



May 1, 2025

Agency: FISH AND WILDLIFE SERVICE (FWS)

Document Type: Proposed Rule

Title: Rescinding the Definition of Harm under the Endangered Species Act

Document ID: FWS-HQ-ES-2025-0034-0001

On behalf of the River Otter Ecology Project (ROEP), I am writing to express our strong opposition to the proposed rule to rescind the definition of “take” under the Endangered Species Act (ESA). As an organization dedicated to advancing the conservation, research, and public awareness of watershed and wetlands, using the indicator species, the North American river otter (*Lontra canadensis*) we have a vested interest in maintaining strong, clear, and enforceable federal protections for wildlife and their habitats. The current definition of “take,” which includes actions that harm wildlife through significant habitat modification, is an essential tool for protecting species reliant on healthy, connected, and intact aquatic and riparian systems. River otters, as apex aquatic predators and ecosystem indicators, are particularly sensitive to habitat loss and degradation, even when individual animals are not directly harmed.

Rescinding this definition would have far-reaching negative consequences:

- 1) **Endangering Aquatic and Riparian Habitats:** Removing habitat modification from the scope of take would expose critical riverine and wetland habitats to increased development, pollution, and degradation, indirectly harming not just listed species, but entire aquatic ecosystems upon which species like river otters rely.
- 2) **Weakening Protections for At-Risk Species:** While North American river otters have recovered in many regions, populations remain vulnerable. This proposal would reduce the effectiveness of existing and future habitat conservation efforts designed to prevent the need for ESA listing or assist species recovery.
- 3) **Undermining Ecosystem-Based Conservation:** Modern conservation science underscores the importance of protecting ecosystems, not just individual animals. Rescinding the definition of take would contradict this approach, narrowing regulatory tools at a time when habitat fragmentation and climate impacts demand a broader, more integrative approach.
- 4) **Creating Legal and Management Uncertainty:** A clear and enforceable definition of “take” ensures that landowners, agencies, and conservation practitioners can plan projects with predictability and accountability.

This proposal risks undermining partnerships and habitat restoration initiatives, including those involving river otter populations, and water quality improvement projects throughout our watersheds.

In conclusion, the River Otter Ecology Project urges the U.S. Fish and Wildlife Service to withdraw this proposed rule and reaffirm its commitment to proactive, science-based conservation under the ESA. Maintaining a robust definition of “take” inclusive of habitat harm is essential not only for listed species, but for the integrity of the ecosystems that sustain them.

Sincerely,

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