



THE ALABAMA CHAPTER OF THE WILDLIFE SOCIETY

May 19, 2025

Docket # FWS-HQ-ES-2025-0034
U. S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike, Falls Church, VA 22041

To Whom it May Concern:

The U. S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) proposed a rule (Proposed Rule) in the federal register (90:16102-16105) on April 17, 2025, to rescind the definition of “harm” from the Endangered Species Act (ESA) regulations. The Alabama Chapter of The Wildlife Society appreciates the opportunity to provide comments on the Proposed Rule.

Founded in 1937, The Wildlife Society (TWS) is an international network of over 11,000 leaders in wildlife science, management and conservation who are dedicated to excellence in wildlife stewardship. The mission of TWS is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation. The Alabama Chapter of TWS (ACTWS) was formed in 1978 and our membership is comprised of wildlife professionals representing academia, state and federal agencies, non-governmental organizations and private industry.

Most of our membership is comprised of biologists whose primary focus is habitat and/or species management. As a science-based community, we universally believe that sufficient habitat quantity and quality must be available for any species to sustain itself into the foreseeable future. Without habitat, populations decline and eventually become threatened, endangered, or extinct. Habitat loss is a primary stressor in the decline of many species in our country and throughout the world. Without deliberate habitat protection, the delisting of species through recovery will become more challenging, and the likelihood of other species sharing similar habitat requirements being petitioned for listing in the future will increase. In Alabama, Red-Cockaded Woodpeckers and Red Hills Salamanders are examples of species protected by the ESA that suffered population decline because of habitat loss and degradation. Since listing, both species are now beginning to recover because of habitat management and restoration efforts.

The proposed change to the regulatory definition of harm under the ESA could undermine the effectiveness of the law and limit our ability as wildlife professionals to conserve biological diversity. The purpose of the ESA is to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.” This statement certainly implies habitat should be a variable given consideration in the ESA listing process.

We sincerely request the rulemaking process be suspended and listing processes continue with the current interpretation of “harm” as upheld in *Babbitt vs Sweet Home Chapter of Communities for a Great Oregon*. We believe the ESA has many positive attributes but at the same time realize meaningful modifications are possible without diminishing protections established by the law and subsequent legal actions. Our membership would be willing to contribute expertise to such an effort.

Again, we appreciate the opportunity to comment on the Proposed Rule and look forward to any future meaningful dialogue and engagement.

Submitted on behalf of the Executive Board of the Alabama Chapter of The Wildlife Society.