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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Joins Lawsuit Challenging Rollback of Endangered Species Act Regulations

MADISON, Wis. – Attorney General Josh Kaul is joining a coalition of now 20 attorneys general and the City of New York in a lawsuit challenging the Trump Administration’s rollback of the Endangered Species Act (ESA). The challenge argues that the U.S. Fish and Wildlife Service and the National Marine Fisheries Service’s decisions to finalize three rules that undermine the key requirements and purpose of the Endangered Species Act are unlawful.

“The Trump administration’s decision to adopt rules weakening the Endangered Species Act is unwarranted and unlawful. As the effects of climate change put more species at risk, we should be strengthening our conservation efforts, not undermining them,” said Attorney General Josh Kaul.

For over 45 years, the Endangered Species Act has protected thousands of iconic and threatened species, including the bald eagle and whooping crane. Enacted under the Nixon Administration in 1973, the ESA is intended “to halt and reverse the trend toward species extinction, whatever the cost.” The Trump Administration’s rules would dramatically weaken current protections and reduce federal Endangered Species Act enforcement and consultation, putting these endangered species and their habitats at risk of extinction.

In Wisconsin, there are more than 20 species listed as endangered or threatened under the Act.

In the lawsuit, the coalition challenges the rules as arbitrary and capricious under the Administrative Procedure Act, unauthorized under the Endangered Species Act, and unlawful under the National Environmental Policy Act. Of specific concern are the U.S. Fish and Wildlife Service and the National Marine Fisheries Service actions to:

- Inject economic considerations into the Endangered Species Act's science-driven, species-focused analyses;
- Restrict the circumstances under which species can be listed as threatened;
- Expand the Act's narrow exemptions for designating critical habitats and limit the circumstances under which a habitat would be designated, especially where climate change poses a threat;
- Reduce consultation and analyses required before federal agency action;
- Radically depart from the longstanding, conservation-based agency policy and practice of providing the same level of protection to threatened species afforded to endangered species, which is necessary to prevent a species from becoming endangered;
- Push the responsibility for protecting imperiled species and habitats onto the state, detracting from the states' efforts to carry out their own programs and imposing significant costs; and
- Exclude analysis of and public input on the rules' significant environmental impacts.

Relevant court filings are [available here](#).