

## Marching Toward Extinction

Ensuring world's penguins won't perish means reckoning with global climate change

**A**s Mumble, the star penguin in the animated movie "Happy Feet," tap-danced his way into the hearts of millions of movie-goers over the Thanksgiving weekend, the Center launched a far-reaching campaign to place 12 species of penguins worldwide on the U.S. list of threatened and endangered species.

The penguins' plight, as well as the campaign to save them, are all the more timely because ensuring the charismatic seabirds' survival will hinge on the willingness of this administration – and the next – to take swift and sweeping actions to significantly curb global warming.

The Center's Nov. 28 scientific petition, which documents declines

to the 12 species and factors contributing to those declines, was the first step toward securing Endangered Species Act protection for the penguins. Each of the 12 species faces threats ranging from introduced predators, disease, habitat destruction, disturbance at breeding colonies, oil spills, marine pollution, and in some cases, direct harvest of eggs or penguins, which are killed for use as fishbait.

Many of the species are harmed by industrial fisheries, either directly, such as when individual penguins are caught and killed in trawls, nets and longlines, or indirectly through the depletion of essential prey species

- **Want science?** Don't look to this administration ...page 2
- **Program News** ...page 4
- **From D.C.:** Legislative Update on the ESA ...page 7
- **Rescuing wolves** from a politically-defined predator control program ...page 8
- **Meeting the arts:** Our work celebrated on film and stage ...page 11

such as anchovy and krill. Similar fishing fleets figure prominently in the misadventures of "Happy Feet," which feature Emperor and Rockhopper Penguins, two species included in the Center's petition.

But scientists have linked many of the ocean conditions causing declines in penguin populations – such as abnormally warm ocean temperatures and diminishing sea ice – to global warming. As global warming intensifies, these conditions are projected to intensify as well, continuing to devastate the penguins' habitat and food supply.

Unfortunately, while the film industry has taken note of the penguins' fate (the survival heroics of Emperor Penguins also gained a spotlight in the 2005 documentary, "March of the Penguins"), the Bush administration has so far turned a blind eye. Indeed, the administration continues to block progress to confront global warming on the local, national and international levels.

Penguins worldwide are suffering the consequences. Two-thirds of the world's penguin species face extinction, including the Southern Rockhopper and Humboldt Penguins

**Marching Towards Extinction** *continued on back page...*

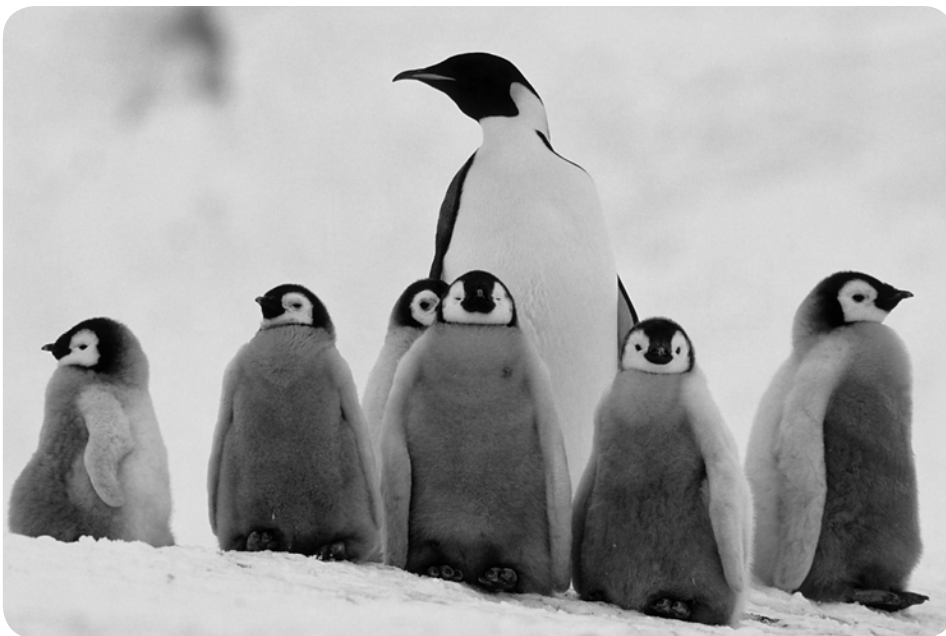


Photo by Kevin Schafer/kevinschafer.com

**Not-so-happy-fate:** With two recent films depicting their heroic struggle to survive the brutal conditions in Antarctica, Emperor Penguins have become pop cultural icons. Unfortunately, the grim threats to their survival are all too real – including the overarching threat from global warming. The Center has launched a campaign to protect the Emperor and 11 other penguin species under the U.S. Endangered Species Act.



# ADVOCACY SPOTLIGHT

Julie Teel, Staff Attorney, Climate, Air & Energy Program

## Anything But the Truth

**The Bush administration is notorious for suppressing and distorting science to suit its political agenda and undermine the American public's understanding of important environmental issues. In doing so, it has created an ever-widening chasm between its own policies and what scientists say is necessary to preserve our planet.**

Nowhere is that chasm more profound than on the subject of climate change. Peer-reviewed scientific literature leaves no doubt that global warming is real and already threatens life on Earth, and that greenhouse gas emissions contribute to and are rapidly accelerating global warming.

Not a popular topic for the oil-obsessed administration that has refused to join international efforts to reduce emissions. How to resolve the dissonance? The administration favors continuing to stumble blindly down the political path and cast science to the wayside.

Unfortunately, the administration's choice to bury its head in the sand has translated into an arrogant campaign to keep the American people in the dark. Obfuscate science. Downplay the link between climate change and fossil fuel consumption. Better yet, prevent any informed discussion of climate change, and mislead the public with junk science.

