February 19, 2013

The Honorable Kenneth Salazar  
Secretary U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Rebecca M. Blank  
Acting Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, DC 20230

Dear Secretary Salazar and Acting Secretary Blank,

On behalf of our millions of our members, we request that you re-affirm this administration’s commitment to our nation’s most imperiled wildlife and plants as we move forward in the second term of the Obama Administration. We also ask that you take several specific actions to strengthen and improve the U.S. Fish and Wildlife Service’s and the National Marine Fisheries Service’s implementation and administration of the Endangered Species Act (ESA).

The ESA remains one of the strongest laws ever passed by any nation to protect species at risk of extinction. It has been tremendously successful at preventing extinction, protecting species and putting them on the path to recovery. Unfortunately, the conservation challenges today are far greater and more complex than they were 40 years ago, when the ESA was enacted. To ensure the continued success of this landmark law and preserve our nation’s natural heritage, the Services must take prompt action to strengthen ESA implementation. Toward this end, we ask that you take the following actions:

Formally withdraw or substantially modify the draft policy interpreting the term “significant portion of its range” (SPR) within the ESA’s definitions of threatened and endangered species:

The draft SPR policy’s narrow focus on species viability fails to comport with the broad goals and purposes of the ESA. We have two fundamental problems with the draft SPR policy—specifically: (1) the proposed definition of “significant,” which specifies that a portion of range can be considered significant only if loss of the species from that portion would threaten the species as a whole with extinction, and (2) the determination that lost historic range cannot qualify as a significant portion of range. As proposed, the draft policy will not provide meaningful protections to species that are threatened or endangered in portions of their range. We are particularly concerned that the draft policy has the potential to undermine the conservation of wide-ranging species such as the grizzly bear and gray wolf. As an alternative, we strongly support an approach that protects wide-ranging species throughout all significant portions of their current and historic range, an approach that would align with the ESA’s central goal of preserving the ecosystems upon which threatened and endangered species depend.
Move forward with changes to the regulations for critical habitat by modifying those regulations to reflect that recovery of listed species is a central purpose of critical habitat under the ESA:

Habitat loss and habitat degradation continue to be the primary drivers of extinction within the United States and around the world. Research indicates that listed species with designated critical habitat generally have a better conservation status than those species without it. The reason for this is simple. Designating critical habitat provides significant conservation benefits to threatened and endangered species by prohibiting federal agencies from funding, permitting or carrying out actions that result in the “destruction or adverse modification” of critical habitat. This prohibition is not duplicative of the prohibition on activities that jeopardize the continued existence of listed species. Acknowledging that the adverse modification and the destruction of critical habitat harms species and impedes recovery would go a long way towards avoiding the death-by-a-thousand-cuts scenario that the ESA is designed to protect against. We hope that the Services will improve their consultation procedures as a result of these new regulatory proposals to better implement a recovery-focused, science-based approach to habitat protection.

Implement procedures to track the take of threatened and endangered species in a manner that is transparent to the public:

As far back as 1997, the Government Accountability Office documented that for the overwhelming majority of listed species, the Services do not know how many individuals they have permitted to be harmed or killed each year through issuance of incidental take permits. Baseline data on the amount of authorized take under all ESA programs, as well as data on the cumulative loss of critical habitat, are essential to any rationale and science-based conservation program, and we hope the Services move quickly to address this systemic deficiency. Equally important, a transparent process that allows the public to understand where and when threatened and endangered species are harmed is fundamental to good governance of the ESA.

Move forward on ways to better incentivize voluntary conservation activities under the ESA:

Many threatened and endangered species spend a portion of their life cycle on private lands. Helping incentivize landowner cooperation, while improving conservation outcomes on private lands, is essential to the recovery of many listed species. While it is important to create additional incentives for private conservation, the Services must also ensure that those who violate the ESA and harm protected species are held accountable for their actions. Without accountability, there will not be the appropriate balance of incentives and disincentives for private landowners to take proactive conservation actions on private lands.

In the last few years, we have seen repeated and unfounded attacks that have attempted to make the ESA, and other environmental laws, the scapegoat for our nation’s current economic struggles. The reality is that a healthy environment provides the foundation for a strong and healthy economy. Our natural environment and our nation’s wildlife support billions of dollars in annual economic activity. Strengthening our environment strengthens our economy, and we hope that you work with us to realize a healthier and less polluted environment that supports
vibrant wildlife populations. We hope President Obama’s second term will result in a legacy as one of the great environmental presidents of the modern era. We believe that implementing these initial recommendations would represent a solid foundation to build upon that legacy, and we offer our full support in making them a reality.

Thank you for your consideration.

Respectfully,

Leda Huta  
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Endangered Species Coalition

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<th>Amy Trainer, JD</th>
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<td>Jill Witkowskia</td>
<td>Leslie Perrigo</td>
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<td>Waterkeeper</td>
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<td>Co-Founder</td>
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