MAY 25, 2000

CityLife LAS VEGAS

Battling Extinction:

Is Nevada Ready For The Center for Biological Diversity?

Las Vegas is widely perceived by conservationists as the 'Apocalypse Now' of the Western environment. The Center for Biological Diversity is interested in joining the fight to change that.

By Heidi Walters

You wake up one dawn and find you're in a parallel-universe Las Vegas--just a shiver over from the one you know, but enough to shock you senseful. You're asleep on the ground and there's a rare species of rattlesnake, say, nestled peacefully against your warm side. A desert tortoise cruises slowly past your nose.

Gone is your new condo and that fresh layer of red sand-dust you expected to find deposited on the window sill of your new bathroom, blown in as usual by the night winds from the freshly cleared patch of land next door where 2,000 new condos just like your own were slated to be built today. The desert around you is intact.

The sky sparkles clearly and you wonder, for a moment, why that one airplane on the lightening horizon isn't moving very fast. Then you realize it's a planet you haven't seen in years--not since the valley began to explode into one of the fastest-growing areas in the world. And what was that swath of smeary white in the sky last night that you'd imagined was just a dream? Could it have been...the Milky Way?

And as the sun appears, it does not pinkly illuminate a sea of spreading tile roofs and glistening stucco. The morning's a-buzz and a-chirp but also, strangely, quiet. No people. No people allowed anymore. You panic--

It could happen to you

Whew. Scary. But just a campy dream. Then, sitting at the doctor's office--the universe restored--you idly open up an old copy of The New Yorker (Nov. 22, 1999) and--gasp! The headline of your nightmare! "No People Allowed. A Radical Environmental Group Attempts to Return the Southwest to the Wild." You skim. It's about this group of lunatics based in Arizona who, as far as you and the writer, Nicholas Lemann, can tell, want to return the western United States to a primitive land where people don't lord it over animals, where people have to worry about predators other than themselves and microbes, where the law severely spanks developers and takes their blueprints and bulldozers away from them, where logging screeches to a chain-wedged halt, where snails and birds and rivers and trees and that goddamed spotted owl have an equal say in what goes on on the landscape. Lemann, after detailing the group's quirky history, and tactics--namely, filing appeals and lawsuits to force the federal government to enforce existing environmental laws such as the Endangered Species Act and the Clean Water Act--declares it a collection of "outlaws." And, he writes: "Outlaws cause trouble, alter the established order, and make authority figures angry. And, in the end, they get dealt with."

You back up a few paragraphs, to where Lemann writes: "The human ecology of the Southwest has got out of balance, because the Center for Biological Diversity has been spectacularly good at amassing disproportionate power for itself."

Wow. Who are these extremists, you wonder, and why do they hate me? Us? And are they, uh, coming to Nevada anytime soon?

Last question first: Quite possibly. A co-founder of the nonprofit organization, Peter Galvin, says the center "would love to open an office in Nevada someday," maybe even within the next couple of years.

It's their kind of place, a veritable giant reservoir of open space. According to a new book put out by The Nature Conservancy, Nevada is one of the six biodiversity hot spots in the United States. Near Death Valley, along the California-Nevada border, a Mojave desert oasis of 30 springs and seeps called Ash Meadows "has the highest local endemism [number of unique species] of any area in

the continental United States," according to the book, Precious Heritage--The Status of Biodiversity in the United States. The roughly 4,600-square-mile area contains 52 imperiled species.

The center already has been limitedly active in Nevada, trying, unsuccessfully, for years to get Lake Mead lowered to restore the Virgin River delta riparian habitat of the Southwestern willow flycatcher (which the center got ESA listed), ousting cattle from desert tortoise habitat in the Mojave desert, and trying to get cows out of aspen stands in Nevada that are home to the northern goshawk. Any day now, literally, they'll be filing suit over the Bureau of Reclamation's operation of Hoover Dam, says the center's San Diego-based David Hogan. It will be another in a string of attempts to influence Colorado River politics in order to garner specific water allocations for wildlife habitat along the river and for the water-starved Colorado delta in Mexico. The center has also filed a lawsuit to get the BLM to look at cumulative impacts of its separate land trades on the California Desert Conservation Area, and "the Nevada BLM's next," Galvin says.

