



May 14, 2025

Dear US Fish and Wildlife Service and National Marine Fisheries Service,

I am writing on behalf of the Arkansas Audubon Society, a statewide organization committed to fostering a greater knowledge of the natural history of Arkansas and promoting conservation of the state's natural resources. **We oppose the decision to rescind the regulatory definition of “harm” in the Endangered Species Act (ESA) that would thereby remove protections for habitat(s) for species protected under the ESA.** If the current semantics of the ESA and the definition of “harm” and “take” are of concern, we request that the Services revise their definitions of “take” to include harm done to habitats, which can indirectly impact the survival of listed species. Harm done to a species' habitat(s) is known to cause *harm* to and can eventually *kill* (both of which fall within the current definition of “take”) those species. We believe that any preventable loss, harm, or take of endangered or threatened species is unacceptable.

Quite simply, all organisms, including species listed under the ESA, rely on habitat for their survival. The preferred habitat for each species provides it with the resources necessary for feeding, reproduction, and survival. Habitats are broadly composed of the climatic, geographic, or other biological factors with which a species is/are associated. Harming habitats (whether by disturbing, altering, or destroying them) can have catastrophic effects on most species, especially specialist species that require unique and specific conditions. In fact, habitat loss is the driving factor in the declines of many plant and animal species. However, we know from numerous conservation success stories that creating or restoring habitat to ideal conditions can help to reverse declining trends. To this point, we have seen the efficacy of the ESA in its current state as less than 1% of the species ever listed under the Act have gone extinct and 78% of listed bird species have stable or increasing population trends.

Additionally, we believe that the rescission of this definition of “harm” and alterations to its associated regulatory steps that aid in the protection of listed species and critical habitats (e.g., Section 7 consultations) will only contribute to more rapid species declines and losses. Federal regulation of listed species and their habitats helps to standardize conservation efforts across the states and prevents harm done by entities who otherwise would not consider their consequences on listed species. As they currently exist, the regulations that require entities to minimize or otherwise mitigate harm done to habitats can be insufficient for certain species and habitat types.

Thank you for accepting this comment. We hope that the Services will act in the best interest of listed species by maintaining protections for their habitats.

Sincerely,

Lynn Foster
President, Arkansas Audubon Society