

October 18, 2021

The Honorable Deb Haaland
Secretary
U.S. Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Haaland,

The massive challenge of confronting the global wildlife extinction crisis requires the United States to take bold, transformative action. The U.S. Fish and Wildlife Service recently made a heartbreaking announcement that it is proposing to remove 22 animals and a plant from the endangered species list because of extinction. An additional one million animal and plant species here and around the world are facing extinction within the coming decades. Millions more are declining. The United States can restore its position as a global leader in conservation and prevent many of these extinctions, but it must take swift action that matches the extent and scale of the problem.

To that end, on behalf of the undersigned 104 organizations and our millions of members and supporters, we urge you to issue the following Secretarial Order that sets concrete actions that the Department of Interior can immediately take to protect biodiversity, stem the extinction crisis and restore abundant wildlife and plant populations both in the United States and around the world. The Proposed Secretarial Order will not only help deliver on the Biden Administration's America the Beautiful Initiative of protecting 30% of the nation's lands and waters by 2030, it will also support other goals necessary to recover endangered species and rebuild wildlife populations, combat wildlife exploitation, and reduce the threats to biodiversity and our natural heritage.

PROPOSED SECRETARIAL ORDER

Subject: Establishing a Department-Wide Approach to Halt the Extinction Crisis and Restore Healthy Wildlife Populations

Sec. 1 Purpose. The world is facing an unprecedented wildlife extinction crisis that requires the Department of the Interior (Department) to take a holistic approach to honor the Nation's trust responsibilities; confront the rapid loss of our Nation's natural heritage; and restore the United States as a leader in the fight to combat extinction. This Order prioritizes action to protect biodiversity, stem the extinction crisis, and restore abundant wildlife and plant populations across the Nation.

Sec. 2 Authorities. This Order is issued under the authority of section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other authorities for this Order include, but are not limited to, the Endangered Species Act, 16 U.S.C. 1531 et seq.; Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.; Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.; Antiquities Act, 54 U.S.C. §§ 320301 et seq.; National Wildlife Refuge System Improvement Act of 1997, 16

U.S.C. 668dd et seq.; Fishermen’s Protective Act, 22 U.S.C. 1978; Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq; Lacey Act, 16 U.S.C. 3372 et seq.; Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; Wild Bird Conservation Act, 16 U.S.C. 4901 et seq.; Land and Water Conservation Fund, 54 U.S.C. 2003 et seq.; and EO 14008, entitled “Tackling the Climate Crisis at Home and Abroad,” (January 27, 2021).

Sec. 3 Background. Wildlife and plant populations around the world are crashing at alarming rates and with distressing frequency. One million species face extinction in the coming decades due to threats of habitat loss, climate change, wildlife exploitation, pollution, and other human activities. Many once-abundant species are now rare. Almost two-thirds of bird species in North America have declined in recent decades. The western population of monarch butterfly has crashed by 99.9%, and fewer than 2,000 butterflies were recording overwintering in California this year.

One-third of America’s species are vulnerable to extinction, and one in five are at significant risk. More than 150 U.S. plants and animals have been lost to extinction already and 500 more have not been detected in many decades and are likely extinct. Over 1,800 species are now protected in the United States under the Endangered Species Act, and thousands more are likely to need protection if action is not taken to address these threats.

Biodiversity loss and the global extinction crisis represents a fundamental threat to humanity, which depends on the services and processes that the natural world provides. Each extinction brings closer the unraveling of our planetary life-support systems, including carbon sequestration, pollination, water purification, oxygen production and disease regulation. The unsustainable exploitation of nature and wildlife has profound consequences, as evidenced by this new age of pandemics in which a COVID-19-like events “will emerge more often, spread more rapidly, take more lives”¹ than ever before do to people’s unhealthy relationship with nature and wildlife.

The Nation also faces a profound climate crisis. On January 27, 2021, President Biden issued Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” recognizing the urgent need to take a whole of government approach to climate change and to “organize and deploy the full capacity of agencies to combat the climate crisis,” including the Department of Interior.

In June 2021, the Intergovernmental Panel on Biodiversity and Ecosystem Services and the Intergovernmental Panel on Climate Change published a landmark workshop report stressing how climate change impacts and biodiversity loss are intertwined, highlighting the need for “transformative change” and “profound shifts in society” to solve the dual crises of climate change and extinction.² Neither will be successfully resolved unless both are tackled together.

¹ <https://www.g20.org/wp-content/uploads/2021/07/G20-HLIP-Report.pdf>

² Pörtner, H.O. et al., 2021. Scientific outcome of the IPBES-IPCC co-sponsored workshop on biodiversity and climate change; IPBES secretariat, Bonn, Germany, DOI:10.5281/zenodo.4659158.