Plus, they know about that rare, endemic toad in Beatty, the endemic fishes in the Muddy River, and the host of other Nevada animal and plant species threatened by development, water pollution and diversion and pumping, grazing and mining. They're concerned about the impacts of low-level military flights and development in Nevada on the yellow-billed cuckoo (nearing ESA listing) and the flycatcher. The center knows about Las Vegas' "3,000 new residents per month," and it might even take an interest in Clark County's multispecies habitat conservation plan, if the timing is right. It has tackled such plans for the Colorado River, and for San Diego County, and in both has found the process to be rife with compromise and sellouts.

The center also knows about developers such as Del Webb--hell, it's the same issues and players they've been dealing with for years in the Southwest. But while the center is a household word--or, for some, a curse--in Arizona and New Mexico, it appears to be almost unknown to most Nevadans. Of the center's 5,100 members, 17 are from Nevada (and only seven of those are in Las Vegas).

More headlines

So yes, they are indeed for real. And their tactic of creating a "legal train wreck," as they call it, has been incredibly successful: They've won 88 percent of the 160 ESA lawsuits they've filed to date. Most of their action has been in the Southwest, but lately they've been filing appeals in non-Southwest regions. And they don't just go after the charismatic, fuzzy species. Look at some of the headlines, pulled from their website but repeated in newspapers across the West:

* "Development permits shut down across all of Arizona--judge orders regional impact assessment, protection for pygmy owl."

* "900 river miles protected for endangered fish."

* "Judge stops massive California development to save endangered species."

* "Suit filed to obtain government documents on California development permits."

* "BLM removes livestock from over a quarter million acres of wilderness, desert tortoise habitat."

* "Appeal shuts down old growth timber sale on Kaibab Plateau, saves goshawks and squirrels."

* "Suit filed to protect Cook Inlet beluga whale."

* "White abalone proposed as endangered species."

* "22 scientists support protection of yellow-billed cuckoo."

* "Judge orders habitat protection for red-legged frog."

* "Good news for Hawaiian species--lawsuit moves moth, snail, spider and amphipod toward recovery."

Then there's the Mexican spotted owl case: In 1989, the center petitioned the U.S. Fish & Wildlife Service to list the spotted owl as a threatened species because of logging of its old growth forest habitat on national forests in Arizona, New Mexico, Colorado and Utah. In 1993, the owl was ESA listed and in 1995 4.6 million acres of critical habitat were designated for it. Together with increased Northern goshawk protections, it resulted in a two-year halt to logging on national forests in Arizona and New Mexico. Mills closed, and old growth logging declined by 84 percent. In 1997, when the critical habitat designation was withdrawn over a legal technicality, logging increased. The center sued again, and in March of this year a New Mexico federal judge ordered the Fish & Wildlife Service to again designate "critical habitat" for the owl.

While old growth logging has been the center's primary concern, it also confronts other consumptive uses of the land. Center legal action has resulted in an 80 percent reduction of cattle numbers along riparian areas in the Southwest. The center provoked a temporary

moratorium on building in the Tucson area through its efforts to protect the endangered Cactus Ferruginous pygmy owl. Like the desert tortoise ESA listing that brought development to a (temporary) screeching halt in Clark County, the pygmy owl critical habitat listing had a similar effect in Pima County (where Tucson is) and has led to hugely contentious fights. In one high-profile, drawn-out case, the center recently lost a round in its fight to stop construction of a school on pygmy owl habitat in Pima County. The case, which in the media became a "kids vs. owls" debacle, isn't over--the center doesn't give up--even though the school site was recently cleared. Fallout from it all includes a recall (voted on just last week) of three anti-owl school board members who had refused to permit public comment during board meetings concerning the school's siting.

