

Lawsuit Challenges Trump Administration Attack on Endangered Species Act

Environmental groups head to court over Trump-Bernhardt's extinction plan

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Environmental and animal protection groups today [sued the Trump administration over its new regulations that dramatically weaken the Endangered Species Act \(ESA\)](#). Earthjustice filed the lawsuit on behalf of Center for Biological Diversity, Defenders of Wildlife, Sierra Club, Natural Resources Defense Council, National Parks Conservation Association, WildEarth Guardians, and the Humane Society of the United States.

Today's lawsuit makes three claims against the Trump administration's new rules:

1. The Trump administration failed to publicly disclose and analyze the harms and impacts of these rules, in violation of the National Environmental Policy Act.
2. The administration inserted new changes into the final rules that were never made public and not subject to public comment, cutting the American people out of the decision-making process.
3. The administration violated the language and purpose of the Endangered Species Act by unreasonably changing requirements for compliance with Section 7, which requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the existence of any species listed, or destroy or adversely modify designated critical habitat of any listed species.

This is the first set of claims in what will be a larger legal challenge. The same plaintiff group filed a [60-day notice of intent](#) to sue yesterday on additional claims related to ESA Section 4, including the new rule injecting economic considerations into listing decisions and the rule eliminating automatic protections for newly-listed threatened species.

"Nothing in these new rules helps wildlife, period. Instead, these regulatory changes seek to make protection and recovery of threatened and endangered species harder and less predictable. We're going to court to set things right," said Kristen Boyles, Earthjustice attorney.

"Trump's rules are a dream-come-true for polluting industries and a nightmare for endangered species," said Noah Greenwald, endangered species director at the Center for Biological Diversity. "Scientists around the world are sounding the alarm about extinction, but the Trump administration is removing safeguards for the nation's endangered species. We'll do everything in our power to stop these rules from going forward."

"The new rules move the Endangered Species Act dangerously away from its grounding in sound science that has made the Act so effective — opening the

door to political decisions couched as claims that threats to species are too uncertain to address,” said Karimah Schoenhut, Sierra Club staff attorney. “In the face of the climate crisis, the result of this abandonment of responsibility will be extinction.”

“We stand in unwavering defense of the Endangered Species Act, which the Trump administration is attempting to dismantle in the midst of a climate crisis that threatens wildlife globally,” said Bart Melton, Wildlife Program Director for the National Parks Conservation Association. “The new regulations are particularly bad news for candidates for protections, including the elusive Sierra Nevada Red Fox, with habitat in [Yosemite](#) and Lassen Volcano National Parks. This administration is clearly placing the interests of oil and gas development above America’s national park wildlife. [Interior Secretary Bernhardt has only confirmed our concerns over his priorities](#) and strengthened our resolve to fight back, by taking legal action to reverse this decision.”

“In the midst of an unprecedented extinction crisis, the Trump administration is eviscerating our most effective wildlife protection law,” said Rebecca Riley, legal director of the nature program at the Natural Resources Defense Council (NRDC). “These regulatory changes will place vulnerable species in immediate danger — all to line the pockets of industry. We are counting on the courts to step in before it’s too late.”

“In the face of a global extinction crisis, the Trump administration has undercut the Endangered Species Act, one of our most successful environmental laws. This action is clearly intended to benefit developers and extractive industries, not species, and we are going to court to stop it. The overwhelming majority of Americans want to ensure that threatened and endangered species are protected for future generations,” said Senior Endangered Species Counsel for Defenders of Wildlife Jason Rylander.

“This administration has a clear pattern of climate change denial and hostility to conservation,” said Taylor Jones, endangered species advocate at WildEarth Guardians. “We’re not going to let it stand. We’ll see them in court.”

“The public overwhelmingly supports the ESA, which has succeeded in saving humpback whales, bald eagles, and more than 99 percent of listed species from the brink of extinction,” said Nicholas Arrivo, Staff Attorney for the Humane Society of the United States. “This package of regulatory changes prioritizes industry profits over the very existence of imperiled species.”

[Read the complaint filed today here.](#)

Background on the Endangered Species Act

The [Endangered Species Act](#) aspires to prevent extinction, recover imperiled plants and animals, and protect the ecosystems on which they depend. For over 40 years, the Endangered Species Act has been a remarkably successful conservation law that protects imperiled species and their habitats. In the years since it was enacted, a remarkable 99 percent of listed species including the bald eagle, Florida manatee, and the gray wolf have been spared from extinction.

Not only is the Endangered Species Act an effective law, it is also immensely popular. A 2015 [Tulchin Research poll](#) showed that 90 percent of voters support the Act, including 96 percent of self-identified liberals and 82 percent of self-identified conservatives. A 2018 [study by researchers at The Ohio State University](#) found that roughly four out of five

Americans support the Endangered Species Act. Over 800,000 people sent comments to the federal agencies opposing these changes.

U.S. Department of the Interior Secretary David Bernhardt is a former lobbyist for oil and gas companies, big agriculture and other special interests. Bernhardt oversaw the rollbacks to this critical conservation law.

The new regulations are an unprecedented weakening of protections for endangered species. Among other things, they allow consideration of economic factors in decisions about whether species are listed as threatened or endangered, strip newly listed threatened species of automatic protection, weaken protection of species' critical habitat, and relax consultation standards that are meant to ensure federal agencies avoid jeopardizing species' survival.

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