ENDANGERED EARTH

CENTER FOR BIOLOGICAL DIVERSITY

FALL 2020

WHERE WE WORK

JULY–OCTOBER 2020

ALASKA

Alaska's Alexander Archipelago wolves, a rare gray wolf subspecies, live only in the coastal rainforests of Southeast Alaska and British Columbia. The Center and allies petitioned for their Endangered Species Act protection due to dramatic population declines from trapping and habitat loss.

WASHINGTON

Due to an agreement with the Center, the U.S. Department of Agriculture's Wildlife Services program will curb its killing of cougars, bears and other wildlife across Washington state. It will also restrict use of pesticides and lead ammunition.

YELLOWSTONE

In a tremendous victory for Yellowstone's grizzly bears, the 9th Circuit Court upheld a 2018 federal ruling that the U.S. government violated the Endangered Species Act in stripping protection from the iconic animals.

LOUISIANA

The Center and allies filed for a preliminary injunction to block construction of a petrochemical complex in St. James Parish, Louisiana. If built it would be one of North America's largest plastics plants. A federal judge then approved an agreement with Formosa Plastics to suspend construction until the resolution of a lawsuit over the possible desecration of the unmarked graves of enslaved people.

MEXICO

Vaquitas are the smallest, most endangered porpoises on Earth: Only about 10 individuals remain. We sued the U.S. government to sanction Mexico for its failure to halt illegal fisheries in vaquita habitat.

HAWAII

Hawaii's Environmental Council has upheld a state decision to maintain a ban on commercial collection of aquarium fish along the Kona Coast. In 2012 the Center joined Miloli'i fisherman Wilfred "Willie" Kaupiko and other allies in challenging Hawaii's failure to address the pet trade's environmental impacts.

NEW ENGLAND

The Center and allies filed a lawsuit challenging a June 5 order allowing commercial fishing in Northeast Canyons and Seamounts Marine National Monument, which harbors critically endangered Kemp's ridley sea turtles, endangered North Atlantic right whales, sperm whales and numerous others — including fragile deep-sea corals.

MINNESOTA

We sued over a decision to renew prospecting permits that could let the Twin Metals corporation significantly expand a proposed sulfide-ore copper mine at the edge of Minnesota's Boundary Waters Canoe Area Wilderness.

SOUTHEAST

In defense of reticulated and frosted flatwoods salamanders, we took legal action against the U.S. Fish and Wildlife Service for its failure to develop recovery plans that it promised, in an agreement with us, by June 2019.

PUERTO RICO

The Center began our campaign to save the elfin-woods warblers of Puerto Rico in 2004. This summer the tiny birds were finally given more than 27,000 acres of critical habitat.

ABOUT THIS MAP: The Native Land map is a digital tool that shows Indigenous territories, treaties and languages. A broadly researched and crowd-sourced body of information, it encourages education and engagement on topics of Indigenous presence, land rights and colonization. You can use it to recognize and acknowledge the land you're on. An in-depth version and teacher's guide can be found at native-land.ca. In this view of the map, each colored region represents an Indigenous language group. Whose land are you on? How has the history and legacy of colonialism shaped where you live?

DEFENDING THE ARCTIC

Polar bears. Caribou. Arctic foxes. Steller's and spectacled eiders. These are just a few of the hundreds of species that call Alaska's northern frontier home.

And they're just a few of the many species threatened by the government's recent efforts to turn the Arctic — including the Arctic National Wildlife Refuge and the Western Arctic Reserve — into an oilfield.

But we won't let that happen.

The Arctic Refuge is the largest wildlife refuge in the United States. A rich web of boreal forests, glaciers, braided rivers, shallow lakes and sensitive tundra spans its more than 19 million acres.

Each year caribou in the Porcupine herd undertake the longest terrestrial migration on Earth to birth and nurse their calves on the Coastal Plain — the biological heart of the Arctic Refuge. The Coastal Plain has the highest density of onshore polar bear denning habitat in the American Arctic. And it's sacred to the Gwich'in people, who have relied on the area for thousands of years.

To its west sits the Western Arctic Reserve (also called the National Petroleum Reserve–Alaska). The 23-million-acre reserve is the country's largest roadless area and teems with life, including bears, muskoxen, the Western Arctic and Teshekpuk caribou herds, and millions of migratory birds. This summer the feds released two plans that threaten the animals living in, and near, these areas with harmful pollution, habitat destruction, oil spills and more climate chaos.

First it released a new "Integrated Activity Plan" that would open roughly 18.7 million acres of the reserve to oil leasing, undoing numerous protections for areas currently off limits to drilling.