The center sued the U.S. Army's Fort Huachuca and nearby town of Sierra Vista over their groundwater pumping, which has drastically diminished flows in the San Pedro River near the Mexico border. The 130-mile river, though typically desert slender, is one of only two National Riparian Conservation Areas because half the bird species identified in North America have been sighted along it. And it supports other rare species. The center's actions--a series of lawsuits to protect the spikedace (a small fish), the water umbel (a floating plant) and the owl--resulted in NAFTA's first-ever environmental investigation. A federal judge eventually ruled in favor of the river.

One of the center's most recent legal successes in California was reported thusly in a May 4 San Jose Mercury News story by Barry Witt:

"A federal judge has ordered work halted on a major golf course and housing development in San Jose's Silver Creek hills, ruling federal officials failed to ensure that the rare bay checkerspot butterfly and other endangered species would not be harmed. ...The ruling could cause at least a year's delay, according to the developer, and could cost the company $5 million."

Witt quotes the center's Galvin, who calls the development "a classic example of political interference with the management of the environment. ... It's a sad example of how [the Fish & Wildlife Service, which governs the ESA] caves in and doesn't fulfill its mandates, and it's a wake-up call that these political machinations are happening as a threat to open space and wildlife.''

And the list of legal actions and successes goes on.

"They're throwing torts like hand grenades," wrote John Skow in his April 1999 Outside magazine article about the center.

So, again, who are these badasses who've got their sights set on biodiversity-rich Nevada next (and on Texas), who make loggers, developers, the U.S. Army, ranchers and others--even some mainstream environmental groups like The Nature Conservancy--turn livid, but who, conversely, are viewed as saviors and seem to have injected vigor into the conservation movement?

Founders dissected

The New Yorker wasn't the first to write about the "rebel" Center for Biological Diversity. For more than 10 years the center has consistently made headlines in Arizona and New Mexico newspapers.

And magazines know a good story, too, when they hear it: "Scorching the Earth to Save It" (April 1999 Outside); "A bare-knuckled trio goes after the Forest Service" (March 30, 1998 High Country News); "Changing the Rules: a Southwest David is Taking on Wilderness Hungry Goliaths and Winning the Good Fight" (June 1998 Backpacker).

The center's founders--Peter Galvin, Kierçn Suckling and Robin Silver--stand out as extreme for having left the realm of EarthFirst! tree-spiking sentimentalism (satisfying and contentious) to enter a new land of research- and science-based legal action (contentious but successful) to achieve a similar end: preservation of open space, wild places and biological diversity. And all this in, as Outside's Skow put it, "...these gentle days of 'win-win' development deals" that are the trademark of Clinton-era-becalmed conservation activity.

Typically, the center and its founders are portrayed as being either or all of these things: fervent, tricky, eccentric, philosophy-heavy, philosophy-wanting, relentless and possibly even soulless, with an agenda that pits animals and plants against people and jobs. The center is unique among conservation groups for its use of intensive scientific research and for its barrage of legal assaults to get the federal government to follow its own laws. What many don't know is that it has grown, employs a dozen or so full-time staffers, and that it consistently joins with other, perfectly respectable and often mainstream groups like the Audubon Society and Sierra Club, with native plant societies and local-specific entities. And in Tucson, anyway, the center says it gets involved in the community, in education. For example, says Suckling, the center is working with a local bicycle group to improve the urban environment.

The character sketches of the founding threesome are well-established. There's Silver, the wildlife photographer and emergency room doctor whose income initially funded the trio's work in the early 1990s to save the spotted owl, who's known for passionately saying such things as there will have to be "severe economic pain" to preserve wildness, who's the eldest at almost 50, and who lives in a suburban home in Phoenix and doesn't seem to require sleep. There's Suckling, in his mid-30s, the philosopher who researches the correlation between language extinctions and biodiversity extinctions, who once belonged to the "other" radical environmental group (the direct action-oriented EarthFirst!), and who until this year was the director of the center (Scott Black came in recently as the new director). A little-known fact about Suckling is that when he was in elementary school his family lived for a few years in Yerington, Nev. And there's Galvin, in his mid-30s, who works out of the Berkeley office these days, and whose bout with cancer when he was 15 and growing up near a toxic waste incinerator, a military lab and old industrial sites near Framingham, Mass., changed his life.