And do nothing to confront global warming.

Science makes it clearer everyday that to do nothing is to play with fire – or more literally, to play with more deadly and devastating weather patterns, warming oceans, rising sea levels and other irreversible impacts on plant, animal and human life. Likewise, saving species like Polar Bears, penguins, corals and others that are already severely threatened by global warming, will depend on swift and decisive action.

The Center's Climate Program is working to compel the administration to immediate action, and to restore scientific integrity to decision-making

processes currently driven by nothing more visionary than political gain.

### The Jury Is In

Anyone who has seen "An Inconvenient Truth" is familiar with the documented facts: an overwhelming majority of the world's leading climate scientists agree that society's production of greenhouse gases has already contributed significantly to rapid and unnatural warming of the Earth's atmosphere. The government's own scientists at the National Climatic

Data Center recently drove home the point by confirming that 2006 was the hottest year on U.S. record.

What fewer people know is that there is already substantial and stark evidence that global warming represents the most significant and pervasive threat to the future of biodiversity worldwide. A survey of more than 30 studies of approximately 1,600 species discovered that roughly one-half of those species were already showing significant changes in their range distribution (generally northward and upwards in elevation) and phenology (for example, earlier breeding, flowering and migration) due to global warming.

Unfortunately, the changes observed to date are relatively modest compared to those predicted for this century. A recent scientific study

indicates that more than one-third of the Earth's biodiversity may be committed to extinction as a result of climate change by the year 2050.



The Polar Bear is just one species whose habitat melts while the administration fiddles.

### Burying the Evidence

Meanwhile, the Bush administration continues its anti-science shenanigans, which have included blocking publication of scientific research on climate change, removing global warming references from government agency reports, news releases and Web sites, and forbidding agency scientists from speaking to the media about climate change policy. (See sidebar, *A History of Violence on Science*)

The administration also has chosen to ignore its own obligations under the Global Change Research Act to disclose current climate science. Under that 1990 law, the government must issue a comprehensive National Assessment every four years of the environmental, human-health and economic effects of global warming on the United States.

Photo by Jenny E. Ross/www.jennyross.com

Issued in 2000, the last National Assessment confirmed that humans are contributing significantly to global warming and that current global warmth is “unprecedented.” Its scientific conclusions also predicted doubling or tripling of heat-related deaths, intensified floods and droughts, and swamping of coastlines by rising seas and fiercer storms.

The 2000 assessment’s revelations threatened the Bush administration’s agenda, so the administration worked to bury its findings and kill the 2004 update. Upon his March 2005 resignation, Rick Piltz, former senior associate with the Climate Change Science Program, blew the whistle. He called the White House’s suppression of the 2000 assessment and subsequent refusal to produce the 2004 report “the central climate science scandal of the Bush administration.”

## Closing the Gap

The National Assessment is a critical tool for raising public awareness and concern about impacts of climate change on the United States. It also provides Congress and agency decision-makers with the most up-to-date information on which to base global warming-related decisions. So when the Bush administration denied the Center’s repeated request for the updated assessment, we filed suit with our partners Greenpeace and Friends of the Earth.

On November 14, 2006, the day we filed suit, Senator John Kerry issued a statement supporting the lawsuit and pressing for an updated assessment. And in December, 24 members of the House of Representatives signed a letter to the administration requesting the assessment in order to “help Congress shape a well-informed, forward-looking climate change policy.”

The Center believes our government’s resources should be directed at saving species, including our own, from the harsh consequences of unchecked global warming – not censoring and misrepresenting science

to support a short-sighted political agenda. We are determined to hold the administration accountable for releasing sound climate reports that can then be used to achieve what the world’s leading climate scientists, including those within our government itself, say we desperately need: immediate

and substantial cuts in greenhouse gas emissions and measures for adapting to the inevitable degree of climate change to which we’ve already committed.



## A History of Violence on Science

**December 2006.** Bush administration, while proposing to list Polar Bear as threatened under Endangered Species Act (ESA), forced to acknowledge global warming and its impacts on Arctic sea ice but refuses to acknowledge its causes. Words “carbon,” “emissions” and “greenhouse gas” appear nowhere in administration’s proposal.

**December 2006.** Statement by Nobel laureates and other leading scientists calling for restoration of scientific integrity to federal policy-making reaches 10,600 signatures from scientists in all 50 states.

**November 2006.** At request of 14 senators, agency Inspectors General at NASA and Commerce Department begin investigations into whether political appointees have suppressed findings and blocked public communication by federal climate researchers.

**October 2006.** *Washington Post* exposé reveals that high-level administration officials repeatedly ordered government biologists to reverse scientific findings in order to deny protection for imperiled species. (See full article, page 10.)

**May 2006.** Commerce Department officials attempt to block release of National Oceanic and Atmospheric Administration (NOAA) fact sheet discussing global warming’s contribution to frequency and strength of hurricanes.

**January 2006.** Climate scientist Dr. James Hansen reports to *New York Times* he was warned of “dire consequences” if he continued to make statements clashing with administration’s views on global warming.

**June 2005.** *New York Times* reveals internal documents demonstrating that White House official Phil Cooney edited 2002 draft summary of government climate research in ways that cast doubt on link between greenhouse gas emissions and rising temperatures. Cooney resigns two days after media obtains documents and soon takes job at Exxon Mobil.

**June 2005.** Union of Concerned Scientists (UCS) and Public Employees for Environmental Responsibility release survey finding 53 percent of NOAA Fisheries scientists surveyed said they knew of cases in which commercial interests, through political intervention, inappropriately interfered with the agency’s conclusions or decisions.



