ENDANGERED EARTH

CENTER FOR BIOLOGICAL DIVERSITY • FALL 2023

Photo of American alligator by jc.winkler/Flickr CC BY

WHAT'S NEEDED FOR THE NEXT 50 YEARS OF THE ENDANGERED SPECIES ACT

This year marks the 50th anniversary of the Endangered Species Act, the world's most successful law for protecting animals and plants from extinction. When the law was passed, it marked a key inflection point in the United States' history and culture. In the years leading up to its passage in 1973, Americans were witnessing the catastrophic decline of some of the most iconic species in the country, including bald eagles, grizzly bears, American alligators, and Florida manatees.

Decades of habitat destruction, exploitation, pesticides, pollution and other threats were pushing once-common species to the brink. It was in that heartbreaking moment when we collectively decided that we'd go to any length to save the most vulnerable animals and plants from extinction.

Five decades later, the Endangered Species Act boasts a stunning record of success. It has prevented the extinction of roughly 300 species since its passage. More than 99% of the species under its care have been saved or are on the road to recovery. It has protected millions of acres of forests, mountains, rivers, deserts, beaches and oceans.

Despite the Act's remarkable success, our planet faces an existential crisis, with 1 million species facing extinction in the coming decades. So as we reflect and celebrate the Act's achievements, we must also recognize that combating the wildlife extinction crisis, stemming the loss of biodiversity, and restoring our natural heritage will require our leaders to be bolder and more visionary than ever before.

This transformation must start with Congress fully funding the law. The Endangered Species Act remains our best tool to end extinction, but decades of underfunding have kept it from realizing its full potential. The U.S. Fish and Wildlife Service currently receives less than half the funding it needs to fully implement the Act's mandate to recover threatened and endangered species. To begin addressing the extinction crisis, Congress must fully fund the agency's endangered species program by providing at least $800 million per year. This level of funding would ensure every listed species gets at least $50,000 per year for their recovery.

But sufficient funding will only fix part of the problem. Both the Fish and Wildlife Service and NOAA Fisheries have suffered from years of overt political and industry pressure designed to weaken the Endangered Species Act. As a result, the Services' implementation of the Act is no longer primarily driven by the best science or conservation principles, as the law envisions.

Instead, increasingly, the primary motivation is avoiding political controversy. Fundamental agency reform is desperately needed, starting with new leaders who are committed to pushing for ambitious regulatory safeguards that strengthen the implementation of the Act to address some of the long-standing issues that have plagued the wildlife agencies for decades, such as improper political interference, lackluster enforcement, and unnecessary bureaucratic delays.

Bold regulatory improvements must include restoring scientific integrity at the wildlife agencies, requiring every federal agency to prioritize the conservation and recovery of endangered species, as the Act requires, and guaranteeing that our government can no longer ignore the impacts of greenhouse gas emissions in their actions on climate change and climate-imperiled species.

Further, the Services need to adopt a more holistic, ecosystem-based approach to recovery that not only repairs what has been harmed but rebuilds populations of wildlife and plant species to help preserve our natural heritage for generations and centuries to come.

Time is running out, but it's not too late. Now more than ever, we need our leaders to take swift action that matches the extent and scale of the problem. The Endangered Species Act still shows the best path forward for saving life on Earth, but we must ensure that we protect and strengthen it so it can continue to save and restore the natural world around us for another 50 years and beyond.

Stephanie Kurose • Senior Endangered Species Policy Specialist • Goverment Affairs

A CRUCIAL MOMENT FOR WOLVES

More than four decades of wolf recovery efforts have paid off, but that recovery is still uncertain. The coming year or so will be pivotal in writing their next chapter. Here's a look at where things stand.

NATIONWIDE: Last year, due to litigation brought by the Center and our partners, gray wolves regained federal protection across the lower 48 — except for the northern Rockies. The Center is pushing for a comprehensive, national recovery plan. In August a federal judge, responding to a Center lawsuit, said the U.S. Fish and Wildlife Service's outdated, regional wolf recovery plans fall short. Our legal work to secure a plan to recover wolves across the lower 48 goes on.

