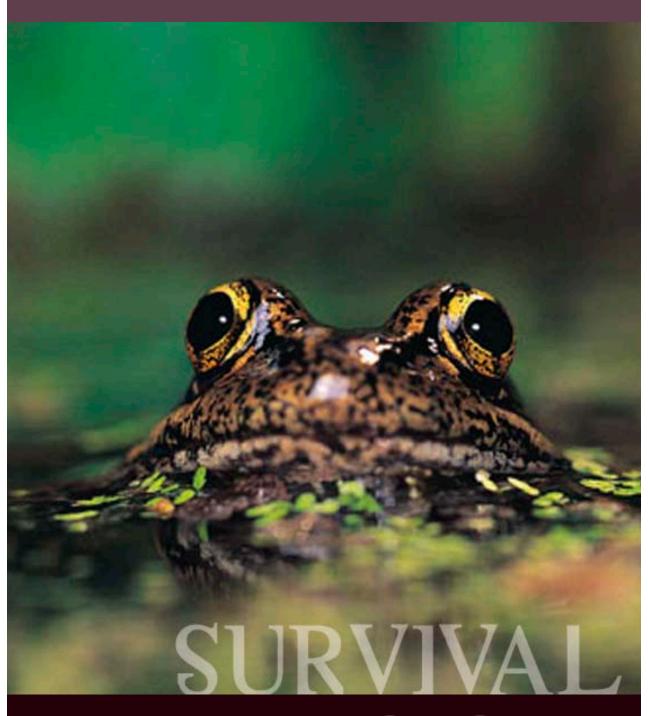
## **CENTER FOR BIOLOGICAL DIVERSITY**

BECAUSE LIFE IS GOOD.



ANNUAL REPORT

WWW.BIOLOGICALDIVERSITY.ORG

# ANNUAL REPORT

he year 2003 marks the thirtieth anniversary of the Endangered Species Act, the most powerful law in the world for protecting wildlife. To celebrate this milestone the Center launched a major national research program to examine the successes and failures of endangered species conservation efforts over the past three decades. Our initial findings demonstrate that when the Act is fully implemented, it is remarkably effective at saving species (see page 10). But when it is ignored or undermined, extinction is often the result.

Also in 2003 we established the Center for Biological Diversity Environmental Law Clinic at the University of Denver (see page 17). The Center's environmental law clinic was recently ranked 12th in the nation by U.S. News and World Report. Through this partnership with the University we are educating a new generation of environmental lawyers and providing free legal services to non-profit activist groups.

Despite the broadly defensive stance the Center has had to take this year to stave off the myriad assaults of the Bush Administration—not only on wildlife and wilderness but also on protections for human health, clean air, and clean water—we rose above the fray with a number of stand-out victories. In the Sequoia National Forest we stopped a timber sale and set a precedent that will help erode Bush's attack on old-growth forests across the country; in Puget Sound, killer whales got a new lease on life when a federal judge decided in our favor and directed the Administration to rethink their decision to let the whales go extinct.

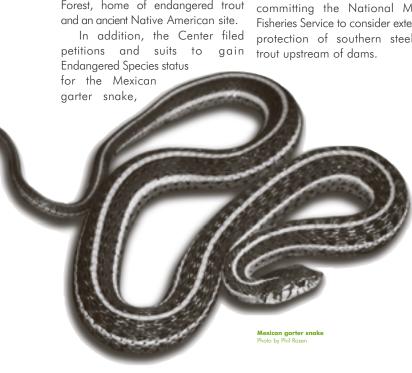
The Center won the designation of 13.6 million acres of critical habitat this year—for the sake of species like the Mexican spotted owl, Blackburn's sphinx moth, and Santa Ana sucker—and halted a massive, 15-million-square-foot industrial facility that would have degraded and polluted the grasslands of the southern San Joaquin Valley.

