



Rocky River

Watershed Council

May 16, 2025

Steve Chase, Acting Deputy Director for Program Management and Policy
U.S. Fish and Wildlife Service (USFWS)
1849 C Street, NW Washington, DC 20240

RE: Rule change on the interpretation of harm in the Endangered Species Act

Dear Deputy Director Chase,

Rocky River Watershed Council (RRWC) is a citizen-based non-profit organization and is the only organization dedicated solely to the protection and restoration of the Rocky River Watershed. The Council is led by an elected Board of Directors representing a wide range of local stakeholders, including private sector businesses, local governments, and community non-profits.

The RRWC writes to strongly oppose any rule change to the enforcement of the Endangered Species Act (ESA) that does not include habitat loss under the definition of “harm” or “take”. The overwhelming scientific consensus is that habitat loss presents the single greatest threat to threatened and endangered species, and is the single largest driver of a species becoming endangered or extinct. The definition of “harm” to a species *must* include damage to its habitat.

Not only does protecting the habitat of an endangered species provide vital relief to that species, but there are enormous downstream benefits as well. Protecting natural spaces provides ecosystems services that amount to savings of hundreds of millions of dollars every year to humans. We at the RRWC have seen this countless times in our home watershed; when natural spaces are set aside there are enormous benefits in flood prevention, water quality enhancement (which supports vital fishing and tourism industries), erosion prevention, heat island prevention, and improved air quality. Many of the natural spaces that persist today and are subject to ESA enforcement are not suitable for development; a prevalent problem in our area is developing within floodplains which leads to flooding and infrastructure damage. In this manner, protecting habitat under the ESA can lead to significant protections of human resources as well.

As a local conservation group RRWC has worked with partners to carry out many restoration and/or infrastructure improvement projects and the permitting through the ESA has not proved to be burdensome, to ourselves or our contractors. Yet regulatory burdens *do* increase when changes are made to the regulations, as each change requires significant resources to interpret how said changes will impact our projects. These burdens are increased even greater if the changes are subject to lengthy legal battles. The ESA has been applied in a consistent manner since the 1990s when the Supreme Court ruled that “harm” includes habitat loss. We urge USFWS to remain consistent with how this rule has been applied for decades.

Sincerely,

The Board of Directors of the Rocky River Watershed Council