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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Files Motion in Challenge to the Trump Administration Rollback of Endangered Species Act Protections

MADISON, Wis. – Wisconsin Attorney General Josh Kaul joined a multistate coalition on Monday in filing a motion for summary judgment in their lawsuit challenging the Trump Administration’s rollback of federal Endangered Species Act protections. In 2019, the Trump Administration finalized three rules revising numerous key requirements of the Endangered Species Act’s implementing regulations at the behest of industry groups. The multistate coalition filed their lawsuit shortly after. In today’s motion, the coalition argues that the final rules violate the Endangered Species Act, the National Environmental Policy Act, and the Administrative Procedure Act, and should be vacated immediately.

“It’s wrong to turn back the clock on the progress we’ve made in protecting endangered species,” said AG Kaul. “These rules, which were rushed out near the end of the Trump administration, are also unlawful. They should be blocked.”

For over 45 years, the Endangered Species Act has protected thousands of iconic and threatened species, including the bald eagle, California condor, grizzly bear, and humpback whale. Enacted under the Nixon Administration in 1973, the Endangered Species Act is intended “to halt and reverse the trend toward species extinction, whatever the cost.”

In September 2019, a coalition of 18 attorneys general and the City of New York filed a lawsuit challenging U.S. Fish and Wildlife Service and the National Marine Fisheries Service’s (Services) decision to finalize three rules that undermine the key requirements and purpose of the Endangered Species Act. The next month, the coalition welcomed Minnesota and Washington into the coalition. The coalition

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secured a critical victory last May when the U.S. District Court for the Northern District of California rejected the Services' motion to dismiss the lawsuit.

In the motion, the coalition argues that the Trump Administration's disastrous changes to the Endangered Species Act are unlawful because:

- Each of the final rules violates both the letter and purpose of the Endangered Species Act;
- The final rules fail to meet the basic standards for agency rulemaking under the Administrative Procedure Act;
- The Services failed to provide adequate notice and comment on aspects of the final rules that are not a "logical outgrowth" of the proposed rules; and
- The Services violated the National Environmental Policy Act by failing to prepare an Environmental Impact Statement on the final rules.

Attorney General Kaul joined the attorneys general of California, Maryland, Massachusetts, Colorado, Connecticut, Illinois, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia, as well as the City of New York, in their defense of the Endangered Species Act.