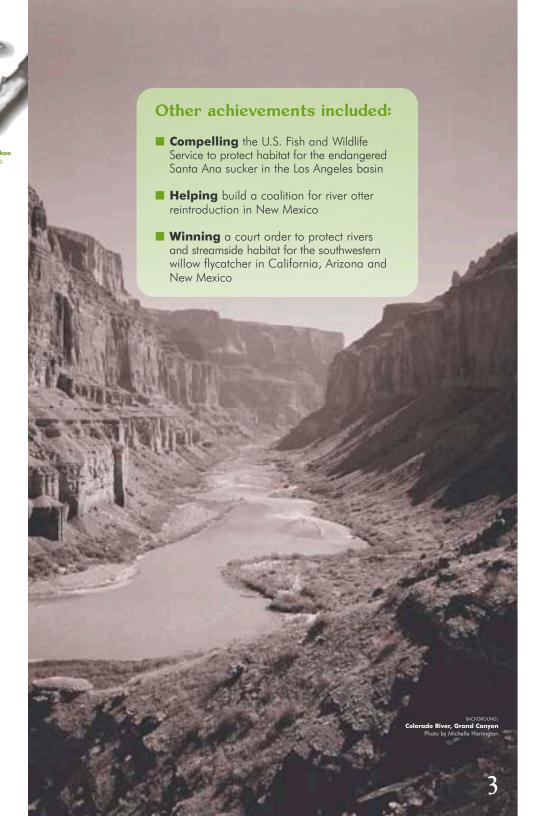
Thanks to the steadfast support and passion of our members and staff, it has been an exceptional year for the Center. And as we keep fighting to save wild animals, plants and lands from the depredations of the Bush Administration and its industry allies, I thank you for the gift of your conviction.

Kierán Suckling Executive Director Rivers

The Center has long focused on the defense and restoration of rivers, both for their own sake and for the vast array of aquatic, streamside and forest species that depend on them. This year we won a protection order for thousands of stream miles stretching from southern California to Puget Sound and inland to Idaho—an order that will help preserve 20 salmon and steelhead trout species. We convinced the U.S. Forest Service to protect 57 rivers totaling 750 miles on all six of Arizona's national forests, and we won protection of the North Fork Eel River in California's Six Rivers National Forest, home of endangered trout

roundtail chub, headwater chub, four species of Pacific lamprey, and Montana fluvial arctic grayling—all of which are in drastic decline and play a critical role in river ecosystems. As a direct result of our work to protect the highly imperiled Kootenai River white sturgeon in Montana, the U.S. Army Corps of Engineers was compelled to change its operation of Libby Dam—the primary threat to the sturgeon—to allow more natural river flows. And we won a key victory committing the National Marine Fisheries Service to consider extending protection of southern steelhead





# Forests

orests throughout the western 2003, the Center fought hard against the Bush administration's so-called "Healthy Forest Initiative," which rolls back forest harmful 1,700-acre timber sale. protections and stops citizens from

old growth. Dressed up as a program to thin small trees for the prevention of wildfires, the Bush plan in fact abolishes the public's right

appeal timber sales the U.S. Forest Service chooses to clasallies, the Center filed suit under the Bush policy. San Bernardino.

In the Sequoia National Forest, United States are being we stopped a major timber sale that clearcut and fragmented until would have cut down 1.6 million no true wilderness remains. In board feet, including large and oldgrowth trees. And on the Eldorado National Forest, in vital spotted owl territory, we brought a halt to a

Bringing relief to besieged forests raising their voices in defense of of old-growth ponderosa pine, the

> Center achieved new protections for eight million acres in Arizona and New Mexico. where more scientific timber management will save wild forests for goshawks,

songbirds and black bears. We also won a court order directing the U.S. sify as thinning projects in Fish and Wildlife Service to finalize a order to increase logging of new critical habitat proposal for the large trees and old-growth Mexican spotted owl in these forests. forests. Along with our And all across the west we fought exploitative oil and mineral against the U.S. Forest extraction in national forests, Service to prevent radical from Alaska's stunning Chugach to overhauls of the system southern California's Los Padres and





## Sequoia trees

## Other achievements included:

- **Defeating** construction of a destructive telescope system in Arizona's Coronado National Forest
- **Suspending** livestock grazing on 5,700 acres in the Los Padres National Forest
- **Challenging** six timber sales in southeastern Alaska's Tongass, the country's largest and wildest national forest

■ **Appealing** a massive eight-million-board-feet timber sale on 4,350 acres in the Lincoln National Forest in



