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**Craig Diamond**

**Ryan Smart**

**Victoria Tschinkel**

**Estus Whitfield**

September 14, 2018

Florida Conservation Coalition  
308 N. Monroe Street  
Tallahassee, FL 32301

Public Comments Processing  
Attn: FWS-HQ-ES-2018-0006  
Attn: FWS-HQ-ES-2018-0007  
Attn: FWS-HQ-ES-2018-0009  
U.S. Fish & Wildlife Service  
MS: BPHC  
5275 Leesburg Pike,  
Falls Church, VA 22041-3803

Subject: Endangered and Threatened Species: Listing Species and  
Designating Critical Habitat

Dear U.S. Fish & Wildlife Service,

The Florida Conservation Coalition (FCC) is an alliance of over 80 conservation organizations dedicated to protecting Florida's lands, waters, and wildlife. Given that the Endangered Species Act (ESA) is our nation's most effective law for protecting wildlife in danger of extinction, we write on behalf of thousands of members and supporters in Florida to express strong opposition to these short-sighted revisions which weaken the last line of defense for our nation's imperiled wildlife in danger from extinction.

Our nation and our planet face an extinction crisis of epic proportion, with the potential for losing half of all species to extinction in as little as 33 years. In a 2017 study published in the [Proceedings of the National Academy of Sciences](#)<sup>1</sup> researchers found that of the 27,600 land-based mammals, birds, amphibians and reptile species studied, nearly one-third are shrinking in terms of their population numbers and territorial ranges. Species' extinction is happening at a rate at least 100 times greater than what would be considered normal; in just the last 40 years, we have lost half of all wild animals on Earth. At a time of unprecedented wildlife

extinction and habitat destruction, we should be working to strengthen, not weaken, the nation's best tool for helping to stave off the tragedy of extinction.

Florida is teeming with native fauna and flora. Our state has incredible biodiversity and is home to more than 700 terrestrial animals, more than 200 freshwater fish and thousands of other species. Unfortunately, 135 of those species are federally-listed as endangered and threatened species ([67 animals and 68 plants](#)) - the third most found in any state. These species include the Florida panther, West Indian manatee, Miami blue butterfly, American crocodile, Key deer, red knot, piping plover, Florida scrub jay, five species of sea turtles and six species of beach mice. Healthy wildlife populations are a barometer of a healthy environment for Florida's 21 million residents and over 116 million visitors. Restoring our diverse wildlife is essential to Florida's economy as the Florida Fish and Wildlife Conservation Commission reports that wildlife viewing contributes at least \$4.9 billion economic impact and 44,623 jobs in Florida.

The Endangered Species is America's most effective law for protecting wildlife in danger of extinction. The U.S. Fish and Wildlife Service's (FWS) own statistics find almost every species listed under the Act is still with us today, and many are on the path to recovery. The ESA has set on a path to recovery the iconic American bald eagle, the grizzly bear, and the Florida manatee, among others.

These proposed sweeping revisions to our nation's best tool for saving wildlife from extinction could negatively impact imperiled species for generations to come. The American public expects that our rich biological heritage will be preserved for future generations to enjoy and the ESA ensures that the nation meets that expectation. Polling from 2015 shows that 90% of voters support the law, including 94% of self-identified liberals, 94% of self-identified moderates and 82% of self-identified conservatives. While an overwhelming majority of Americans value and support the Endangered Species Act – a recent peer-reviewed study by [The Ohio State University researchers](#)<sup>ii</sup> found that approximately 83 percent of the public supports the Act.

The proposed regulatory changes would undermine policies affecting the listing and delisting of species, the designation of critical habitat, the protections afforded threatened species, and the scope of consultations to avoid jeopardizing species and their habitats. Among the issue of greatest concern, the proposed regulatory changes would specifically weaken endangered species protections by:

1. Opening the door for the economic impacts of listing a species to be evaluated and presented in the listing rules, despite a clear prohibition in the ESA on economic considerations in listing decisions. Wildlife is priceless, and decisions regarding listing must by law be based solely on the best available scientific and commercial data, without regard to economic costs or benefits. Doing irrelevant economic analysis would be an unnecessary burden on the U.S. Fish and Wildlife Service (FWS), and raise the possibility that the information is improperly being considered;
2. Stacking the deck against protection of threatened species by eliminating a rule extending the ESA's prohibition on "take" to threatened species. Under the proposed regulation, threatened species will receive no protection from take or commercial exploitation unless the FWS writes a special rule

providing such protection. The new rule increases the risk that threatened species will be deprived of needed protection because the FWS lacks resources to write such special rules or because of political decisions to shield developers and extractive industries from regulation;

3. Allowing federal agencies to blind themselves to the broad consequences of their actions through changes to the consultation requirements of Section 7 of the Act. Section 7 consultations require that a federal agency that is funding, authorizing or conducting an activity to consult with FWS or the National Marine Fisheries Service to ensure that the activity does not jeopardize the continued existence of endangered or threatened species or destroy their critical habitat. The proposed changes will unreasonably narrow the effects of agency actions required to undergo these consultations. For example, the proposed rule seeks comment on changes that would bar consultation for effects like climate change that are “manifested through global processes.” It also seeks comment on restricting consultation to the activities within a federal agency’s regulatory authority, allowing agencies to ignore the larger impacts of development on species and their habitat. In addition, the rule seeks comment on excluding the effects of all ongoing federal activities from consultation.

We respectfully urge you to reject these attacks to the Endangered Species Act and support the last line of defense for species facing extinction.

Sincerely,



Bob Graham

Chairman  
Florida Conservation Coalition

CC: Michael Oetker, Regional Director-Southeast Region 4, US FWS  
Larry Williams, State Supervisor, US FWS  
Eric Sutton, Executive Director, Florida Fish & Wildlife Conservation Commission  
Chris Oliver, Director of NOAA Fisheries  
Rachel Sweeney, Branch Chief, NOAA Fisheries ESA Interagency Cooperation Branch

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<sup>i</sup> Population losses and the sixth mass extinction. Gerardo Ceballos, Paul R. Ehrlich, Rodolfo Dirzo. Proceedings of the National Academy of Sciences Jul 2017, 114 (30) E6089-E6096; DOI: 10.1073/pnas.1704949114.  
<http://www.pnas.org/content/114/30/E6089.full>

<sup>ii</sup> Support for the U.S. Endangered Species Act over time and space: Controversial species do not weaken public support for protective legislation. Jeremy T. Bruskotter, John A. Vucetich, Kristina M. Slagle, Ramiro Berardo, Ajay S. Singh, Robyn S. Wilson. First published: 19 July 2018. <https://doi.org/10.1111/conl.12595>.