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*Weyerhaeuser Co. v. Fish and Wildlife Service*, No. 17-71

The Endangered Species Act requires the Secretary of the Interior to “designate any habitat” of listed endangered species “which is then considered to be critical habitat.” The Act defines “critical habitat” to mean “the specific areas within the geographical area occupied by the species ... on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection” and the “specific areas outside the geographical area occupied by the species ... upon a determination by the Secretary that such areas are essential for the conservation of the species.” Today, the Supreme Court granted certiorari to consider the meaning of “critical habitat” as applied to land in which a species does not currently live and cannot survive without changes to the land. Mayer Brown LLP represents the petitioner.