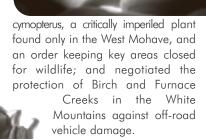
King Salmon Bay, Admiralty Island, Alask

Deserts

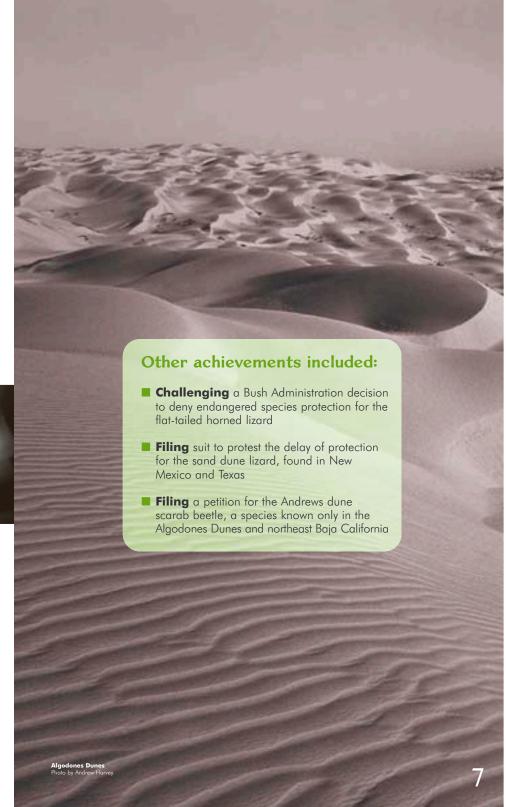
Flat-tailed horned lizard Photo coutesy of BonTerra Consulting 2003

he Sonoran desert is one of the lushest and most diverse in the world, Southern California's Sonoran biome is home to the Algodones Dunes, a surreal moonscape that boasts more than 160 desertadapted species and the largest dune system in the United States. Unfortunately, savage use by off-road vehicle drivers who roar into the Dunes on weekends—sometimes as many as 240,000 at a time—is tearing up the Dunes' fragile wildlife. This year the Center defended a hard-won closure of parts of the Dunes against an industry lawsuit; we also won a key victory that maintains a ban on off-road vehicles across almost 50,000 spectacular acres. The Center won an astounding 52,780 acres of proposed habitat protection for the threatened Peirson's milk-vetch and blocked bad science by the U.S. Fish and Wildlife Service that would have hurt the milk-vetch and other rare plants and animals in the Dunes.

In the Mohave desert, which is under severe pressure from unchecked development, water diversion and cattle grazing, the Center also won a series of crucial victories. We kept livestock off 248,000 acres for the protection of the endangered desert tortoise; won an early positive response to our petition to protect the desert



Peirson's milk-vetch



## Oceans

s a torrent of ecological American military plans to build a an ever-growing portion of our to stop the runway and protect the ocean planet. Working as far north dugong's last habitat. In Berlin, as the Bering Sea and as far south as Center staff presented research on Guam, from Asia to the Atlantic, we the effects of habitat degradation

have won endangered status for declining marine mammals, birds, and fish; closed down poorly run commercial fisheries; and gained habitat protections across millions of

Bering Sec

acres of ocean. In the international arena, we

Japanese

went to Japan to work with

environmental

threatened by

nenome toto coutesy of NOAA

organizations to protect

the last 50 Okinawa dugongs—peaceful, slow-moving mammals closely related to manatees—which

devastation sweeps the seas, heliport on a coral reef, and filed suit the Center's work embraces against the Department of Defense

> on whales at the Scientific Committee of the International Whaling Commission, prompting a shift in the Commission's focus from whaling to a broader conservation agenda.

On the home front, a Center case garnered a major victory for Puget Sound's killer whales—and set a precedent that could help species around the country—when a federal judge ruled that the Bush Administration had purposefully ignored its own science in refusing to protect the whales under the Endangered Species Act. We won a decision directing the National Marine Fisheries Service to assess the impacts of California's longline swordfishery on endangered sea turtles, and also won temporary closure and new management for Hawaiian longline fisheries. And one of our petitions brought a proposal to bring endangered species protection to sea otters in Alaska's Aleutian Islands.



