



**The Indiana Native Plant Society is urging members and the public to submit comments to oppose proposed federal rule changes that pose significant risks to native plants, wetlands, and the habitats they depend on. These proposed revisions to the Endangered Species Act and Clean Water Act would weaken long standing protection and reduce the federal government's ability to protect vulnerable species and ecosystems.**

### **Endangered Species Act Rule Changes**

#### **Submit Public Comments by Dec. 22:**

- Endangered and Threatened Species: Listing Endangered and Threatened Species and Designating Critical Habitat - <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0039>
- Endangered and Threatened Species: Interagency Cooperation - <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0044>
- Endangered and Threatened Species: Critical Habitat - <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0048>
- Endangered and Threatened Species: Endangered and Threatened Wildlife and Plants - <https://www.regulations.gov/docket/FWS-HQ-ES-2025-0029>

The U.S. Fish & Wildlife Service and other agencies are proposing major changes to the Endangered Species Act regulations. These changes would roll back the 2024 protections and introduce elements that further weaken the Act which could make it harder to list species, protect habitat, and respond to future threats. These changes could make it harder to list at risk native plants and protect the habitats they need to survive and recover.

#### **Why this matters for native plants:**

The Endangered Species Act is one of the strongest tools for protecting rare and threatened native plant species. The proposed rules would:

- Slow the listing process for climate-affected species and limit consideration of future climate driven threats.
- Make it easier to avoid designating critical habitat and reduce the scope and strength of critical habitat protections.
- Make designation of unoccupied habitat more difficult.
- Reinstate a requirement to prove occupied habitat is inadequate before protecting additional areas.
- Remove clear language prohibiting economic considerations in listing decisions.
- Increase the likelihood of delisting species for non-biological reasons
- Limit consideration of ecological harm from federal activities
- Decrease default protections for threatened species.

## **Clean Water Act (CWA) Rule Change**

### **Submit Public Comments by Jan. 5:**

<https://www.regulations.gov/commenton/EPA-HQ-OW-2025-0322-0001>

The U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers propose to narrow which waters count as Waters of the United States under the Clean Water Act, redefining terms and excluding many water features from federal protection. Key changes include redefining “relatively permanent” waters (perennial or seasonally persistent), to require a “continuous surface connection” for wetlands to be jurisdictional.

### **Why this matters for native plants:**

- Redefines which wetlands qualify for federal protection.
- Requires a continuous surface connection for wetlands to be protected.
- Excludes many seasonal, isolated, and groundwater fed wetlands.
- Allows more wetlands to be drained or developed without federal review.
- Puts native wetland plant communities and rare/high quality habitats at greater risk of loss.