# PROGRAM NEWS.....

## Polar Bear proposal marks historic moment in mobilization against global warming

Almost two years after the Center launched the campaign to protect the Polar Bear under the Endangered Species Act as a result of the effects of global warming upon its habitat, the Bush administration has proposed to list the bear as “threatened.”

Media across the country have hailed the proposal as a landmark: the first acknowledgement from the Bush administration, the *Los Angeles Times* notes, “that global warming is the driving force behind an animal’s potential extinction.”

This initial victory toward protecting the bears is remarkable, but it also portends more landmarks to come. The campaign to protect Polar Bears, beloved worldwide, captured the media spotlight in a way that left the administration little choice but to affirm the existence of global warming and its very real consequences. That accomplishment in and of itself has exploded the bears’ story – and the issue of global warming – onto what is perhaps the largest worldwide stage the issue has ever enjoyed.

But protecting Polar Bears under the Endangered Species Act would set the stage for another historic milestone: the law would require the administration to actually take action to ensure that activities carried out, permitted or funded by the federal government do not push the bear closer to extinction.

That means the administration will find itself forced, finally, to reduce the U.S. share of greenhouse gas emissions that fuel global warming.

The Center filed the scientific petition to gain



Photo by Scott Schliebe, USFWS

### Polar bear mother with cub

Endangered Species Act protection for the Polar Bear on February 16, 2005, the day the Kyoto Protocol went into effect without the participation of the United States. After the administration refused to act on that petition, the Center, along with Greenpeace and the Natural Resources Defense Council, filed suit in December 2005. The administration’s proposal is part of a legal settlement in that case.

The U.S. Fish and Wildlife Service has an additional year to obtain peer review and public comment on its proposal before issuing a final listing decision. To date, the government has received more than 200,000 comments in support of listing the Polar Bear, including letters from eminent Polar Bear experts, climate scientists, and more than 35 members of Congress.

## Bering Sea oil drilling in habitat ups risk for two endangered animals

The Center filed separate suits in December to protect two North Pacific marine

mammals whose habitat is threatened by new Bush administration proposals to open areas of the Bering Sea to offshore oil development.

One of the species at heightened risk is the North Pacific Right Whale, which – after the announced extinction of the Yangtze River Dolphin in December – took on the dubious distinction of most endangered marine mammal in the world. Devastated by commercial whaling, as few as 100 individual whales remain.

The Center’s legal action seeks to secure protection for the North Pacific Right Whale under the U.S. Endangered Species Act. Though scientists recognize three distinct species of right whales – the Southern, North Atlantic and North Pacific – right whales in the Atlantic and Pacific are still protected and managed as a single species. And while years



Photo by Rick Leduc, NOAA

### North Pacific Right Whale

of Center efforts finally resulted in the designation of almost 36,000 square miles of the Bering Sea as critical habitat for the North Pacific Right Whale, more than 15,000 miles of that habitat falls within an area proposed for oil and gas leasing.

Listing the North Pacific Right Whale as a unique endangered species would force stronger protections for

the whale and its habitat.

The Center also seeks designation of protected critical habitat for Sea Otters in the Aleutian Islands and southwest Alaska. As a result of our efforts, this most endangered population of Sea Otters in the world was listed as “threatened” under the Endangered Species Act in August 2005.

But instead of also protecting its habitat as required by the Act, the administration proposes opening that habitat to oil drilling.

Because they rely on their fur as insulation against the cold, oil spills can be devastating for Sea Otters – as evidenced by the thousand or more that perished as a result of 1989’s Exxon Valdez spill.

## Black Abalone a sign of warming threat to oceans

The Black Abalone, an intertidal invertebrate, once thrived from as far south as Cabo San Lucas, Baja California Sur to its northern territory of Coos Bay, Ore. Today, the Black Abalone has declined by as much as 99 percent in significantly large portions of that range, and continues to succumb to overharvest, disease and global warming.

To prevent the extinction of this marine

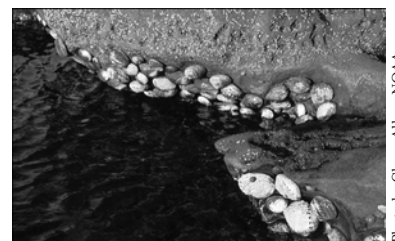


Photo by Glenn Allen, NOAA

### Black abalone cling to rock

snail, the Center filed a scientific petition in December to protect the Black Abalone under the Endangered Species Act.

Subject to periods of commercial and recreational overfishing as early as the late 1800's, most populations of Black Abalone had already suffered severe declines by 1985. That year marked the first detection of a disease called "withering syndrome," which has since continued to ravage remaining Black Abalone populations along southern California and the Channel Islands where the species was once most abundant.

Withering syndrome is exacerbated by ocean warming, and global warming has contributed to rising water temperatures off the California and Oregon coasts. As global warming progresses, this deadly disease is likely to spread to currently unaffected Black Abalone populations in the northern reaches of the species' range.

The near loss of the Black Abalone is a powerful reminder that left unchecked, global warming threatens to devastate our oceans.

Once added to the endangered species list, the Black Abalone would join the White Abalone and the Elkhorn and Staghorn Corals as the only marine invertebrates protected under the Endangered Species Act. Each of these species gained the Act's protections only following a similar petition by the Center.



Photo by William Hartley, USFWS

Atlantic salmon

## Atlantic fish get help from long neglect

Two Atlantic fish facing significant threats from commercial fishing and habitat destruction got a boost toward protection in December as a result of Center actions.