Piping plover
Photo by Sidney Maddock

## Other achievements included:

■ Winning a "depleted" designation under the Marine Mammal Protection Act for a pod of killer whales in Alaska's Prince William Sound

**Reaching** an agreement with the U.S. Fish and Wildlife Service to grant endangered status to the Palau dugong

**Conducting** a major inventory and biodiversity assessment of the ecosystems and species of the Bering Sea and Puget Sound



# Endangered Species

Baker's larkspur Photo by Doreen Smith



nce a species is granted status, the greatest danger to its continued survival is usually habitat loss. The Endangered Species Act allows for the legal protection of vast swaths of wilderness to provide habitat that is deemed critical for the species' survival. This "critical habitat"

publicized a comprehensive study of threatened or endangered U.S. Fish and Wildlife reports—reports whose release had been curiously delayed. The study shows that the government's own science proves critical habitat works—contradicting the Administration's claims that the Endangered Species Act is "broken."

It is the only administration in

history that has failed to designate a single critical habitat area except under court

## CRITICAL HABITAT DESIGNATIONS **WON IN 2003**

Species	State	Acres
Kauai Cave Wolf Spider	HI	272
Blackburn's Sphinx Moth	HI	55,451
Kauai Cave Amphipod	HI	272
Rhadine exilis ground beetle	TX	644
Rhadine infernalis ground beetle	TX	686
Veni's Cave Spider	TX	85
Helotes Mold Beetle	TX	164
Robber Baron Cave Spider	TX	57
Madla's Cave Spider	TX	201
Robber Baron Cave Harvest	TX	57
Baker's Larkspur	CA	1,828
Yellow Larkspur	CA	2,525
Scotts Valley polygonum	CA	287
Keck Checker-mallow	CA	1,085
Preble's Meadow Jumping Mouse	CO, WY	31,222
Peirson's Milk-Vetch	CA	52,780
San Diego Fairy Shrimp	CA	6,098
Mexican spotted owl	AZ, NM,	
	CO, UT	13,470,000

## Total final and proposed designations: 13,623,714 acres

is vital to the Act's effectiveness in a small budget for itself from saving rare animals and plants from Congress—despite the fact that going extinct.

critical habitat, claiming it is of habitat protection for the Mexican

order. Claiming a lack

Coqui guajon (Puerto Rican rock frog)

of funds prevents it from doing its job, Bush's Fish and Wildlife Service then turns around and purposefully requests

Congress is willing to budget Yet the Bush Administration has far more. In one case, the launched a full-scale attack on Administration reduced a Clinton-era no value and can even harm spotted owl by a staggering nine endangered species. In 2003, to million acres. When the Center combat this insidious misinformation protested, a federal judge struck campaign, the Center released and down the Bush designation as

"nonsensical" because it excluded 90 percent of the beleaguered owl's habitat. Under court order, the government had to fall back on the original figure of 13.5 million acres.

Developers, loggers, and ranchers are taking

their cue from the Bush administration, which they know will help them to raid public lands by failing to defend critical habitat in court, and filing myriad lawsuits to strike down critical habitat areas across the western U.S. The Center has intervened in many of these suits—on behalf of



Won Federal Proposal for Mexican Spotted Owl Critical Habitat Designations in 2003

> New Mexico: 4.6 million acres Utah: 3.3 million acres Arizona: 4.9 million acres Colorado: 569,000 acres

Total acreage: 13.5 million acres

the southwestern willow flycatcher, the California red-legged frog, and the Alameda whipsnake, for instance—to prevent backdoor deals between the administration and industry from robbing species of their habitat protections for good.

## Other achievements included:

- Winning a commitment from the U.S. Fish and Wildlife Service for critical habitat and a recovery plan for the Puerto Rican rock frog, or "coqui"
- **Negotiating** a settlement for critical habitat for the Laguna Mountains skipper
- Compelling the U.S. Fish and Wildlife Service to map out and protect critical habitat areas for the endangered Santa Barbara tiger salamander



o set priorities for an effective program to save endangered species, it is crucial to know what species are in the most urgent peril, where they live, and what they need to survive. With the support of the Russell Family Fund, the Nina Mason Pulliam Charitable Trust, the Campaign for American Wilderness, the LaSalle Adams Foundation, and the Oak Foundation, the Center has undertaken an ambitious scientific effort to quantify biodiversity across the United States as a basis for future action. In 2003 we initiated assessments of biodiversity in four key regions.

