

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 16, 2015

Public Comments Processing  
Attn: Docket ID No. FWS-HQ-ES-2015-0016  
Division of Policy, Performance, and Management Programs  
U.S. Fish and Wildlife Service  
5275 Leesburg Pike  
MS: BPHC  
Falls Church, Virginia 22041-3803

Re: Public Comment; Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Petitions, Docket ID No. FWS-HQ-ES-2015-0016, *Federal Register*, Vol. 80, No. 137, July 17, 2015

Dear Sir or Madam:

The TCEQ appreciates the opportunity to comment on the revisions proposed by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) for the regulations concerning petitions for endangered and threatened wildlife and plants.

The TCEQ agrees with the proposed revisions which would limit petitions to a single species, include affected states in the process, and specify the type of information which must be included in petitions to add or remove species from the lists. The TCEQ also appreciates that the proposed revisions identify the actions which the Services can take regarding a petition, designation of critical habitat, or adoption of special rules. It is anticipated the proposed revisions will result in more complete and credible scientific information being provided in support of these activities. However, the TCEQ is concerned that the definition of the state agencies to which petitioners must provide a copy of the petition is too limiting and that insufficient time is provided for state agencies to review and comment on the information. The TCEQ's comments on the proposed regulations are enclosed.

Thank you for your consideration of our comments. We urge the FWS to continue discussions with the states to ensure that the finalized process is an effective and efficient use of both federal and state resources. If you have comments or questions concerning the enclosed comments, please contact Kelly Holligan, Director, Water Quality Planning Division at (512) 239-2369 or by e-mail at [Kelly.Holligan@tceq.texas.gov](mailto:Kelly.Holligan@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E.  
Executive Director

Enclosure

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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bcc: L'Oreal W. Stepney, P.E., Deputy Director, Office of Water  
Kelly Holligan, Division Director, Water Quality Planning Division