



National Caucus of Environmental Legislators

A Natural Legacy for the Future

State Laws for Endangered and Threatened Species

Introduction

With one-third of our nation's wildlife at risk of extinction, and the impacts of climate change accelerating, now is a critical time to improve the ways in which we protect our natural heritage. States are key in preventing this continued loss of biodiversity and in ensuring the availability of natural resources for future generations.

[State endangered species laws](#) (SESAs) are one tool that can help slow species extinction. These laws can vary from one provision, to a scattered set of laws, to an act specifically crafted to provide comprehensive protection to endangered and threatened species. SESAs can range from simply prohibiting the taking or trafficking of an endangered species to more comprehensive options for the listing, management, and protection of these species.

Strong state action can help prevent federal listings, provide additional resources to federally-listed species protection efforts, and promote regional and ecosystem-wide cooperation. States are also particularly well-situated to address species loss, as they possess local knowledge and expertise to steward endangered plant and animal species within their borders.

The goal of this report is to highlight what is and isn't working across states and to spotlight innovative case studies of species recovery. Actions taken before a species becomes endangered can also save the lives of individual species, in addition to saving considerable money, time, and effort.

Methods

NCEL staff interviewed state wildlife agency personnel across the country, from Alaska to Florida. After over 40 interviews, what emerged was a complex quilt of responses outlining how state endangered species laws work, how they may not be working, and what's needed to bolster species protection. Along with specific questions about their state's laws, we asked each state agency to rate how useful they deemed their state endangered species laws to be.



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Results

While a handful of states have strong statutory measures, the majority of state endangered species laws were noted as inadequate for addressing the current pace and scale of species decline. Some respondents described their laws as having “no teeth” and being “woefully out of date.”

Some of the most-cited improvements needed to strengthen state endangered species laws include:

- Regular updates to a state’s list of endangered and threatened species
- A definition of ‘take’ that includes habitat destruction
- Incentives for landowner involvement in species recovery
- Stronger protections for plants

If carefully crafted, state endangered species laws can strengthen the web of protection for species in peril. Several successful species recoveries, such as for the river otter and June sucker, demonstrate that a strong state endangered species act, or set of laws, can complement the federal act, supplementing protection to those species already listed so that recovery can be achieved.

How to Use This Report

This report includes an analysis of all current SESAs, summaries of what’s working and not working, case studies on big successes/failures, and the key elements of a strong SESA. We invite you to use this report to examine your own state/territory’s SESA, evaluate it against others, and find ways to strengthen protection for at-risk species. We hope these examples spur discussion about the importance of strong state endangered species laws, recognizing the unique nature of each state and the reality that wildlife know no political boundaries.



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