

ENDANGERED

EARTH



CENTER FOR BIOLOGICAL DIVERSITY • SUMMER 2017



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The Revelator

The Revelator, an online initiative of the Center for Biological Diversity, provides investigative reporting, analysis and stories at the intersection of politics, conservation, art, culture, endangered species, climate change and economics.

Check it out at TheRevelator.org.

Tell us what you think about Endangered Earth: newsletter@biologicaldiversity.org

Our Suit to Save the Arctic, Polar Bears From Trump

The Arctic Ocean is remote; prone to dense fog, hurricane-force winds and huge waves; and often blanketed in darkness and sea ice. It's also one of the most pristine ecosystems we have left, home to amazing animals like polar bears and walrus that don't exist anywhere else on Earth.

But that's not stopping President Trump from trying to let the petroleum industry suck oil out of every last corner of fragile Arctic waters. The Center is fighting to make sure that doesn't happen.

Before he left office, President Obama used a provision in the Outer Continental Shelf Lands Act — the statute that controls oil drilling in federal waters — to permanently remove 115 million acres in the Chukchi and Beaufort seas from availability for new oil and gas leasing. These removals, along with smaller ones issued in 2015 and 2008, protected nearly 125 million acres of Arctic waters from drilling.

But on his 99th day in office, Trump signed an executive order purporting to revoke those protections. So days later we sued Trump in federal court in Alaska, arguing his order violates federal law. Until Trump, no president has ever tried to rescind a permanent ban on oil and gas leasing made under the OCSLA, which has no provisions for such a reversal.

President Obama put these waters off limits for good reason — polls show the majority of Americans want our government to prioritize clean energy and keep the Arctic Ocean closed to the oil industry. And drilling in hazardous Arctic waters risks oil spills that would be impossible to clean up. In fact, federal officials found that drilling under a single lease in the Chukchi Sea had a 75 percent chance of a major oil spill.

Drilling in the Arctic Ocean would also exacerbate the climate change already melting the sea ice polar bears need to survive. Scientists predict that more than two-thirds of the world's polar bears, including all the bears in Alaska, will be gone by 2050 unless we take strong action against climate change.

Trump's order does the exact opposite. Developing the Arctic Ocean could release nearly 16 billion tons of carbon dioxide, the equivalent of operating more than 4,600 coal plants for one year. And it puts the Arctic Ocean back in the crosshairs of the oil industry, defying the will of the American people.

That's why the Center and allies have taken Trump to court. We're not going to let him put oil-industry profits ahead of people, polar bears and the planet.

Stay tuned for developments in our groundbreaking lawsuit and other efforts to stop Trump's assault on our oceans.

Kristen Monsell is a staff attorney at the Center. She works with our Oceans program to protect marine species and their habitat.



Battle for the Borderlands

Photo by Russ McSpadden / Center for Biological Diversity

Jaguars on the brink of a historic comeback in the United States now face an existential threat — from the White House.

Two new jaguars have been photographed in Arizona in 2016 and 2017, adding to the excitement and momentum created by the pioneering male “El Jefe,” who was named by Tucson schoolchildren after living in the Santa Rita Mountains outside Tucson for three years.

Sadly Donald Trump’s ridiculous campaign brag of a 30-foot wall along the entire U.S.-Mexico border became a

serious proposal this year, as he made plans to construct his “great wall” and ramp up militarization of the borderlands. The realization of this paranoid vision would end any chance for jaguars’ U.S. recovery — which is being fueled by a small breeding population in northern Mexico.

The Center has been fighting for jaguars for more than 20 years — in 2014 we won protection for 764,000 acres of protected critical habitat to sustain them. So we’re not going to let Trump stop these magnificent cats at the border. Not without a fight. On April 12 we filed a lawsuit demanding an environmental review of the federal government’s border-security policy, including the existing border wall and Trump’s new proposal.

We were joined in our lawsuit by Rep. Raúl Grijalva, whose southern Arizona congressional district includes about 300 miles of the border. Rep. Grijalva has been a champion of border-security reform and a strong ally on endangered species and other environmental issues.

