



Gopher Tortoise Council
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April 20, 2025

To: The Honorable Doug Burgum Secretary of the Interior U.S. Department of the Interior 1849
C Street, NW Washington, DC 20240

Dear Mr. Burgam:

The Gopher Tortoise Council provides this letter in strong opposition to the U.S. Fish and Wildlife Service's proposal to rescind the definition of harm under the Endangered Species Act (ESA). The proposed changes are a direct contradiction of the ESA's purpose, judicial precedent, and biological necessity. Habitat loss is the leading driver of extinction. To remove the protections that account for habitat-based harm is to remove the very mechanism that allows this law to function. This is more than a regulatory revision — it's a dangerous step backward.

The ESA was passed "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." The Act defines "take" to include "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect," and since 1975, the term "harm" has been defined to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR § 17.3). Removing this definition would effectively eliminate the Act's ability to prevent extinction. It would reduce "take" to only intentional and direct acts, ignoring the ecological and legal reality that habitat destruction can and does cause death or injury to listed species. This interpretation is not only inconsistent with the purpose of the Act, but also contradicts decades of regulatory practice and judicial precedent. *We strongly urge the U.S. Fish and Wildlife Service to abandon this proposed rule.*

Sincerely,

Kim Sash

Senior Co-Chair

Gopher Tortoise Council