OREGON AND WASHINGTON: We continue to demand accountability and transparency in wolf-management actions by state wildlife agencies in Oregon and Washington. In Washington we're seeking adoption of enforceable regulations requiring use of nonlethal conflict prevention measures to address livestock-wolf conflicts. In Oregon we're gearing up with allies in preparation for the upcoming five-year review of the state wolf plan to ensure it protects wolves and promotes their recovery.

CALIFORNIA: A new pack turned up in the Sierra Nevada this summer, making it the fifth to become established since wolves returned to the Golden State in 2011. We continue to be a leading voice educating the public about the cultural, historical and ecological importance of wolves in the state. They remain under state and federal protection.

NORTHERN ROCKIES: With ramped up wolf-killing in Idaho, Montana and Wyoming, the Center took our fight for wolves to the courts to restore their federal protection and oppose brutal killing authorized by the state agencies. This year we secured a legal win that forces the Fish and Wildlife Service to act soon on our petition to relist wolves in the northern Rockies.

COLORADO: The Center played a pivotal role with partners in the multiyear campaign that culminated in the 2020 statewide vote to reintroduce wolves by the end of 2023. To ensure the success of this important reintroduction effort, the Center opposes plans that will make it too easy for government agents and ranchers to kill the animals. The Center continues to vigorously advocate for what the state voted for almost three years ago: restoring the natural balance with live wolves.

UPPER MIDWEST: Currently protected by the Endangered Species Act, the thousands of wolves in the Upper Midwest are now safe from hunters and trappers. With help from our members, we are pushing state agencies in Minnesota, Wisconsin and Michigan to draft wolf plans that promote their ecological value and reduce wolf-killing if they once again lose federal protection.

NORTHEASTERN UNITED STATES: Last year, along with allies, the Center helped establish an alliance of conservation groups across New York, New Hampshire, Maine, Vermont and Massachusetts to advocate for wolf recovery in the region. Our group efforts have already garnered media attention, including the promotion of results from genetic testing we had done on an animal shot by a hunter in New York that showed it was a wolf, not a coyote. We'll continue to ramp up efforts in the Northeast, and in partnership with groups in the Algonquin area, to safeguard eastern wolves that may be dispersing to the United States from across the border.

NORTH CAROLINA: Only about a dozen red wolves survive in the wild, all of them in eastern North Carolina. The population remains tenuous but, after years of advocacy by the Center and others, recovery efforts are on a better track. In response to our litigation, the Fish and Wildlife Service will publish a final recovery plan for red wolves this year. And we're headed back to court to push the Service to reduce shooting deaths of reintroduced wolves. Sadly, though, a red wolf was illegally shot and killed in early 2023. The Center contributed $10,000 to the reward to find those responsible.

SOUTHWEST: With 241 "lobos" counted this year in the wild in the Southwest, our litigation and other advocacy aims to enable Mexican wolves to expand their range northward into northern Arizona and New Mexico and southern Utah and Colorado, constrain wolf-killing by poachers and governmental agencies, and ensure effective releases from captivity to the wild for desperately needed genetic enhancement.

What you can do: Stay tuned for our upcoming action alerts to help protect wolves.

HARD-WON VICTORIES FOR CLEAN WATER

Water is the stuff of life — but only if it's clean.

The Center has been working for years to protect species by keeping toxic substances out of rivers, streams and other waterways. This work is especially important for species hovering on the brink of extinction, but much of it is a slog: legal briefs, comments, petitions, grassroots activism, and endless badgering of the bureaucratic system to make sure wildlife is protected and polluters are held accountable.

This year, we've seen some remarkable headway.