## The Bering Sea

Our two-year study of the state of biodiversity in the Bering Sea has just begun. This two-million-square-kilometer sea between western Alaska and eastern Siberia supports exceptional wildlife diversity, including the largest multinational cluster of seabirds in the world. Forty-three percent of all American breeding



Humpback whale

seabirds can be found in the region, which is also home to bowhead whales, sperm whales, humpback whales, gray whales, orcas, Steller sea lions, walruses, spectacled eiders, auklets, salmon, sea otters and king crab.

## **Puget Sound**

The Center's preliminary results have identified 7,322 species native to the Puget Sound basin, of which at least 17 percent (1,228) are declining or imperiled. At least 22 species are known or suspected to be extinct or extirpated from the Basin. Although imperiled



species occur in a broad range of habitat, seven habitat types stand out for the number of imperiled species they harbor, including old-growth forests, prairies and grasslands, coastal environments, marine environments, rivers and streams, wetlands, and alpine meadows. Threats to species and their habitat are increasing—highlighting the need for greater protection of key Puget Sound habitat and the species that depend on them.

# Occurrence Density of Vulnerable Species in Nevada Occurrence Density

## Nevada

Nevada, the fastest-growing state in the nation, is home to a number of desert-adapted species that exist nowhere else—many of which are now in direct competition with cities like Las Vegas and Reno that are increasingly demanding vast amounts of water. Using Geographic Information Systems technology, the Center has identified more than 400 species vulnerable to extinction in Nevada. Information on species observations and habitat requirements is being used to identify areas where landscape-level protections are needed and feasible.

## Arizona

Source: Nevada Natural Heritage Databas

The Center's ongoing research in Arizona is aimed at identifying the successes and shortcomings of efforts to manage the state's imperiled species. We are investigating the 67 plant and animal species in Arizona that are federally listed as candidate, threatened, or endangered by compiling data on populations and management efforts; collaborating with wildlife and land management agencies, scientists, and other conservation organizations; and providing comprehensive analyses of the data



Anache trout restoration

and management results. We will use our findings to recommend specific changes in the way species and their habitat are managed.



s cities and agricultural lands its western counterpart would sprawl unchecked they destroy vital habitat, drive species to extinction, create pollution, and contribute to the social disintegration of communities, reducing human quality of life. The Center is working to curb the effects of urban sprawl on wildlife and wilderness by ensuring the protection of species and their habitats under a host of environmental laws.

together have been twice the size of downtown Bakersfield, California, in an area that is already the second most ozone-polluted county in the country. For the average adult male in the area, the cancer risk from diesel exhaust alone is 510 times greater than what the Environmental Protection Agency considers acceptable. The Center played a strong role



corridor for one of the largest developments in the city of Calimesa, California, allowing animals to travel between two new state parks. We also are opposing developments in Palm Springs, California; La Osa Ranch, Arizona; Pima County, Arizona; and on the Miramar Marine Corps Air Station in San Diego.



In 2003, along with our allies, the Center halted a massive 1,109acre, 15-million-square-foot Kern County diesel truck and industrial facility known as Tejon Industrial Complex-East, a monstrosity planned for the grasslands of the southern San Joaquin Valley. If permitted to go forward, the eastern complex and

Santa Clara River sprawl

## The Center Opens **Environmental Law Clinic**

n 2003 the Center established an environmental law clinic at the University of Denver College of Law. This new Center for Biological Diversity Environmental Law Clinic offers law students the opportunity to take on real environmental cases in federal court, handling litigation under a range of statutes including the are excited about the new partnership, Endangered Species Act, the National Environmental Policy Act, the National Forest Management Act and others. Students research cases, draft legal documents, file complaints and interview clients.

The clinic provides pro bono legal services to clients who can't afford to

pay for it themselves. Under Center management the clinic's students have already tackled cases aimed at protecting jaguars, white- and blacktailed prairie dogs, sperm whales, Rio Grande cutthroat trout, and Atlantic white marlin, among many others.

Both the Center and the University which gives us an efficient and powerful way to train the next generation of public interest lawyers while getting vital work done to save species and wild lands. The University of Denver clinic is the Center's first, but it may well become a model for other Center clinics in the future.



