



NATIONAL ENDANGERED SPECIES ACT  
REFORM COALITION

1050 Thomas Jefferson Street, NW, 6th Floor  
Washington, DC 20007  
tel. 202.333.7481 fax 202.338.2416  
www.nesarc.org

FOR IMMEDIATE RELEASE: October 9, 2014  
CONTACT: Jordan Smith, 202-298-1914

## **NESARC Opposes Proposed Changes to ESA Critical Habitat Procedures and Adverse Modification Definition**

**(WASHINGTON, DC)** —The National Endangered Species Act Reform Coalition (NESARC) today filed comments with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (“the Services”) opposing proposals that would make unnecessary and unproductive changes to the implementing regulations under the Endangered Species Act (ESA) for the process of designating critical habitat and the scope of the “adverse modification” inquiry under section 7 consultations.

In describing the purpose of the proposed rule to modify existing critical habitat procedures, the Services state that the amendments “...are intended to add clarity for the public, clarify expectations regarding critical habitat and provide for a credible, predictable, and simplified critical habitat designation process.” However, these proposed amendments step beyond mere clarifications and simplification of the process. Instead, these changes attempt a broad re-orientation of the scope and purpose of a critical habitat designation—that steps beyond the clear boundaries intended by Congress and set forth within the ESA.

With respect to “adverse modification,” NESARC has long sought action by the Services to remove the uncertainty regarding the definition resulting from court decisions invalidating the existing regulatory definition. The Coalition has encouraged the Services to retain the current regulatory definition of “adverse modification” with only those minor modifications and additional justification necessary to address the courts’ concerns. The proposed rule fails to meet these basic principles.

“These proposals run contrary to the purpose of the critical habitat provisions enacted by Congress,” said NESARC Chairman Ryan Yates. “We urge the Services to give serious consideration to NESARC’s comments and to reach out to all stakeholders to re-fashion both rules to allow for practical implementation of the ESA,” he said.

###

NESARC is the country’s oldest broad-based, national coalition dedicated solely to achieving improvements to the ESA and its implementation. The Coalition represents farmers, ranchers, cities and counties, conservationists, rural irrigators, electric utilities, energy producers, forest product companies, homebuilders, agricultural interests, mining companies, and other businesses and individuals throughout the United States. NESARC and its members are committed to promoting effective and balanced legislative and administrative improvements to the ESA that support the protection of fish, wildlife, and plant populations as well as responsible land, water, and resource management.