This summer a federal judge vacated the Bureau of Land Management's approval of the Caldwell Canyon phosphate mine in southeastern Idaho. We sued to stop this mine because it posed major threats to groundwater, waterways and sage grouse. The phosphate ore was to be used by Bayer AG — which purchased Monsanto in 2018 — to manufacture glyphosate, the active ingredient in Roundup pesticide products. The Environmental Protection Agency has determined glyphosate may harm 93% of all endangered plant and animal species. Thanks to our lawsuit, the region's waters and wildlife are safe (for now) from this mine and the dangerous pesticide it was going to produce.

Also this summer, we scored a groundbreaking legal victory to finally ensure that the U.S. Fish and Wildlife Service and the EPA will analyze how pesticides sprayed into U.S. waterways might be harming endangered species. For more than a decade, the EPA has been issuing a nationwide permit for pesticides sprayed into rivers and streams — but has never bother to find out whether it's pushing the country's most vulnerable animals and plants closer to extinction. The upcoming analysis will go a long way toward protecting species like bull trout and pallid sturgeon.

We had yet another recent precedent-setting victory in our case challenging the EPA's appalling refusal to look at harms to endangered species in a rule nearly tripling the allowable amount of the heavy metal cadmium in U.S. waters. Agreeing with our arguments, the court said no way — vacating the harmful criteria and sending the entire rule back to the EPA. Atlantic sturgeon, sea turtles, and people will be safer without having to face so much toxic heavy metal pollution.

Meanwhile, the Center has joined Northwest Environmental Advocates in a legal petition urging the EPA to add more than 1,000 industrial and commercial pollutants to its list of toxic pollutants requiring Clean Water Act regulation. Those include "forever chemicals" like PFAS, flame retardants, and pesticides commonly used in industrial agriculture, like atrazine. The EPA hasn't added a new pollutant to its list in 47 years, so we hope this will finally spur the agency into action. If not, as always, we'll be prepared to step up and take action.

Hannah Connor • Deputy Director and Senior Attorney Environmental Health Program

Photo of Kootenai River by Tim Peterson

NATIONAL MONUMENT VICTORIES BRING GAINS FOR BIODIVERSITY, TRIBES

With the Colorado Plateau's summer monsoon this year came a new national monument. On August 8, President Biden designated the Baaj Nwaavjo I'tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument.

The monument in northern Arizona, which spans 1 million acres of public land flanking the iconic national park, was proposed by the Grand Canyon Tribal Coalition, a coalition of more than a dozen regional Tribes. Baaj Nwaavjo means "where Tribes roam" in Havasupai; in Hopi, I'tah Kukveni means "our ancestral footprints."

The Baaj Nwaavjo I'tah Kukveni cultural landscapes are arid, austere and vast. Deep human history is shown in ancient homes, trails, and tools that trace back millennia to Indigenous cultures and practices today. Rich endemic biodiversity reflects a place whose stark environmental gradients beget evolution and speciation.

We're celebrating this important designation at the Center. For decades we've been working to protect public lands, and national monuments can be a crucial way to safeguard animals and plants, biodiversity, clean water and clean air — as well as to help stem the wildlife extinction crisis. The designation is especially valuable in the Southwest, where the effects of the climate emergency are more pronounced every day.

The new monument makes permanent a temporary ban on new uranium mines enacted in 2012, won and led by the Havasupai Tribe. Mines damage sacred sites and aquifers feeding the Grand Canyon's biodiverse springs and creeks, and since 2008 mine proposals have met near-continuous litigation from the Center, the Havasupai Tribe, and allies. That work will now focus on closing a handful of mines whose rights the monument didn't undo.

Importantly, the Baaj Nwaavjo I'tah Kukveni proclamation acknowledges a history in which conservation laws were, for Tribes, also instruments of dispossession. Where in the 1920s the National Park Service forcibly removed Havasupai people from Grand Canyon National Park, now comanagement of Tribally proposed national monuments like Baaj Nwaavjo and Bears Ears shows progress in that history. Good news on national monuments didn't end with Baaj Nwaavjo I'tah Kukveni's designation. Three days later a federal judge dismissed two lawsuits by the state of Utah attacking the Antiquities Act and attempting to undo President Biden's restoration of Bears Ears and Grand Staircase-Escalante national monuments.

