

Don't know what this might mean in the long haul toward the border wall in South Texas?



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

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**AG Paxton Applauds District Court Decision Protecting Private Property Rights in Texas**

AUSTIN – Attorney General Ken Paxton today applauded a U.S. District Court after it agreed with a Texas county and landowner whose lawsuit seeks to delist the Bone Cave Harvestman – a tiny cave-dwelling arachnid – from the endangered list under the federal Endangered Species Act. This decision states that the United States Fish and Wildlife Service used the incorrect standard when deciding whether the Bone Cave Harvestman should be delisted under the Act, and sent the case back to Fish and Wildlife for reevaluation. The attorney general filed a friend-of-the-court brief in the case.

Williamson County and property owner John Yearwood challenged the authority of the U.S. Fish and Wildlife Service to use the Interstate Commerce Clause to regulate non-commercial interactions with the arachnid – which only exists in two Central Texas counties, is not bought nor traded in interstate commerce, and does not otherwise affect interstate commerce.

“The court’s decision is a victory for private property rights in Texas and a defeat for an unlawful Obama-era land grab,” Attorney General Paxton said. “As we argued in our friend-of-the-court brief, the Obama administration abused its power under the Endangered Species Act by

unlawfully listing a species on the endangered list that only lives in the state of Texas and has no impact on interstate commerce.”

Under the Constitution, the federal government can only act when there is a direct logical connection between the subject being regulated and interstate commerce. A spider that only exists underground in two Texas counties and is neither a bought nor sold commodity fails that test by definition. For such localized species, it is the state and county, not the federal government, which can best address conservation.

Yearwood owns a 35-acre property in Williamson County that’s belonged to his family for more than 140 years. He lets community organizations and church groups use it at no charge for camping and other recreational purposes. But because the Bone Cave Harvestman was found on a portion of his property, Yearwood faced prosecution by the federal government if the arachnid was disturbed.

The harvestman, which dwells underground in limestone caves, has been listed as endangered since 1988. Williamson County currently maintains 11 harvestman habitat preserves on nearly 900 acres. Under the Obama-era edict, landowners who knowingly harm a Bone Cave Harvestman or its habitat could be subject to \$50,000 in fines and up to a year in prison. Development within 35 feet of a known harvestman cave required \$400,000 an acre in mitigation permits.

View a [copy of the decision here](#).

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