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The Gods of Small Things

The Center for Biological Diversity cares as much about the unarmored threespine stickleback as it does a cathedral forest of trees, which is why it is reinventing the environmental movement and could be saving Southern California in the process.

When Teresa Savaikie came up against the developers of Newhall ranch, she called the Center for Biological Diversity. (Photo by Debra DiPaolo)

by Susan Zakin

TERESA SAVAIKIE SLAMMED HER FORD ESCORT to a halt on the parkway's outside lane, near the spot where a chunky construction worker was hauling up water from a riverbed. Ignoring the blaring horns of outraged suburban motorists, the barefoot woman, blond and good-looking in a classic Southern California way, approached the worker.

"Don't you know there are fish in there?" she asked him.

"Yeah, I seen some fish," he said.

"Well, you're not supposed to be sucking them up with that hose," she said.

"Hey, I'm just working here. You don't like it, call the city."

She turned the full force of her blue, mascaraed eyes on the guy. "I *need* one of those fish. Do you have a cup or something?"

Savaikie and the fish, a small inconspicuous creature called arroyo chub, were about to become unlikely characters in an intense drama playing out in the hinterlands of Los Angeles County, one that may turn out to be the biggest environmental battle of the decade. When the curtain drops, we just might be left with a new definition of wilderness and a new approach to protecting it, or, failing that, a free pass for the kind of development that ignores it.

Mixing a soccer mom and an environmental activist together might not always seem like a recipe for a David Lynch movie, but it was in this case. Indeed, it's safe to say that when Teresa Savaikie got married and moved in 1999 from working-class Highland Park to the *über*-suburb of Valencia, California, she had no intention of walking point for a Heidegger-quoting, Jesuit-fired, philosopher-turned-environmental iconoclast named Kieran Suckling. That was before she knew that the Newhall Land and Farming Company planned to build the largest housing development in Los Angeles County history on the banks of the Santa Clara River. The Santa Clara, which runs for 116 miles from Agua Dulce, a high-desert, Old West-feeling community 44 miles north of Los Angeles, to the Pacific, is the largest natural river left in Southern California. At a time when millions of dollars are being spent to restore some semblance of nature to the much-abused Los Angeles River, it looked like the Newhall Land and Farming Company was about to turn a tree-lined ribbon of water into a concrete garbage can.

For more than a decade, a small cadre of women old hippies, really had bucked business-as-usual by fighting development in this outlying suburb of Los Angeles. But they had been relying on the traditional argument that there wasn't enough water to fill hot tubs and water lawns, working on the assumption that Southern California was still like the movie Chinatown. Their arguments may yet prove persuasive, but with that strange little fish and other odd animals she noticed in her very back yard, Savaikie came upon something even bigger her little corner of what could fairly be called a global holocaust.

As it happened, soon after she moved to Valencia, Savaikie saw a bizarre neon-orange-and-black bird outside her window. "I thought it had escaped from a cage," she said, laughing. She watched the bird for a few days and realized her mistake. Her husband bought her an Audubon dictionary, where she found a picture of a hooded oriole that matched the creature darting among the palm trees in her neighborhood. "I wish I had never seen that damn bird," she says now. "I went back to the store and got another book, it was called The Lives of North American Birds. It had the status of each bird. I realized all these birds were declining. The reason the book kept listing was 'loss of habitat.' Declining brown

bird, declining this bird. Everything was declining."

She also discovered that Valencia, a locked-down, affluent Republican suburb that looks custom-built for the mallified masses, is actually a pretty remarkable place. She found out, too, that a lot of what is remarkable about it happens right where Newhall Ranch is set to rise, along the banks of the Santa Clara River.

Life congregates around water, especially in arid and semiarid places like Southern California. Behind phalanxes of oil-seeping auto malls and Home Depots, five federally listed endangered species live on the stretch of the Santa Clara River that runs through Los Angeles County. Their names alone help explain why few knew about them: the unarmored threespine stickleback, the arroyo toad, the Least Bell's vireo, the southwestern willow flycatcher and the slender-horned spineflower.