"The experience was a really profound one for me," Galvin says. "And I grew up really fast. I didn't want to party anymore. I started reading books, and I became very angry at a world that allows this pollution. Half the people on my street died of cancer. I became very skeptical of government officials and their assertion that everything was safe. My philosophy jelled at that time."

His brother's anti-nuclear activism also influenced him, as did his attendance at The Cambridge School, a private institution his parents sent him to in his last years of high school, because "conventional" wasn't working for him.

"There was a professor there who had been involved in Vietnam protests," Galvin recalls. The printmaking teacher designed political posters and "was a ploughshares preacher," he says. "He took us to a lot of protests." At a protest at the General Electric weapons plant, Galvin's teacher and some priests poured their own blood into a cross. "People responded to it. Some quit. Many stepped over it. But many didn't."

Galvin's Thoreau-loving dad also took him on walks in a nearby national park, which fostered Galvin's love for old trees. He became a conservation biologist, and headed West to be an activist. He and Suckling met in 1989, and by 1991 they were working together for the Forest Service, counting spotted owls in the Gila National Forest--at a time when the Reagan administration's high logging targets were coming into conflict with the environmental movement's drive for forest preservation. They lived on land outside of Reserve, N.M., in Catron County--Suckling in a tepee and Galvin in a cabin. They met Silver, the nature photographer, and eventually the seeds of the center were born: from Galvin's Friends of the Owls to the trio's first group, the Greater Gila Biodiversity Project. They soon became the Southwest Center for Biological Diversity, and solidified the system that has made them a force: research, gather data, rank species and write position papers; petition for ESA listing; then sue to get the protection enforced. (The center changed its name recently, dropping the "Southwest," to reflect its broadening scope.)

"At the very beginning, we spent two years researching imperiled species in the Southwest," Galvin says. "We compared all the lists--state lists, federal lists, National Park Service lists" and so on. They interviewed 100 scientists, made a list of 400 threatened plants and animals species and finally targeted 50 species as the most threatened with extinction. They chose four species to work for ESA listing, whose protection would have "the most significant umbrella effect": the flycatcher, the spotted owl, the goshawk and the pygmy owl.

In 1993, when the center got the spotted owl listed, "Suckling and Galvin were catapulted into public-enemy status in Catron County," writes Lemann in The New Yorker. They were blamed for the closing of the sawmill in Reserve, the Catron County seat, and for lost jobs and revenue. They moved to Luna for a while, but eventually were forced to leave. They set up shop in Silver City, and then moved to Tucson where first, for economic reasons, they all lived and worked in a house far out of town. Now, the offices are in downtown Tucson. The center employs 16 people in its Tucson, Phoenix, San Diego and Berkeley offices combined.

Though it's nonprofit and the staff's wages have only recently become livable, the center has been criticized for having created "a nice little cottage industry" for itself, as C.B. "Doc" Lane, a former rancher and spokesman for the Arizona Cattle Growers Association, puts it. Lane lives in Cave Creek near Phoenix, and is the association's director of natural resources. "They've turned into a money-making machine" that manipulates the procedural aspects of the ESA, Lane says. He claims the center wins hundreds of thousands in attorney fees, which come from taxpayer dollars, and yet the center uses lawyers funded by other conservation entities.

