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September 18, 2015

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

Re: Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Petitions Docket Nos. FWS-HQ-ES-2015-0016; DOC 150506429-5429-01; 4500030113

Dear Sir or Madam:

ConocoPhillips Company appreciates the opportunity to provide comments on the Revisions to the Regulations for Petitions under the Endangered Species Act (“ESA”) proposed by the United States Fish and Wildlife Service (“FWS”) and the National Marine Fisheries Service (“NMFS”)(collectively, “the Services”) published in the Federal Register on May 21, 2015 (Volume 80, Number 98) at 80 FR 29286.

ConocoPhillips is the largest independent exploration and production company based on proven reserves and production of liquids and natural gas. ConocoPhillips is committed to protecting the environment and implements high environmental standards to help support sustainable ecosystems, foster wildlife habitats, minimize the impact of its operations and foster the communities in which it operates to promote a sustainable environment for the future.

We support the Services on their efforts to improve the content and specificity of petitions and to enhance the efficiency and effectiveness of the petitions process to support species conservation. As a member of the American Petroleum Institute (“API”) and Independent Petroleum Association of America (“IPAA”), ConocoPhillips endorses

the comments submitted by API and IPAA. Specifically, we would especially draw your attention to the following points raised by API and IPAA:

**Proposed Paragraph (b)(2)**

- We support the Services' proposal that each petition should be limited to one species.

**Proposed Paragraph (b)(9)**

- A copy of the petition should be provided to the appropriate State agency(ies) at least 90 days prior to submission to the Services to allow state agencies sufficient time to receive and review a petition, and to gather and provide valuable information concerning claims made in a petition.
- The proposal does not appear to provide sufficient justification for exempting petitioners who file petitions with the NMFS from the requirement to communicate and cooperate with all "interested" states prior to submission.
- The proposed Section (b)(9) should include a requirement for the petitioner to certify in the petition that the petitioner has provided a copy of the petition to neighboring countries where the species and its geographic range and/or migration corridors are found in the U.S. and the bordering country(ies), and that the petition to the Services has included in the petition any data or written comments received from the neighboring country's wild life agency.

**Proposed Paragraph (b)(10)**

- The Services should make clear that "all relevant information" means "the best available scientific and commercial data," and that it includes the best available scientific and commercial data that support the petition as well as any such data that may refute the petition.

**Proposed Paragraph (d)(5)**

- The proposed requirements concerning petitions to revise critical habitat designations are inconsistent with current regulations.

**Proposed Paragraph (d)(6)**

- Proposed section (d)(6) appears to be redundant and unnecessary because it purports to require "additional information" beyond the requirement for a petition to include "all relevant information" under proposed sections (b)(4) and (b)(10).

**Proposed Paragraphs (g) and (h)**

- The proposed rule fails to clearly define the scope of competing information that should be included in a listing petition in order to meet the standard of "substantial scientific and

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commercial information.” “All relevant information” that may tend to support the need for the petition action and that which may tend to refute the need for the petition action must be considered when reviewing petitions.

ConocoPhillips appreciates the opportunity to submit comments for your consideration. If you have any questions regarding this submission, please feel free to contact Kari Gibson of my staff at (202) 833-0900.

Sincerely,

CONOCOPHILLIPS COMPANY

/s/ Don W. McNeill

Don W. McNeill  
Interim Vice President of Federal & State Government Affairs  
ConocoPhillips Company