

Ohio Chapter of The Wildlife Society

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Public Comments Processing
Attn: FWS-HQ-ES-2025-0034
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041-3803

Subject: Opposition to the Proposed Rule “Rescinding the Definition of 'Harm' Under the Endangered Species Act” (Published April 17, 2025)

To Whom It May Concern,

On behalf of the Ohio Chapter of The Wildlife Society, we write to express our strong opposition to the proposed rule by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service entitled “*Rescinding the Definition of 'Harm' Under the Endangered Species Act*” (Docket No. FWS-HQ-ES-2025-0034, published in the Federal Register on April 17, 2025).

This rulemaking proposal seeks to remove the definition of “harm” as it relates to habitat modification under the Endangered Species Act (ESA)—a move we believe is ecologically unsound, legally regressive, and contrary to the ESA’s core mission. Tearing the concept of habitat away from the definition of “harm” represents a fundamental misunderstanding of the ecological principles that underpin species conservation. The scientific consensus is clear: habitat loss is a leading driver of species endangerment, affecting an estimated 85–97% of imperiled species in the United States. To suggest that the destruction or degradation of critical habitat does not constitute “harm” is not only irresponsible but also flies in the face of decades of research, policy, and precedent.

Removing this definition weakens the ESA by eroding one of its primary conservation tools—habitat protection. This change threatens to circumvent permitting processes designed to evaluate and mitigate impacts on listed species, putting them at even greater risk. Ironically, the intent to “streamline” these processes could result in more, not less, litigation. Conservation organizations and stakeholders may be compelled to seek legal

remedies in response to what will rightly be seen as short-term economic or political maneuvering at the expense of long-term ecological stewardship.

In Ohio, there are countless examples we could cite to illustrate the critical importance of habitat and the harm that would be caused if habitat were lost. Ohio has the dubious distinction of having lost the 2nd most wetland habitat by percentage nationwide; as such, many of the Buckeye State's threatened and endangered species are wetland species. Massasauga Rattlesnakes are inextricably tied to wet shrubby meadows, a specialized form of early successional wetland – harming those habitats is the equivalent of harming Massasaugas. Karner Blue Butterfly is another specialist species tied to fire-managed blue lupine wildflowers – harm to those specialized habitats is akin to directly harming Karner Blues.

Public support for the ESA remains strong, with consistent polling indicating that approximately 80% of Americans back its protections for threatened and endangered wildlife. This proposed rule does not reflect that public consensus. Instead, it caters to a narrow set of interests at the expense of science-based conservation and the expressed will of the American people.

The Ohio Chapter of The Wildlife Society urges the Services to recognize that this proposed rescission is not a benign administrative action but a harmful and unnecessary dismantling of a vital ecological safeguard. We call for the retention of the current definition of “harm,” which reflects longstanding Supreme Court precedent, sound ecological understanding, and a commitment to meaningful conservation outcomes.

Ideally, this proposed rule should be withdrawn entirely. Failing that, any revised language must explicitly reaffirm the role of habitat loss and degradation in constituting “harm” under the ESA. The conservation of species cannot be achieved without conserving the habitats they depend upon.

Thank you for considering our comments. We stand ready to support efforts that strengthen—not weaken—the Endangered Species Act and urge you to uphold its vital protections for our nation's wildlife and natural heritage.

Sincerely,

Executive Board
Ohio Chapter of The Wildlife Society