Together with the Conservation Law Foundation, the Center filed suit to compel the government to designate critical habitat for the wild Atlantic Salmon. The government is years late in doing so; as a result, populations of the fish have failed to recover beyond critically low levels.

The wild Atlantic Salmon was listed as an endangered species in eight rivers in Maine in 2000. But the two agencies responsible for managing the Atlantic Salmon, the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service, have dragged their feet on protecting its habitat despite scientists' conclusions that habitat loss and degradation are leading contributors to the salmon's decline, and despite their own recovery plan calling for improvements to the salmon's habitat.

The Center's aims to establish a firm deadline by which the agencies will designate critical habitat for the salmon.

Also in December, in fulfillment of a settlement agreement with the Center and Turtle Island Restoration Network, the National Marine Fisheries Service (NMFS) announced a formal status review of the White Marlin, an imperiled billfish in the Atlantic Ocean

In January 2003, a study published in the journal documented a 90 percent decline of large predatory fish populations worldwide as a result of overfishing. The White Marlin is perhaps closest to extinction, and continues to be caught at levels that will increase that risk. Longline fishing



Photo by Chris Kusar

Surprise Canyon

in particular is the largest threat to the species.

The Center and Turtle Island filed suit in January 2004 after NMFS refused to protect the Atlantic White Marlin under the Endangered Species Act, despite findings of the agency's own scientists that unsustainable harvest levels were driving the fish toward extinction. In October 2005, a federal judge ordered NMFS to re-evaluate its decision. The announced status review is an important step toward securing protection for the Marlin.

Endangered Species Act protection is all the more crucial for the White Marlin, since NMFS recently finalized a management plan for the species that allows longline fishing to continue in important spawning habitat for the fish.

## Canyon deserves permanent protection from ORV abuse

California's Surprise Canyon, a rare and fragile riparian ecosystem, is again gravely threatened by extreme off-road vehicle (ORV) users. This canyon cradles one of the last remaining wild streams in the Mojave Desert, supporting rich riparian and aquatic ecosystems in the Panamint Mountains near Death Valley.

In 2000, the Center and others sued the Bureau of Land Management (BLM) for failing to evaluate the impact of off-road vehicle use and other management policies on endangered wildlife. As a result of the Center's victory, the BLM closed the route through Surprise Canyon pending such analysis. Since then, Surprise Canyon has experienced a remarkable recovery. Cottonwoods and willow trees are flourishing, and rare species such as Desert Bighorn Sheep are thriving. Endangered birds, such as the Inyo California Towhee, have returned to the canyon after decades of absence.

To protect Surprise Canyon Creek, the Center and our coalition partners are seeking to intervene in a suit filed by off-road vehicle users who want to re-open the canyon for ORV use. The suit claims



# PROGRAM NEWS.....

that the sheer canyon walls and streambed are a “constructed highway” to which the public has right-of-way under a repealed Civil War-era law.

To accommodate off-road vehicle use in the 1990s, off-roaders cut down trees and other plants, filled in portions of the streambed with rocks, and used winches to pull vehicles up near-vertical waterfalls.

Allowing this abuse to resume within the confines of this pristine gorge would damage its unique character, decimating waterfalls, cottonwood cathedrals and willow woodlands that provide habitat for rare and endangered species.

The Center will continue to fight for protection of this desert jewel to ensure that Surprise Canyon and the plants and wildlife that depend on it can thrive free from the threat of off-road vehicle abuse.

## Hinkley community again under siege by toxic threat

The Center and other conservation and environmental justice groups appealed the San Bernardino County Board of Supervisors’ approval of an open-air sewage sludge treatment facility near the community of Hinkley, Calif. At press time, the board was scheduled to hear the appeal Feb. 27.

As if Hinkley’s toxic plight portrayed in the film “Erin Brockovich” were not a big enough blow to this community, the proposed facility would allow more than 500 daily vehicle trips to haul up to 2,000 tons of sewage sludge per day. The project also

would spread the waste – 400,000 tons processed per year – across 160 acres of pristine desert habitat.

Beyond threatening native animals and habitat, the facility would heap more misery on a community whose residents have been plagued for decades by the effects of toxic contamination caused by hexavalent chromium 6. That chemical compound, used by the local energy company and discovered in groundwater, was linked to high rates of cancer and birth defects in the community.

Contaminants found in sewage sludge, including dangerous pathogens, metals, pesticides and disease-causing fungi, could prove just as deadly.

Additionally, the groups involved in the appeal are concerned about the lack of public input into the approval process. Despite requirements under California law, there was neither adequate public notice nor review of the proposed project, and environmental documents were not provided in Spanish. Approximately 40 percent or more of the area’s population is Spanish-speaking.

Another matter of concern is the design and outdated technology of the proposed facility. The county refused to consider available state-of-the-art techniques – including an enclosed facility – to reduce greenhouse gas and other air pollution as required by law.

The groups bringing the appeal are the Center, [Helphinkley.org](http://Helphinkley.org), Desert Citizens Against Pollution, and the Center on Race, Poverty and the Environment.

## Rare ringtones spotlight endangered wildlife

The Center made an unexpected splash – make that *hoot* – on the trendy technology scene this winter with an idea that’s time had clearly come: endangered species ringtones.

A new Center Web site, [rareearthtones.org](http://rareearthtones.org), offers free ringtones – croaks, chirps and songs of dozens of rare and endangered animals around the world – that stand apart from the cacophony of mass-marketed tones in any crowd. Featured are authentic sounds of threatened owls, tropical birds, frogs, toads and marine mammals.

Some, like the Mountain Yellow-legged Frog, Yosemite Toad and Fringe-backed Fire-eye, are subtle. Others, like the Blue-throated Macaw, Barn Owl and Beluga Whale, are more dramatic.