That judge's ruling, which upholds both monuments, emphasized that the Antiquities Act gives the president broad authority to designate national monuments and that the court can't second-guess that judgment. To date, no court has been willing to review, much less reverse, the designation of a national monument.

Still, we expect legal attacks on the Antiquities Act to continue, including lawsuits challenging Baaj Nwaavjo I'tah Kukveni's designation and the restoration of the Bears Ears and Grand Staircase-Escalante. The Center, alongside our Tribal and conservation partners, will keep fighting back with successful legal interventions.

Taylor McKinnon • Southwest Director

Photo of House Rock Valley by Taylor McKinnon/Center for Biological Diversity

A LONG FIGHT FINALLY PAYS OFF FOR CACTUS FERRUGINOUS PYGMY OWLS

For me there's nothing more synonymous with the Sonoran Desert than fierce little cactus ferruginous pygmy owls. Named for their rusty-colored stripes and the saguaro cactuses they nest in, these 7-inch owls prey on birds twice their size and feed lizards to their nestlings.

Despite their ferocity, pygmy owls have declined in the face of urban sprawl and climate change-driven drought. With invasive vegetation like buffelgrass, which promotes fire, spreading through the Sonoran Desert, both the pygmy owls and the saguaros they need to nest are at real risk of disappearing forever. This unravelling of an entire ecosystem threatens to disrupt life as we've known it in southern Arizona.

The Center first petitioned the U.S. Fish and Wildlife Service to protect the species under the Endangered Species Act in 1992, leading to its listing as endangered in 1997. This protection started a long and sometimes contentious conversation about sprawl in Tucson, ultimately leading to adoption of the Sonoran Desert Conservation Plan, which promised to protect 116,000 acres of habitat for 44 species, including pygmy owls, to mitigate for ongoing habitat loss.

That could have been the end of the story — and almost a happy one — but the Arizona Homebuilders Association successfully sued the Fish and Wildlife Service, and in 2006, endangered species protection for the pygmy owl was stripped away. The owl didn't lose protection because it was no longer endangered but rather on a technicality — and because the Bush administration didn't want to retain protection. In 1997 the Service had protected the pygmy owl solely in Arizona, without specifying what made the population distinct from birds in Mexico.

The Center didn't sit back and accept defeat. We immediately challenged delisting in federal court, and in 2007 we filed a new petition for endangered species protection — including in Mexico where the pygmy owl faces the same threats. The 9th Circuit Court of Appeals ultimately decided that the Service was entitled to deference in delisting the species.

In 2014 the Service denied our new petition for protection, arguing that the Sonoran Desert, where the pygmy owl is unquestionably at risk of extinction, is insignificant because the species will survive in other portions of its range in Mexico and a small portion of the Rio Grande Valley in Texas. The Center once again went to court and in 2017 overturned the Service's denial.

And then this year, after nearly two decades, the Center finally regained protection for the pygmy owls, this time as a threatened species throughout the entirety of their range in Arizona, Texas and Mexico.

I'm relieved to have these small owls protected once again, but their story is all too common. It shouldn't take years, lawsuits and multiple petitions for a species to be protected under the Endangered Species Act — especially in cases where it's painfully clear they're in trouble. The Center is actively working to reform the Fish and Wildlife Service so species don't have to wait so long for lifesaving help. We'd hoped the change in administration would make a difference, but sadly it hasn't.

So what now for these beloved birds? We'll be pushing to protect their most important habitat and fighting the planned construction of Interstate 11, which represents an existential threat to pygmy owls and many other species in southeastern Arizona. Above all else, we have to make addressing the twin crises of extinction and climate change an urgent priority — as a society — or we'll lose these precious owls. And a whole lot more.

Noah Greenwald • Endangered Species Director

Photo by Sky Jacobs

A HISTORIC CLIMATE MARCH IN NYC

More than 75,000 people took to the streets of New York City last month — including Center staff and members — in the largest climate demonstration since President Biden took office.

