

Steve Marshall  
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## Attorney General Steve Marshall Leads Effort to Stop Costly Biden Rollback of Trump's Critical Habitat Reforms

(MONTGOMERY) – Attorney General Steve Marshall is leading a national coalition of 18 attorneys general urging the Biden administration not to reimpose costly and unnecessary restrictions of private property rights.

The issue involves the Endangered Species Act and the federal government's authority to designate land or water as "critical habitat" for species the government considers endangered. Property that receives this designation is often subject to stringent restrictions that can greatly reduce its utility and value. After the Obama administration argued that an area could be "critical habitat" for a species even if the species could *not* survive there, Attorney General Marshall [led a group of states](#) opposing that misguided approach, and the [Supreme Court held](#) that the Obama administration had overreached.

Attorney General Marshall then headed a [national coalition](#) in support of Trump administration reforms that protected species without crippling the rights of landowners. The Trump administration also provided a definition of "habitat" for use in "critical habitat" designation and created a more predictable process for considering whether to exclude an area from a critical habitat designation. But the Biden administration is now considering abandoning those commonsense reforms, a move that would pave the way for a return to Obama-era rules that stretched the definition of "critical habitat" beyond any practicable application.

In a letter today to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, Attorney General Marshall and 17 other attorneys general urged the agencies to reject the Biden administration's efforts to roll back the reformed regulations. Under current rules, an area may be designated as critical habitat only if it currently or periodically has the conditions and resources to support a species, and not just because such conditions could be developed in the future. Furthermore, current rules provide an important balance, providing analysis of economic impact and whether excluding an area from critical habitat would result in extinction of a species.

"I will not allow the Biden administration's misplaced priorities and overreach to destroy the vital progress we have made," said Attorney General Marshall. "If federal bureaucrats are allowed to designate land as critical habitat for species even though that species does not and cannot live there, then there is no limit to the areas they can claim. The results could be devastating for Alabama's farms, loggers, and miners as well as for landowners throughout our nation."

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Attorney General Marshall's letter, which was joined by the attorneys general of Alaska, Arizona, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, West Virginia and Wyoming, can be read [here](#).

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