And it’s not just tech geeks who are sitting up and taking notice.

Upon its launch the Center’s ringtones project quickly became a hot blog topic, made news headlines nationwide, earned radio spots as far away as South America, and became one of the most e-mailed stories on NPR Christmas week. The haunting song of the Orca – so far the most downloaded of the 40-plus tones – reached the third spot on the all-time most popular ringtone list at Myxer.

More than 10,000 people downloaded the ringtones in the campaign’s early weeks.

What makes these ringtones resonate?

For one thing, they’re just plain fun. But they also make for an interesting conversation starter – and a novel way to educate people about the serious plight of the endangered species behind the calls.

The new site encourages users to download fact sheets and photos for each featured animal, and to take action – with just one click – to save endangered species worldwide.



Photo by Lynne Howes/Center for Biological Diversity

What are you waiting for? Make your phone calls wilder today at [rareearthtones.org](http://rareearthtones.org) – and spread the word!

Owl ringtones are made available in concert with the nonprofit **Global Owl Project**, a worldwide project to identify and conserve the planet’s owls.

# Endangered Species Act: A Legislative Update

When the U.S. House and Senate adjourned Dec. 9, they officially brought the 109<sup>th</sup> Congress to a close: thus ending history's worst Congress and the reign of Rep. Richard Pombo, R-Calif., as the chair of the House Resources Committee. Pombo was the most vocal enemy of endangered species to ever sit in Congress, using his chairmanship to promote his own corporate agenda and to attack conservation efforts.

The end of the year also means that H.R. 3824 – the Pombo-authored anti-endangered species bill that passed the House in September 2005 but never found a willing sponsor in the Senate – is now officially dead. All bills that have not passed both houses are now defunct, and would have to jump through all the same hoops again to come up for vote in the new Congress.

But that Congress began in January with a Democratic majority, and Pombo failed to win re-election after his environmentally-hostile record raised public hackles and gave a decisive victory to Democratic challenger Jerry McNerney. Pombo won't have another chance to reintroduce his bill, and neither will he chair the House Resources Committee that oversees endangered species issues.

New Democratic majorities in the House and Senate bring other significant changes in committee leadership.

In the Senate, the Environment and Public Works (EPW) Committee was previously chaired by Sen. James Inhofe, R-Okla., a crusader against science and the environment. Now it will be chaired by Sen. Barbara Boxer, D-Calif., a long-time, enthusiastic advocate for environmental protections. The EPW subcommittee covering the Endangered Species Act will be chaired by Sen. Joe Lieberman, I-Conn., also a long-time ally.

In the House, we've lost the driving force for gutting the Endangered Species Act with Pombo's ousting. Taking over chairmanship of the House Resources Committee is Rep. Nick Rahall, D-W.Va., who previously stood up to Pombo as Resources Ranking Member.

Key members of Congress are signaling that under the new majority

leadership, no anti-endangered species bills (which often appear under the guise of "reauthorizing" the Act) will be entertained by the 110<sup>th</sup>, and that instead they are likely to hold oversight hearings to examine the administration's poor implementation of the Endangered Species Act.

For example, an October 30 *Washington Post* article revealed that Department of Interior Deputy Assistant Secretary Julie MacDonald and other Interior Department officials repeatedly distorted scientific findings to prevent the protection of plants and animals under the Endangered Species Act (see related articles in Advocacy Spotlight, this issue).

Such actions are symptomatic of a larger problem at Interior. The Bush administration has listed fewer species under the Endangered Species Act than any other administration since the law was enacted in 1973, in part because it has denied species protection at record rates. Of all the endangered species listing decisions made under the Bush administration, 47 percent denied protection as compared to only 13 percent during the last five years of the Clinton administration.

The Center helped expose MacDonald's shenanigans, and in the wake of these revelations, we are encouraging Congressional oversight and investigation into the abuse of science at the Interior Department.

Even as the tide turns in Congress, we must still deal with an administration that is extremely hostile to the environment and would veto any legislation to actually strengthen endangered species protections. In fact, Secretary of the Interior Dirk Kempthorne is expected to make rule changes to weaken those protections.

Nonetheless, new Congressional leadership means that we can promote efforts to improve endangered species recovery and implementation of the laws meant to protect them. The simplest thing the new Congress can do is to adequately fund the programs that protect species and habitat, which have been drastically and deliberately

underfunded for the past six years. They also can work for full implementation of recovery plans – scientific guidelines that are meant to guide endangered species recovery, but that have been systematically postponed and ignored over the course of this administration. Finally, they can develop fair financial incentives and technical assistance to landowners to encourage endangered species conservation on private lands.

The Center for Biological Diversity already is working with the 110<sup>th</sup> Congress to bring these priorities to the front of the discussion on endangered species issues.



## A BIG THANKS

*to all our members, old and new, who helped us reach our fundraising goal of \$200,000 in support of the Center's Endangered Species Act Works! campaign. We passed our goal by New Year's Eve, which means we earned every dollar of our \$200,000 matching challenge grant! Thank you for keeping our shared voice powerful as we work for strong endangered species protections in 2007 and beyond.*

# Resurrecting Science to Recover Wolves

**After the agency charged with recovering Mexican Gray Wolves turned its back on a scientific panel's recommendations, the Center turns to the courts to stop politically-motivated predator control from devastating the wolves.**

Five years after a scientific panel urged critical reforms to the Mexican Gray Wolf reintroduction program, the Center has filed suit challenging the U.S. Fish and Wildlife Service – the very agency that convened the panel – for its refusal to implement the most important of the recommended reforms.

