



September 10, 2018

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Secretary Ryan Zinke
U.S. Department of the Interior
c/o U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Secretary Wilbur Ross
U.S. Department of Commerce
c/o National Marine Fisheries Service
Office of Protected Resources
1315 East-West Highway
Silver Spring, MD 20910

RE: Revision of the Regulations for Listing Species and Designating Critical Habitat (FWS-HQ-ES-2018-0006)
Revision of the Regulations for Prohibitions to Threatened Wildlife and Plants (FWS-HQ-ES-2018-0007)
Revision of Regulations for Interagency Cooperation (FWS-HQ-ES-2018-0009)

Dear Secretary Zinke and Secretary Ross:

The Association to Preserve Cape Cod (APCC) writes in strong and resolute opposition to proposed changes to the Endangered Species Act, which if adopted would strip away long-established regulations that have protected thousands of threatened and endangered species from extinction.

Established in 1968, APCC is the Cape Cod, Massachusetts region's leading nonprofit environmental advocacy and education organization, working for the adoption of laws, policies and programs that protect and enhance Cape Cod's natural resources and quality of life.

One of the pillars of APCC's mission is helping to ensure protection of fragile habitats that support rare and endangered species on Cape Cod. For most of APCC's 50-year existence, we have regarded the federal government as a trusted partner in efforts to protect at-risk species on the Cape and in the oceans that surround it, thanks to the enactment of the Endangered Species Act of 1973 and the promulgation and

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enforcement of effective regulations that support the purposes of the act.

The Endangered Species Act is one of America's most successful and popular environmental policies, and it has served as a model for conservation to the rest of the world. National polls consistently show that 80 percent of Americans support the Endangered Species Act. The provisions of the act and its current regulations have repeatedly proven to be enormously successful in bringing back species from the brink of extinction.

APCC therefore opposes the proposed change that would remove the phrase "without reference to possible economic or other impacts of such determination" when deciding whether to list a species. Central to the Endangered Species Act's success—and to the recognition and respect it has earned—has been its reliance solely on the best available science in determining which species to list and in adopting policies for protecting species and habitats. This proposed change will pit economic interests against science when determinations are being made about listing a species or protecting critical habitat. It will inevitably insert a bias towards special interests and private industry in determining the future survival of a species. It would, without any uncertainty, imperil species and their habitats and put the most vulnerable species on a path toward extinction. This proposed change strikes at the very purpose and intent of the Endangered Species Act, and undermines the long-recognized value of sound science in providing the proper analysis for such determinations.

APCC opposes the proposed change to weaken the long-standing requirement that federal agencies coordinate with the U.S. Fish & Wildlife Service to make sure projects do not adversely impact endangered species. This change, which would essentially give federal agencies carte blanche to proceed with projects without any regard for the destruction of habitat or killing of endangered species, is an abandonment by the federal government of its responsibility as caretaker of the natural heritage that all U.S. citizens collectively own. One example of a potential casualty of this proposed change is the critically endangered North Atlantic right whale. While the proposal claims that species currently classified as endangered would continue to receive their same protections, we are concerned that allowing lower standards for assessment and enforcement of habitats could easily doom this most vulnerable of species.

APCC opposes proposed changes that prohibit consideration of future and likely threats to species in determining their protective status. We view this revision as a conscious move to specifically block the ability to consider climate change impacts, making it more difficult to protect numerous species whose habitats are predicted to be drastically and adversely affected by climate change.

APCC opposes proposed changes that strip protections provided to species designated as "threatened" under the Endangered Species Act. Until this point, the U.S. Fish and Wildlife Service has extended similar protections to threatened species as it does to endangered species, recognizing that in determining that an at-risk species has reached threatened status, protections are warranted in order to stabilize a species' population and to help it recover before it becomes endangered. The proposed change would be an egregious retreat from

accepted standards for protecting species at risk. Under this proposed rollback, it would be permissible to kill threatened species and to allow their habitats to be destroyed to the point where it could become impossible to save them from extinction once they fall into endangered status.

In 1973, the Endangered Species Act passed the House of Representatives by a 355-4 vote, was unanimously approved by the Senate, and signed into law by a Republican president who declared, "Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed."

If adopted, the proposed changes, which are a calculated attempt to undercut the effectiveness of the Endangered Species Act, would betray the spirit in which it was enacted and unravel the trust placed in the federal government by the American people to be responsible stewards of our nation's natural heritage.

We call on the Trump administration to withdraw these proposed changes.

Sincerely,



Andrew Gottlieb
Executive Director

cc: Senator Edward Markey
Senator Elizabeth Warren
Representative William Keating