As an ecosystem, the Santa Clara River is no joke. From the river's headwaters to its outlet at the Pacific, you can find 10 species of plants and animals on the federal endangered-species list, and these are just the plants and animals that someone cared about enough to badger the federal government into protecting. For example, in San Francisquito Creek that day, Savaikie and her construction-worker helper captured an arroyo chub, a rare fish that doesn't receive federal protection but has been given special status by the state of California.

Although the Newhall Land Company hadn't yet received final approval for Newhall Ranch, it was quietly amputating the Santa Clara and its tributaries, filling in wetlands, building new wells, and pouring concrete to control natural flooding. In smaller subdivisions with names like Avignon and Bridgeport, megahouses were being constructed up to the water's edge. Savaikie worked the phones, telling her story to brand-name environmental groups like the National Audubon Society. They sympathized, but claimed they didn't have the time or money to fight development in every sprawling suburb. And while they gave lip service to protecting endangered species, they didn't get excited about an obscure toad or a 3-inch fish with a weird name. "They kept asking, 'Did you talk to the Center for Biological Diversity?'" Savaikie said.

The Center's Peter Galvin and Kieran Suckling way up the Santa Clara River
(Photo by Debra DiPaolo)

THAT THE CENTER FOR BIOLOGICAL DIVERSITY would be anyone's idea of a savior belies its roots, which are low-budget and iconoclastic even by environmental-group standards. A dozen years before it would set its sights on Savaikie's fight with Newhall Ranch, the Center's founder, Kieran Suckling, had taken a similarly dramatic left turn. Suckling was in his early 20s, a scruffy intellectual who had been ricocheting around the country on graduate fellowships studying everything from linguistics to mathematics at Stanford, Columbia, UC Irvine and the State University of New York at Stony Brook. In the summer of 1989, at a gathering of the radical environmental group Earth First! in the Jemez Mountains of New Mexico, Suckling met a fast-talking biologist-cum-politico named Peter Galvin who was studying the precarious existence of the spotted owl in New Mexico's Gila National Forest for the U.S. Forest Service. The meeting with Suckling would prove to be fateful, not just for the two young environmentalists, but for the environmental movement at large.

If the Forest Service knew Galvin better, they might not have been so quick to hire him fresh out of Prescott College in northern Arizona. He is dogged and his interests haven't changed much since bulldozers ripped into the woods behind his house where he used to play cowboys and Indians. "That was the beginning of the high-tech boom on Route 128 outside Boston," he says. "The pace of sprawl was just unbelievable. For a lot of people in my generation the pace of destruction has been so rapid you'd have to be comatose not to notice." Galvin didn't have to work hard to convince Suckling that the Mexican spotted owl should be more vocation than vacation. Having researched the raptor at Prescott College, he knew the owl was in danger of dying out. The studies he and Suckling worked on that summer helped prove it. Galvin, who had been an Earth First! activist as a college student, wanted to do something right away, file papers to get the owl protected under the federal endangered-species act, stage a protest, *something*.

Think bigger, Suckling told Galvin. Over the next 18 months, Suckling and Galvin pulled all-nighters at the University of New Mexico library in Albuquerque, gathering evidence that at least 100 species of plants and animals were facing extinction in the high country surrounding the Gila River watershed, a 70,000-plus-square-mile region stretching from western New Mexico to the Mexican border. In the shadowed folds of New

Mexico's canyon country, Suckling and Galvin stumbled onto a phenomenon that fused the aesthetic, scientific and political arguments of traditional conservation around a hard truth: extinction.

For these two, it was a small step from the Gila National Forest to global holocaust. The species circling the drain in New Mexico, were, in fact, only a small part of what scientists everywhere were calling an extinction episode rivaling the end of the dinosaur age. The first hints of an extinction crisis had come in the 1980s, when supercomputers allowed biologists to understand entire landscapes rather than a lagoon here or a forest there. As the studies racked up, they realized that the sixth major extinction episode in four and a half billion years of evolution was under way.

