PENNSYLVANIA AUDUBON COUNCIL

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July 22, 2026

Elizabeth Gray, Ph.D.
Chief Executive Officer
National Audubon Society

Marshall Johnson
Chief Conservation Officer
National Audubon Society

Dear Dr. Gray and Mr. Marshall,

On behalf of the Pennsylvania Audubon Council, we respectfully request that National Audubon Society become a party to one of the lawsuits challenging the federal government's evisceration of the Endangered Species Act (ESA) via various rule changes, most notably the redefinition of "harm" to exclude habitat degradation.

At a time when birds face unprecedented threats from global phenomena such as climate change and habitat loss, the most anti-environment administration in history is exacerbating the challenges they face with near-daily actions undermining species protections and ecological health. The latest attacks on the ESA are among the most dangerous. As made clear in Audubon's Flight Plan, Strategic Plan 2023-2028, habitat conservation is a cornerstone of bird conservation; the loss of habitat currently protected under the ESA would be a massive blow threatening countless bird species.

While the Republican majority in Congress has opted out on some of the most pernicious environmental legislation – e.g., Rep. Westerman's ESA Amendments Act of 2025 – it has proven unwilling and/or unable to tame the excesses of this administration. When both the legislative majority and the administrative branch are openly hostile to conservation, the courts provide our best -- and in some cases only -- recourse for preventing irreparable harm.

As you know, lawsuits filed during the first Trump administration successfully slowed implementation of some of its worst environmental decisions, sometimes long enough to allow for their repeal by a more environmentally friendly administration. In the case of the recent redefinition of harm under the ESA, two coalitions of environmental organizations have already filed or announced their intention to file similar lawsuits.

In one of these, Earthjustice is representing the Center for Biological Diversity, Columbia Riverkeeper, Conservation Law Foundation, Conservation Northwest, Friends of the Wild Swan, Oregon Wild, Sierra Club, Swan View Coalition, and WildEarth Guardians. In the other, the Southern Environmental Law Center represents the National Wildlife Federation, South Carolina Wildlife Federation, North Carolina Wildlife Federation, Florida Wildlife Federation, Louisiana National Wildlife Federation, Association of Northwest Steelheaders, and Conservation Council for Hawaii.

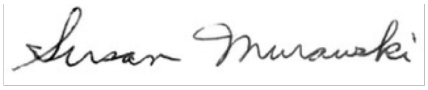
Additionally, Defenders of Wildlife sent a notice of intent to sue to the federal government, meaning a third lawsuit is almost certainly forthcoming.

By joining one of these legal efforts, National Audubon Society would lend to this vital effort its formidable credibility; its well-deserved reputation as a bipartisan conservation organization; and the power and influence derived from its vast network of chapters. Such an action would be consistent with – and, one could even argue, demanded by – Flight Plan's inclusion of this "High-Impact Activity" under Habitat Conservation: "Leverage our nonpartisan position to influence laws, policies, and investments that incentivize better bird habitat on the public, private, and communal lands in our Bird Conservation Blueprint."

We believe Audubon's participation in legal action would not only strengthen the case for reversing the devastating ESA changes; it would also provide hope to countless members who have felt discouraged and powerless in the face of the government's assaults. Seeing Audubon stand up for birds in this way during this time of crisis would be good for all of us.

Thank you for considering this request. We look forward to your response.

Sincerely,



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