

Proposal Rule – “Habitat” Definition under Endangered Species Act Docket No. FWS–HQ–ES–2020–0047

To Whom It May Concern:

My name is Carrol Henderson. I was a wildlife biologist for the Minnesota Department of Natural Resources (DNR) from 1974 through 2018. From 1977 to 2018, I was the statewide DNR Nongame Wildlife Program supervisor. During that time I was a coauthor for state level recovery plans for rare and endangered species including bald eagles, peregrine falcons and trumpeter swans and for implementing bald eagle research on lead poisoning. I coordinated capture of 55 fledgling bald eagle chicks for transfer to endangered species programs in New York, Georgia, Missouri, Tennessee, and Arkansas for their bald eagle recovery programs. I collaborated with state and federal wildlife biologists throughout the Midwest and beyond during my career. During my career I received the Chevron Conservation Award in 1990 as one of the top ten conservationists in America, the Gary T. Myers award from the US Fish and Wildlife Service in 2012 as the top bird conservationist in North America, and the Frances K. Hutchinson award in 2016 from the Garden Clubs of America as the top conservationist in America.

The U.S. Fish and Wildlife Service (USFWS) has published a proposed rule to establish a regulatory definition of “habitat”, as that term is used in the context of “critical habitat” designations under the Endangered Species Act. (Federal Register, Vol. 85, No. 151, pages 47333-47337, August 5, 2020.)

I have reviewed that proposal. I believe the proposed definition of “habitat” is grossly inadequate, an insult to the process of scientific development of endangered species recovery programs, and a threat to effective intation of endangered species recovery efforts in the future! It does not consider areas capable of being restored and areas capable of becoming habitat due to changing or changed conditions.

The existing definition of “habitat” MUST be expanded to include 1) “restored habitat areas,” 2) areas within the historic range of a species that could be restored with adaptive management and/or both traditional and innovative habitat restoration technologies, and (3) areas that are reasonably capable of becoming habitat for endangered species due to changing climatic conditions, landscape scale impacts like forest blowdowns, forest pest outbreaks, timber overharvest, or land use changes like dam removal, wetland restoration, or mineland reclamation.

I have sincerely appreciated the dedicated and sincere efforts of US Fish and Wildlife Service biologists with whom I have worked on previous endangered species projects. Their organization and efforts provide a supportive umbrella which draws in collaboration participation by state wildlife agencies, conservation partners, corporate sponsors, and private individuals who work together to achieve a common goal of recovering endangered species. Endangered species conservation should be viewed as an important national priority and a long term benefit to both our biological heritage and our economy- and not as an impediment to polluting corporations and over-eager land developers who view the Endangered Species Act as a threat to their bottom line.

Thank you for the opportunity to provide this comment.

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