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Reinstate Endangered Species Protections for Beetle, Suit Says

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- **COURT:** D.D.C.
- **TRACK DOCKET:** [No. 1:21-cv-00791](#) (Bloomberg Law Subscription)
- **JUDGE:** [Timothy J. Kelly](#) (Bloomberg Law Subscription)

The Trump administration irrationally down-listed the American burying beetle from endangered to threatened, despite the beetle's greater risk of extinction due to climate change, according to a lawsuit filed Thursday in a Washington, D.C., federal court.

The reclassification removed key Endangered Species Act protections for the insect, which exists in a small part of its historic range and faces the same threats that led to its original listing, according to the complaint in the U.S. District Court for the District of Columbia.

The U.S. Fish and Wildlife Service acknowledged one population of the beetle will likely no longer exist in the southern Great Plains within 19 years, the lawsuit says.

The American burying beetle is the largest carrion beetle in North America, according to the Center for Biological Diversity's complaint. The beetle is named for its process of burying dead animals and then using it to feed larvae.

The agency said in October that it considers habitat loss and reduced carrion resources as "relatively minor" threats to the species, the lawsuit says. The decision came as a win for oil and gas companies that sought to remove regulatory hurdles for pipelines and land development, according to the complaint.

However, the agency ignored and failed to apply the best scientific and commercial data available, the lawsuit says. The evidence shows the "overwhelming threats causing a decline in the species" are habitat destruction, fragmentation, and reduced carrion availability, according to the complaint.

"We hope the Biden administration will reconsider the previous administration's misbegotten decision and protect this vulnerable and important beetle again," said Kristine Akland, a staff attorney at the center, in a statement Thursday.

Causes of Action: ESA; Administrative Procedure Act.

Relief: Declaratory relief; an order vacating the rule and reinstating the beetle's status as an endangered species; attorneys' fees and costs.

Response: Fish and Wildlife spokesman Brian Hires said Thursday the agency can't comment on pending litigation.

Attorneys: The Center for Biological Diversity represents itself.

The case is [Ctr. for Biological Diversity v. Fish and Wildlife Serv.](#), D.D.C., No. 1:21-cv-00791, 3/25/21.