



# North Carolina Chapter The Wildlife Society

May 11 2025

U.S. Fish and Wildlife Service  
Department of the Interior  
5275 Leesburg Pike, Falls Church, VA 22041-3803

National Oceanic and Atmospheric Administration  
Department of Commerce  
National Marine Fisheries Service  
1315 East-West Highway, Silver Spring, MD 20910

**Subject: Endangered and Threatened Wildlife and Plants; Rescinding the Definition of “Harm” Under the Endangered Species Act; FWS-HQ-ES-2025-0034-0001**

Dear Directors,

The **North Carolina Chapter of the Wildlife Society** ([NCTWS](#)), an association of wildlife professionals from federal and state agencies, academia, industry, and conservation organizations involved in wildlife research, education, and wildlife and habitat management, would like to express its strong opposition to the proposed rule to rescind the regulatory definition of “harm” under the Endangered Species Act (ESA). The proposed action will significantly lessen the effectiveness of the essential regulatory framework to address the threats to declining species and ensure their conservation through habitat protection. *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.* Furthermore, the rescission of the definition of “harm” will impact not only native species, but also countless regional and transboundary species that rely on the existence of protected habitats free of “harm” under the ESA. The impact will reverberate beyond natural ecosystems.

We emphasize the following areas of particular significance for species and habitat protection:

**1. Habitat Protection is the only way to protect Biodiversity:**

The science-based habitat conservation practices under the ESA have repeatedly demonstrated that species-specific habitat protection is the only way to conserve imperiled species. Numerous native species have benefited immensely from habitat protections in North Carolina.

- All threatened or endangered [sea turtle species](#) have benefited from nesting, foraging, and migratory habitat protections along the beaches and oceans in [North Carolina](#) and the southeast.
- The protection and restoration of the [longleaf pine ecosystem](#) has made it possible for more than 30 endangered and threatened species, including [red-cockaded woodpeckers](#) and indigo snakes, which are habitat specialists in this unique ecosystem, to exist.
- Additionally, numerous vulnerable, threatened, and endangered species inhabit protected areas such as the [National Parks](#), National Forests, National Wildlife Refuges, State Parks, State Gamelands, and other conservation lands in North Carolina.

Conservation of these and other unique species has been made possible only by protecting the habitats that these species require to survive. The removal of the definition of “harm” will allow the destruction of habitats and drive more species to extinction.

## **2. The Definition “Harm” is the Pillar of Habitat Protection and Species Conservation**

The current definition of “harm” enables proactive conservation through tools like [Habitat Conservation Plans](#) and Incidental Take Permits, as detailed on the U.S. Fish and Wildlife Service website. Also, private landowner cooperation is critical as most of the land in the southeast is privately owned and over “two-thirds of federally listed species have some habitats on private lands.” The recent success in longleaf pine forest habitat restoration in North Carolina and neighboring states wouldn’t be possible without [the conservation tools, multiagency collaborations and cooperation from private land owners](#). Removing this key piece of regulation will be detrimental to natural habitats and the numerous species that depend on them for survival.

## **3. The redefinition of “harm” will negatively impact ongoing and future conservation efforts. This action:**

- Undermines Core ESA Function: Habitat loss affects 85-97% of imperiled species; removing habitat modification from the definition of "harm" would severely restrict the Act's effectiveness.
- Contradicts Legislative Intent: The ESA explicitly states its purpose is to "provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved."
- Causes Cascading Regulatory Effects: The change would significantly impact multiple sections of the ESA, including Section 7 consultations, Section 10 permits, and Habitat Conservation Plans. This is particularly detrimental to multi-agency conservation partnerships such as longleaf pine ecosystem conservation.
- Increases Species Decline: Reduced habitat protection will accelerate species declines, potentially increasing the number of species requiring ESA protection.

## **4. The negative impacts will reverberate beyond habitat protection and species conservation.**

The Triple Bottom Line of a sustainable society is nature, human community, and economy. A robust and ecologically viable natural system sustains healthy human communities and the economic activities within the system. Natural habitats with healthy biodiversity fuel our society

by providing many ecosystem services such as clean air, clean water, productive soil, and recreational opportunities, among others. One example from North Carolina is Great Smoky Mountains National Park, where visitors to the park [spent over \\$ 2 billion in local communities in 2022](#). Statistics show similar benefits to humans, wildlife, and economies in the Piedmont and the Coastal regions of North Carolina. Protecting ecologically healthy habitats is also key to sustaining nature-based recreational activities, such as water sports and hunting. Rescinding the definition of “harm” will result in habitat destruction in the surrounding communities of these natural gems, which will needlessly displace vulnerable species and drive them to extinction. The results will negatively impact the environment and the state's economy. The loss of natural habitats will also weaken the ability to mitigate the impacts of climate change, which will continue to intensify in the coming years.

**For these reasons, among many others, we believe the proposed change to the regulatory definition of “harm” under the ESA will undermine the effectiveness of the law and limit our ability as wildlife professionals to conserve species and biological diversity. We recommend the following actions.**

- We urge suspension of the rulemaking process pending further legislative clarity or specific court adjudication on the interpretation of "harm."
- If rulemaking continues, we recommend modifying language to indicate that changes are purely clerical while maintaining the current interpretation of "harm" based on Supreme Court precedent.
- We call for transparent processes that maintain protection for both occupied and unoccupied habitats essential for species recovery.
- We emphasize willingness to contribute expertise to meaningful ESA modifications that enhance effectiveness rather than diminish protections.

Sincerely,

David Mattocks

President of the North Carolina Chapter of the Wildlife Society