But the center does not appear to be living high off the banished cow. Revenue has steadily risen to, in

1998, almost $1 million, with grants making up the largest portion, and then membership contributions. The center's largest expense by far is on salaries and related expenses, its programs and conservation work. It donates quite a large chunk of money to Earth Law, whose lawyers fight some of their cases. Staff only recently began making livable wages, with Suckling having just gotten a raise to $36,000 from $20,000 a couple of years ago. The others make between $1,500 and $1,700 per month, now, but it wasn't long ago that they were making from $200 a month up to $1,000. Silver never takes pay from the center. The Tucson folks drive modest cars (some bumper sticker addled, others not). They live close to work. And while they don't pretend "the moral high ground," says one staff member, she says they do try to live by their ideals.

At home in Tucson

Writer Skow, who thought he'd find "a seething hive of hollow-eyed hippies" when he visited with some of them in Arizona, encountered instead a den of "dry, dreamy academic talk." But neither description really seems to fit. They seem both organic and academic, both dreamy and fiery. Mostly, they seem like passionate hard workers, who put in 60-hour weeks and have slim to no social lives.

Galvin says he's seeing a woman who also works for a nonprofit organization, and says wryly that they "get together and read big documents."

The Tucson office, two white adobe 1900s-era houses connected by a garage stuffed with boxes and filing cabinets full of project research, is homey and charming (definitely not a place for the corporate image minded). Upon entering one of the houses one early spring weekend day, one first smells green apples and then gets distracted by the pictures and sayings on the wall. There's a bag of fresh produce on the kitchen counter, a dog barking and tap-tapping across the floor, an open suitcase of clothes in one office, and all around light pouring in the numerous windows. In one room, a row of squished-face Xerox portraits peer out from the wall above the copy machine: some of the staff. On the other walls, staff members' special interests and personal philosophies speak to you: In Suckling's office, a poster announces that "Skepticism is a weapon." In another room, bookshelves bulge with tell-tale titles, some esoteric donations, others familiar bibles of the conservation movement: Eco-Warriors, The Diversity of Life, Battle Against Extinction, A Sand County Almanac, Fighting Sprawl and City Hall, Climate Change, Once a River, What Tribes Can Do.

"'Battle Against Extinction,'" half-jokes Galvin, "could be the theme that sums up our philosophy."

There are wolf posters, plant posters, butterfly posters, goshawk posters, water project protest posters. On top of membership coordinator Megan "Turtle" Southern's computer is a dead bumblebee still grasping a stick, and a tortoise shell someone gave her. She shows me a color photocopy of a planned mural depicting an imperiled Mexican gray wolf. The mural's going up on a bench stop in the city. She shows me a packet of bartering tickets for a new system she's promoting in Tucson where people can trade skills in lieu of pay.

Southern, in her 20s and one of the youngest staff members, has been with the center nearly four years. She also hosts a radio show, independently from her center work, called "A View from Slightly Off Center," a forum for discussing social and environmental justice issues. She grew up in the Midwest, with parents who encouraged her to turn off the TV and go outside. She says she feels compelled to be at the center.

"We have to look at the footprint that we're leaving on the planet," she says about growth. "It's enormous."

In another room, former Midwesterner Noah Greenwald sits at his desk and talks about salt cedar--the invasive, exotic plant that has flourished in altered river ecosystems. Salt cedar, or tamarisk, edges other plants out, sucks up huge quantities of water, and poorly replaces healthy, cottonwood-willow riparian habitat around which a diversity of species has evolved. Southern Nevada is thick with it.

"I think rivers really highlight the need for a holistic approach" to preservation and restoration, says Greenwald, who is in his early 30s. "My philosophy is that ecosystems are basically a sum of all their parts. And the more parts you remove, the less functional it becomes. Almost everywhere is altered now. Humanity's footprint can be observed on 50 percent of the land surface. In that context, it's really important to preserve and maintain a natural aesthetic. Ecosystems produce the air we breathe, clean water, the basic things we depend on."

He says aesthetics are important in their own right: "Why should one branch of the tree of life cut down all the other branches? Is that what we want?"

People vs. everything else

Again, it's not about "no people," the center says.

