



EVERGLADES COALITION

A Resolution of the Everglades Coalition Opposing the Proposed Rescission of the Definition of “Harm” Under the Endangered Species Act

WHEREAS, the health and integrity of the Greater Everglades Ecosystem depend on the health and well-being of the native species of plants and animals that live there;

WHEREAS, the Greater Everglades Ecosystem is home to many endangered and threatened species including the Aboriginal prickly-apple, American crocodile, Audubon’s crested caracara, Avon Park harebells, Bachman’s warbler, Bartram’s scrub-hairstreak butterfly, beach jacquemontia, beautiful pawpaw, Big Pine partridge pea, Blodgett’s silverbush, blue-tailed mole skink, Britton’s beargrass, Cape Sable seaside sparrow, Cape Sable thoroughwort, Carter’s mustard, Carter’s small-flowered flax, crenulate lead-plant, deltoid spurge, Eastern black rail, Everglades bully, Everglade snail kite, Florida bonamia, Florida bonneted bat, Florida brickell-bush, Florida bristle fern, Florida grasshopper sparrow, Florida leafwing butterfly, Florida panther, Florida pineland crabgrass, Florida perforate cladonia, Florida prairieclover, Florida scrub-jay, Florida semaphore cactus, Florida ziziphus, four-petal pawpaw, fragrant pricklyapple, Garber’s spurge, Garrett’s mint, green sea turtle, gulf sturgeon, hawksbill sea turtle, highlands scrub hypericum, Kemp’s ridley sea turtle, Key tree cactus, Lakela’s mint, leatherback sea turtle, Lewton’s polygala, loggerhead sea turtle, Miami blue butterfly, Miami tiger beetle, Okeechobee gourd, papery whitlow-wort, pigeon wings, pineland sandmat, piping plover, pygmy fringe-tree, red knot, red-cockaded woodpecker, sand flax, sandlace, sand skink, Schaus swallowtail butterfly, scrub blazingstar, scrub buckwheat, scrub mint, scrub plum, short-leaved rosemary, small’s milkpea, snakeroot, southeastern beach mouse, tiny polygala, wedge spurge, West Indian manatee, wireweed, and wood stork;

WHEREAS, the Endangered Species Act is a landmark environmental law that “represent[s] the most comprehensive legislation for the preservation of endangered species ever enacted by any nation”;¹

WHEREAS, when enacting the Endangered Species Act, Congress set out to “provide a program for the conservation of . . . endangered species and threatened species” and “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved”;²

WHEREAS, the Endangered Species Act is one of the most effective and important environmental laws in the United States, responsible for preventing the extinction of 99% of the species under its care and guiding hundreds of species toward recovery;

WHEREAS, on April 17, 2025, the U.S. Fish and Wildlife Service and National Marine Fisheries Service (collectively, the Services) published a proposal to rescind the regulatory definition of “harm” under the Endangered Species Act;

¹ *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 180 (1978).

² 16 U.S.C. § 1531(b).

WHEREAS, the current regulatory definition of “harm” under the Endangered Species Act—established through decades of legal precedent and scientific consensus—appropriately includes significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns such as breeding, feeding, or sheltering;

WHEREAS, the Supreme Court upheld the current interpretation of “harm” in *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*,³ affirming that indirect impacts such as habitat destruction can constitute an unlawful “take” under the ESA;

WHEREAS, the failure to consider harm to habitat could critically weaken the Services’ ability to protect species from one of the primary drivers of extinction—habitat loss—before it irreversibly harms vulnerable wildlife populations;

WHEREAS, the proposed regulatory rollback would upend more than 40 years of practice in implementing the Endangered Species Act and create uncertainty, opening the door to developers and other industries engaging in destructive activities that kill and injure wildlife, in violation of the law;

WHEREAS, ecological science affirms that species survival inherently depends on intact, functioning ecosystems, and the proposed changes would eliminate regulatory clarity that activities that cause significant habitat modification or degradation that kills or injures wildlife constitutes “take” under the ESA; and

WHEREAS, biodiversity loss and species extinction are accelerating at unprecedented rates,⁴ and now is the time to strengthen—not weaken—our nation’s most vital wildlife protections.

NOW THEREFORE BE IT RESOLVED ON MAY 8TH 2025: The Everglades Coalition, representing more than 60 local, state, and national conservation and environmental organizations dedicated to restoring and protecting America’s Everglades, strongly opposes the proposed rescission of the regulatory definition of “harm” under the Endangered Species Act; and

BE IT FURTHER RESOLVED, that the Everglades Coalition urges the Services to withdraw the April 17, 2025 proposed rule and retain the longstanding definition of “harm” as a necessary tool to prevent irreversible damage to wildlife and habitat; and

BE IT FURTHER RESOLVED, that the Everglades Coalition remains steadfast in its commitment to defending science-based, legally sound, and ecologically effective policies that ensure the continued survival of endangered and threatened species across the nation, including the Greater Everglades Ecosystem.

Sincerely,
The Everglades Coalition

³ 515 U.S. 687 (1995).

⁴ See IPBES (2019). *Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*. IPBES secretariat, Bonn; Finn, C., Grattarola, F., & Pincheira-Donoso, D. (2023). *More losers than winners: investigating Anthropocene defaunation through the diversity of population trends*. *Biological Reviews*.