



**AG STEVE MARSHALL HAILS U.S. SUPREME COURT DECISION TO HEAR LAWSUIT,  
SUPPORTED BY ALABAMA, CHALLENGING EXPANSION OF CRITICAL HABITAT  
DEFINITION TO INCLUDE AREAS UNOCCUPIED BY ENDANGERED SPECIES**

*Alabama Filed Amicus Brief on August 14, 2017, Calling on Supreme Court to Hear Case*

(MONTGOMERY) – Alabama Attorney General Steve Marshall welcomed today a decision by the U.S. Supreme Court to hear the case, *Weyerhaeuser v. US Fish and Wildlife*, concerning federal efforts to impose an overly broad definition of critical habitat for endangered species to include areas where the species do not and cannot live.

“In 2016, the Obama administration issued rules vastly expanding the definition of a critical habitat for an endangered species,” said Attorney General Marshall. “The intent was undoubtedly to enhance the power of federal bureaucrats to confiscate land at the expense of property owners.”

After the U.S. Fifth Circuit Court of Appeals upheld and even expanded the ability of the federal government to redefine critical habitat areas, Attorney General Marshall led a coalition of attorneys general in August 2017, asking the U.S. Supreme Court to hear a legal challenge to the new definition.

“There is no limit to the threat this kind of bureaucratic land grab could pose to Alabama’s agriculture, timber and mining industries and even home owners,” added Attorney General Marshall. “Protecting endangered species can be done without endangering private property. I am pleased the U.S. Supreme Court will take up this important case.”

Joining Alabama in filing the amicus brief before the U.S. Supreme Court were the states of Alaska, Arkansas, Georgia, Idaho, Kansas, Louisiana, Michigan, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, West Virginia and Wisconsin.

In a related case, in November 2016, Alabama and 19 other states also sued the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the Secretaries of the Interior and Commerce, to challenge the critical habitat rules. The Obama administration filed a motion to dismiss this lawsuit in January 2017.

A copy of the 17-page filing from August 14, 2017, is linked [here](#).

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