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PRESS RELEASE

General Land Office, Texas Public Policy Foundation Sue Biden Administration Over Latest Attack on Texas Public Lands

Lawsuit accuses Interior Dept. and Fish and Wildlife Service of failing to abide by federal court order

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Austin — Today, the General Land Office (GLO) and the Texas Public Policy Foundation (TPPF) announced a federal lawsuit against the Biden Administration. The lawsuit claims the U.S. Dept. of Interior and the U.S. Fish and Wildlife Service (FWS) have failed to abide by a Fifth Circuit order by imposing the wrong legal standard in considering the delisting of the golden-cheeked warbler from the Endangered Species Act (ESA). Failing to uphold this order threatens revenues received from Texas public lands managed by the GLO, a critical revenue source for the Permanent School Fund (PSF).

“By ignoring a court order, the Biden Administration is knowingly trying to circumvent state sovereignty and further threaten Texas’ management of our public lands,” said Texas Land Commissioner George P. Bush. “I will continue to use every legal tool in our arsenal to fight this regulatory threat to our lands. The GLO and TPPF have successfully defended Texas’ property rights in the past, and I am confident the courts will continue to stand with Texans.”

“The Biden Administration’s refusal to follow federal law to delist the warbler has nothing to do with conservation. Current science proves the warbler has recovered,” said Robert Henneke, general counsel and executive director at TPPF. “The Service’s finding shows an utter disregard for the Texans who are just trying to live their lives and own property.” The GLO and TPPF [successfully sued the Department of Interior in 2017](#) to have the species delisted from the ESA. Texas won a vacatur from the Fifth Circuit which ordered the federal government to review its 90-day rulemaking process that listed the golden-cheeked warbler as endangered. The court determined that the Department of Interior failed to take into consideration several findings on habitat and population regrowth and that the agency should review the rules regarding the native Texas species.

This new lawsuit accuses the Biden Administration—specifically the U.S. Dept. of Interior and the U.S. Fish and Wildlife Service—of failing to uphold that order.

The lawsuit was filed in the Western District of Texas Federal Court. [The lawsuit and associated documents can be found here.](#)