The lawsuit will jumpstart recovery for the animal that the Service itself, after having spent decades trapping and poisoning Mexican Wolves in the Southwest and Mexico, identified as North America's most endangered mammal.

In planning the 1998 reintroduction of Mexican Wolves into the wild, the Service projected that by the end of 2006, more than 100 wolves would roam the Apache and Gila National Forests in Arizona and New Mexico. According to the 1982 Mexican Wolf Recovery Plan, those 100-plus wolves would comprise one of two populations that together would lead the species toward recovery.

Far from reaching that goal, however, the population declined from 55 animals counted at the end of 2003 to 35 counted at the end of 2005. The 2006 count is ongoing through January, but even with an expected increase the year-end tally will still come in at significantly fewer than 100 animals.

The Mexican Wolf has not reached this initial milestone toward recovery primarily due to government trapping and shooting of Mexican Wolves on behalf of the livestock industry. The Service's predator control program for the Mexican Wolf is an anomaly in the agency's management of wolves in general; the Service follows different rules for wolves in the northern Rocky Mountains and the

Great Lakes states – where wolf numbers have grown to more than 1,000 and 3,000 animals, respectively.

Unlike for wolves elsewhere (or for any other endangered species), the Service has bound itself to remove any Mexican Wolf living outside a designated



Gray Wolves to the north are larger and differently adapted for survival than the Mexican Wolf of the Southwest. But their success at recovery – while the Mexican Wolf struggles – is more a matter of politics than morphology.

area. Managing the Southwest's wolves according to rigid and arbitrary boundaries has proved disastrous for recovery. For example, in November 2001, a lone wolf outside the boundary was chased by helicopter until he collapsed and died. And in August 2004, the Service trapped two wild-born wolves because they were on the "wrong" national forest; their young, dependent pups were not found.

The 2001 science panel, which comprised the Service's official three-year review of the reintroduction program

and was conducted by renowned non-governmental biologists led by Paul C. Paquet, Ph.D., urged allowing Mexican Wolves to roam freely just as all other species the Service manages are allowed.

The rules for wolf reintroduction to the northern Rocky Mountains require ranchers to clean up "attractants" (livestock carcasses), and withhold predator control where those carcasses attract wolves that then prey on stock. Mexican Wolves receive no such protection – again, with devastating consequences for the population.

From 1998 through 2000 the Campbell Blue Pack showed no interest in cattle and were even documented trotting right by a herd of cows and calves en route to successfully hunting elk. But after scavenging on cattle they did not kill in early 2001 (one of which was in an area of the Gila National Forest closed to livestock), they began killing cattle and were recaptured.

The alpha male will never be re-released. His mate was re-released in spring 2003 with a new male. She abandoned him and traveled dozens of miles back to where she had first tasted beef. There she began hunting cattle again, and in May 2003 the Service shot her – the

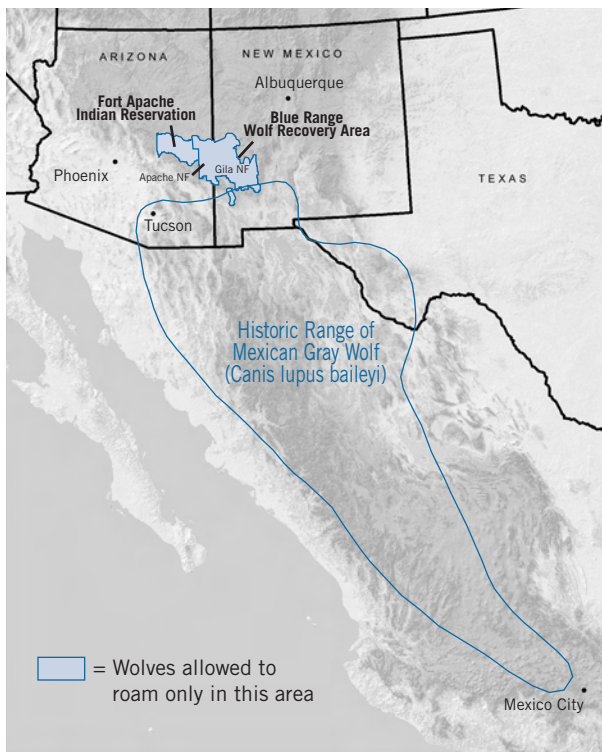
first of so-far eight wolves shot by the government since reintroduction began.

The Service also has killed 20 Mexican Wolves unintentionally as a result of capture; dozens more have been traumatized or injured, lowering their survival chances upon re-release.

To prevent wolves from becoming habituated to livestock, the science panel recommended requiring ranchers using public lands to remove or render inedible (by lime, for example) the carcasses of cattle and horses that die of non-wolf causes.

Photo by Gary Kramer, USFWS





Instead of following the recommendations of the panel it commissioned, in July 2006 the Service announced an even more destructive direction in its management of Mexican Wolves. It pledged in writing:

- To not regulate livestock carcasses abandoned on public lands.
- To expand but not eliminate the arbitrary geographic boundaries that confine wolves.
- To allow wolf shooting in broader circumstances than those presently permitted.
- To cap the wolf population at 125 animals and allow mass wolf killing above that number.

- To impose today's failing management protocols in new areas needed for the Mexican Wolf's eventual recovery.

In short, the agency charged with the Mexican Wolf's recovery has chosen to abandon science for politically-motivated policies that threaten to make a dire situation worse. The Center's lawsuit is necessary to compel the Fish and Wildlife Service to adopt the recommendations of the independent scientific panel – and to give the lobo a chance.

