

Regarding the proposed rule to rescind the regulatory definition of “harm” under the Endangered Species Act as described in Docket No. FWS-HQ-ES-2025-0034.

JUSTIFICATION:

The Endangered Species Act (ESA) is long-standing legislation that protects critically declining wildlife species, including birds. ESA success stories include the recovery of Bald Eagles, Peregrine Falcons, Trumpeter Swans, Kirtland’s Warblers and more. Since its inception in 1973, the ESA has protected over 1700 species and has a 99% success rate. Part of that success is due to the current interpretation of “harm” under the ESA, which has included the destruction of species habitats, thereby allowing the ESA to prioritize habitat protection and restoration for threatened and endangered species. Docket No. FWS-HQ-ES-2025-0034 seeks to redefine the ESA to remove destruction of habitat as “harm”. This re-interpretation threatens a half-century of progress in protecting and restoring endangered species and guts the power of the ESA to recover species, which can only exist if their habitats exist.

DELIVERY METHOD: Submit comment via [regulations.gov](https://www.regulations.gov)
(<https://www.regulations.gov/commenton/FWS-HQ-ES-2025-0034-0001>)

16 May 2025

The Iowa Chapter of The Wildlife Society opposes redefining ESA's definition of "harm" as proposed under Docket No. FWS-HQ-ES-2025-0034.

The Iowa Chapter of The Wildlife Society is a non-profit organization representing current and retired wildlife and conservation professionals totaling 247 current members. The Iowa TWS is comprised of experts in the fields of wildlife management and conservation, including wildlife technicians, biologists, and ecologists, university professors, and public and private lands managers. The Iowa TWS has been active since 1962 and our members have worked integrally with the Endangered Species Act (ESA), helping recover Peregrine Falcons, Bald Eagles, and Trumpeter Swans in Iowa. The ESA is an invaluable tool for delivering successful and efficient conservation programs.

Wildlife are an important economic resource. They provide ecosystem services, such as insect-control and pollination services to agriculture, and are a large source of recreation for Americans. Fifty-seven percent of the U.S. population, or 148.3 million Americans, participate in wildlife viewing, contributing over \$250 billion to the economy annually. Additionally, 14.4 million Americans hunt, spending \$452 billion on this pursuit annually. Both of these forms of outdoor recreation require sustainable and healthy wildlife populations.

The ESA is America's single greatest tool to prevent species extinction with a 99% success rate, and is supported across party lines by 95% of the electorate. Species such as the Kirtland's Warblers have successfully recovered because of the ESA and the habitat protections it affords. The Proposed Rule to redefine "harm" under the ESA, to exclude habitat modifications or degradation, will have detrimental effects to the recovery and conservation of threatened and endangered species.

Global extinctions rates are currently 1,000 to 10,000 times higher than past natural extinction rates. Recent continental-level research has shown that North American bird populations have decreased by 2.9 billion breeding adults since 1970 (<https://doi.org/10.1126/science.aaw1313>), small mammal taxa have declined an average 3.9% annually during the past 35 years (<https://doi.org/10.1016/j.biocon.2025.111109>), and 18–31% of bat species are vulnerable to critically imperiled (<https://doi.org/10.1016/j.biocon.2017.05.025>). There is an increasing possibility that many of these species will need protections afforded by the ESA in the coming years.

The majority of wildlife species protected under the ESA are listed due to habitat loss, and research shows that habitat loss is the leading cause of wildlife extinction globally. Removing habitat protections from the ESA undermines the strength of the program as it cuts protections for the resources needed for these species to survive. Currently, the ESA simultaneously provides protections for wildlife while allowing private landowners and managers leeway to manage natural areas. For example, populations of the northern long-eared bat (*Myotis*

septentrionalis), little brown bat (*M. lucifugus*), and tricolored bat (*Perimyotis subflavus*) have declined 98%, 98%, and 93%, respectively, in North America since 2006. Removal of maternal roost trees would have devastating consequences for these species during pup-rearing in Iowa. While the ESA may protect roost trees during summer months, landowners are still allowed to manage private forests during other times of the year when tree removal won't directly reduce pup survival.

From its initial passing in 1973 to present, every administration has held that "harm" in the definition of "take" in the ESA means an act which kills or injures fish or wildlife, including through the modification or destruction of their habitat. For years, industries and companies have worked collaboratively with state and federal agencies to avoid and minimize the destruction of habitat, while applying appropriate mitigating techniques so that a balance is achieved between economic progress and protection of threatened and endangered species. To upend this precedent now, would mean disaster for our most vulnerable species.

The current rule recognizes the commonsense concept that destroying a forest, beach, river or wetland that a species relies on for survival constitutes harm to that species. The current interpretation of "harm" has been a crucial part of how the ESA has protected over 1700 species during the past five decades. Many millions of acres of land have been conserved under the ESA to support these species. These acres not only protect wildlife and plants, but they also provide services like clean air and water, flood reduction, and recreational opportunities that benefit physical and mental health, all of which have a remarkable national social and economic benefits.

State laws alone do not afford the same protections as the ESA and cannot replace the ESA or its track record of success. Wildlife professionals in Iowa rely on the ESA to regulate and protect critical habitat for a number of diverse wildlife species. Removing habitat protections under the ESA would reverse the gains made for these species, and subject them to loss and risks of extinction.

Therefore, The Iowa TWS strongly opposes the proposed rule, which greatly weakens the ESA and may become another factor contributing to the ongoing, momentous loss of biodiversity in North America.

Sincerely,

Executive Board
Iowa Chapter of The Wildlife Society