Sec. 4 Restoring Healthy Ecosystems to Address Habitat Loss and Degradation. Habitat loss and degradation remain the largest drivers of extinction both globally and in the United States. To confront the rapid loss of America’s natural heritage, the Department shall prioritize the establishment of new protected areas, the expansion of existing protected areas, and increased connectivity between protected areas to increase ecosystem resiliency and preserve biodiversity hotspots in the United States, the habitat of critically endangered species, and the diversity of habitats found across the nation.

The Department shall identify at least 25 biologically diverse or species-rich areas containing objects of scientific interest within lands under the Department’s jurisdiction for recommendation to the President of the United States for elevation to the status of National Monuments, pursuant to the authority granted under the Antiquities Act, 54 U.S.C. §§ 320301-320303, by December 2023.

The Department, through the U.S. Fish and Wildlife Service, is ordered to establish no less than 20 new national wildlife refuges by December 2024, pursuant to the authority granted in the National Wildlife Refuge System Improvement Act of 1997, Pub. L. No. 105-57. These national wildlife refuges should prioritize the protection of biodiversity and underrepresented habitat or ecoregion types within the existing public lands system.

Sec. 5 Recovering Endangered Species and Rebuilding Wildlife Populations. The Department, through the U.S. Fish and Wildlife Service, is ordered to expeditiously assess species found in the United States that have already been identified by the International Union for the Conservation of Nature as critically endangered, endangered, or vulnerable or by NatureServe as critically imperiled or imperiled, to determine if such species need protection under the Endangered Species Act. The Service shall use its emergency authority to protect any species where there is a “significant risk to the well-being” of such species, and to propose and finalize protections for all other species that warrant protection under the Endangered Species Act no later than Dec. 31, 2023.

The Department, within 12 months, will also identify potential critical habitat on its lands for already-listed species that do not have any designated critical habitat, and review and update land-management plans to ensure the recovery of endangered species.

For species with no designated critical habitat, but for which potential critical habitat exists on non-public lands, the U.S. Fish and Wildlife Service is ordered to evaluate and formally designate all such lands that meet the statutory requirements as critical habitat no later than Dec. 31, 2023.

Sec. 6 Integrating Climate Change into the Recovery of Endangered Species. Consistent with EO 14008, the Department will fully integrate climate change into the conservation and recovery of endangered species.

The Department will develop and propose regulations that require science-based, programmatic consultations on the actions of every federal agency under Section 7(a)(2) of the Endangered Species Act, 16 U.S.C. § 1536(a)(2), to determine how those agencies’ actions that increase

greenhouse gases affect any listed species, including Arctic and other climate-change imperiled species, that are geographically remote from the agency action.

The Department, through the U.S. Fish and Wildlife Service, will update or develop recovery plans that integrate greenhouse gas emissions reductions to avoid species extinctions. The Department will also review existing policies and consider developing regulations and guidance to avoid, minimize and mitigate climate-driven impacts on listed species. In particular, the Department will also review and repeal any policies or legal opinions that prevent a whole of government approach to tackling the climate crisis or undermine the conservation of climate-listed species.

Sec. 7 Wildlife Trade. Wildlife exploitation is the second leading driver of extinction, and the global wildlife trade — both legal and illegal — continues to push thousands of species closer to extinction each year. Wildlife trafficking remains one of the world’s most lucrative criminal enterprises and a source of funds for terrorists.

The Department, through the U.S. Fish and Wildlife Service, is ordered to expeditiously assess foreign species that are in U.S. trade that have been identified by the International Union for the Conservation of Nature as critically endangered, endangered, or vulnerable, and that may be impacted by trade to determine if such species need protection under the Endangered Species Act and/or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Service shall use its emergency authority under the Endangered Species Act to protect any species where there is a “significant risk to the well-being” of such species, and propose and finalize protections for all other species that warrant protection under the Endangered Species Act no later than Dec. 31, 2023 and submit proposals for species that warrant protection under CITES no later than CoP20.

The exploitation of wildlife can also have grave consequences for people. Over the last four decades, the worst pandemics were all zoonotic in origin, including HIV, the Avian Influenza, H1N1 Swine Influenza, Severe Acute Respiratory Syndrome (SARS) and likely COVID-19. Mammals and birds have played an oversized role in the emergence of these and other zoonoses, as they pose the greatest risk of disease spillover.

Therefore, the Department, through the Fish and Wildlife Service, will conduct a review of all live wild mammals and birds in trade, pursuant to the authority granted under the Lacey Act, 16 U.S.C. §§ 3371-3378, to determine whether such species are injurious to people and wildlife. This review shall be subject to public notice and comment. If the Service determines that any species of wild mammal or bird is injurious, it will take immediate steps to begin the rulemaking process to implement a ban, with a complete ban occurring no later than two years after the Service’s initial injurious finding.

