

Congress of the United States

Washington, DC 20515

January 16, 2026

The Honorable Doug Burgum
Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

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

Dear Secretaries Burgum and Lutnick:

We write to express our strong opposition to the proposed rules (FWS-HQ-ES-2025-0029¹; FWS-HQ-ES-2025-0039²; FWS-HQ-ES-2025-0044³; FWS-HQ-ES-2025-0048⁴) to amend the regulations for implementing sections 4 and 7 of the Endangered Species Act (ESA). These sweeping changes would fundamentally weaken our nation's most important wildlife conservation law at a time when one million species face extinction globally.⁵ We urge the National Marine Fisheries Service and the Fish and Wildlife Service ("the Services") to withdraw these proposed rulemakings and instead work to implement the ESA as Congress intended: any regulatory changes should further the objectives of the ESA to conserve species and prevent extinction.

The ESA is one of America's most successful and widely supported environmental laws. It has prevented more than 99 percent of listed species from going extinct and has helped hundreds move toward recovery.⁶ The law operates efficiently, with Section 7 consultations typically completed in just two weeks for informal review and two months for formal review, and only 0.3% of federal projects were halted between 2010-2017 due to the consultation process.⁷ The proposed rules would erode this framework and create severe consequences for imperiled species and the communities that value them.

¹ <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0029>

² <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0039>

³ <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0044>

⁴ <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0048>

⁵ [UN Report](#): Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating'

⁶ Greenwald et al. Extinction and the U.S. Endangered Species Act. April 2019.

⁷ Testimony of Martha Williams, Director, U.S. Fish & Wildlife Service, Dep't of the Interior, Before the House Committee on Natural Resources, Subcommittee on Water, Wildlife, and Fisheries on "ESA at 50: The Destructive Cost of the ESA" at 7; Malcom & Li, *Data contradict common perceptions about a controversial provision of the US Endangered Species Act*, 112 PNAS 15844-45 (2015); Evans et al., *Novel data show expert wildlife agencies are important to endangered species protection*, 10 (1) Nature Communications (2019).

In particular, the proposals would undermine environmental review requirements, eliminate long-standing protection for threatened species, and block both species listing and critical habitat designation. The proposed Section 7 changes would allow federal agencies to exclude project impacts from ESA consultation by claiming effects "would occur regardless of whether the proposed action goes forward." This loophole could exempt major federal actions, such as highways, pipelines, and development projects, from meaningful review and eliminate mitigation requirements that have prevented extinctions for species like the Virginia northern flying squirrel.

The recession of the "blanket 4(d) rule" is equally concerning. This long-established rule prevents threatened species from sliding toward extinction by extending baseline protections against take to all threatened species. Removing it would require resource-strapped agencies to write individual rules for hundreds of species—including the piping plover, southern sea otter, and Florida manatee—creating dangerous protection gaps while threatened species await rulemaking that could take years, losing valuable time to help them recover.

The proposed Section 4 revisions complicate the process for listing species and designating critical habitat by allowing economic considerations to influence listing decisions that Congress required to be based solely on science. The revisions also create arbitrary barriers to designate unoccupied critical habitat, an authority Congress explicitly provided and one that is increasingly essential as climate change forces species to shift their ranges. With roughly 90 percent of listed species threatened by habitat loss, restricting the designation of critical habitat would severely undermine recovery efforts.

These proposals come at a time when the Services are already grappling with unprecedented budget cuts and workforce reductions that severely strains their ability to meet existing statutory obligations. Undertaking a regulatory overhaul under these circumstances is not only impractical but contradicts the spirit of the ESA. Several of the proposals would slow or reverse conservation progress while imposing substantial new administrative burdens at a time of diminished capacity. With reduced staff and resources, the Services should prioritize addressing the backlog of species awaiting protection and advancing recovery efforts for those already listed, rather than redirecting attention to rewriting long-standing and effective regulations.

Habitat destruction and climate change are accelerating species extinction to alarming rates, and we should be working to uphold and strengthen the ESA, not weaken it. We urge your agencies to abandon this misguided effort and focus instead on strengthening science-driven conservation, ensuring adequate staffing and resources for the Services, and upholding the integrity of one of our nation's most important environmental laws.

Sincerely,



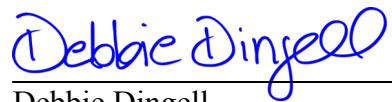
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Ranking Member, House
Natural Resources Committee



Adam B. Schiff
United States Senator



Donald S. Beyer Jr.
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Debbie Dingell
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Mike Quigley
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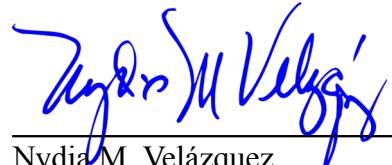
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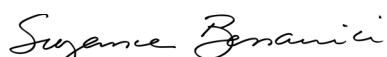
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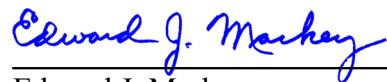
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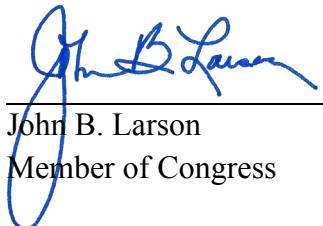
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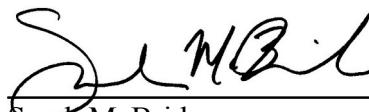
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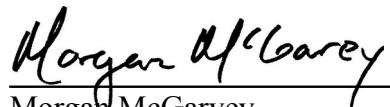
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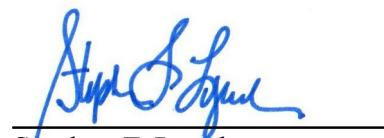
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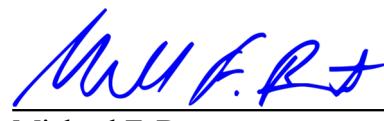
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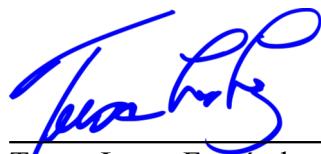
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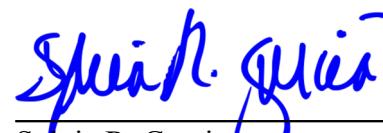
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