Next it released a "Record of Decision" that makes the entirety of the Arctic Refuge's 1.56-million-acre Coastal Plain available for oil leasing.

In its rush to turn over these amazing landscapes to the oil industry, the government ignored both science and the law. The Bureau of Land Management even brazenly said that "there is not a climate crisis," brushing off public comments that opening the Arctic Refuge to oil leasing will exacerbate climate change.

That's why we've taken the administration to court. In under 24 hours in August, we filed two lawsuits with allies to stop these reckless plans. Both cases are pending in federal district court in Alaska.

The Center will keep fighting these and any other attempts to turn over the Arctic to oil companies.

Kristen Monsell • Litigation Director & Senior Attorney
Oceans Program

Polar bear and arctic fox © Thomas Mangelsen;
ocelot by Martinus Scriblerus, CC-BY

NO REFUGE FOR WILDLIFE
ON OUR NATIONAL WILDLIFE REFUGES

America's 568 national wildlife refuges are ecological jewels, containing sweeping landscapes with every kind of habitat imaginable for millions of migrating birds and 280 species of protected animals and plants.

From pristine Alaskan tundra, trodden for tens of thousands of years by polar bears and caribou herds, to Mississippi's steamy, cypress-tupelo lowlands patrolled by black bears and alligators, these lands should be permanent safety nets for America's wildlife.

As climate change, unchecked habitat destruction and overuse of pesticides conspire to fuel a global extinction crisis, these precious public lands have never been more important. Nor have they ever been under greater threat.

A new analysis by the Center's Environmental Heath program reveals that the acreage of national wildlife refuges sprayed with pesticides — including many known to harm wildlife — jumped by 34% over just two years, to more than 363,000 acres.

The most recent data available show an alarming increase in pesticides known to harm wildlife, including highly controversial and drift-prone dicamba; 2,4-D, infamously part of Agent Orange; and paraquat, so dangerous it's banned across much of the world.

Making matters even worse, in August the U.S. Fish and Wildlife Service approved the single-largest-ever expansion of hunting and fishing in national wildlife refuges. Beautiful and important carnivores like bears and mountain lions are now in the crosshairs, with several refuges opened to hunting for the first time in history.

Areas that should be safe havens for endangered wildlife now imperil them. For example, hunting of black bears puts grizzly bears at risk of accidental shootings in Swan River National Wildlife Refuge in Montana. And in Texas ocelots face increased risk of vehicle collisions and poaching because of hunting on the Laguna Atascosa National Wildlife Refuge, where one of just two known U.S. populations of these endangered cats live.

Also, numerous refuges allow hunters and anglers to use lead ammunition and tackle, which kills birds like swans and eagles that ingest the toxic lead.

In total the Fish and Wildlife Service has expanded hunting and fishing on 2.3 million acres, across 147 wildlife refuges and national fish hatcheries.

Even though Center members submitted more than 30,000 letters opposing the plan, the Service was dead set on giving trophy hunters this handout.

It's outrageous, so we're going to court to fight for the endangered wild creatures that live — and deserve to be let live — on our national wildlife refuges.

Collette Adkins • Director & Senior Attorney
Carnivore Conservation

STANDING TOGETHER

OUR FIGHT FOR QUITOBAQUITO

Growing up as a Tohono O'odham woman on my ancestral homelands taught me one thing above all: Take care of the land, and the land will take care of you.

When the federal government ramped up border-wall construction, I knew I had to fight for my homelands, which are split in half by the U.S.–Mexico border. I knew that meant activating my community, facing construction workers, and opposing the U.S. Border Patrol and its long history of brutalizing O'odham tribal members.

> Border-wall construction has brought devastation to the land, the animals, the water and the people. It's wiping out entire species of animals, taking millions of gallons of water from fragile desert aquifers, butchering protected ceremonial plants like the saguaro and organ pipe cactus, and blasting and bulldozing our ancestors' graves.Wall construction rips away our freedom as O'odham. It erases our traditions, culture, language, songs, ceremonies and stories. Border-wall construction is the continuation of half a millennium of violent colonialism.

It means we lose everything that makes us O'odham. Colonial borders have always and will always violate indigenous rights and sovereignty.

In February O'odham organizers from both sides of the "border" gathered at Quitobaquito Springs in what's now considered Arizona's Organ Pipe Cactus National Monument to hold a peaceful ceremony resisting border-wall construction. The Department of Homeland Security was already there, blasting ancestral graves with dynamite and depleting the sacred springs to mix concrete. The night before the ceremony, O'odham in the United States camped out at Quitobaquito, while O'odham in Mexico camped 100 yards away on the other side of the arbitrary line. As we settled into our camps, a group of us at Quitobaquito ran to the border to visit our sister camp. I leapt over the waist-high barrier to be welcomed by our relatives on the other side. I felt the history coursing through the land our ancestors cared for. I knew my ancestors once had this same feeling of gathering in the dark at our sacred springs to honor and defend the land. There's no English word for that feeling.