The last environmental review of border-security policy was completed in 2001, and the situation has changed dramatically since then. The Border Patrol has more than doubled in size, with thousands of new agents driving around on our public lands, including wilderness areas and endangered species habitat. Over the past 16 years a radical militarization of the borderlands has proceeded unchecked, with the construction and installation of thousands of miles of new roads, forward operating bases, radio towers,

surveillance infrastructure, high-intensity lighting, low-level helicopter flights, and other damage and disturbance.

This policy has been implemented without any comprehensive review of its cost, necessity, effectiveness or impacts on the people and wildlife of the borderlands. We know that the existing border wall has been largely ineffective and incredibly expensive, and it’s caused a lot of damage, including catastrophic flooding, chronic erosion and a landscape-scale blockage of wildlife movement.

A recent Center report identified 93 endangered species that would be harmed by Trump’s proposed wall, including jaguars, ocelots and Mexican wolves. With apprehensions of migrants along the southern border at historic lows, it makes no sense to waste tens of billions of dollars and sacrifice endangered species to build a completely unnecessary border wall.

Both of the new jaguars entered the United States through gaps in the existing border wall that correspond with mapped jaguar migration corridors in remote, rugged terrain. These areas must remain accessible if jaguars are to recover millions of acres of prime habitat in this country, where they lived for thousands of years before they were wiped out in the 20th century by livestock interests and government predator-control programs.

A young male has been photographed repeatedly by trail cameras on the Ft. Huachuca military reservation near Sierra Vista, Ariz., and seems to be establishing a

territory there. He was named “Yo’oko Nahsuareo” in a vote by students at Hiaki High School in Tucson, a school that serves children from the Yaqui tribe. Yo’oko’s name means “Jaguar Warrior” in the Yaqui language.

The other new jaguar showed up in the Dos Cabezas Mountains, 60 miles north of the border. It’s not known yet whether this cat is male or female, but its presence so far north of the border is solid evidence that there’s plenty of room for jaguars to roam in the American Southwest.

As long as we protect the places jaguars live and the corridors they need to move back and forth across the border, they’ll eventually repopulate their ancestral homelands.

Randy Serraglio is the Center’s Southwest conservation advocate. He works on a variety of public lands and conservation issues in Arizona and the Southwest.





Photo courtesy Bob Wick / BLM

Trump's Monumental Attack on America's Public Lands

President Trump is coming after America's public lands. In April he ordered Interior Secretary Ryan Zinke to "review" 27 national monuments covering more than 1 billion acres of our most beloved lands and oceans — from the newly designated Bears Ears National Monument in Utah to California's Giant Sequoia National Monument to the Papahānaumokuākea Marine monument near Hawaii. His intent is clear: to rescind or shrink these monuments and open them up for drilling, fracking, mining and other profit-driven forms of industrialization.

The 1906 Antiquities Act has been used by 16 of 19 presidents since it was passed to designate national monuments on federal land in order to protect some of this country's most spectacular and unique landscapes and cultural sites. It's one of America's oldest and most important conservation laws, allowing presidents to quickly protect natural and cultural resources when Congress fails to act. Many of our national parks started as national monuments including Grand Canyon, Bryce and Zion.

Zinke opened a 60-day public-comment period for all monuments except Bears Ears National Monument, which was allowed only 15 days for public comment. The Department of the Interior was flooded with more than 685,000 comments urging protection of Bears Ears.

The request to rescind Bears Ears came at the behest of Sen. Orrin Hatch (R-Utah), one of the most anti-public-lands members of Congress. Hatch's political career has been well funded by the fossil fuel industry, including the Koch brothers and Chevron.

Fossil fuel companies have long wanted to profit by

drilling into these iconic landscapes. In fact Trump's order says monuments can "create barriers to achieving energy independence" and "otherwise curtail economic growth."

Despite Trump's "review," legislative history clearly shows that a president doesn't have the authority to change or rescind national monuments. Only Congress has that power. In early June Zinke suggested shrinking Bears Ears. His recommendations for the remaining 26 monuments are expected in August. It's possible the recommendations will also include changes to the Antiquities Act itself — an attempt to severely constrain or eliminate presidential authority to designate national monuments.

Trump is certain to face a court challenge if he tries to rescind or reduce the size of a national monument. If he punts to Congress, voters will remember the elected officials who supported taking away their national monuments or weakening the Antiquities Act.

The fate of our natural wonders is not negotiable. And the Center will be fighting for every acre.



Randi Spivak is the Center's Public Lands program director. She works to ensure that the country's wild places are managed for the benefit of species and ecosystems in a warming climate.

