



**ENDANGERED
EARTH**

CENTER FOR BIOLOGICAL DIVERSITY • SUMMER 2022

MEET OUR WILD CLIENTS

January – June 2022

COAL-HARMED CRAYFISHES

Responding to a Center lawsuit, the U.S. Fish and Wildlife Service protected 446 stream miles of critical habitat for two Appalachian species — the Big Sandy and Guyandotte River crayfishes — in West Virginia, Kentucky and Virginia.

CALIFORNIA CONDORS

In response to our advocacy, a federal appeals court blocked a commercial logging project in a roadless area of California's Los Padres National Forest. This will protect 1,100 acres of old-growth trees that are habitat for endangered California condors and other rare wildlife.

GHOST ORCHIDS

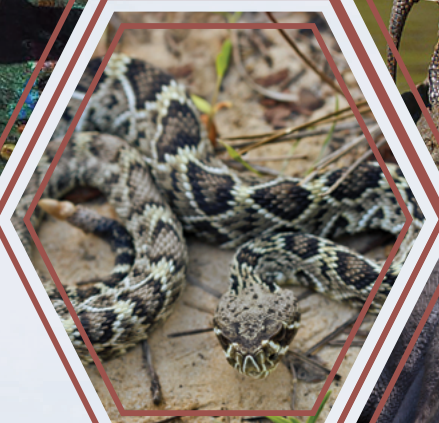
To save Florida's famous phantom flowers from disappearing forever, the Center and allies petitioned to protect ghost orchids under the Endangered Species Act earlier this year.

TOPE SHARKS

Following a Center petition, the federal government announced that tope sharks may warrant Endangered Species Act protection. These "soupfin sharks" have declined by 88% globally in the past 80 years because of commercial overfishing for their liver oil, meat and fins, plus accidental killing and habitat degradation.

EASTERN RATTLESNAKES

Following our advocacy, the last rattlesnake roundup in the state of Georgia has been transformed into a wildlife-friendly festival. From now on, the revamped Whigham Rattlesnake Roundup will celebrate snakes instead of butchering them for their meat and skins.



RED WOLVES

For the first time since 2018, a litter of pups was born into eastern North Carolina's struggling population of wild red wolves. The six pups belong to a pair in Alligator River National Wildlife Refuge. The Center has fought for years to protect red wolves.

ROOFTOP SOLAR

Thanks to a lawsuit by Phoenix-area residents — supported in court by the Center — a judge ruled that an Arizona utility could be prosecuted for breaking antitrust laws after it jacked up rates for customers who installed solar panels on their roofs. It's the first time a federal court has said utilities can be liable for attacking rooftop solar under antitrust laws.

TUCSON SHOVEL-NOSED SNAKES

We've been working to save Tucson shovel-nosed snakes for decades. In January we took legal action to force the federal government to protect this Arizona species, which has lost almost 40% of its habitat to urban sprawl.

27 SPECIES

This April the Center celebrated a major victory when the U.S. Fish and Wildlife Service agreed on dates for decisions on whether to protect 18 plants and animals under the Endangered Species Act — and to designate protected critical habitat for nine more. To get dates for these lifesaving decisions, the Center had to file three lawsuits. It's a huge win for western pond turtles, black-capped petrels, eastern gopher tortoises, and longfin smelts, just to name a few.

HIPPOS

We petitioned to protect hippos under the Endangered Species Act in March. The future of these African icons is increasingly uncertain: They're under continuous threat from habitat loss and degradation, poaching, and a trade in their teeth, skulls, ivory, skin and meat.



PESTICIDES ARE RACIST

When you think of the problem of pesticides, what comes to mind — an image of a spray plume billowing from a big tractor as it rolls across a field? Or maybe the fruit-and-vegetable dirty dozen list?

What most people don't think of right away is the role pesticides play in perpetuating environmental injustice — preventing people and communities from receiving equal treatment and protection under environmental law.

Yet according to a peer-reviewed study recently published by researchers at Historically Black Colleges and Universities, farmworker and racial justice groups, and the Center, perhaps one of the most troubling things about these chemicals is that people of color and low-income communities shoulder a massively outsized share of the harm they cause.

Biomarkers for 12 harmful pesticides tracked over the past 20 years were found in the blood and urine of Black or Mexican Americans at average levels as much as five times higher than in whites. And in high-density public housing in New York state, 50% of residents reported having pesticides applied indoors at least *once per week*.

There are many reasons for this inequity. Structural racism — where institutional, cultural and behavioral societal norms all but ensure that

**Nathan Donley • Environmental Health Science Director
Environmental Health Program**



people of color will be routinely disadvantaged and harmed — plays a major role.