The next morning I woke to O'odham singers outside our tent by the fire. I met O'odham from Los Angeles, from the Salt River Pima Maricopa Indian Community near Phoenix and across the Southwest. People came from places far and wide to protect their homelands.

O'odham women have always been the water carriers for our families as child bearers and water runners. That morning us women went to the springs and gathered water to cleanse everyone at both camps. All 26 of us women walked to the border. We passed water from our sacred springs to our relatives in Mexico, right where the 30-foot wall is now being built. We talked about the beauty of our people coming together. We shared the water with the women across the border so they could be part of the ceremony.

More than 60 O'odham made it to Quitobaquito Springs for the ceremony. We camped, sang, prayed and danced in the desert. There are few photographs of the event, but there is one I'll remember forever. We're all standing hand in hand, in Mexico and in the United States. *We:m Keke:koi*, which in O'odham means "standing together."

Wall construction at Quitobaquito is almost complete and the National Park Service recently closed access to the sacred spring indefinitely to the public, the media and even O'odham tribal members. This followed recent protests and the arrests by Park Service rangers of two Hia-Ced O'odham women who were defending the sacred spring from the bulldozers. Other land defenders have been assaulted by Park Service police and had weapons aimed at them.

But colonial borders and police violence will not shake our obligation to the land. We will continue to take care of this land. And the land will take care of us.

Hon'mana Seukteoma is an O'odham community organizer and an intern at the Center for Biological Diversity.

Quitobaquito Springs by Russ McSpadden / Center for Biological Diversity

CRITICAL HABITAT

TO SAVE PLANTS AND ANIMALS, WE MUST SAVE THEIR HOMES

Driven by humanity's ever-expanding footprint, habitat loss is the single biggest cause of species extinction. When Congress passed the Endangered Species Act in 1973, it recognized this fundamental fact, concluding the Act's "ultimate effectiveness … will depend on the designation of critical habitat." But the administration has taken a series of devastating actions to undermine habitat protection.

The Endangered Species Act requires all threatened and endangered species to receive critical habitat when they are protected. But before the Center began holding it accountable, the U.S. Fish and Wildlife Service frequently failed to designate critical habitat.

Critical habitat is a lifesaver: Studies show that species that have it are twice as likely to be recovering as those without. It helps in a couple of ways. Federal agencies like the Forest Service, Army Corps of Engineers and others must ensure that actions they fund, permit and carry out do not "adversely modify," or harm, critical habitat. This has been tremendously helpful to endangered species nationwide, helping us avoid or mitigate habitat destruction from dams, logging, and development on both public and private lands.

Critical habitat also helps species by alerting land managers, both public and private, about the presence of important habitat under their management, allowing those that are willing to help species recover.

All this and more makes critical habitat essential to the survival and recovery of threatened and endangered species, from northern spotted owls to Florida bonneted bats.

As part of a sweeping rollback of environmental protections, the administration has put critical habitat in the crosshairs. In 2019 it enacted two rules making species less likely to receive critical habitat and weakening protections for those that have it.

The first rule specifies that species will only receive critical habitat when destruction of habitat is the primary threat to their survival. Under this rule the highly imperiled rusty-patched bumblebee was recently denied habitat protection based on it being primarily threatened by pesticides and disease, as were two stoneflies from Glacier National Park threatened by the melting of glaciers that feed the streams where they live. Regardless of the main cause, these species are losing habitat and urgently need protection.

The second rule narrowly constrains when federal agencies would be found to be "adversely modifying" critical habitat and thus have to avoid impacts — they'd only be legally required to do so in situations where an action would "appreciably diminish" critical habitat for species as a whole, effectively exempting small projects that destroy portions of habitat. This leaves species vulnerable to death by a thousand cuts. The rule has already led to approval of a new dam on the Pearl River in Mississippi, affecting the Gulf sturgeon, and the expansion of a ski area in the Spring Mountains outside Las Vegas, hurting the highly endangered Mt. Charleston blue butterfly.

Now the administration has proposed two more rules to even further weaken critical habitat. The first narrowly defines habitat as only those areas that currently have attributes supporting the species, excluding areas that need restoration or may become habitat in our rapidly warming world. This will sharply limit endangered species' recovery.