The Center for Biological Diversity Environmental Law Clinic's building was the first in the country to conform to the U.S. Green Building Council's Leadership in Energy and Environment Design certification system. Some of the facility's green features include an energy conservation system that uses 40 percent less energy than a comparable conventional building; building materials with a high percentage of post-consumer recycled components; infrared sensors on faucets and other water-efficient fixtures that can reduce water use by as much as 39 percent; and recharging stations for electric vehicles.

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# Membership



en years ago, the Center's dues-paying members numbered fewer than 50. We were a fledging

organization, just four years old, and many of those first members were loyal friends, family, and people with whom we'd made face-to-face connections in communities not far from our Southwestern headquarters.

A few years later, our membership burgeoned into the thousands—making us a force to reckon with. There's strength in numbers, but it's the education, civic participation, and dedication of our members that sets us apart. Through letter-writing campaigns, community organizing, and our vast alert network, our members have amplified the Center's

message that preserving biodiversity is fundamental to human life. And they've helped influence the way federal agencies, legislators, and other decision-makers do business.

As our membership department grows too, and we reach out to more and more people across the country, we're nearing the 10,000-member mark. We're thrilled with the growth those numbers represent: the expansion of Center programs to encompass plants, animals, and wild landscapes from coast to coast and halfway round the world. Our members have helped lend the Center the powerful voice we now have in the struggle to save endangered species and wilderness.

—Julie Miller Membership Director



"The Center for Biological Diversity is the only group that is brave and savvy enough to turn small donations into sweeping legal decisions that protect the land from exploitation and development."

> —Krista & Alan Binnie, Members since 1997

## Center Staff



Curt Bradley GIS Specialist

Curt Bradley, Geographic Information Systems Specialist, handles all the Center's cartography, making maps of endangered species locations and key habitat. Curt received

a 2003 ESRI Special Achievement Award for outstanding work with GIS technology—an award given each year to organizations that have made important contributions to the global community using GIS. Curt's work for the Center was chosen from more than 100,000 organizations worldwide that use GIS in business, government, and academics. His maps have been featured in *The New York Times, Backpacker magazine*, and various scientific journals, and this May one was used to defend the Endangered Species Act on the floor of the U.S. House of Representatives.



Information System

Shane Jimerfield, Information Systems Administrator, has been with the Center since 1995 and has served variously as our deputy director and grazing program coordinator. Our resident jack-of-all-

trades technical expert, Shane is in charge of the Center's computer systems and handles design and management of our web site. Shane brings a long history of environmental activism to the Center and has a deep commitment to wilderness.



Kassie Siegel Staff Attorney

Kassie Siegel, Staff Attorney, has been with the Center since 1998. Working out of our ldyllwild office, Kassie develops and litigates cases in both federal and state court

and coordinates other projects for the protection of biological diversity. She was instrumental in winning our recent lawsuit to stop the massive Tejon Ranch Industrial Complex development in San Joaquin Valley, California (see Urban Sprawl). In trial, Kassie's courtroom presentation immediately won rulings in our favor on eight issues in the case.



Brent Plater Staff Attorney

Brent Plater,
Staff Attorney,
works out of the
Center's Berkeley
office and is
a graduate of
Berkeley's Boalt
Hall School of
Law and Harvard's
Kennedy School

of Government. Brent has authored endangered species petitions and worked on policy reforms for a range of wildlife and habitat issues. He has taken the lead in a wide array of campaigns to protect marine species, including the killer whale, the Northern right whale, the bowhead whale, and the North American green sturgeon.

