

Congress of the United States
Washington, DC 20515

September 4, 2020

Ms. Aurelia Skipwith
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Skipwith:

We write to express our opposition to the proposed rule (FWS-HQ-ES-2020-0047) to add a narrow definition of “habitat” to Endangered Species Act (ESA) regulations. We are alarmed by this proposed rule, especially in the context of the three regulations finalized last year that weakened ESA implementation. This onslaught of environmental rollbacks that threaten the survival of our nation’s wildlife must stop.

The proposed definition, if finalized, would limit the ability of the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) to conserve and restore important habitat based on the best available science for the recovery of ESA-listed species.

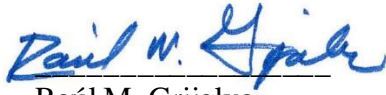
First, the proposed definition of “habitat” states that only “areas with existing attributes” needed to support the species would be considered “habitat,” potentially excluding some areas that require restoration or modification in order to support a species. Federal agencies have long designated degraded habitats as “critical habitat” under the ESA and then worked to restore those areas to serve as strongholds for species recovery, however under this proposed definition, those habitats would be left out. In ecosystems with degraded habitat where species' ranges have shrunk, this is an especially important tool.

Second, this rule is short-sighted in the face of unprecedented and devastating climate change. We already know that species’ ranges will shift to follow favorable temperatures, retreat from rising sea levels, or perhaps follow their desired prey. FWS and NOAA will, in many cases, need to designate areas as “critical habitat” that we know species will move to in order to survive in the foreseeable future. The proposed definition would limit that opportunity for some areas, despite the best available science on wildlife migrations and climate forecasting.

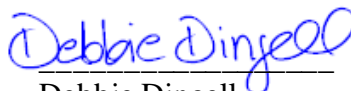
In addition to the proposed definition, FWS and NOAA are requesting comment on an alternative definition of “habitat” that is even worse because it goes further in stating that unoccupied areas qualify as “habitat” under the ESA only if they currently possess everything that a species needs. This alternative definition would also preclude areas that need restoration or that will be altered because of climate change.

Habitat loss is the leading cause of biodiversity loss, and the loss of biodiversity threatens human health and wellbeing with fewer ecosystem services and increased risk of disease outbreaks. With a million species at risk of extinction globally, we should be strengthening our tools for species conservation and investing in habitat restoration. By narrowly defining “habitat”, this rule does the exact opposite and will put more species at risk of extinction. For those reasons we oppose this proposed rule and urge you to withdraw it.

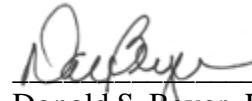
Sincerely,



Raúl M. Grijalva
Member of Congress



Debbie Dingell
Member of Congress



Donald S. Beyer, Jr.
Member of Congress

Deb Haaland
Member of Congress

Alan Lowenthal
Member of Congress

Gerald E. Connolly
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