

Greens sue for bumblebee critical habitat

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Environmentalists today sued the Fish and Wildlife Service for declining to designate critical habitat for the endangered rusty patched bumblebee.

The lawsuit filed in the U.S. District Court for the District of Columbia challenges the agency's decision last summer, during the Trump administration, that designating critical habitat for the species was "not prudent."

"Having to drag the Service to court at every step is getting old; they should just do right by the bee in the first place," said Lucas Rhoads, staff attorney at the Natural Resources Defense Council.

The NRDC joined the Center for Biological Diversity and Friends of Minnesota Scientific and Natural Areas in the **lawsuit**, the latest in a series of legal actions about the bee.

The rusty patched bumblebee was listed under the Endangered Species Act in 2017 after a petition from the Xerces Society and a lawsuit by the NRDC. A second lawsuit led to a settlement requiring FWS to make a critical habitat decision in 2020.

"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 bumble bee now, nor will it in the future," FWS stated last year ([Greenwire](#), Aug. 31, 2020).

Once common throughout the midwestern and northeastern United States, the rusty patched bumblebee has since vanished from 87% of the counties it formerly inhabited. Habitat loss, pesticide use, climate change and disease have all been identified as threats to its existence.

Critical habitat is defined as habitat with "physical or biological features essential to the conservation of the species and which may require special management considerations or protection." The rusty patched bumblebee likes woodlands, grasslands and gardens.

When FWS listed the bee in the final week of the Obama administration, the agency said that although designation of critical habitat "might be prudent," it was "not determinable" at the time.

"We have now analyzed more complete data and have a better understanding of the life-history needs of the rusty patched bumble bee," the agency said last year.

FWS said that although the bee is no longer present in 20 of the 31 states and provinces where it occurred historically, suitable habitat is "still widespread" in these areas.

"The Service's refusal to provide the habitat protections this gravely imperiled bee so desperately needs is a betrayal of its mission to protect endangered species," Lori Ann Burd, environmental health director at the Center for Biological Diversity, said today.