ANATOMY OF A CYANIDE BOMB

M-44s — often referred to as cyanide bombs — are lethal devices used by the U.S. Department of Agriculture's Wildlife Services program to kill "pest" predators, especially coyotes. They've been deployed around the West to protect livestock for decades.

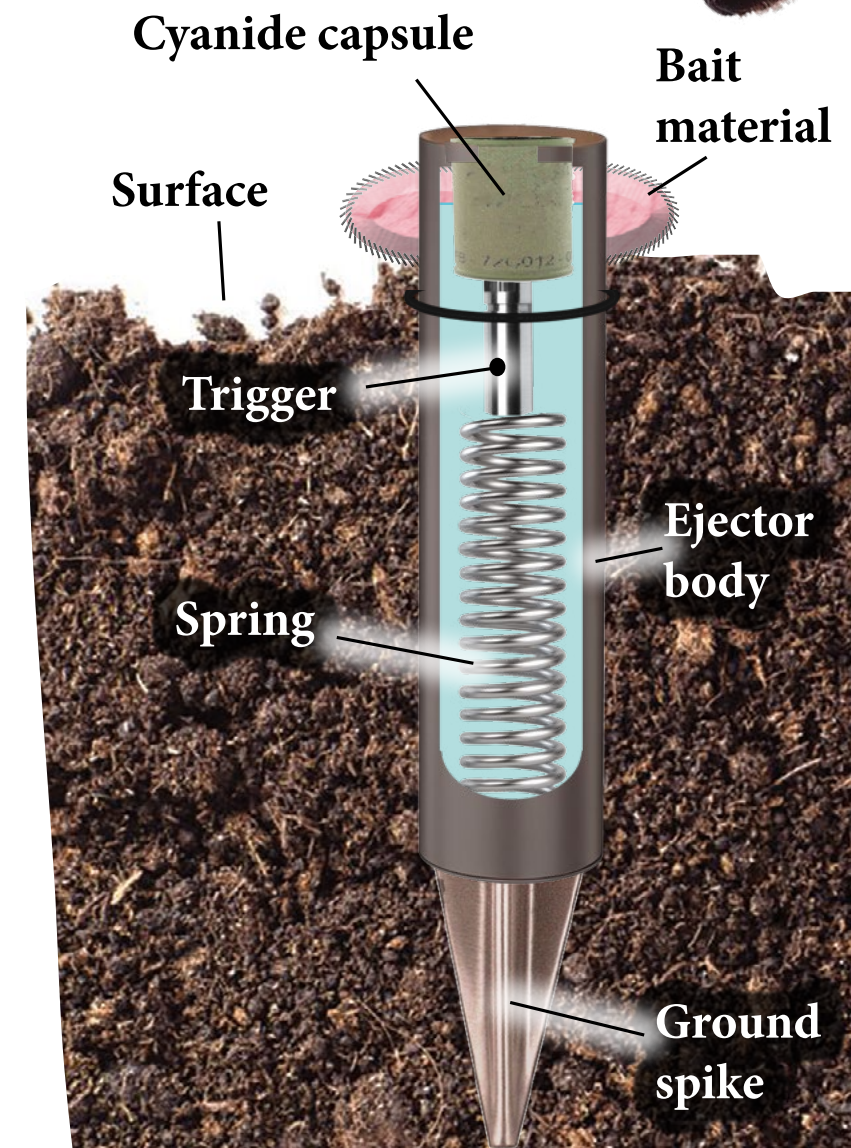
An M-44 is a simple and deadly device: a capsule containing sodium cyanide that's smeared with scented bait and armed on a spring and placed into the ground.

When a coyote (or wolf, bear, bobcat, pet dog or even child) tugs on the bait, the spring-loaded cylinder fires a toxic dose of poison, often into the mouth. The victim suffers a few minutes of convulsing death. Cyanide bombs killed 13,530 animals in 2016.

In March a 14-year-old boy and his dog stumbled upon an M-44 in Idaho. The dog died in terrible pain and the boy was sent to the hospital.

Following the incident and a petition from the Center and allies, Wildlife Services announced it will stop using M-44s on all private, state and federal lands in Idaho.

