice-President Datil; **DAVE KENNEKE**, NW Vice-President, Cimarron; **JEFF DECKER**, SE Vice-President, Lovington; **CLIFF COPELAND**, NE Vice-President, Nara Visa; **SHACEY SULLIVAN**, Secretary-Treasurer, Bosque Farms; **RANDELL MAJOR**, Past President, Magdalena **TOM SIDWELL**, Past President, Quay

why hasn't the Forest Service addressed it in a meaningful way? There is little question that decades of mindless Forest Service fire suppression have laid the kindling for catastrophic fire events. Again, why? But it is not just the Forest Service that has shirked its responsibility for wise stewardship. The New Mexico Game and Fish Department does virtually no range management with the elk population. Elk population must correspond to available forage and water, even in drought. The Game and Fish Department has ducked that responsibility and land management agencies such as the Forest Service are complicit in allowing that to occur.

Rather than now listing the butterfly as endangered, the Service should have spent some portion of the past twenty years holding the Forest Service and the New Mexico Game and Fish Department accountable for their inaction. To the extent that the Service proposes critical habitat that does include pastures where cattle graze, cattle growers in those areas will be harmed by this listing. That is a fundamentally unfair consequence of the failure of federal and state agencies to do their jobs. The listing does not comport with any notion of environmental justice for the cattle growers who work to feed our nation and the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren Patterson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Loren Patterson, President

cc: The Honorable Yvette Herrell, United States House of Representatives
Amy Lueders, Regional Director, United States Fish and Wildlife Service, Southwest Region
Michiko Martin, Regional Forester, United States Forest Service, Southwestern Region
Sharon Salazar Hickey, Chairman, New Mexico Game Commission
Roberta Salazar-Henry, Commissioner, New Mexico Game Commission
Jimmy Bates, Commissioner, New Mexico Game Commission
Tirzio Lopez, Commissioner, New Mexico Game Commission
Mike Sloan, Director, New Mexico Department of Game and Fish