"'60 Minutes' called me, wanting to do a segment on us,"

Suckling says. “They said, ‘So, you’re really not about removing people from the Southwest?’ ‘No!’ I said. ‘Oh, OK. We’re not interested in doing a story then.’”

On a walk through Honey Bee Canyon, in an area outside Tucson where the center contends that a Del Webb Sun City development compromises the ecosystem’s integrity, Galvin talks about the center’s focus.

“Wild nature is being destroyed minute by minute,” he says. “There’s a place for human communities, and for undisturbed wildlands. And there’s a place where they meet. This society has lost its sense of balance. It is voraciously consuming land. There’s no limit to growth. Our goal is ecologic integrity and vast open space. But right now, the scales are tipped way toward the development end.”

And even though the center wins many of its lawsuits, Galvin says the larger battle against mass extinctions is far from being won: “Like in Network, we need the average citizen yelling out the window, ‘We’re mad as hell and we demand changes!’ We need to mobilize citizens, we need to mobilize scientists.”

But even with outraged gadflies and active citizens yelling out windows, he says developers could still have the upper hand. “Developers have so much money, and they’ll hire their own scientists--we call them biostitutes--who will say anything for enough money. The developers maintain large stables of these biostitutes.”

But Alan Lurie, executive vice president of the Southern Arizona Home Builders Association, contends the same criticism could be leveled against center.

“Their motivation is in no way, shape or form animal or vegetative protection. It’s purely growth control, stopping growth.

“I think they are disingenuous. They’re finding loopholes in the endangered species act. I think they’ve cost good, honest Americans their life savings in some instances.”

Heritage lost

Honey Bee Canyon, a wash full of willow and cottonwood and acacia and cholla and saguaros (used by pygmy owls), winds through a large spread of Sonoran desert land the BLM traded away to developers in the mid-1980s. Honeybees cluster and buzz around a clump of blooming willows in one spot, and later there is a rock with an owl petroglyph. A courting hawk pair circles and swoops overhead, and the wash is peaceful, seems almost pristine. Yet this wash has half-million-dollar houses perched along its edges--tasteful, beautiful houses interspersed with remnants of the natural landscape. But, Galvin says, because the wash is an important wildlife corridor, it requires a buffer around it that now doesn’t exist because of the development.

“If we’d been around, this could have remained undeveloped,” Galvin says. He says this particular development is what first gave the center the idea that it could sue the Army Corps of Engineers. “We figured what the Corps’ scam was: They were refusing to look at the cumulative impacts, and were granting permits one by one.” He says the development has “spawned a minor revolt in Oro Valley,” including council member recalls. It also prompted the center to get involved in the Coalition for the Sonoran Desert Protection Plan. The plan, which Pima County has adopted for its “blueprint for open-space protection and growth management,” establishes protected core reserves and corridors of habitat for wildlife to exist in and move through.

From Honey Bee, Galvin can point in a number of directions and talk about other battles on far-flung desert lands that the plan might help allay.

Galvin reiterates that the center’s gripe isn’t so much about numbers of humans in the Southwest, but the configuration of their population: “You can have 100,000 people in one habitat, and not drive any species to extinction. It’s about planning. And the fact is, there are 6 billion of us [on Earth], and we can’t go back to the Pleistocene conditions. But what we can do is aggressively fight to save what’s left. And we think history will judge our actions favorably.”

Who’s extreme here?

The center keeps getting called extreme. Suckling considers that, says:

“Sometimes, I sit back and I look at how aggressive we are compared with other groups, and I say, yeah, we’re radical. We’re successful, and so a lot gets done, and it’s amazing. But it’s not amazing--it’s the law. So we aren’t that radical.” And yet, they dare to enforce federal law in the West. “If the law is the law of corporate dominance, which is what the history of the West has been, then we’re definitely outlaws.”

Suckling, and others, see developers in places like Tucson, and even more so in Las Vegas, as operating “wildly out of line with environmental laws.”

