

December 14, 2010

Secretary Ken Salazar  
Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Secretary of Interior Ken Salazar,

As conservation scientists, we are writing to urge you to maintain a definition of endangered under the Endangered Species Act that provides needed protections to species at risk of extinction in the foreseeable future. In response to litigation over the listing status of the polar bear, the government is arguing that only species facing an “imminent” danger of extinction can be listed as endangered. This narrow definition is contrary to language of the Endangered Species Act, inconsistent with the current list of threatened and endangered species, and will limit protections for species known to be at risk of extinction.

The Endangered Species Act defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range,” and a threatened species as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Nowhere does this definition set or imply the higher bar that the risk of extinction must be “imminent” for a species to qualify for endangered status. While imminence of extinction is one factor in determining whether a species is best classified as “threatened,” or “endangered,” it is not the only factor, and we believe it is wrong to argue that a species may never be listed as “endangered,” absent a showing that extinction is imminent.

Any species that is in danger of extinction properly qualifies as “endangered.” For example, the critically imperiled yet long-lived North Atlantic right whale is properly classified as “endangered,” even though actual extinction under current trends is likely many decades away. Requiring extinction to be “imminent” prior to listing a species like the North Atlantic right whale as “endangered” will result in many such species being denied “endangered” status until they are already committed to extinction, a result clearly at odds with the intent and purpose of the Endangered Species Act.

Of the more than 1300 species protected under the Endangered Species Act, 1079 are listed as endangered rather than threatened. Although all of these species are known to be at risk of extinction and in many cases great risk, a portion of these species likely do not face an imminent risk of extinction. Indeed, a number of species protected as endangered in recent years were determined to not face imminent threats. The U.S. Fish and Wildlife Service maintains a list of species that are candidates for protection under the Act, each of which are given a “listing priority number” based on the imminence and magnitude of threat. A number of these candidates with priority numbers reflecting non-

imminent threats have been given endangered status, including most recently two species of fish—the Cumberland darter and laurel dace.

Endangered status provides species with the Act's full protection in contrast to threatened status which provides a more restricted suite of protections. We believe that if endangered status is limited to those species facing an "imminent" risk of extinction it will unnecessarily limit protections for many species at risk of extinction. Such a limitation is not in the interest of species conservation and is thus out of step with the fundamental purposes of the Endangered Species Act.

Sincerely,

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