



The Honorable Paul Souza  
Acting Director  
U.S. Fish and Wildlife Service  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

The Honorable Eugenio Piñeiro Soler  
Assistant Administrator for NOAA Fisheries  
National Marine Fisheries Service  
Department of Commerce  
1315 East-West Highway  
Silver Spring, MD 20910

**RE: Rescinding the Definition of “Harm” under the Endangered Species Act**  
[FWS-HQ-ES-2025-0034](#)

May 19th, 2025

Dear Director Souza and Administrator Soler,

As the nation’s leading aquariums and zoos, we are dedicated to conservation, research, and education for public benefit and committed to the health of our ocean, rivers, and lakes, and the benefits they provide to all Americans. We appreciate the opportunity to comment and strongly urge that you withdraw this proposed rule to rescind the regulatory definition of “harm” under the Endangered Species Act (ESA).

Since its enactment in 1973, the ESA has contributed to saving hundreds of species from extinction and has advanced the recovery of many more. It protects vulnerable freshwater and marine wildlife, like the Southern sea otter, Southern Resident orca, North Atlantic right whale, Great Lakes Piping Plover, Topeka shiner, Chinook salmon, and all six species of sea turtles found in U.S. waters. An essential part of these successes under the ESA has been its ability to protect species *and their habitat* - recognizing that a healthy and functioning environment is vital to preventing extinction and promoting recovery for vulnerable species.

Habitat destruction is the greatest driver of species extinction, and habitat protection is central to the conservation of imperiled species. The ESA's purpose is to conserve "the ecosystems upon which endangered species and threatened species depend," as well as protect and recover endangered species and threatened species themselves. In recognition of the essential role of a species' habitat in its ability to survive and thrive, the ESA requires the identification and designation of critical habitat: the features of a habitat necessary for a species to survive. Rescinding the current definition of harm to exclude habitat modification or degradation and severely narrow the scope of "harm" runs contrary to the intent of the ESA.

It is with a uniquely qualified perspective that we voice our concerns. Our organizations have worked with government agencies like the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) for decades to conduct research and outreach focused on endangered, threatened, candidate species, and species of concern, and on the habitats that support these species. In coordination with federal partners and as part of the core of our missions, our aquariums and zoos spend significant resources and help defray government costs to rescue, rehabilitate, and release ESA-listed species in a larger effort to help recover wild populations. Animals that cannot be reintroduced remain with us and serve as ambassadors that help educate members of the public about the importance of wildlife and habitat protection as well as inspire people to value and care for nature. Further, we work with state and international agencies and organizations for which the ESA serves as a leading model to conserve and recover populations of species in decline.

To illustrate, freshwater mussels, coined the "livers" of our rivers and lakes, are vital to their ecosystem and a key example of how ESA-modeled recovery efforts are magnified through cross-sector and international collaboration. Critically endangered species, nearly 70% of U.S. freshwater mussels are at risk of extinction due to habitat loss and degradation, but only 30% are protected under the Endangered Species Act and have the benefit of habitat protection and recovery strategies. The biological adaptations of native freshwater mussels inherently clean the water of their inhabited ecosystems, saving an incalculable amount of taxpayer dollars on clean water infrastructure and improving the health of people who rely on these ecosystems for clean drinking water. Aquariums conduct surveys in freshwater regions, like the Great Lakes, to determine which species are found where and how genetically diverse different populations are. Pairing this data with long-term studies of individual animal survival informs habitat restoration and conservation management strategies aligned with the ESA and amplified by the International Union for the Conservation of Nature (IUCN).

Western snowy plovers were listed as threatened under the ESA in 1993. To support the recovery of this vulnerable population, aquariums on the West Coast support local rescue and rehabilitation efforts during the nesting season. Western snowy plovers depend on specific habitat conditions for nesting and foraging, and the loss of suitable habitat, especially from invasive plant species and urban development, has been a significant driver of their decline. Since the designation of critical habitat, a requirement of the ESA to protect habitat essential for the conservation of a species, the western snowy plover population has grown and its range has expanded further north, and some areas are meeting recovery goals for the population. While progress is encouraging, the most recent status review from FWS recommends continued habitat restoration and notes the additional threat of “coastal squeeze” that further limits viable nesting habitat in some parts of their range.

Atlantic, Gulf, Pallid, and Shortnose sturgeon are all listed under the ESA as endangered or threatened. Sturgeon are long-lived, late-maturing fish that need shallow freshwater habitat to spawn. Aquariums also work with local and state governments and other partners to restore riverine, wetland and nearshore habitats which in turn supports sturgeon recovery.

The undersigned members of the Aquarium Conservation Partnership strongly encourage maintaining the current definition of “harm” under the Endangered Species Act. We share deep concern that the proposed change to this definition would significantly undermine effective and coordinated implementation among the two agencies responsible for the ESA.

Protecting our shared natural heritage—including threatened and endangered species—is a core American value that is clearly enshrined in the ESA. This proposed rule will increase the probability of extinction for listed species and jeopardize the status of others. We urge you to withdraw the proposed rule.

Sincerely,

**Aquarium of Niagara**

Niagara Falls, New York

**Fresno Chaffee Zoo**

Fresno, CA

**Audubon Nature Institute**

New Orleans, LA

**John G. Shedd Aquarium**

Chicago, IL

**California Academy of Sciences**

San Francisco, CA

**Monterey Bay Aquarium**

Monterey, CA

**The Florida Aquarium**

Tampa, FL

**Mystic Aquarium**

Mystic, CT

**National Mississippi River Museum & Aquarium**

Dubuque, IA

**National Aquarium**

Baltimore, MD

**New England Aquarium**

Boston, MA

**New Mexico BioPark Society in association with the ABQ BioPark**

Albuquerque, NM

**Oregon Coast Aquarium**

Newport, OR

**Point Defiance Zoo & Aquarium**

Tacoma, WA

**South Carolina Aquarium**

Charleston, SC

**Seattle Aquarium**

Seattle, WA