But while it's easy to solely blame past injustices, the reality is that the same system largely responsible for these past injustices is still very much in place. Our study identified current laws, regulations and practices that are perpetuating these disproportionate impacts. From institutionalizing a pesticide safety double standard — whereby farmworkers aren't afforded the same safeguards as the general population — to failing to implement essential protections for children of color, there are serious failings in current Environmental Protection Agency policies and rule implementation.

The good news is that there are actions the Biden administration can take right now to make significant progress on these issues without having to go through Congress.

We've drawn up a blueprint for specific steps this president can take to reduce the likelihood that someone's skin tone or bank account balance will predict the likelihood of their exposure to poisonous pesticides.

By revamping its pesticide incident reporting system, requiring pesticide labels to be published in the native language of pesticide applicators, chiseling away at the safety double standard, and putting protections in place for the most vulnerable children, this administration can turn its sweeping rhetoric on environmental justice into meaningful action.



SECURING A SAFE HAVEN FOR MANATEES

Every winter, manatees gather flipper to flipper in Florida's warm-water refuges to brace against the cold in warm (to them) 72-degree waters. They're so quiet and slow that from above water, they look like a bunch of big, smooth, gray boulders—until someone's rounded tail gently ripples the water or a whiskered snout breaks the surface for a breath of air. These congregations are a quiet assurance that manatees are still around.

But last winter, their congregations were noticeably smaller.

In 2021 a record 1,100 manatees died in Florida waters. More than half of them starved to death in the Indian River Lagoon, once prime habitat but now a manatee death zone. Fueled by uncontrolled water pollution from wastewater-treatment discharges, leaking septic systems, and fertilizer runoff, harmful algal blooms exploded in the lagoon, suffocating thousands of acres of life-sustaining seagrass beds manatees need for grazing.

The Indian River Lagoon catastrophe is just the latest headline-grabbing consequence of Florida's dirty-water woes. As the state keeps allowing pollution with reckless abandon, manatees will have fewer and fewer clean, safe places to live.

Unfortunately, starvation isn't their only problem. Power boats scar, batter and kill manatees at an alarming rate. Last year more than 100 died from

entirely preventable boat collisions — and 2022 is shaping up to be at least as bad.

All told, last year nearly 20% of the entire Atlantic population of Florida manatees died. And the die-off is continuing in 2022.

Saving manatees depends on protecting aquatic habitat from pollution and boating hazards. The Center for Biological Diversity is taking steps in court and beyond to meet these goals and end the manatee crisis.

In May we sued the Environmental Protection Agency for failing to protect manatees and other imperiled marine life from water pollution when it approved — and neglected to reevaluate — Florida's grossly inadequate water-quality standards. In June, following a Center lawsuit, the U.S. Fish and Wildlife Service agreed to revise outdated habitat protections for Florida manatees that fail to adequately safeguard the places they need most to survive. And we're working to introduce manatee protection measures into the curriculum for Florida's boater-licensing education programs.

Now more than ever, Florida manatees need our help. We won't give up until these gentle giants have the protection they need to survive in our springs, rivers and coastal waters for generations to come.

Elise Bennett • Deputy Florida Director and Senior Attorney



Photo above: Florida manatee courtesy Keith Ramos, USFWS



BIDEN'S CLIMATE BOMB

President Biden is moving forward with plans to drop a climate bomb. He promised to stop leasing out the nation's public lands and waters to the oil and gas industry.

Yet his administration is moving forward with new fossil fuel lease sales, onshore and offshore. And he's developing rules that allow these disastrous leases to continue for years to come.

For years the world's leading climate scientists have been yelling at us, *Don't Look Up* style, urging us to stop investing in new fossil fuel development. Now they're saying global greenhouse gas emissions must hit their final peak by 2025, and then swiftly drop, in order to avoid the most catastrophic effects of climate change. The United States and the world aren't on track to meet these goals.

The simple, uncompromising truth is that climate change will affect all of us, and new federal fossil fuel leasing is a death sentence for people and wildlife on the frontlines of the climate emergency.

If the president won't stop fossil fuel investment on the lands he directly controls, what hope is there

that he can encourage the rest of the nation and world to end the fossil fuel era?

Don't buy the industry talking points — new fossil fuel leasing won't lower gas prices. We've seen that record drilling permits under the Biden administration haven't lowered gas prices at all. The best way to ensure reliable, secure energy is to produce it — in the form of clean renewables.

Federal lands and waters bring us spectacular landscapes and plants and give wildlife like pronghorns, polar bears and pelicans a place to call home. The time has come to evict Big Oil and Gas from these beautiful places.

The Center is fighting every day for the systemic changes we need to shift to a just and democratic renewable energy future. We'll stop at nothing to prevent the Biden administration from dropping its leasing climate bomb. And we'll continue to remind the president that he has the executive authority, regardless of what Congress does or doesn't do, to stop federal approval of fossil fuel projects (including leasing) and kickstart a green energy revolution.



