

Wednesday, September 10, 2010

Center for Biological Diversity

Tucson group makes industry of suing on behalf of wildlife

By Grant Martin *Cronkite News Service*

TUCSON – Wearing a rakishly unbuttoned short-sleeved shirt and two days' worth of stubble, Kieran Suckling looks more like an auto mechanic than one of the most influential and polarizing wildlife conservationists in the country.

But when he talks about how he came to devote a career to animal advocacy, he betrays an academic career steeped in philosophy and biological diversity.

"All humans very naturally love all wildlife," Suckling explains. "The oldest version of the Noah's Ark story is 1,600 years older than the Old Testament. And so from the very dawn of Western culture we have believed and acted on the belief that we should protect all species."

It's a philosophy that has catapulted Suckling – and the Tucson-based group he co-founded and now directs, the Center for Biological Diversity – to the forefront of the 21st century conservation movement.

The group has achieved its high profile in part through its litigation-based approach to conservation. Since July 1, for example, the center has filed 12 lawsuits to prevent development around the country that it contends would threaten various endangered species.

It's an approach that has earned Suckling a reputation as an agitator, a description that Andrew Smith, a longtime conservationist and biology professor at Arizona State University, calls accurate.

"They like to be a thorn in the side," Smith says. "At a convention for the Society of Conservation Biology I attended in July," Smith adds, "I heard more than a few people refer to Suckling as a renegade."

Even the center's detractors, however, concede that it is remarkably successful at effecting change through litigation. Suckling boasts that the center has achieved a favorable outcome in 93 percent of the lawsuits in which it has participated.

Those wins include a legal settlement earlier this year



Kieran Suckling, executive director of the Tucson-based Center for Biological Diversity, discusses the center's efforts on behalf of wildlife. Some government officials fault the center's emphasis on litigation over working toward consensus, but Suckling says the aggressive tactics are proper and effective.

to preserve 1,100 acres of habitat for the endangered Stephens' kangaroo rat in California from planned development. The center negotiated a 2008 settlement with the U.S. Fish and Wildlife Service that designated nearly 9,000 acres of critical habitat for picture-wing flies in Hawaii.

"They've always been very active, very successful when it comes to filing cases," says Jeff Humphrey, a spokesman for Arizona Ecological Services, a federally funded conservation agency. "But there's more to protecting wildlife than just a good win-and-loss record in the courtroom."

Humphrey says that Arizona Ecological Services, a subsidiary of the U.S. Fish and Wildlife Service, is a frequent target of litigation brought by the center.

"They require and ask of us much more than we can provide," says Humphrey, explaining the center's success in court. "Compared to them, we're understaffed and

underfunded, and we can't keep up with their demands."

Speaking at the center's headquarters, Suckling smiles when asked to elaborate on his organization's legal record.

"Being able to file litigation successfully is a very complicated matter, and we've been lucky to figure out we have a really good knack for it," he explains.

Suckling grows animated when explaining the nature of his group's negotiations with the federal government, characterizing it as a complex process of give and take.

"A boxing match doesn't take place [with] two guys standing in the middle of the ring and taking turns whacking each other," he says, swinging his fist for emphasis. "It's much more like a dance, and a rhythm, and it's about moving the other person around the ring and following and responding and planning where you're going."

The center employs about 20 staff attorneys, and Suckling estimates an additional 40 take cases on a pro bono basis.

Asked how a nonprofit organization pays for so many legal battles, Suckling explains that the center derives roughly equal funding from three bases: donations from a membership of nearly 300,000, foundation grants and funding from "a small group of very wealthy individuals."

According to the center's 2009 annual report, it had an operating budget of approximately \$7.5 million, of which nearly \$5 million was donated by its membership. Suckling referred to these members as part of a "communication network" that receives solicitations for donations whenever the center decides to file new litigation.

Part of what sets the center apart from other conservation agencies is its advocacy for all endangered animals, not just those most conventionally embraced by a sympathetic public.

"So many groups really just spend their life pandering to the panda," Suckling says. "We believe all living things are sacred, all living things are an amazing product of 4 billion years of evolution."

Suckling and two others founded the center in 1989

after discovering an endangered Mexican spotted owl in land the Forest Service had intended to lease to timber companies. After successfully lobbying the agency to preserve the land, the trio founded the Greater Gila Biodiversity Project.

The name was later changed to reflect the broadening scope of its influence, and today the center's focus has moved – both ideologically and geographically – away from its roots defending land-based animals in the Southwest.

Particularly emblematic of this shift was the center's vociferous advocacy for aquatic species threatened by this

Selected Center for Biological Diversity cases
Jaguar - The center sued the U.S. Fish and Wildlife Service three times to obtain a recovery plan and critical habitat designation for the jaguar. When the last known American jaguar was captured and later euthanized by the Arizona Game and Fish Department in 2009, the group called on Fish and Wildlife to perform an independent investigation of the incident. The investigation revealed that the state agency's actions had been unlawful.

Kangaroo Rat - In April 2010, the center won a legal settlement to stop the proposed large-scale development of a 1,100-acre habitat for the Stephens' kangaroo rat in California's Riverside County.

Picture-Wing Flies - In 2008, the center reached a settlement with the U.S. Fish and Wildlife Service designating nearly 9,000 acres of critical habitat for picture-wing flies throughout four counties in Hawaii.

Spotted Owl - In 2007, the center successfully battled a proposal by then-President George W. Bush to reduce by one-fifth the area designated as "critical habitat" for the endangered spotted owl in the Pacific Northwest.

summer's oil spill in the Gulf of Mexico.

"We came in there and descended on the Gulf like a chapter out of the Old Testament," Suckling says. "We filed seven lawsuits very, very rapidly, including the biggest clean water suit ever filed in history."

Looking ahead, Suckling anticipates increasing the size of his staff from 68 to about 150 in the next decade and acknowledges that the center's biggest challenge will be its commitment to its uniquely aggressive form of advocacy.

"We need to get out there and protect as much as possible," Suckling says. "We have to guard against viewing our work as a long-term mission where what's not done today will get done tomorrow, because sometimes things have to get done today. Tomorrow is too late."