The second proposed rule makes it more likely that the Fish and Wildlife Service will exclude areas from critical habitat based on economic factors. Under the Act the Service must consider the economic impacts of designating critical habitat and may exclude areas if it decides the costs outweigh the benefits. If finalized this rule will require the agency to give weight to information on costs provided by private parties, letting special interests put their thumb on the scale with exaggerated and speculative costs. That means more areas will probably be excluded.

The Center and allies are challenging the two rules from 2019 and mobilizing to stop the two new ones. Endangered species need habitat protection to survive and recover, and the Center's here to make sure that happens.

Thee highly imperiled rusty patched bumblebee was recently denied habitat protection. Photo courtesy USGS Bee Inventory and Monitoring Lab

Noah Greenwald • Director
Endangered Species Program

BUILT TO BURN

SPRAWL DEVELOPMENTS KEEP BEING APPROVED IN HIGH WILDFIRE ZONES

California has had a brutal wildfire season, with more than 3.5 million acres scorched. Although much of state's wildlands are fire adapted, the increase in fire frequency is degrading our diverse ecosystems. As hundreds of fires destroy homes, shut down freeways, force evacuations and put first responders' lives at risk, the Center has raised the alarm that unless we change how and where we build new homes, California and the entire West will continue to burn.

Over the past few decades, an increasing number of homes have been built in the "wildland–urban interface," including one million homes in California between 1990 and 2010. With 95% of wildfires in California ignited by human sources, these new sprawl developments are poised to spark more of them.

And new developments in high wildfire zones keep getting approved. Just north of Napa County, Guenoc Valley is a proposed luxury resort that will tear up oak woodlands that are home to foothill yellow-legged frogs. The project site burned in 2015 and again in August, during the LNU Lightning Complex Fire.

Down south, Los Angeles County approved the 9,700-resident Northlake Development that will bulldoze riparian habitat for western spadefoot toads and southwestern willow flycatchers. The isolated development is located on the edges of this summer's wildfires. And on rare grasslands on the northern edge of the county, the pending Centennial development will bring 57,000 residents into a high wildfire zone.

After raising the dangers each of these developments pose to the environment and surrounding communities to local officials, the Center is now fighting them in court.

Decisionmakers allowing new developments in high wildfire zones endanger us all. New fire and building codes are not enough — we need to learn from recent fires by prioritizing safer, sustainable development in existing cities.

Aruna Prabhala • Director & Senior Attorney
Urban Wildlands Program

California fire photo by Jeff Turner, CC-BY

Saving Place

From the Director
Kierán Suckling

Green sea turtle by Nicole McLachlan, CC-BY-SA

One of the fundamentals of saving endangered species is saving their most important homes.

That's why the Center puts so much time and effort into protecting critical habitat for endangered animals and plants. Over three decades we've secured protection for more than half a billion acres, stretching from the Arctic Circle to the Caribbean, and from Guam, Samoa and Hawaii to Maine. Why? Because species with federally protected critical habitat are more than twice as likely to be recovering as those without it.

Here are just a few of our recent habitat victories: In June, following Center litigation, more than 27,000 acres of forested land in Puerto Rico were protected for the elfin-woods warbler, a small black-and-white bird that has lost much of its habitat to development. That same month we secured protection for 12.7 acres in Arizona for the endangered Sonoyta mud turtle — which may not seem like much, but it covers a small, spring-fed pond right at the Mexican border where most of the last U.S. turtles live.

In July we won protection for more than 42,000 acres for slickspot peppergrass, a rare and threatened plant found only in Idaho.

In August federal agencies agreed to protect green sea turtle habitat in the coming years — a victory earned in hard-fought legal battles by the Center and allies.

In September, following a Center legal victory, more than 1,500 acres in Central Texas were proposed as protection for two rare amphibians, the Georgetown and Salado Springs salamanders.

And just weeks ago, we won proposals to protect more than 1,000 river miles in Missouri for two endangered crayfish and more than 3,600 acres in Colorado for the Chapin Mesa milkvetch.

We also sued for expanded habitat protections for Arizona's Mount Graham red squirrel, down to just 78 individuals left on Earth. A separate suit seeks habitat safeguards for Nassau groupers, reef fish native to South Florida and the Caribbean.
This administration has taken aim at critical habitat. We won't let it prevail — there's too much at stake.

As always, thank you for being part of this fight.

ENDANGERED EARTH is the membership newsletter of the Center for Biological Diversity. With the support of more than 1.6 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.

CARIBOU ON THE COVER
courtesy Ken Conger
National Park Service

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The Center for Biological Diversity's 30-year history is unmatched: We've secured protections for more than 700 species and more than half a billion acres of wildlife habitat. Help us continue this extraordinary legacy for the next 30 years 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 (646) 770-7206 or email owlsclub@biologicaldiversity.org.

BiologicalDiversity.org/OwlsClub