Hogan, on the front line of the center’s Colorado River actions and also stirring up species protection fights in San Diego County, says “Las Vegas is certainly

not a model of how human beings should exist in the environment. Las Vegas, today, is widely perceived by conservationists as the 'Apocalypse Now' of the Western environment. It lives far outside its means in terms of land and water use, and it is an incredibly unlivable environment in terms of air and water quality."

John Wallin, director of the Nevada Wilderness Project, says if anyone's extreme, it's those anti-feds agitating out in the rural counties.

"People say the center's extreme, but we elect people like John Carpenter [Elko County commissioner], who openly defies the law," Wallin says, referring to the Elko commission's efforts to open a washed-out road near the Jarbidge Wilderness despite an order from the federal government not to do so. "Who's extreme? The center uses the law, whereas our officials defy the law, incite violence, and become fear mongers. So if you ask me who's extreme, it's the Republican Party of Elko County."

The Nevada question

Wallin says he'd like to see the center come into Nevada and challenge violations of the Clean Water Act in streams where endangered fish such as the Lahontan cutthroat trout live.

Tom Myers, director of Great Basin Mine Watch, a Nevada organization that plans to "file an appeal on every mine that moves," also would welcome the center. "A group that comes in and is on the left fringe, and that starts filing a lot of lawsuits--it can drive the center, drive the issue a bit" back from the right, he says.

Charles S. Watson, founder of the Nevada Outdoor Recreation Association, says "if they're the ones who can get the good lawyers and sue these bastards, and make them understand the word 'no,'" then he hopes the center comes to Nevada. Watson, through NORA, has fought and won a number of cases in Nevada concerning BLM wilderness and endangered species. In fact, it was his group's extensive compilation of Nevada wild lands that led to passage of legislation that created BLM wilderness. He currently has a lawsuit filed against Del Webb over the second phase of its Anthem development in Henderson, which abuts a wilderness study area. And he's got other lawsuits festering.

Caution comes, not surprisingly, from the Nature Conservancy. The conservancy, which has not always agreed with the center and its more aggressive tactics, represents the more typical, moderate view found in Nevada conservation circles--aside from firebrands like Watson, Myers and Robert Hall (who's challenging abuses of the Clean Air Act in Clark County).

Teri Knight, director of conservation science in the conservancy's Nevada office, says the conservancy's non-litigious approach is working well on many Southern Nevada issues. The conservancy, for example, has forged interactions among a number of community groups dealing with endangered species issues, and would like to keep those relationships friendly. A local restoration group is working on Muddy River biodiversity issues, where development and aquifer depletion threaten four species of fishes, including the rare Moapa dace, the riparian habitat and some invertebrates. Plans for restoring the Muddy River channel and its marshes include putting its curves back in [the river was straightened by Mormon settlers], removing salt cedar, getting rid of exotic fish, and bringing back the native ash-willow riparian canopy.

Another group, made up of biologists, Nye County officials and others--is working to deal with threats to the Amargosa toad, endemic to springs near Beatty. And Knight says that in these cases, it is better if a species is not listed under the ESA.

"If they get listed, then [we've] failed," she says. "If [the toad] gets listed, Nye County would kill it. They said 'we'll chlorinate the water and kill them all, so you won't have to come back here.'"

Suckling scoffs at this, says it's just "huffing and puffing." And it doesn't stop the center.

He compares the center's strategy to preserve biodiversity to the Bible story where all the species are loaded onto Noah's Ark.

"The Endangered Species Act is the most powerful, no-nonsense environmental law," he says. "[It says], 'We're going to save all the animals.' I look at the [ESA] as a civil rights bill for animals. It's no accident."

Scientists tell us we are in the sixth greatest extinction pattern in the planet's history, he says. "The house, literally, is burning down all around us. The No. 1 cause is habitat loss, and the No. 2 cause is exotic species. People, in general, don't understand what a worldwide crisis we're in. And if we do a poor job with the Clean Water Act, and an animal goes extinct, it's an absolute dead end. It's too late to clean the water. That's why we say, no compromise."