

<https://thehill.com/policy/energy-environment/534290-green-groups-sue-over-rules-limiting-habitat-protection-for>

Green groups sue over administration rules limiting habitat protection for endangered species

By [Rebecca Beitsch](#) - 01/14/21 03:07 PM EST

© Getty Images

Environmentalists sued the Trump administration Thursday over rules that limit protections for habitat used by endangered species.

Two separate suits challenge two related rules from the administration.

A [December rule](#) from the Fish and Wildlife Service narrows the definition of habitat to areas that can currently support a species, a move environmentalists say ignores the changing climate and efforts that could be made to modify a landscape.

“The drafters of this rule were clearly more concerned with easing industry regulation than upholding the foundational purpose of the ESA — to ensure the protection, conservation and recovery of imperiled species,” Earthjustice attorney Elena Bryant said in a release, referring to the Endangered Species Act.

“We are going to court to restore protections for the habitat that is essential to pull species back from the brink of extinction,” Bryant added.

The rule from Fish and Wildlife would only include protections for a habitat that “currently or periodically” houses a species. The agency said the new rule would “bring greater clarity and consistency to how the Service designates critical habitat.”

Environmentalists argue the government must be able to step in to protect land that could support an animal in the future, by protecting forests, for example, that in a few decades would have enough old-growth trees to house spotted owls that currently dwell elsewhere.

Their suit claims the new rule is counter to the ESA, which seeks to help imperiled species rebound by protecting the species and the environment in which they can thrive.

Earthjustice filed the suit on behalf of the Center for Biological Diversity, the Natural Resources Defense Council, the Sierra Club and WildEarth Guardians, among others.

A second suit filed by the same coalition challenges another [December rule](#) that allowed for greater industry consideration in determining whether to set aside habitat. Those interested in developing land could submit evidence showing the potential costs of protection.

Fish and Wildlife would then be required not to give an area critical habitat protections if an analysis determined that there are more benefits to withholding protection.

“By requiring the U.S. Fish and Wildlife Service to listen to industry rather than science when it decides what habitat to protect, the Trump administration’s new rule is an absolute disaster for endangered species and the places they live,” Noah Greenwald, endangered species director at the Center for Biological Diversity, said in a release.

“The Endangered Species Act was passed to stop extinction, not facilitate it, and we expect the court to strike down this industry giveaway.”

When that rule was first proposed, Fish and Wildlife said it “would provide greater transparency for the public, improve consistency and predictability for stakeholders affected by ESA determinations and stimulate more effective conservation on the ground.”