

May 16, 2025

Stephen D. Guertin
Deputy Director for Program Management and Policy
Public Comments Processing
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

RE: American Society of Landscape Architects' Opposition to Proposed Rule FWS-HQ-ES-2025-0034—Rescinding the Definition of “Harm” Under the Endangered Species Act

Dear Deputy Director Guertin,

On behalf of the 16,000 members of the American Society of Landscape Architects (ASLA), we are writing to express our strong opposition to any proposed change to the definition of “harm” under the Endangered Species Act (ESA) that would eliminate habitat destruction as a form of prohibited harm.

Specifically, we oppose the proposed rule (FWS-HQ-ES-2025-0034) published by the U.S. Fish and Wildlife Service and National Marine Fisheries Service to rescind the regulatory definition of “harm” in the Endangered Species Act regulations, published April 17, 2025, at 90 Fed. Reg. 16102. The proposed rule would rescind the regulatory definition of “harm,” defined as any significant habitat modification or degradation that kills or injures wildlife, effectively eliminating widespread habitat protections for species protected under the ESA.

For more than 40 years, the harm definition has protected endangered species by prohibiting acts that result in significant habitat modification or degradation that results in actual death or injury to a species. This prohibition has been absolutely critical to saving species from extinction and is the act’s explicit purpose (Sec. 2b). Scientific consensus is clear: Habitat loss is the leading driver of species endangerment and extinction. To exclude it from the definition of harm would render the ESA ineffective at its most basic function—preventing species decline before it becomes irreversible.

The proposed change will reduce clarity and transparency in critical habitat designations, increase project delays and costs, impact habitat conservation plans and existing agreements, and increase regulatory uncertainty. In contrast, the benefits resulting from the ESA help conserve the variety of life in ecosystems, which strengthens ecosystem health and resilience, protects water and air quality, supports agriculture and food systems, and strengthens local economies.

Landscape architects are licensed design professionals who work at the intersection of environmental stewardship, community planning, and public health. Our work is rooted in ecological science, systems thinking, and a long-standing commitment to biodiversity and landscape resilience. Landscape architects play a critical role in protecting and restoring land, wetlands, coastal zones, and marine habitats that support biodiversity, by ensuring ecosystems are healthy, resilient, and able to provide essential ecosystem services for future generations. Because of our unique education and training, landscape architects understand that species survival depends on intact ecosystems, not just absence of direct injury. The profession utilizes specific design practices that protect and restore biodiversity.

The landscape architecture profession is committed to serving both people and planet, ensuring that future generations inherit landscapes rich in biodiversity, resilience, and life. The proposed rule change will jeopardize landscape architects' ability to protect the health, safety, economy, and quality of life for communities throughout this country.

Once again, ASLA strongly urges the U.S. Fish and Wildlife Service to retain the current definition of "harm," which includes habitat destruction. Any attempt to narrow the scope of protection under the ESA runs counter to ecological science, responsible land use policy, and the public interest. Thank you for the opportunity to comment on this critically important issue.

Sincerely,

Torey Carter-Conneen, Hon. ASLA
Chief Executive Officer
American Society of Landscape Architects

Biodiversity Subcommittee of the ASLA Climate & Biodiversity Action Committee