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## Supreme Court Curbs Endangered Species Act Abuse

By Gretchen Randall

On June 25, the U.S. Supreme Court issued a ruling in the case of *National Association of Homebuilders vs Defenders of Wildlife* finding that the Endangered Species Act does not trump other federal laws such as the Clean Water Act. In this case, the U.S. Environmental Protection Agency (EPA) gave the state of Arizona the authority to issue storm water drainage permits to builders without first calculating the effect on threatened or endangered species in the area. The Court cited the Clean Water Act (CWA) which says EPA "must" give states this authority if they meet certain criteria. In making its decision, the U.S. Supreme Court reversed the infamous "big government" Ninth Circuit Court in San Francisco.

The Clean Water Act calls for the states, not the federal government, to manage permitting programs when the EPA determines that nine specific criteria have been met. None of those criteria require consultation regarding species protected under the Endangered Species Act.

### Comments:

1. "The Endangered Species Act does not trump all other important environmental considerations," said Brian Catalde, NAHB President.
2. While it remains to be seen how far-reaching this decision will be, it seems it's a sign that this court is trying to rein in the reach of "big government."
3. Frivolous lawsuits under the Endangered Species Act have long been a favored trump card for environmental socialists. In fighting back in this case, the National Association of Homebuilders joins the tiny band of industry organizations willing to stand up for individual rights.

### Link:

Read more in Greenwire [here \(subscription required\)](#)

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