



May 12, 2025

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Chief of Staff
National Oceanic and Atmospheric Administration
1401 Constitution Avenue NW, Room 5128
Washington, DC 20230

Maureen Foster
Chief of Staff
United States Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Attn: Docket No. FWS-HQ-ES-2025-0034
Submitted via Regulations.gov

Re: Comments on “Rescinding the Definition of ‘Harm’ Under the Endangered Species Act” (FR Docket FWS-HQ-ES-2025-0034)

Dear Ms. Grimm and Ms. Foster:

On behalf of the South Yuba River Citizens League (SYRCL), I respectfully submit this comment opposing the proposed revision to the definition of “take” under the Endangered Species Act (ESA) that would remove habitat destruction from its scope. SYRCL is a grassroots environmental nonprofit dedicated to protecting and restoring the Yuba River watershed in Northern California. We urge the Service to maintain the long-standing interpretation that includes habitat harm as a form of take.

For decades, the ESA has recognized that destroying a species’ habitat, especially critical spawning, breeding, or feeding areas, is just as harmful as directly killing the species. Without the habitat necessary for survival and reproduction a species will become extinct just as surely as if direct harm is caused. Removing habitat from the definition of “take” would open the door to activities that damage or destroy ecosystems essential for survival, without legal consequence. That change would undermine the very foundation of the ESA’s mission: to protect and recover threatened and endangered species.

This issue is not abstract to us. The Yuba River watershed is home to threatened species like Central Valley spring-run Chinook salmon and steelhead trout. A 24-mile stretch of the Lower Yuba River—from Englebright Dam to the Feather River confluence—was designated as critical habitat in 2005 because it provides essential spawning and rearing habitat for these fish. To survive, these species need cold, clean water and connected, gravel-rich riverbeds. Habitat degradation has already caused steep population declines for Yuba River salmon and steelhead—barriers like Englebright Dam block upstream access to spawning grounds and critical cold

water refugia directly limiting the species ability to recover. Mining debris, altered flows, and encroaching development have reduced habitat quality. While local, state, and federal partners—including SYRCL—have worked hard to restore this river, those gains remain fragile. Weakening the ESA's ability to prevent further harm would threaten years of collaborative restoration and millions of dollars of investment.

Scientists overwhelmingly agree that habitat loss is the number one cause of extinction. For fish, such as salmon, whose survival depends on particular river conditions, habitat is not a luxury but life itself. When spawning grounds are destroyed or disconnected, the population suffers. If the ESA stops treating that kind of damage as a “take,” protections for listed species lose much of their meaning.

We recognize that balancing environmental protections with other public interests can be complex. However, the solution is not to rewrite the definition of “take” to exclude the very thing that makes species recovery possible: intact, functioning habitat.

We urge you to keep habitat destruction within the definition of “take” under the ESA. Protecting ecosystems protects species, and the ESA must continue to reflect that truth.

Thank you for the opportunity to submit these comments. Please feel free to contact me with any questions.

Respectfully submitted,

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