



18 May 2025

Re: Comments on Rescinding the Definition of “Harm” Under the Endangered Species Act, U.S. Fish and Wildlife Service [Docket Number FWS-HQ-ES-2025-0034]

The North Central Section of The Wildlife Society (NCS-TWS) recommends **suspending this rulemaking process pending further legislative clarity or specific court adjudication on the interpretation of “harm” under the Endangered Species Act (ESA).**

The NCS-TWS encompasses eight states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. With a membership of over 350 active wildlife professionals, NCS-TWS is dedicated to sustaining wildlife populations and habitats through science-based management and conservation practices.

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.

Removing habitat modification from the definition of "harm" would severely restrict the Act's effectiveness and would contradict legislative intent. Habitat loss affects 85-97% of listed species, and the ESA explicitly states its purpose is to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.” With the loss of habitat protection for listed species that would occur should this rulemaking proceed, sympatric species will likely experience accelerated declines, increasing the number of species requiring ESA protection.

This proposed change would trigger cascading regulatory effects, significantly influencing multiple sections of the Endangered Species Act (ESA), including Section 7 consultations, Section 10 permits, and Habitat Conservation Plans. As wildlife professionals, we regularly engage with these processes to help federal and state agencies, as well as non-governmental organizations, support landowners in conserving habitat—often in ways that align with and even enhance their objectives for land, farm, ranch, woodland management, and recreational use. Public support for the ESA remains strong across time and geography. Multiple surveys, including *Support for the U.S. Endangered Species Act over time and space* (<https://conbio.onlinelibrary.wiley.com/doi/10.1111/conl.12595>), demonstrate that even controversial species do not erode this widespread support. Sustaining wildlife populations is essential not only for public enjoyment but also for the economic value derived from both consumptive and non-consumptive uses. Wildlife-related activities contribute significantly to the U.S. economy, with annual expenditures of \$250.2 billion on wildlife viewing equipment and trips and \$45.2 billion on hunting. These activities support jobs, generate tax revenues, and drive economic output at the federal, state, and local levels.

The ESA is not perfect. We are open to contributing our expertise to meaningful ESA modifications that enhance effectiveness rather than diminish protections. Proceeding with this rulemaking process will not accomplish that outcome.

Respectfully,

Kelsey Fleming | President

North Central Section of The Wildlife Society