

The Honorable Douglas Burgum
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

August 25, 2026

Dear Secretary Burgum and Secretary Lutnick,

We are former Directors of the U.S. Fish and Wildlife Service and former Assistant Administrators of National Oceanic and Atmospheric Administration (NOAA) Fisheries. Together, we have spent decades administering the Endangered Species Act under presidents from both parties. While we have differing opinions on many aspects of implementation, we all agree that the recent reinterpretation of the term "harm" will upend the law and lead to extinction for some of our most iconic wildlife. We write to urge you to rescind it.

This reinterpretation is an extraordinarily damaging departure from five decades of consistent legal interpretation, science-driven practice and clear precedent. When Congress authored the Endangered Species Act in 1973, it prohibited "take" of protected species. "Take" can be defined as a continuum of action: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect. Within this category, it is well-established in law and common understanding that "harm" is synonymous with injury or something that makes someone (or some species) more vulnerable or less successful. The decision to redefine "harm" to exclude habitat destruction eviscerates one of the most foundational protections in endangered species conservation.

In essence, the Administration is asserting that the Endangered Species Act only protects against actions that directly and intentionally kill, injure or capture endangered animals, and does not cover private actions that harm them by diminishing or destroying their habitat. It is a self-inflicted and grievous wound to species conservation. Wildlife doesn't disappear only when an animal is shot, trapped or poisoned. It disappears when the places it needs to feed, migrate or raise its young are destroyed.

Modification, fragmentation or outright destruction of habitat are the leading causes of species decline and extinction. Ever-expanding human population and affluence mean that pressures on habitat will continue and likely accelerate. By allowing companies and private interests to prioritize their ventures over habitat protection, this rule will unquestionably speed up the loss of some of America's unique natural heritage.

In 1973, Congress recognized that “...various species of fish, wildlife and plants in the United States have been rendered extinct as a consequence of economic growth and development un-tempered by adequate concern and conservation.” In other words, what this new reinterpretation allows for — commercial development and private landownership regardless of wildlife existence — is exactly what Congress tried to protect against with the Endangered Species Act. Congress set a purpose to conserve threatened species and the ecosystems (i.e., habitat) on which they depend. It even set a statutory policy that federal departments and agencies had a responsibility to do this work meaningfully. This reinterpretation ignores basic science and ecological principles and seeks to undo years of hard work by conservationists, researchers, Tribal communities, state and federal wildlife officials and more.

The most appropriate interpretation of the term “harm” is one that relies on its previous definition and on the clear and broad intent of the Endangered Species Act to conserve both species and their habitats. Such a definition would encompass both injury and death, and indirect as well as direct actions against species and their habitat. We used that definition for years because it made sense and because it is how species conservation and protection work. Without a place to live, survival becomes nearly impossible. It's as simple as that.

We would also call your attention to the bipartisan coalition that has come forward to challenge the reinterpretation in an amicus brief in *Healthy Gulf v. Burgum*, highlighting how the “typical process” — the previous definition and its components — “has been used many times to balance national security needs with environmental concerns.” Ultimately, the courts will decide the legal merit, but this is an important reminder that the preservation of species has consequences that are far-reaching across industries and fields.

The Administration is arguing that you can protect endangered animals without protecting the places they need to survive. Fifty years of science — and common sense — say otherwise. This is about the beaches where sea turtles lay their eggs and the forests where grizzly bears raise their cubs. It is also about the lands and waters that we hike, boat and pass on to future generations.

We respectfully urge you to withdraw this reinterpretation and restore the longstanding definition of “harm,” and with it the protective power of the Endangered Species Act. We would welcome

the opportunity to discuss this with you or your staff, and we stand ready to share our collective experience administering this law across five administrations.

We have so much to lose — not just endangered species.

Respectfully,

Daniel Ashe, *Former Director of the U.S. Fish and Wildlife Service under the Obama Administration.*

Jamie Rappaport Clark, *Former Director of the U.S. Fish and Wildlife Service under the Clinton Administration.*

Janet Coit, *Former Assistant Administrator for National Oceanic and Atmospheric Administration (NOAA) Fisheries under the Biden Administration.*

H. Dale Hall, *Former Director of the U.S. Fish and Wildlife Service under the Bush Administration.*

Eileen Sobeck, *Former Assistant Administrator for National Oceanic and Atmospheric Administration (NOAA) Fisheries under the Obama Administration.*

Martha Williams, *Former Director of U.S. Fish and Wildlife Service under the Biden Administration.*

Steven Williams, *Former Director of the U.S. Fish and Wildlife Service under the Bush Administration.*