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Center for Biological Diversity Statement of Activity for Year Ended 12/31/03\*

## Support and Revenue

Grants and Donations	
Grants	\$1,494,625
Membership and donations	466,845
Total public support	1,961,470

Revenue	
Legal Returns	992,354
Contracts and workshops	15,470
Miscellaneous	4,361
Investment income	9,610

### **Total Support and Revenue** \$2,983,265

### **Expenses**

Total revenue

### **Program Services**

Conservation programs,		
education and information	1,726,341	(77%
Total program services	1,726,341	

1,021,795

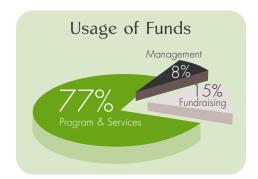
## Supporting Services

Sopporting Scretces		
General and administrative	181,002	(8%)
Fundraising	333,425	(15%)
Total supporting services	514,427	

### **Total Expenses** \$2,240,768

Change in net assets	742,498
Net assets, beginning of year	1,734,438
Net assets, end of year	\$2,476,936

<sup>\*</sup> Totals include restricted and unrestricted revenues. Audited financial statements prepared using the accrual method of accounting are available.



## Staff

Kim Beck Monica Bond Corrie Bosman Peter Galvin Chelsea Reiff Gwyther Shane Jimerfield Sidney Maddock Jeff Miller **Brent Plater** Todd Schulke Kassie Siegel Martin Taylor Julie Teel Jay Tutchton

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because I believe in what the Center does. $^{\prime\prime}$ 



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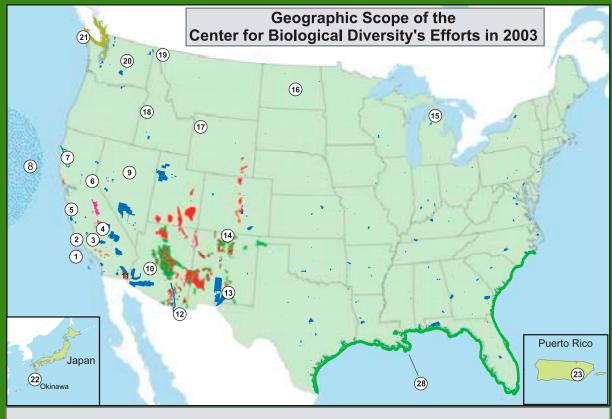
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Charitable Trust

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Hawaii

- Won ESA protections for four subspecies of Channel Island fox.
- 2. Protected 5,700 acres in the Los Padres National Forest from livestock grazing.
- 3. Stopped a massive diesel truck and industrial facility.
- 4. Halted logging of old-growth trees in the Sequoia National Forest.
- 5. Challenged the use of pesticides in California redlegged frog critical habitat.
- 6. Advocated for ESA protection for Tahoe yellow cress.
- 7. Protected steelhead trout from the impacts of livestock grazing on the Eel River.
- 8. Protected sea turtles from commercial longline fishing.
- 9. Mapped habitat of threatened species in Nevada.
- 10. Spearheaded the Arizona Public Lands Grazing Buyout Campaign.
- 11. Defended the Algodones Dunes from ORV abuse.
- 12. Stopped the Renzi Rider that would harm the San Pedro River.
- 13. Fought the Rio Penasco II timber sale on the Lincoln National Forest.
- 14. Advocated for ESA protections for declining Rio Grande cutthroat trout.
- Advocated for ESA protections for Hine's emerald dragonfly.

- 16. Advocated for ESA protections for Dakota skipper butterfly.
- 17. Advocated for ESA protections for Yellowstone cutthroat trout.
- 18. Advocated for ESA protections for southern Idaho ground squirrels.
- Compelled agencies to modify flows from Libby Dam to help Kootenai River white sturgeon.
- 20. Won ESA protections for Colombia Basin pygmy rabbits.
- 21. Advocated for ESA protections for the declining southern resident killer whale population.
- 22. Worked to protect the Okinawa dugong from U.S. military activities.
- 23. Secured critical habitat protection for Puerto Rican rock frogs.
- 24. Challenged six timber sales in the Tongass National Forest.
- 25. Worked to protect the AT1 pod of killer whales in Prince William Sound under the Marine Mammal Protection Act.
- 26. Worked to protect the Southwestern Alaska/Aleutian Islands sea ofter population.
- 27. Won a temporary closure and new management plan for Hawaii longline fisheries to protect false killer whales.
- 28. Continued work to protect piping plovers and sea turtles on Southeastern U.S. beaches.
- Designated and proposed critical habitat won in 2003.
- AZ & NM national forests: secure greater protections for old-growth forests and rivers.
- US military lands: fought pentagon exemptions from environmental laws.
- Advocated for Pacific fishers in the Sierra Nevada.



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