

December 22, 2025

The Honorable Doug Burgum, Secretary
U.S. Department of Interior
1849 C Street, NW Washington, DC 20240

The Honorable Howard Lutnik, Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW Washington, DC 20230

Dear Secretary Burgum and Secretary Lutnik,

We, the 193 undersigned state legislators from 33 states and Puerto Rico, urge you to **withdraw** the [four proposed changes](#) to the Endangered Species Act (ESA). These four rules will strip the ESA of key provisions that effectively protected our nation's wildlife and their habitats for decades. Data show that current and future generations of Americans may not be able to enjoy the same benefits of a biodiverse world if these rules are finalized. As states and key partners of the federal government, we reject these changes that make the United States an accomplice to extinction at a time when we must strengthen, not weaken, our resolve in conserving our treasured wildlife resources.

We recognize the ESA's **world-leading track record of success** that has prevented the extinction of 99% of listed threatened and endangered species. The ESA has directly facilitated the recovery of iconic symbols of American heritage such as bald eagles, gray whales, bison, sea otters, and more. These newly proposed changes would have prevented this recovery from ever occurring. Additionally, protections granted to wildlife have allowed us to receive cleaner air, water, and natural systems while providing recreation opportunities in millions of acres of natural habitat such as forests, mountains, rivers, deserts, beaches, oceans, and more.

Upholding ESA, wildlife, and outdoors protections remains **overwhelmingly popular across the political spectrum**. Congress originally passed the ESA with near unanimous bipartisan support 92-0 in the Senate and 355-4 in the House, reflecting a long-standing national commitment to conservation. This sentiment continues today with a [June 2025 poll](#) showing **84%** of Americans believe it's important to prevent species extinction with a majority of Americans in favor of habitat protections for imperiled species. Meanwhile, similar 2019 proposed rules drew over [800,000 public comments](#) and opposition from ten states, DC, and the National Congress of American Indians.

We further recognize these proposed changes will undermine state and federal cooperation in recovery efforts. Section 6 of the ESA vests authority in state agencies to conserve resident species of fish or wildlife determined to be threatened or endangered by either the state or the USFWS, including through cooperative agreements and management agreements. The four proposed changes to the ESA do not position the federal government to serve as an adequate and true partner to states as the Act originally intended. A weakened partnership potentially leaves state agencies in the position of having to stop/cancel certain recovery efforts the state has already invested large quantities of time, labor and funds to save endangered species.

We also express grave concern in the **economic harm** these proposed changes may bring. Imperiled species provide [numerous direct economic benefits](#) including to modern medicine, agriculture, industry, recreation, and serving as environmental indicators. Tourism from endangered species alone can [generate millions of dollars](#) in revenue for local communities. While the impacts of critical habitat designations on property values vary with species and location, on average, the ESA leads to a [slight appreciation](#) in residential and vacant land values for lands adjacent to critical habitat, due to the positive impacts of open space on property values. Meanwhile, the ESA intends to avoid undue economic burdens through its considerable built-in flexibility of exemptions and mitigation processes for development projects, such as habitat conservation plans. States with the most listed species, such as California, Florida, and Hawaii, still achieve top rates of economic growth in the country.

We as state legislators, therefore, oppose the below four proposed rules that would

- **Weaken Threatened Species Protections** by rescinding the blanket 4(d) rule unless a species-specific rule is written. Threatened species would no longer be automatically protected from killing, harming, or habitat destruction. Instead they would be vulnerable to weaker protections and face regulatory protection gaps ([FWS-HQ-ES-2025-0029](#)).
- **Exclude Areas from Critical Habitat Designation** by requiring the Fish & Wildlife Service to consider economic impacts and follow a rigid process for critical habitat decisions. Such habitat is essential to endangered species survival but this process would instead shift decisions away from science while also reducing the size and effectiveness of critical habitat designations ([FWS-HQ-ES-2025-0048](#)).
- **Reduce Interagency Consultation** by removing the mandate for federal agencies to consult each other and ensure their actions do not jeopardize listed species or destroy critical habitat. It would be easier for federal agencies to overlook harmful impacts from pipelines, dams, mining approval, grazing permits, and other federal actions. Scientists' input would also be lessened as the rule complicates the ability to

consider real-world risks such as cumulative impacts and landscape-scale stressors that may arise from federal action ([FWS-HQ-ES-2025-0044](#)).

- **Remove Eligibility for New Critical Habitat Designation** by making the process harder to designate unoccupied critical habitat, narrowing the criteria of the term "foreseeable future," and eliminating consideration of climate change impacts. This would make it significantly harder to protect species affected by drought, flooding, disease, and cumulative impacts. The Fish & Wildlife Service's ability to list habitat for wide ranging species such as monarch butterflies or salmon will also be reduced ([FWS-HQ-ES-2025-0039](#)).

We urge the Fish and Wildlife Service and the National Marine Fisheries Service to maintain the existing rules that allow for successful endangered species conservation, and withdraw these proposed rules from consideration. Adopting these proposed rules will weaken America's long history of conservation leadership by instead threatening countless species of our children's natural heritage to extinction. At a time when we should all be part of the success story for restoring nature and biodiversity, these actions are a step in the wrong direction.

Sincerely,

Maryland Delegate Julie Palakovich Carr
(MD-17)

Michigan Senator Sue Shink
(MI-14)

Colorado Representative Karen McCormick
(CO-11)

Alaska Senator Scott Kawasaki
(AK-000P)

Arizona Senator Lauren Kuby
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Colorado Senator Cathy Kipp
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Alaska Representative Andy Josephson
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Arizona Senator Brian Fernandez
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Colorado Senator Judy Amabile
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Colorado Representative Chad Clifford
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Colorado Representative Meg Froelich
(CO-3)

Colorado Representative Jamie Jackson
(CO-41)

Colorado Representative Sheila Lieder
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(CT-24)

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Colorado Representative Alex Valdez
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(NC-49)

North Carolina Senator Graig Meyer
(NC-23)

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North Carolina Representative Julie Von
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(RI-20)

Rhode Island Representative Jennifer
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(RI-66)

Rhode Island Representative Arthur Handy
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(SD-10)

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Vermont Senator Becca White

(VT-11)

Vermont Representative Sarah Austin
(VT-36)

Vermont Representative Barbara Rachelson
(VT-31)

Vermont Representative Amy Sheldon
(VT-1)

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Wisconsin Senator James Wall
(WI-30)

Wisconsin Representative Vinnie Miresse
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(VT-13)

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Vermont Representative Larry Satcowitz
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Washington Representative Cindy Ryu
(WA-32)

Wisconsin Senator Mark Spreitzer
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Wisconsin Representative Jill Billings
(WI-95)

Wisconsin Representative Angelito
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