But M-44s are still commonly used elsewhere in the country. In April the Center and allies sued the Trump administration to prevent unintended deaths from cyanide bombs. We'll keep fighting until we take them out of commission.



Graphic by Russ McSpadden /
Center for Biological Diversity



Public domain

Politics in the Age of Trump

As soon as Trump was inaugurated, the Center and our allies took on the gargantuan task of fighting the inevitable onslaught of environmental attacks by the new administration and unified, Republican-controlled Congress. We created a new government affairs program at the Center, with a staff of four, to work full time on defense in Washington, D.C. With this team in place, we now have one of the largest groups of people dedicated to protecting the Endangered Species Act among any environmental group.

Our new program was desperately needed, because the attacks started almost immediately. Trump nominated the most environmentally hostile, corrupt, special-interest friendly cabinet in history. While most of his picks were confirmed, they were confirmed by the smallest margins in the history of the country, even requiring the vice president to break a tie vote.

While these fights were occurring, Republicans used an obscure law — the Congressional Review Act — to undo a dozen Obama-era regulations. Because the Congressional Review Act allows for expedited consideration in the Senate (no filibuster), we were unable to stop rollbacks of protections for predators like grizzly bears and wolves in Alaska, and we were unable to stop a rollback for protecting streams in Appalachia from the ravages of mountaintop-removal mining.

Despite the odds, however, we did have some major and unexpected victories. When Congress passed a bill to fund the federal government through the end of the 2017

fiscal year, there were no poison-pill riders in the final version that targeted endangered species or our country's core environmental laws. As a result of thousands of people making their voices heard around the country, gray wolves in the Midwest can breathe a little easier for the next six months and we can allow science and the law to guide recovery efforts. And just this spring, the Senate upheld Obama-era regulations to limit methane pollution, a potent greenhouse gas.

Of course our D.C. work is never done. Too many Republicans are out to gut the Endangered Species Act, Clean Air Act and other environmental laws. They're already eyeing other must-pass legislation, like the Farm Bill or a possible infrastructure bill, as a means to try to attach their deeply unpopular policy riders.

We'll keep working to fight off these cynical and cruel attacks on the environment in the short term, and in the years to come we will work toward the day when targeting environmental protections is a nonstarter — for both Republicans and Democrats.



Brett Hartl is the Center's government affairs director. He coordinates the Center's work on federal legislative issues that affect endangered species, public lands, oceans, climate and energy.



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Suing to Save Alaska Wildlife from Trump

For me, the mere mention of Alaska brings up vivid images of wolves and brown bears and the vast, wild places where they live. Before I ever went to Alaska, I somehow felt a connection with the wildness of this epic landscape. Like many of us, I suspect, I felt comfort that our world still has wide-open, untamed places, where vast flocks can darken the sky and great herds can still fill glacial valleys — and where the last of our majestic predators can still roam unfenced and free.

The comfort those last untouched places, and the creatures that live there, brings me and others is why so many of us felt heartbreak, and even outrage, when we found out about the Trump administration's callous and cynical decision to take away protections from wolves, bears and other wildlife on Alaska's national wildlife refuges. Under the legislation signed by Trump in April — which was rushed through Congress under the Congressional Review Act — wolves and their pups can be killed in their dens and bears can be gunned down at bait stations, caught in leghold traps and shot from airplanes.

Alaska's wildlife managers want to use these predator-control measures to artificially inflate ungulate populations like moose and caribou for hunters to shoot. Yet such cruel and ecologically destructive practices have no place on America's national wildlife refuges, which were created for the express purpose of conserving biodiversity.

The Center is suing to give the animals back their protection. Our lawsuit is the first ever to challenge the constitutionality of the Congressional Review Act, a

1996 law allowing legislators to repeal federal regulations adopted in the last few months of the previous presidential administration. Before 2017, Congress successfully used this Act just once, in 2001 — but Trump and the current Congress have now used it to revoke more than a dozen different Obama-era regulations.

Our lawsuit says that the Congressional Review Act violates the U.S. Constitution's separation of powers doctrine by preventing the U.S. Fish and Wildlife Service from future rulemaking that is "substantially the same" as the disapproved rule protecting Alaska's predators. By constraining the agency without changing its governing laws through the procedures mandated by the Constitution, the Act unconstitutionally expands Congress's power at the expense of the executive branch.

