



3 Park Place, Suite 307
Annapolis, MD 21401-3722 USA

Phone: 301-731-4535
Fax: 301-731-4538

esa@entsoc.org
www.entsoc.org

Re: Public Input on Proposed Rule Issued by the Fish and Wildlife Service (FWS) on Endangered and Threatened Species: Listing Species and Designating Critical Habitats (Docket No. FWS-HQ-ES-2018-0006-0001)

To Whom It May Concern,

I am writing to you today on behalf of the nearly 7,000 members of the Entomological Society of America (the Society) regarding the “Revision of the Regulations for Listing Species and Designating Critical Habitat” (Docket Number FWS-HQ-ES-2018-0006-0001).

While the Society recognizes that improvements could be made in the implementation and administration of the Endangered Species Act, we oppose the proposed changes to the processes for listing species and the designation of critical habitats. The Endangered Species Act is a critical piece of legislation in maintaining robust biodiversity and preserving species populations that have been diminished through natural and anthropogenic factors. The proposed changes would take active steps toward weakening protections, in particular by diminishing the scientific basis for listing and delisting species.

As written, the bill requires listing determinations be made “solely on the basis of the best scientific and commercial data available,” ensuring that decisions are made based entirely on biological criteria. With the introduction of economic impacts into the evaluation process, there is potential for the financial implications of a listing determination to overshadow critical biological criteria.

The Society recognizes that conservation policies are not made in a vacuum and there are economic consequences for listing a species. Failure to list a species, however, could lead to lasting economic, biological, and societal harm. Often the consequences of extinction are unanticipated, for not all is ever known about the long-term effects on the surrounding ecosystem, local farms, or industries that depend on natural resources. If economic factors become a primary driver in this decision process, there will likely be a decline in new listings, as conservation can be expensive and conservation programs are traditionally underfunded.

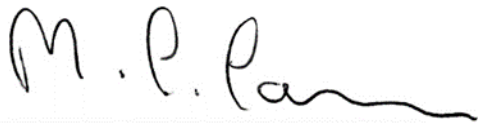
ESA is also concerned that the proposed revisions are vague in ways that could pose obstacles to the implementation of the law. In using the term “foreseeable future,” the Fish and Wildlife Service (FWS) fails to establish a concrete time period, which means that what constitutes “danger of extinction in the foreseeable future” must be redefined on a case-by-case basis. This leaves ample room for the kinds of interpretation or misinterpretation that could lead to policy decisions contrary to the best interest of the species. Similarly, FWS fails to provide clarifying language regarding what constitutes “commercial data”. The Society is concerned that this could open the door to an over-reliance on use of potentially biased and non-peer-reviewed data for listing and delisting decisions.

Further, the language in the Federal Register Notice appears to potentially conflate the terms “threatened” and “endangered,” noting that “the definitions of ‘endangered species’ and ‘threatened species’ in sections 3(6) and 3(20) establish the parameters for both listing and delisting determinations without distinguishing between them.” If the Service no longer

considers “threatened” and “endangered” as different categories, that would put the United States at variance with the rest of the world in terms of species conservation and would fail to acknowledge the difference in existential threats and required conservation efforts for each species. To make no distinction between these terms would act in direct opposition to the mission of this bill.

We thank you for the opportunity to provide comments on this issue. The Entomological Society of America and its many subject-matter experts remain a resource for the Agency, should you need input on any topic of entomological importance.

Sincerely,

A handwritten signature in black ink, appearing to read "M. P. Parrella". The signature is fluid and cursive, with a long horizontal flourish at the end.

Michael Parrella, Ph.D.
President, Entomological Society of America