**Gladys Delgadillo • Climate Organizer
Climate Law Institute**



**Brady Bradshaw • Senior Oceans Campaigner
Oceans Program**



DIXIE VALLEY'S TINY TOADS

Outside the sparkling lights of the Las Vegas Strip, Nevada is a place of hidden biodiversity, where towering mountain ranges and verdant desert oases harbor hundreds of unique species that live nowhere else on Earth. Nevada is the driest state in the nation, but in the rare places where there's water or snow, life springs eternal.

The Dixie Valley toad is a diminutive member of central Nevada's biotic community. The smallest of all western toads, it was only first described as a species in 2017. It's covered in rusty gold freckles and warts, has large, olive eyes, and lives in a single hot-spring-fed wetland in Churchill County.

Warm water is essential to these toads' survival: The Great Basin Desert gets cold in the winter, with weeks where temperatures drop below freezing. So the thermal springs at Dixie Meadows save their native toads from freezing to death.

But thermal water is also appealing to heavy industry. Geothermal developer Ormat has targeted Dixie Meadows for the development of a power plant. And while geothermal power may be an important part of the renewable energy transition, it's not without impacts and must be sited where it does minimal harm. Unfortunately, geothermal power plants drying up the hot springs they're close to has been called "the rule, not the exception" by the U.S. Geological Survey.

Photo above: Dixie Valley toad by Patrick Donnelly

As a result of this threat, the Center submitted an Endangered Species Act petition to protect the toads in 2017. But the U.S. Fish and Wildlife Service dragged its feet on protection, so in 2019 we took the agency to court.

With Endangered Species Act protection pending, the Bureau of Land Management approved the Dixie Meadows geothermal project in 2021 — despite the obvious risk to Dixie Valley toads. So we also had to sue the BLM to suspend the project while the endangered species decision was made.

Our lawsuit against the BLM is still making its way through the courts. But our endangered species litigation against the Service resulted in a settlement that led to the emergency listing of the toads in April. It was an extraordinary step — the agency's first emergency listing in 11 years and only the second in 20 years, reflecting the existential threat this project poses to the toads.

With the power plant currently under construction — and the Service and BLM engaged in a showdown — the fate of Dixie Valley toads is up in the air. But the Center's attorneys, scientists and activists are pulling out all the stops, working every possible angle and leaving no stone unturned in our efforts to save these tiny toads from extinction.



Patrick Donnelly • Great Basin Director

WINNING FOR WOLVES

What a difference a year makes. After gray wolves lost federal protection in early 2021, we grieved as Wisconsin hunters killed more than 200 of these beloved animals in just three days. A year later we celebrated when the Center's lawsuit restored wolf protections and prevented another vicious hunting season in that state.

In restoring protections, the court agreed with us that the U.S. Fish and Wildlife Service can't point to wolf populations in just two places — the Great Lakes and northern Rockies — to declare that gray wolves have recovered nationwide. The Endangered Species Act requires restoration of wolves in all "significant portions" of their range.

A federal judge set aside the delisting rule and restored wolf protections in the Great Lakes region, West Coast states and southern Rocky Mountains. This is a huge win for gray wolves and all of us who care so deeply about them. Not only are wolf hunts banned, but wolves can't be killed on behalf of the livestock industry. Instead of killing these important predators, livestock operators must protect their animals using effective, nonlethal tools like guard dogs and fencing.

We hoped that this legal victory would finally convince the Fish and Wildlife Service to abandon its longstanding, misguided efforts to prematurely remove federal wolf protections. But this spring the Service joined the National Rifle Association in appealing the court's decision. Our team of lawyers will defend that decision, and we're confident the law is on our side.

The Endangered Species Act is an incredibly powerful law. And it requires that wolves remain protected until they're secure in significant portions of their range — like the southern Rockies and the West Coast, where wolf recovery is still in its infancy.

Unfortunately our recent court victory excludes the

northern Rockies, where wolves remain under fire. So many of you joined us in speaking out against plans by Idaho and Montana to drastically reduce their wolf populations. Despite our best efforts, horrific new laws went into effect there last summer.

Idaho now allows hunters and trappers to kill an unlimited number of wolves and permits wolf trapping statewide and year-round on private lands. The state lets people chase wolves with hounds and run them over with all-terrain vehicles and snowmobiles.

Montana's new laws permit strangulation snares, night hunting, and the use of bait to slaughter wolves. While Montana previously set strict quotas outside Yellowstone National Park to limit the killing of Yellowstone's wolves, those quotas have been eliminated.

