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September 4, 2020

Director Aurelia Skipwith  
U.S. Fish and Wildlife Service (USFWS)  
Attention: Public Comments Processing  
MS: PRB(3W)  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

Submitted Via: <http://www.regulations.gov/>

Re: **Docket No. FWS-HQ-ES-2020-0047, FF09E23000 FXES1111090FEDR 201; Docket No. 200720-0197**  
**Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat, 50 CFR Part 424**

Dear Director Skipwith:

On behalf of Mass Audubon, I submit the following comments on the proposed definition of “habitat” under Section 4 of the Endangered Species Act of 1973 (ESA), 50 CFR Part 424. We oppose the proposed definition, which is far too narrow and would exclude areas that are essential for the recovery of endangered or threatened species. Habitat loss and degradation is the single largest cause of species becoming imperiled. A regulatory definition of habitat must recognize the need and potential for restoring habitat that has been lost or degraded, including areas that do not presently support listed species but that did in the past or have the potential for doing so in the future.

The ESA is one of the nation’s core environmental laws, adopted to ensure the protection and restoration of the great diversity of species of plants and animals native to our country. This is an essential duty of government – to properly steward natural resources not only now, but also so that future generations will continue to enjoy and benefit from them.

More than 1,600 plants and animals are currently protected under the ESA. More than 100 species have recovered to at least 90 percent of the recovery target goals, and the law has been successful in preventing extinction in 99% of the species listed. Millions of acres of land have been designated as critical habitat, and in many instances other uses of these lands have been able to continue through cooperative management.

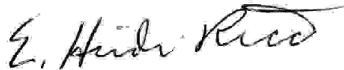
The proposed rule would limit the definition of habitat to only areas that have “existing attributes that have the capacity to support individuals of the species.” Since habitat loss and degradation are a primary cause of species becoming rare or endangered, and habitat restoration is often needed in order for a species to recover, this proposed definition would strike at the core of the law and undermine its central intent. Moreover, as conditions are changing due to climate change, habitats that presently do not have the correct attributes to support a species may have those characteristics in the future. This can be critical to a species survival where current suitable habitat is becoming unsuitable.

Biodiversity is important not only because of its intrinsic value, but also because degraded ecosystems provide fewer ecosystem services that benefit humans. Loss of biodiversity also increases the risk of disease outbreaks, threatening not only wildlife but also in some instances human health.

A proper definition of habitat would include locations not only where a species already occurs or on which it depends to carry out its fundamental life functions such as feeding, growing, resting, and reproducing, but also areas where the species previously occurred or could potentially occur in the future. This should include areas that can be restored and/or reconnected with other habitat.

We urge the USFWS to withdraw the proposed definition and replace it with a scientifically-based definition that includes potential future habitat as well as current and formerly used habitat.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Heidi Ricci". The signature is fluid and cursive, with a prominent flourish at the end.

E. Heidi Ricci  
Acting Director of Advocacy