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NEWS FOR IMMEDIATE RELEASE

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Wisconsin DOJ Challenges Trump Administration's Rollbacks of Endangered Species Act Regulations

New Rules Put Species and their Habitats at Risk

MADISON, Wis. — The Wisconsin Department of Justice (DOJ) joined a coalition in filing two lawsuits to protect endangered and threatened species, one against the U.S. Fish and Wildlife Service (FWS), and another against FWS and the National Marine Fisheries Service (NMFS) (together, “the Services”). The lawsuits challenge new rules by the Trump administration that gut essential protections for wildlife under the Endangered Species Act (ESA) and threaten the survival of imperiled species. The rules make it easier for private companies or individuals to modify or degrade the habitats of listed threatened and endangered species and leave threatened species without core protections.

“These new rules green-light the destruction of habitats that are critical for threatened and endangered species,” said AG Kaul. “The Trump administration shouldn’t be undermining protections that help stop species from disappearing.”

The coalition’s first [lawsuit](#) challenges the Services’ scrapping of the longstanding regulatory definition of “harm.”

The rule defined harm to include “significant habitat modification or degradation” that could kill or injure wildlife by damaging species’ natural habitats and behavioral patterns, including breeding, feeding, or sheltering. Eliminating this definition reduces protections for habitats and makes it easier for them to be damaged or destroyed, even if that destruction ultimately threatens the survival of protected species.

The second [lawsuit](#) challenges two rule changes by FWS that reduce protections for threatened species and create a new process for designating areas as “critical habitat.” The first rule rescinds FWS’s regulations that automatically protect all newly listed threatened species. The second rule establishes a new process for designating areas as “critical habitat” that will leave areas essential to species’ conservation without the protections that Congress intended. Together, these changes put threatened and endangered species and their habitats at risk and undermine the comprehensive protections Congress mandated under the ESA.

Research shows habitat loss is the primary cause of species decline. In both lawsuits, the coalition argues that the Services’ rationale for gutting habitat protections is contrary to the intent of the ESA, which Congress enacted to protect endangered and threatened wildlife and the ecosystems they depend on for survival. In the second lawsuit, the coalition argues that FWS’s rescission of automatic protections for newly listed threatened species is contrary to the ESA’s conservation purpose because it leaves threatened species without protection necessary for their survival and substantially increases the risk that they will become endangered. The coalition argues these rules are also contrary to the Administrative Procedure Act (APA) and National Environmental Policy Act (NEPA).

Wisconsin has a strong interest in protecting its natural resources, wildlife, and environment. The ESA has been important for species recovery efforts in Wisconsin. The Wisconsin Department of Natural Resources works on numerous projects to maintain and restore its federally endangered and threatened species. Wisconsin designates **230** species of animals and plants as endangered or threatened within the state. **Twenty-four** of these species are also federally endangered or threatened.

Joining Wisconsin DOJ in filing yesterday’s lawsuits are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Vermont, Virginia, Washington, and the District of Columbia.

This press release has been updated.