Internationally, the Department will work with nation partners to secure similar bans by other nations and encourage relevant international bodies in which the U.S. participates to work to curtail injurious wildlife exploitation and trade, taking into account special consideration for indigenous peoples in communities that are dependent on wildlife consumption for food security. The Department will need to increase its budget request to ensure that enhanced technical and

financial assistance can be provided to those communities that rely on consumption of wildlife for food security to develop and transition to alternative sources of protein and for resources to focus on global health, biodiversity, and combating wildlife trafficking.

To further reduce disease risk and biodiversity loss, the Department will strengthen its current wildlife tracing regulatory scheme and implement a comprehensive chain-of-custody tracking system— based on the system currently used to trace seafood imports—for all imports and exports of all wildlife and plants. This new system will trace all wildlife, including parts and products, from point of origin through the trade chain to their first point of sale.

Additionally, under the authority granted in Section 8 of the Pelly Amendment to the Fishermen’s Protective Act, 22 U.S.C. § 1978, the Department will conduct an expedited review of each nation’s compliance with the Convention on International Trade in Endangered Species (CITES) and all other international wildlife programs, to be concluded within two years of this Order and every two years thereafter and publish the reviews in the Federal Register. The Department will recommend the President impose immediate sanctions on any nation found to be diminishing the effectiveness of such programs, particularly nations failing to adequately address illegal wildlife trade or deforestation.

Sec. 8 Implementation. The Assistant Secretary for Fish and Wildlife and Parks, along with the Directors of the Fish and Wildlife Service, United States Geological Survey, and the National Park Service are responsible for ensuring implementation of this Order. This responsibility may be delegated, as appropriate.

Sec. 9 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting report or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officer or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 10 Expiration Date. This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

Secretary of the Interior

Date: XXX, 2021

Sincerely,

Center for Biological Diversity
Alaska Clean Water Advocacy
Amazon Watch
American Bird Conservancy

Animal Legal Defense Fund
Animals Are Sentient Beings, Inc.
Animas Valley institute
Antelope Valley Conservancy
Appalachian Trail Conservancy
Atlantic Energy
Battle Creek Alliance/Defiance Canyon Raptor Rescue
Berkshire Environmental Action Team (BEAT)
Boulder County Audubon Society
Boulder Rights of Nature, Inc.
Buffalo Field Campaign
Cahaba River Society
Cascades Raptor Center
Center for Food Safety
Christian Council of Delmarva
Christians Caring for Creation
Circle Mountain Biological Consulta
Conservation Council For Hawaii
Conservation Law Foundation
Delaware-Otsego Audubon Soc. (NY)
Earth Path Sanctuary
Eco-Eating
EcoEquity
Endangered Habitats League
Endangered Species Coalition
Environmental Action Committee of West Marin
Environmental Protection Information Center
Foundation Earth
FOUR PAWS USA
Friends of Animals
Friends of Blackwater, Inc.
Friends of Merrymeeting bay
Fund for Wild Nature
Gold Country Wildlife Rescue
Grand Canyon Trust
Greater Hells Canyon Council
GreenFaith
Howling For Wolves
In the Shadow of the Wolf
inNative
International Marine Mammal Project of Earth Island Institute
Jemez Peacemakers
Kentucky Heartwood
Kentucky Waterways Alliance
Klamath Forest Alliance
KyotoUSA

Living Rivers & Colorado Riverkeeper
Long Beach Alliance for Clean Energy
Los Padres ForestWatch
Madison Audubon Society
Madrone Audubon Society
Marine Mammal Alliance Nantucket
Maryland Ornithological Society
Native Ecosystems Council
NC WARN
Nevada Wildlife Alliance
Northeast Oregon Ecosystems
Northwest Center for Alternatives to Pesticides
Northwest Environmental Advocates
Oasis Earth
Ocean Conservation Research
Oceanic Preservation Society
Paula Lane Action Network (PLAN), Sonoma County, CA
Pelican Island Audubon Society
Post Carbon Institute
Predator Defense
Preserve Lamorinda Open Space
Public Employees for Environmental Responsibility
Public Lands Project
Resource Renewal Institute
Rocky Mountain Wild
Sacramento Heron and Egret Rescue
San Bernardino Valley Audubon Society
San Luis Valley Ecosystem Council
Save Our Sky Blue Waters
Save The Colorado
SAVE THE FROGS!
Save the Manatee Club
Shoals Environmental Alliance
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
SoCal 350 Climate Action
Social Compassion in Legislation
The Cloud Foundation
The Safina Center
Trap Free Montana
Trap Free Montana Public Lands
Tucson Climate Action Network
Turtle Island Restoration Network
Uranium Watch
WaterWatch of Oregon
Western Watersheds Project

WILDCOAST

WildEarth Guardians

Wisconsin Council of Churches

Wisconsin Interfaith Power and Light

Wolf Conservation Center

www.All-Creatures.org

Wyoming Untrapped

Wyoming Wildlife Advocates