It's outrageous that Trump and congressional Republicans have used this unconstitutional law to promote the senseless slaughter of Alaska's wolves and bears in our protected refuges. I'm glad we're fighting back on behalf of Alaska's precious wildlands and the creatures that have lived there for so long.

Collette Adkins is a senior attorney in the Center's Endangered Species program. She focuses on combating exploitation and cruel treatment of rare wildlife.





Photo by Luca Galuzzi, www.galuzzi.it, CC-BY-SA

Endangered Species Act
Protection Sought for
Giraffes

Africa’s giraffe population has plunged nearly 40 percent over the past three decades, largely due to mounting habitat loss, hunting for meat and international trade in bone carvings and trophies.

That’s why in April the Center and allies filed to protect giraffes under the U.S. Endangered Species Act.

New research recently prompted the International Union for the Conservation of Nature to elevate the giraffes’ threat level from “least concern” to “vulnerable” on its Red List of threatened species. The United States plays a major role in the giraffe trade, having imported more than 21,400 bone carvings, 3,000 skin pieces and 3,700 hunting trophies over the past decade. Limiting U.S. import and trade will give giraffes important protections.

“There are now fewer giraffes than elephants in Africa,” said the Center’s Tanya Sanerib. “It’s time for the United States to step up and protect these extraordinary creatures.”

The Center Launches New
Outlet, *The Revelator*

The Center has launched a new online media outlet called *The Revelator*, which focuses on environmental news, investigative reporting, and deepening conversations about the most important conservation issues of this century.

The site includes daily stories on topics ranging from wildlife, climate change, public lands and other environmental issues, as well as essays, commentary and investigative pieces at the intersection of politics, conservation and economics.

The first stories included investigative reporter John Dougherty’s account of how he nearly got arrested in Peru — for screening a documentary — plus editor John Platt’s look at how climate change threatens whooping cranes, and a report on an unexpected source of oceanic plastic pollution. The outlet also featured a major investigation of the oil company Hilcorp Energy, an examination of the controversy over Bears Ears National Monument, and a look at of the top 80 ways to reverse global warming.

Check it out at TheRevelator.org.

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OWLS CLUB

Joining the Owls Club and creating your personal legacy with the Center — such as a bequest, a Life Income Plan for you and your family, a gift of insurance or a pension — helps ensure the future of one of the world’s most effective wildlife protection organizations.



Photo by Alejandro Linares Garcia

To speak with Henry Rubin, director of legacy and philanthropic giving, or to receive more information on joining the Owls Club, call (914) 960-4466 or email hrrubin@biologicaldiversity.org.



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A New Era

From the Director
Kierán Suckling



A lot changed with last year's election, but one thing didn't: The Center for Biological Diversity is ready to do whatever it takes to save endangered species, wild places and an environment that gives us life — clean air, clean water and a healthy climate.

Undoubtedly that work becomes more difficult with Trump in the White House. But rather than worry and wallow, we've launched the biggest resistance effort in the Center's history. It's one that channels rage and disgust into righteous action.

Every day the Center's employees wake up and fight in a way unique to us: fierce, nimble, smart, creative and tireless. I'm proud to work alongside them and inspired by what they pull off every week.

We've also made some large-scale changes to meet the challenges of this new era, including:

- Hiring more than 15 new employees, including lawyers, campaigners and investigators.
- Filing more than 20 lawsuits against the Trump administration's efforts to ramp up wildlife killing, expand oil and gas drilling, and conceal its ties to polluting industries.
- Launching *The Revelator*, an online media outlet that

features investigative journalism, daily news stories and incisive commentary.

- Building a larger grassroots network to become a political force via nonstop rallies, pressure on decision-makers and as a loud, endless voice for what's right.
- Hosting more than 20 Earth2Trump resistance roadshows across the country and garnering more than half a million signatures on our Pledge of Resistance.

All these initiatives will work in concert as we stand against Trump's attacks on our wildlife, public lands, climate and health. Each fight will be difficult and each victory will be hard won.

I will tell you this — and it may sound strange in these dark times — but I'm optimistic. There's been a massive outpouring of activism and support for the causes and values we all cherish. People are coming together, and no one is fleeing this fight.

There's tremendous power in that unity, especially when it's rooted so deeply in the love we share for the wild. We will battle and we will win. I'm grateful that you're standing with us.

ENDANGERED EARTH

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