*Article by Michael J. Robinson, Carnivore Conservation Coordinator*

## Coalition seeks homecoming for Sky Islands' Gray Wolves

The Center is leading six organizations in forming the new Sky Islands Wolf Coalition to ensure that the Mexican Gray Wolf will be allowed to return home.

The Mexican Wolf, known as the lobo in Mexico and along the border, and nicknamed the desert wolf by pioneering ecologist Aldo Leopold, is native to the Sierra Madre Mountains of Mexico and the Sky Island Mountains of southeastern Arizona and southwestern New Mexico.

The scientist who first identified and named the Mexican Wolf noted its distinct dentition and smaller size from wolves further north, and the "remarkably abrupt" morphological transition between the Mexican Wolf and neighboring wolves. Although mammals' sizes generally decrease with distance from the poles, these precipitous changes in body type may have had specific adaptive value for an animal preying on the diminutive Coues White-tailed Deer and the pig-like Javelina in an area not populated by larger bodied Elk – and where prickly vegetation might impede the movement of a larger wolf.

In 1998, the Mexican Wolf was reintroduced slightly north of its

evolutionary home in the range of an extinct Gray Wolf subspecies. Fish and Wildlife Service regulations forbid the lobo to re-colonize the Sky Islands, and a Service regulation struck down by a court at the behest of the Center and other groups would have redefined the Mexican Wolf into a generic Gray Wolf ranging all the way to northern Colorado. There is still a risk that the Service will attempt to introduce the Mexican Wolf to Colorado instead of

working to recover the subspecies in its native range.

Such a move would subject the Mexican Wolf to the evolutionary pressures that led to a much larger wolf and, over generations, shape the lobo into a profoundly different creature. The Sky Islands Wolf Coalition will educate and advocate for returning Leopold's desert wolf to its desert home.



Mexican Gray Wolf pair

Photo by Val Halstead, Wolf Haven International

## Exposé reveals political interference in wildlife science

The Center helped publicly expose a Bush administration appointee for persistently interfering with government scientists to sway decisions regarding endangered species protection.

Julie MacDonald, Department of Interior Deputy Assistant Secretary for Fish, Wildlife and Parks, repeatedly overruled agency scientists in order to deny protection for critically imperiled species, according to an October 30 *Washington Post* exposé based on information provided by the Center and other groups.

As reported in the *Post*, documents obtained under the Freedom of Information Act confirm that internal findings by U.S. Fish and Wildlife Service scientists concluded that the Gunnison Sage-grouse, Gunnison's Prairie Dog, White-tailed Prairie Dog, Roundtail Chub, Mexican Garter Snake and a Mariana Islands plant are at risk of extinction and should be considered for endangered species protection. In each case, MacDonald – an engineer with no biological training – or other officials ordered biologists to reverse their findings.

The *Post* quoted MacDonald as saying that she has “mocked rank-and-file employees’ recommendations.”

MacDonald's interference in scientific decisions concerning endangered wildlife is pervasive. In response to a 2005 survey conducted by the Union of Concerned Scientists, 84 Fish and Wildlife Service scientists indicated they were directed to exclude or alter scientific information in decisions. Several mentioned MacDonald by name.

As one wrote, “I have never before seen the boldness of intimidation demonstrated by a single political appointee. She has modified the behavior of the entire agency. I believe there should be a thorough investigation of her abuse of discretionary authority and modification of science information provided in FWS documents.”

Echoing a call from the Union of Concerned Scientists to restore scientific integrity to the Interior Department,

the Center, Biodiversity Conservation Alliance, Center for Native Ecosystems, Forest Guardians, and Sagebrush Sea Campaign called upon recently appointed Interior Secretary Dirk Kempthorne to reconsider decisions made with MacDonald's interference, and to ask for her resignation.

A December 20 guest editorial in the *Seattle Post-Intelligencer* by the Center's Noah Greenwald called for Kempthorne to “clean house” at Interior by removing MacDonald, as well as recently appointed Second Deputy Secretary of Interior Todd Willens, formerly policy director for ousted Rep. Richard Pombo, the most anti-endangered species congressman in recent history. Similar guest editorials by the Center for Biological Diversity or

Center for Native Ecosystems appeared in the *Denver Post*, *Casper Star-Tribune* and *Rocky Mountain News*.

These calls appear to be gaining traction. The *Washington Post* revealed that the Inspector General of the Department of Interior is investigating MacDonald, and Democrats, including Congressman Nick Rahall, D-WVa., new chairman of the House Resources Committee, have pledged to launch a congressional investigation in this session. Secretary Kempthorne will need to fire MacDonald and Willens and restore scientific integrity at the Department of Interior or risk these investigations bringing down his administration.



### A History of Violence continued from page 3...

**March 2005.** Whistle-blower Rick Piltz, senior associate from office coordinating federal climate change programs, resigns declaring that political appointees “impede[d] forthright communication of the state of climate science” and “undermine[d] the credibility and integrity of the program.”

**February 2005.** UCS survey reveals that 44 percent of U.S. Fish and Wildlife Service (FWS) scientists working on endangered species reported they had been directed for non-scientific reasons to refrain from making findings to protect species.

**December 2004.** Opinions of Julie MacDonald, Interior Department appointee with no background in wildlife biology, provided as part of source material for FWS panel that denies ESA protection for Greater Sage-grouse.

**June 2003.** White House tries to force EPA to alter section on climate change in Draft Report on the Environment. Entire section ultimately deleted from report released for public comment.

**September 2002.** Administration removes section on climate change from EPA's annual air pollution report.

**May 2002.** President Bush expresses disdain for State Department's Climate Action Report to United Nations that points to clear human role in accumulation of heat-trapping gases and forecasts negative consequences of climate change.

