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Bee Defenders Want Protections for Species at Extinction's Door

March 24, 2021, SAMANTHA HAWKINS

The rusty patched bumblebee is the only bee listed as an endangered species, but environmental groups still have to fight for its protection.

WASHINGTON (CN) — In their fourth lawsuit trying to protect a wild bee species, conservation groups say that the government's refusal to designate critical habitat is driving the rusty patched bumblebee to [the brink of extinction](#).

Filed Wednesday in Washington, the [federal complaint](#) comes from the National Resource Defense Council, the Center for Biological Diversity and the Friends of Minnesota Scientific and Natural Areas. Back in 2016, the council was part of a court fight to have the rusty patched bumblebee [designated as an endangered species](#). It [sued again the following year](#) after the Trump administration [tried to delay the protections](#), and [again in 2019](#) when U.S. Fish and Wildlife Service missed the deadline to designate critical habitat for the bee. The Endangered Species Act uses habitats to protect features that are essential to a species' survival.

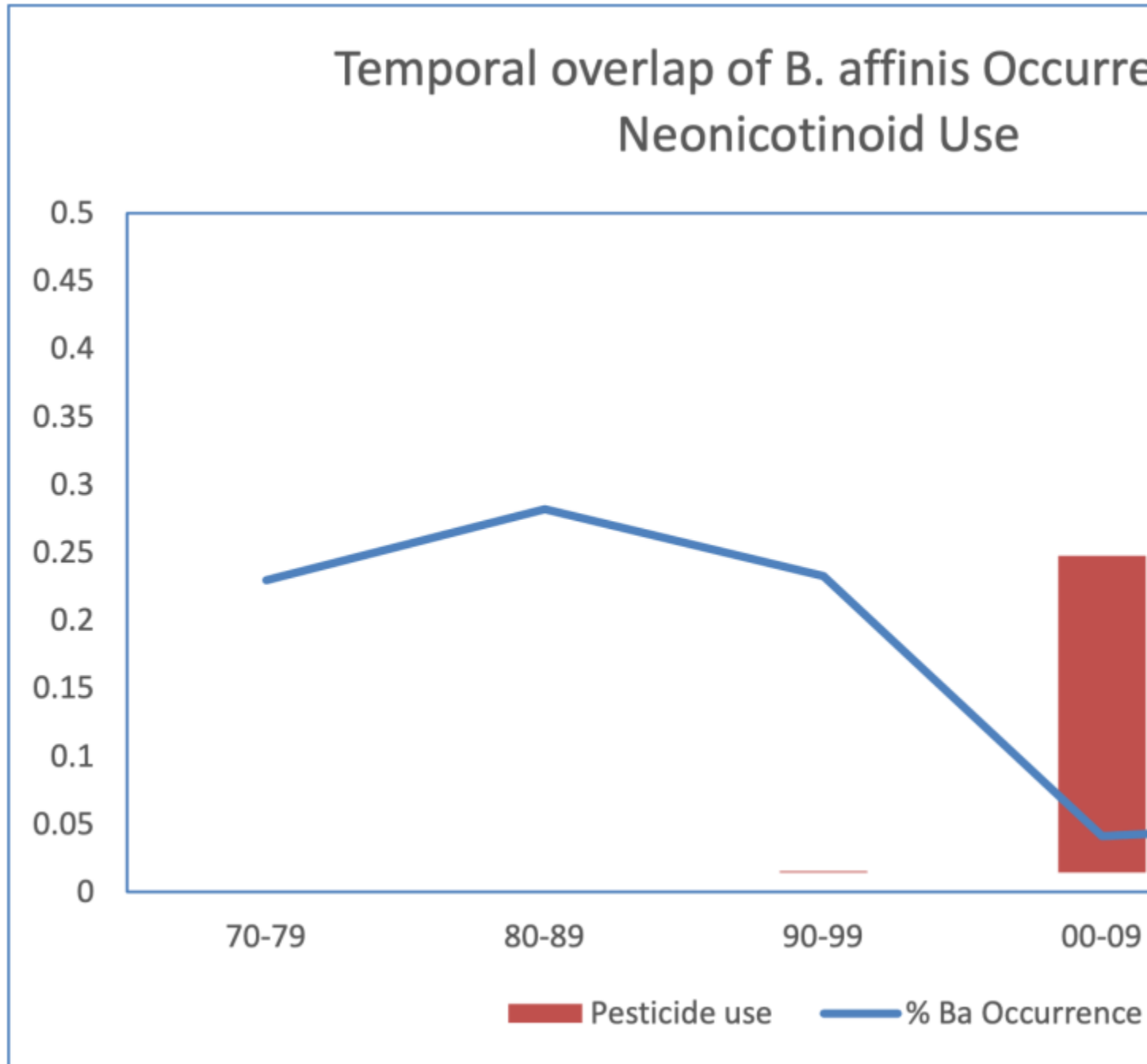
"The agency has gone onto this kicking and screaming and has had to be dragged every step of the way," said Lori Ann Burd, a senior attorney at the Center for Biological Diversity. "They have steadfastly refused to comply with any of its obligations under Endangered Species Act unless they are sued."

With the latest lawsuit, the groups are challenging a [September decision](#) where Fish and Wildlife said it would be "not prudent" to not designate critical habitat for the rusty patched bumblebee.

"The present or threatened destruction, modification, or curtailment of habitat is not the primary threat to the species, and the availability of habitat does not limit the conservation of the rusty patched bumblebee now, nor will it in the future," the Fish and Wildlife Service wrote.

Lucas Rhoads, an attorney for the National Resource Defense Council, says that the "not prudent" exception for designating critical habitat for endangered species is narrow and should only be used if it would harm the species. For example, if designating the land increased disturbance or poaching of the species.

“They said that the lack of habitat does not, and will never, pose a risk to the rusty patched bee,” Rhoads said of the Fish and Wildlife’s “scattershot” justification. “Not only is that legally irrelevant and untied to statutory standards, but it also contradicts the service’s own information.”



(Graph courtesy of Fish and Wildlife Service via Courthouse News)

In 2016, when designating the rusty patched bee as endangered, Fish and Wildlife found

that without protection, the species would likely disappear from most of its remaining habitat within five years and go completely extinct within 30 years. The bee, which plays a critical role in pollinating crops and wild plants, is under continued stress and has already disappeared from 87% of its native range.

[That report](#) from Fish and Wildlife listed habitat loss and degradation as one of five reasons for the bee's decline, in addition to pathogens, [pesticides](#), climate change and small population dynamics. The agency also outlined specific habitat features that are important for the survival of the pollinator, including a wide variety of flowering plants and wooded areas to allow underground nesting.

But the agency appears to ignore such findings with the September decision.

Rhoads said the protected habitats would have been good for other pollinators as well.

The rusty patched bumblebee is the only bee designated as endangered under the Endangered Species Act, though there are 4,000 species of native bees in the United States. Burd says the bee was able to get designated because it is well-loved and well-studied, allowing enough data to make the case for protection status. Conservation groups have petitioned for other bees to be listed on the endangered species list — as many if not all have rapidly declining populations — but the petitions are still pending.

“These species have existed on this planet for longer than humans,” Burd said. “Our actions have put them in this position and our actions can recover them — it’s just a matter of mustering the political will to do so. And to date the Fish and Wildlife Service has refused to do it.”

Burd said she’s hopeful that things change under the Biden administration.

Representative for Fish and Wildlife declined to comment, as is the agency standard regarding pending litigation.