It was no coincidence that the appearance of an unfamiliar bird spurred Teresa Savaikie to learn about extinction. She had grown up in a world in which one-fifth of the world's bird species had already died out. The birds were a portent, the proverbial canaries in the coal mine. E.O. Wilson of Harvard and other scientists predict that an equal proportion of the world's other species are likely to disappear over the next 30 to 50 years. To see the future, all one has to do is look south: Extinctions in rainforests already have increased to between 1,000 and 10,000 times the usual rate of one species per 1 million species a year. Of the world's six great extinctions, this is the first caused by humans. The murder weapons are as varied as contemporary life, from unregulated logging in the Ivory Coast to metastasizing condominiums in Florida.

Spurred by the urgency of extinction, Suckling and Galvin began a conversation that has continued almost without interruption for 13 years. Suckling has become the conceptual thinker behind the Center for Biological Diversity, keeping track of a dense library of information and making connections that turn seemingly isolated cases into big-picture causes. Galvin is more a concrete strategist, politically adept and always fascinated by the quirky habits of pink fish and red-legged frogs.

Suckling and Galvin started slowly at first, filing a petition in 1989 to list the Mexican spotted owl on the endangered-species list, and then one to protect the Northern goshawk in 1991. After that came the deluge: 58 frighteningly well-researched petitions to list everything from an orchid called the Canelo Hills ladies' tresses to the yellow-billed cuckoo. Unfortunately, their tsunami of petitions landed inside the Beltway just when the Clinton administration was trying to sort through hundreds of previously neglected endangered-species listing petitions approved by the first Bush in his final days. To complicate matters, Republicans had gained a majority in Congress in 1994. Industry-friendly politicians from the West, where the majority of high-stakes endangered-species conflicts were brewing, started whittling away at the Endangered Species Act. Many in Congress threatened to rewrite the law so dramatically that it would become virtually impossible to protect species.

Soon Suckling and Galvin's combination of full-on energy and political naiveté — with a soupçon of arrogance — infuriated people across the political compass. Critics ranged from New Mexico cattlemen to then-Secretary of the Interior Bruce Babbitt, who was struggling to change a pattern of misuse of federal lands without being run out of town on a rail by Old West right-wingers.

"There's no question that Kieran and Peter were viewed as huge pains in the rear end," says Don Barry, who was Babbitt's assistant secretary of the interior at the time. "They were totally upending and reorganizing the Fish and Wildlife Service priorities, imposing their own sense of priorities based on what the grassroots groups wanted when we were dealing with national priorities. They kept hitting the accelerator with us."

Nobody would have paid attention to the guys' frenetic paper shuffling if it hadn't been for the one characteristic that truly annoyed the bureaucrats: an ability to win in court that seemed almost uncanny. But there was nothing magical about it. The agency charged with protecting most endangered species, the U.S. Fish and Wildlife Service, has traditionally been weak and underfunded. Once the extinction crisis hit, the beleaguered bureaucrats were simply unable to keep up. For Suckling and Galvin, the legal possibilities seemed inexhaustible. There were lawsuits forcing the agency to list species, lawsuits against the agency for missing deadlines (sometimes by decades), lawsuits to force the agency to actually protect the species it had listed but then ignored.

They might not have known it at the time, but by moving the battlefield from the lobbying halls of Capitol Hill to courtrooms, Suckling and Galvin were leaving their counterparts in the dust by simply catching up with political realities. These days, corporate contributions to candidates outpace those from do-gooder organizations such as the Sierra Club by more than 50-to-1. Congress is no longer friendly to environmental legislation; only one major environmental law had passed since the '70s, the relatively non-controversial Safe Drinking Water Act. With strong laws already in place, and increasingly complex debates that didn't scan with the general public, the best bet now

is using the courts to enforce environmental laws to the hilt, supported by increasingly sophisticated scientific research.

The Endangered Species Act is widely regarded as the nation's strongest environmental law. Suckling and Galvin were among the first environmentalists to wield the law as an assault weapon instead of a rapier. The Center relentlessly hounded the Fish and Wildlife Service to protect endangered species and their habitat, regardless of the threat of political fallout.