*For a more complete list of the Bush administration's misuses and abuses of science, visit the Web site of Union of Concerned Scientists at [www.ucsusa.org/scientific\\_integrity](http://www.ucsusa.org/scientific_integrity). We acknowledge UCS for compiling much of the information reported in this timeline.*

# Meeting the Arts

Music, theater, film and public television – the Center saw its work celebrated across the arts this winter.

- About 300 people attended Arizona's premier of the Wild & Scenic Environmental Film Festival in November, raising nearly \$1,500 to benefit our work and bringing environmental stories to life through the magic of film. The mission of the film festival is to educate and inspire, and the Center was thrilled to share it with our hometown crowd at the Loft Cinema in Tucson.

- Singer, songwriter, activist and Center member Bonnie Raitt donated special tickets to her 12/30 concert in Temecula, Calif. to benefit our work. Along with special guests Jon Cleary & The Absolute Monster Gentlemen, Bonnie treated the audience to a fantastic (sold-out!) show and helped generate more than \$14,000 to support the Center for Biological Diversity. The reception that followed brought those with premium tickets face-to-face with Bonnie backstage, where Center staff Ileene Anderson and Peter Galvin also spoke about the Center's work.

- The Center takes the stage in theater mecca New York City this January and February. A production benefiting our work opened January 10 at The Brick Theater. Inverse Theater Company presents "The Death of Griffin Hunter," a play noir by Kirk Wood Bromley. This thrilling and inventive tale about the Secretary of Disarmament for the United Nations takes off when Hunter flies to San Francisco to sign a disarmament treaty with 90 nations – and quickly finds himself embroiled in adventures he never bargained for. For more information or tickets, visit [www.inversetheater.org](http://www.inversetheater.org).

- On Jan. 14, the Orpheum Theater in Phoenix, Ariz. screened the world premier of "A River Reborn: The Restoration of Fossil Creek." The PBS documentary tells the story of Arizona's Fossil Creek, which after 100 years of degradation is undergoing restoration thanks to an agreement



Bonnie Raitt

Photo courtesy of Bonnie Raitt

between Arizona Public Service, Inc. and environmental advocates including the Center. The documentary was produced for Northern Arizona University and the Museum of Northern Arizona by five-time Emmy Award-winning producer Paul Bockhorst, and narrated by "Cheers!" actor Ted Danson. Check your local listings or call your PBS station to find out when the film may air in your town.



## Endangered earth

*Endangered Earth* is the quarterly newsletter of the Center for Biological Diversity, a 501(c)3 nonprofit organization dedicated to protecting endangered species and wild places through science, advocacy, education and environmental law. Contributions are tax-deductible.

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On occasion, we trade our mailing list with organizations that share our mission. If you would prefer that your name not be exchanged, please contact us.

CENTER FOR BIOLOGICAL DIVERSITY  
BECAUSE LIFE IS GOOD.

## In Memoriam

We offer sincere condolences and gratitude to the family of Center member Mark Saylor of Las Vegas, Nev., who passed away in 2006. As his family suffered a tremendous loss, they celebrated Mark's life and his passion for protecting wildlife. Mark was a committed supporter who chose to include the Center for Biological Diversity in his will. He left a legacy that will allow our conservation efforts to continue long into the future. If you would like more information about leaving a legacy for wildlife, please contact our membership director, Keri Dixon, 520.623.5252 ext. 312 or [kdixon@biologicaldiversity.org](mailto:kdixon@biologicaldiversity.org), or speak to your trusted financial advisor.





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## Marching Toward Extinction *continued from front page*

off the islands of South America, the African Penguin in southern Africa, and the Emperor Penguin in Antarctica.

For example, the Pointe Geologie colony of Emperor Penguins featured in “March of the Penguins” has declined by 70 percent due to global warming. Krill, the keystone of the Antarctic marine ecosystem, and an essential food source not just for penguins but also for whales and seals, has declined by as much as 80 percent since the 1970s over large areas of the Southern Ocean.

Recent studies indicate that even under the most optimistic greenhouse gas emission scenarios, continued warming over the next several decades will affect, dramatically and adversely, key ecosystems on which penguins depend, including the Southern Ocean, Antarctica and the Sub-Antarctic islands.

The Galapagos Penguin is the only penguin species currently protected by the Endangered Species Act.

Listing these additional species under the Act will provide broader protection to penguins, including a requirement that the U.S. government may not carry out, authorize or fund any activity that would jeopardize the penguins’ survival. Therefore, adding these penguins to the threatened and endangered species list also would mandate that the government take significant action to address global warming.

The United States, with only four percent of the world’s population, is responsible for producing about one-quarter of the world’s greenhouse gases. The U.S. Government Accounting Office projects that these greenhouse gas emissions will grow by 43.5 percent through the year 2025.

Despite an overwhelming body of scientific and economic literature demonstrating that the long-term benefits of reducing greenhouse gas emissions and future warming

would vastly outweigh any costs, the Bush administration has opposed all international and national efforts to make meaningful reductions to emissions.

The 12 penguin species included in the Center’s petition are the Emperor, Southern Rockhopper, Northern Rockhopper, Fiordland Crested, Snares Crested, Erect-crested, Macaroni, Royal, White-flipped, Yellow-eyed, African and Humboldt Penguins. Photos and range maps for each species are available on our Web site, [www.biologicaldiversity.org](http://www.biologicaldiversity.org).

*For more on the Center’s work to demand that the administration heed scientists’ warnings and take action to reduce U.S. contributions to the emissions that cause global warming, see inside article, “Anything But the Truth.”*

