February 11, 2020

S.5196 (Kaminsky)/A.4077 (Barrett)

Title: An act to amend the environmental conservation law, in relation to the removal of species from the endangered and threatened species list.

Purpose: To protect endangered and threatened species that still require such protection in New York in the event that the Department of Interior removes its endangered or threatened designation.

Statement of Support: New York State’s Endangered Species Act, enacted in 1970, established the State’s commitment to protect its endangered species and critical habitats. Currently, species found in New York that are afforded protection as a result of designation by the United States Department of Interior’s Fish and Wildlife Service, independent of State action, are vulnerable to decisions made at the federal level. A number of New York species that are listed as endangered or threatened are protected based solely on their federal designation. If the Secretary of the Interior were to delist these species, they would no longer be protected in New York, placing their populations and critical habitat in jeopardy.

This bill would protect species currently listed as endangered or threatened from aggressive, increasingly common environmental rollbacks by the federal government. It would ensure that the taking, importation, transportation, possession, or sale of a federally delisted species will continue to be prohibited in New York State until a thorough investigation is conducted by the NYS Department of Environmental Conservation.

According to a recent United Nations report, one million plant and animal species worldwide are on the verge of extinction1. Instead of taking measures to safeguard biodiversity, the federal government finalized regulatory changes in 2019 that weaken the landmark Endangered Species Act. Under the Trump administration, the U.S. Fish and Wildlife Service has protected only 21 species under the federal Endangered Species Act — fewer than any other administration at the same point in the presidential term.

It is critical that once a species is afforded protection in New York State, only the State itself has the authority to extend or remove these protections based on its own investigations, and the best interests of the fish and wildlife within its borders. In a time of unprecedented threats to biodiversity, and a systematic dismantling of federal rules to protect our nation’s most vulnerable species, New York must take independent action to safeguard our remaining wildlife and critical habitat areas.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of S.5196/A.4077