

To Whom It May Concern:

As President of the California North Coast Chapter of The Wildlife Society, I would like to submit comments on the proposed rule to rescind the regulatory definition of “harm” in federal Endangered Species Act (ESA) regulations (Docket No. FWS-HQ-ES-2025-0034) on behalf of our membership. There are approximately 125 wildlife professionals who are members of the California North Coast Chapter of The Wildlife Society (CNCCTWS). We are based in Arcata, CA, and our mission is to enhance the ability of wildlife professionals and wildlife students to conserve biodiversity, sustain productivity, and ensure responsible use of wildlife resources and habitats. The California North Coast Chapter is part of the Western Section of The Wildlife Society, which is comprised of eight local Chapters, representing over 1,000 professional wildlife managers, biologists, ecologists, botanists, and students from California, Hawaii, Nevada, and Guam. These Chapters are organized as a unit of an international organization called The Wildlife Society (TWS; wildlife.org). TWS is an international non-profit scientific and educational association, representing over 15,000 wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education, all devoted to the sustainable conservation of wildlife and wildlife habitat in the western United States.

We have the following comments and recommendations on the proposed amendment to provide on behalf of the CNCCTWS membership:

We strongly oppose the decision to rescind the regulatory definition of “harm” under the ESA. The current definition of harm includes habitat modification as a form of “take.” This definition confers crucial protection to threatened and endangered species. Changing this definition to allow habitat removal, modification, and destruction with no prohibition under the ESA would have potentially dire consequences for threatened and endangered species, including extinction. Habitat loss is widely regarded to be the number one driver of species extinctions (Pimm and Raven 2000, Sala et al. 2000) and changing the ESA in this way would facilitate unregulated habitat removal, modification, and destruction, and would therefore severely restrict the Act's effectiveness.

Reduced habitat protection for currently protected species would also impact sensitive species that are declining, but are not currently listed, potentially increasing the number of species requiring ESA protection in the future. In the area that the CNCC serves, ESA listed species such as the Northern Spotted Owl (*Strix occidentalis caurina*), coastal DPS of Pacific marten (*Martes caurina*), and the Marbled Murrelet (*Brachyramphus marmoratus*) provide excellent examples for this potential scenario. Many species that share habitat associations with the Northern Spotted Owl and the Marbled Murrelet, such as the southern torrent salamander (*Rhyacotriton variegatus*), Humboldt's flying squirrel (*Glaucomys oregonensis*), Fisher (*Pekania pennanti*) and Pileated Woodpecker (*Dryocopus pileatus*) are also sensitive and/or declining. If habitat removal or modification of the habitats these species share is no longer prohibited under the ESA's definition of take, via a removal of the definition of harm, these species may also experience declines that warrant listing pursuant to the ESA in the future.

The ESA is one of the most popular environmental laws that we have - multiple surveys have shown that Americans overwhelmingly support the law in its current form (Bruskotter et al. 2018). The current rulemaking effort goes against the original legislative intent of the ESA, which states that the purpose of the law is to "provide a means whereby the ecosystems upon which endangered species and threatened

species depend may be conserved." By rescinding the definition of harm, this rulemaking has the potential to significantly reduce habitat protection, and would undermine the core function of the law.

Because of the issues outlined above, we recommend that the current rulemaking process be suspended until there is additional legislative clarity or a court decision that provides clarification on the interpretation of "harm." If the rulemaking process continues, we recommend that the language of the proposed rule be modified to make it clear that the current interpretation of "harm" will be maintained based on Supreme Court precedent and that the change is merely clerical.

The wildlife professionals within our membership are available and willing to contribute their expertise to efforts towards meaningful ESA modifications that would enhance the effectiveness of this critical, effective, and popular law - not reduce the effectiveness of its important protections for fish, wildlife, and the habitats on which they depend.

We appreciate the opportunity to comment on this proposed rulemaking.

Sincerely,

Janelle Chojnacki, President  
The California North Coast Chapter of The Wildlife Society

#### References

Bruskotter, J.T., Vucetich J.A., Slagle K.M., Berardo R., Singh A.S., Wilson R.S. (2018) Support for the U.S. Endangered Species Act over Time and Space: Controversial Species do not Weaken Public Support for Protective Legislation. *Conservation letters*, 11:e12595. <https://doi.org/10.1111/conl.12595>

Pimm, S. L., & Raven, P. (2000). Biodiversity: Extinction by numbers. *Nature*, 403, 843–845. <https://doi.org/10.1038/35002708>

Sala, O. E., Chapin, F. S., Armesto, J. J., Berlow, E., Bloomfield, J., Dirzo, R., ... & Wall, D. H. (2000). Global biodiversity scenarios for the year 2100. *Science*, 287(5459), 1770–1774. <https://doi.org/10.1126/science.287.5459.1770>