The March to End Fossil Fuels was an inspiring and groundbreaking event that called on Biden to stop approving fossil fuel projects, phase down oil and gas drilling, declare a climate emergency, and provide a just and equitable transition off fossil fuels.

The September 17 march was all about people power. We were led by New York grassroots organizations; Black, Indigenous and other communities of color; as well as young people, elders, faith leaders and frontline communities living next to oil and gas facilities. Center staffers spent months planning and organizing to get the best turnout possible. We also led a biodiversity section of the march, including people holding 50 or so monarch signs that hovered above the crowd.

The march drew worldwide media attention and escalated pressure on global leaders, including Biden, to make real change. Its focus on the demand to end fossil fuels marks a crucial new shift in our movement for climate action.

The mass mobilization took place ahead of the first United Nations Climate Ambition Summit, on Sept. 20, where U.N. Secretary-General Antonio Guterres urged world leaders to make commitments to phase out fossil fuels.

Earlier this summer, more than 500 groups from six continents sent a letter to Biden demanding that he stop fossil fuel expansion. Since the beginning of Biden's term, the Center has been clear about the steps he needs to take using executive and emergency powers to address the climate emergency.

And as 75,000 people made clear in NYC, along with more than half a million people around the globe: The time is now for action. If we're going save the planet, people and wildlife, we must end fossil fuels. Anything less is unacceptable.

Photo above by John Acosta

Wherever We're Needed

From the Director

Kierán Suckling

One of the real strengths of the Center is a nimbleness to go where we're needed, whether that's to mobilize in a crisis, mount a long-term campaign for an important new initiative, or seize an opportunity to save a species or defeat a disastrous project.

The work of saving life on Earth requires that kind of flexibility and creativity, and it's something we've had from the beginning. The past few months have been an important illustration of that.

In the Far North, we've mounted fierce opposition to the Willow project, a plan that would put an oilfield in the heart of the western Arctic, which is the largest, most intact stretch of wilderness in the United States.

Meanwhile in the Southeast, our staff has been trying to secure a better future for Florida manatees and keep a massive titanium mine from damaging the Okefenokee National Wildlife Refuge, home to storks, alligators, black bears and rare songbirds.

On the West Coast, we're working to get sea otters reintroduced in California and save endangered orcas in the Pacific Northwest. Inland, wolves need all the help they can get to recover in homes where they've only recently returned.

Farther out in the oceans, we're working to protect Pacific humpback whales and Atlantic right whales from drowning in fishing gear — and to make sure sea turtles and birds aren't choking in a sea of plastic pollution. Corals, too, need our help from the ravages of climate change.

We're fighting to protect Yellowstone grizzlies and to shield monarchs on their epic migrations. We were in New York City in September for a historic climate march and continue to push international leaders to halt the global wildlife extinction crisis.

The list goes on, and we'll continue to go wherever we're needed — that's what these times demand of us, and it's exactly what animals and plants on the brink of extinction deserve. Thanks, as always, for being with us.

Photo above by Mike's Birds/Flickr CC BY-SA

ENDANGERED EARTH is the membership newsletter of the Center for Biological Diversity. With the support of more than 1.7 million members and supporters, the Center works through science, law, media and activism to secure a future for all species, great or small, hovering on the brink of extinction. *Endangered Earth* is published three times yearly in January, July and October.

ON THE COVER
Cactus ferruginous pygmy owl by Walker Noe

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The Center for Biological Diversity's decades-long history is unmatched: We've secured protections for more than 750 species and over *half a billion* acres of wildlife habitat. Help us continue this extraordinary legacy by joining the Owls Club.

By leaving a legacy gift through a bequest, or making the Center a beneficiary of your retirement plan or other estate plan, you'll be supporting the fight to save endangered wildlife for generations to come. To learn more about your legacy giving options, please call Paula Simmonds at (646) 770-7206 or email owlsclub@biologicaldiversity.org.

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