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Lawsuit seeks greater protection for endangered bumblebee

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Conservation groups are asking a federal court to overturn a U.S. Fish and Wildlife Service decision to not grant critical habitat designation for Minnesota's state bee, the rusty patched bumblebee.

The bee was listed as endangered in 2017, but the agency said last year a critical habitat designation wasn't needed for the bee because there is adequate habitat available.

The USFWS said it does not comment on pending litigation.

"We kind of call it a habitat generalist. You can find rusty patched habitat in places like suburban, or urban areas, back yard areas, prairie, agricultural fields. That is not a factor that's limiting it's survival," agency spokesperson Georgia Parham said last year.

Lori Ann Burd, environmental health director with the Center for Biological Diversity, disagrees with that assessment.

"That's an easy excuse for the agency to make, but it's simply not the case here, and it conflicts with their own decision to list the bee in which they said it's limited by habitat," she said.

Burd's organization filed the current lawsuit along with the Natural Resources Defense Council and Friends of Minnesota Scientific and Natural Areas.

When it listed the bee as endangered, the Fish and Wildlife Service noted habitat loss, intensive farming, disease, pesticides and climate change as reasons why the rusty patched bumblebee range has diminished from 28 eastern and midwestern states to scattered reports in 13 states, including a significant population in Minnesota.

Pesticides are a key reason to extend critical habitat protections for the bee, Burd said. Widespread use of the herbicide glyphosate has reduced flowering wild plants in agricultural areas, and in many places, the plants bees feed on are contaminated by the common neonicotinoid insecticide.

“You might look out there and say, I see habitat,” said Burd. “I see roadsides, I see edges of fields, I see gardens. They are all physically there, but they're poisonous to this bee.”

Burd said without access to habitat protected from pesticides it will be more difficult for the endangered bee population to recover.

“The Endangered Species Act is 99 percent effective at preventing species from going extinct, but to harness its power we have to use its tools. And one of the most important tools is protecting critical habitats,” she said.

The rusty patched bumblebee was named the state bee in 2019.