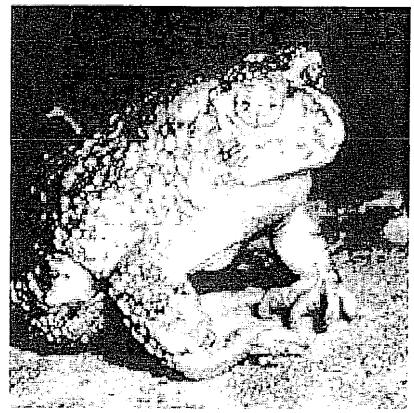
In environmental lawyer Mark Hughes, Galvin and Suckling found just what they needed. Hughes had tried for years to convince his colleagues at the Sierra Club Legal Defense Fund (now Earthjustice) to bust a move on the Mexican spotted owl. When no action came, he resigned in disgust and founded his own law firm. Galvin, who had a master's degree in conservation biology, but who is the son of a lawyer, begged, cajoled and charmed Hughes into working for what he and Suckling had taken to calling the Greater Gila Biodiversity Project.

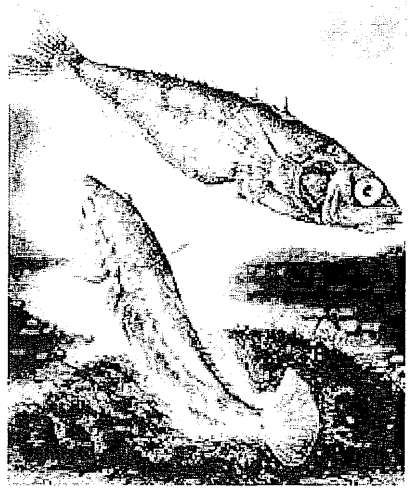
Hughes won an injunction that stopped logging for 18 months on 2.4 million acres of national forests. A judge ordered the U.S. Forest Service to spend that time figuring out how many trees it could cut down without hurting the Mexican spotted owl. It turned out to be a lot less than the Forest Service had in mind. Logging on national forests in Arizona and New Mexico declined 84 percent from 1989 to 2001; much of this shift can be attributed to legal strong-arming by the Center for Biological Diversity, as the group began calling itself.

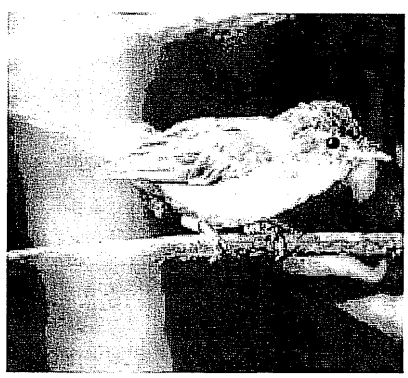
The Mexican spotted owl case started one of the longest winning streaks in the history of the environmental movement. In a dozen years, the Center for Biological Diversity, which moved to Tucson, Arizona, in 1995, won 80 percent of its cases, roughly twice the rate of most environmental law firms, gaining protection for 288 species in 44 states. It has changed the way 38 million acres are managed in the American West, ended cattle grazing along hundreds of miles of fragile desert rivers, slowed the sprawl of subdivisions, and reduced logging from Alaska to Arizona. Because they deal in protecting plants and animals and because loss of habitat is the most common cause of extinction, the Center has become a one-stop shopping outlet, suing on everything from big dams to the expansion of military installations.

It may sound elementary to make species protection the main thrust of protecting the environment, but, in fact, the Center was making a radical departure from old-line male environmentalists who cared more about conquering mountains than nurturing warm fuzzy animals. Heather Weiner, a Washington, D.C.-based environmentalist, says that until the Center came along, practically the only people aggressively lobbying for endangered species were tough women like her who did battle on the Hill dressed in short skirts and armed with attitude.

Washington, D.C., environmental attorney Eric Glitzenstein, who has litigated on behalf of the Center, believes the group has almost singlehandedly pushed endangered-species protection to center stage, edging out more familiar but less pressing issues like pollution, where the big battles have mostly been won. *Fearless* was the word that kept coming up when Nathaniel Lawrence of the Natural Resources Defense Council (NRDC) — a more conservative Washington, D.C.-based conservation group that also specializes in science and litigation — talked about the Center for Biological Diversity. "They are, pound for pound, dollar for dollar, the most effective conservation organization in the country," Lawrence says.







Photos courtesy National Wildlife Federation and Jim Greaves (bottom) (Photo by Anne Fishbein)

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