With these two states dead set on driving their wolves back to the brink of extinction, the Center and allies filed an emergency petition last summer to restore protection under the Endangered Species Act. Last fall the Fish and Wildlife Service sent us a ray of hope, determining that protecting wolves in the northern Rockies may be warranted because of the widespread killings authorized by the new laws in Idaho and Montana.

Approximately 500 wolves were slaughtered in Idaho and Montana during the latest hunting and trapping season. Among the carnage were 25 wolves doomed simply for crossing the invisible border of Yellowstone National Park. The killing must stop.



Gray wolf with pups

The Endangered Species Act requires that the Service — within one year of receiving the Center's petition — make a final decision about whether to restore wolf protections. But the Fish and Wildlife Service missed its deadline to respond. So we're heading to court once more to save these wolves.

Time and time again, we've had to fight for wolves in the courts — and so much damage can be done while

the cogs of law slowly turn. It will take years to undo the harm inflicted on wolf populations over the course of 2021.

Yet our team of lawyers, scientists, and other advocates are in it for the long haul. Our hearts are in this work — we grieve along with you when wolves are needlessly killed, and we celebrate with you when our advocacy saves them.

Photo above: Gray wolf at Yellowstone National Park by Neal Herbert, NPS

**Collette Adkins • Carnivore Conservation Director
Carnivore Conservation Program**



FACTS AND FICTION ABOUT CATTLE IN THE WEST



Commercial grazing on public lands in the West causes enormous damage to wildlife and waterways. The Center has documented streams filled with cow manure, trampled streambanks, and vegetation grazed to the roots. Yet the mythology around cattle's ability to solve the climate crisis and heal ecosystems persists, which is why we work to separate fact from fiction.

- Fact 1: Cattle production *isn't* climate neutral. Although there may be some carbon sequestration potential from cattle hooves, it's limited by landscape and soil saturation and generally not enough to offset the methane emissions from cattle burps.
- Fact 2: Cattle production *isn't* a conservation solution. Cattle grazing is a leading source of public-lands degradation and harm to vulnerable species of native wildlife across the West. And, as an entirely different species with different grazing behavior and biology, nonnative cattle simply can't substitute for native grazers like bison to restore ecosystem health.
- Fact 3: Grazing *doesn't* make the best use of marginal lands. There's no such thing as "marginal lands" to native wildlife and biodiversity. "Marginal" is an economic term looking at the production value of land, but it ignores the inherent value of diverse ecosystems.

In fighting for wildlife from wolves to black-footed ferrets, the Center has long worked to protect endangered species harmed by public lands grazing, including in our current efforts at Point Reyes National Seashore and Agua Fria National Monument.

Learn more about the harms of cattle grazing and what you can do at our new website GrazingFacts.com.



**Jennifer Molitor • Senior Food Campaigner
Population and Sustainability Program**

Photo above: Cow grazing on public land by Greg Shine, BLM

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Pressing for Urgency

From the Director
Kierán Suckling

Time moves differently for animals and plants, especially unprotected endangered species facing an uncertain future. Every year they're denied help, they're a year closer to oblivion.

The sad fact is that the average wait time to get on the endangered species list is about 12 years — although the law says it should only take two.

If we're going to stem the extinction crisis, our government must move faster to protect species on the brink. It's a central tenet of the Center's work to save wildlife.

That's why, just a couple months ago, I was gratified to see the U.S. Fish and Wildlife Service finally set deadlines for deciding whether 18 plants and animals nationwide warrant Endangered Species Act protection. The agency also said it would look at protecting critical habitat for another nine species.

Of course, the Service's decisions didn't just happen. They respond to three lawsuits brought by the Center to keep these species from languishing as

extinction closed in. We know all too well that bureaucratic foot-dragging can prove deadly. More than 40 species have gone extinct while waiting for Endangered Species Act protection.

Because of the legal pressure we applied, protection decisions are coming soon for monarch butterflies — whose population has declined by 85% in two decades — as well as for tricolored bats threatened by disease, eastern gopher tortoises facing down Florida's runaway sprawl, and longfin smelts suffering in the collapsing ecosystem that is San Francisco Bay. Decisions are also on tap for western pond turtles, black-capped petrels, Bethany Beach fireflies and Las Vegas bearpoppies.

It's good news but not the end of the story. Hundreds of other species are still waiting to get the help they need. If the government won't act with a sense of urgency, we will.

Thanks for being part of this lifesaving work.



ENDANGERED EARTH

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

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ON THE COVER
Dixie Valley toad
by Patrick Donnelly

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Cactus ferruginous pygmy owl by Sky Jacobs

The Center for Biological Diversity's more than three decades history is unmatched: We've secured protections for more than 720 species and more than half a billion acres of wildlife habitat. Help us continue this extraordinary legacy by joining the Owls Club.

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

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