

# Endangered earth

INSIDE THIS ISSUE

## Giant Step for an Arctic Giant



Photo © Thomas D. Mangelsen/Imagenaturestock.com

But the polar bear needs a sea change—literally—to stop the melting of its sea-ice habitat. And judging from the administration’s stance on the greenhouse gases fueling the meltdown, the only Arctic protections on its agenda are for the oil and gas industry.

In case you’ve just emerged from an ice cave and haven’t heard, May 14, 2008 was a true milestone in conservation history.

On that date—after a three-year Center-led campaign to protect the polar bear from extinction due to global warming—the Bush administration finally announced the listing of the polar bear as “threatened” under the Endangered Species Act.

The decision—which makes the polar bear the first Arctic animal to gain a place on the threatened list because of global warming—came in response to a 2005 scientific petition, authored by the Center, and a lengthy

legal battle fought by the Center, NRDC, and Greenpeace. More than 135,000 Center supporters also signed petitions urging the administration to protect polar bears.

It’s a milestone worth celebrating. Remarkably, the popular mandate to protect the bear not only forced the Bush Interior Department to end its record-breaking two-year streak without listing a single U.S. species under the Endangered Species Act, but also forced it to connect the dots between greenhouse gases, global warming, and the alarming decline of Arctic sea ice upon which polar bears depend.

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Truth be told, though, we’ve had little time to celebrate. Lest you think you’ve hibernated in that ice cave so long that the administration has changed its stripes, there’s a “but.”

In his announcement of the polar bear’s listing, Secretary of Interior Dirk Kempthorne cited sobering statistics about the decline of Arctic sea ice over the past three decades, acknowledging global warming as the cause and humans as a cause of global warming. Forced to admit the gravity of the threat, he acknowledged

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# ADVOCACY SPOTLIGHT

Taylor McKinnon, *Public Lands Program Director*

## Court puts brakes on uranium exploration at Grand Canyon's doorstep

As surging markets fuel a new uranium boom, we mobilize to protect an international treasure and its unique flora and fauna from a new wave of industry pollution.

While famous for its expanses, the Grand Canyon's minutiae afford wonder in species and entire genera found nowhere else on Earth. Nestled in moist recesses amid massive stone chasms, the Canyon's seeps, springs, and caves form havens where eons of isolation have allowed processes of speciation to yield lifeforms as lovely as white-flowering redbud trees and as obscure as eyeless cave-limited millipedes.

Though each seep, spring, and cave ecosystem differs from the next, common to all is water originating from regional aquifers and watersheds extending miles north and south of the Canyon's rims. And it's here, on public lands not far from the National Park's boundary, that an ominous manifestation of global energy markets now threatens the water that brings life to an international treasure's biological diversity.

### Toxic Legacy

The Grand Canyon region and southern Colorado Plateau harbor some of North America's richest uranium deposits, and the legacy of contamination stemming from a half-century of mining and milling has ravaged human and ecological communities alike.

In 1969 the Orphan mine, located along the Canyon's south rim, closed after 17 years of operation that produced 4.2 million pounds of uranium. Radiation levels today remain 500 times background levels outside the fence protecting tourists from the mine, and the Park Service warns hikers against drinking Horn Creek's contaminated water.



Photos by Taylor McKinnon

**History Lessons:** For 17 years the Orphan mine operated on the Grand Canyon's south rim, producing 4.2 million pounds of uranium and contaminating Horn Creek below the rim. The Park Service is still working today to address these contamination issues.

North of the Colorado River, in the Kanab Creek drainage, the Hack mine produced 4,000 pounds of uranium in the 1950s while six additional mines produced 17 million pounds later in the 1980s. In 1984, a flash flood tore through Hack Canyon, sweeping four tons of high-grade uranium ore into Kanab Creek and the Colorado River.

In 1979, 90 million gallons and 1,100 tons of radioactive mill waste flooded the Rio Puerco drainage at Church Rock, N.M. At least 10 releases of tailings into major regional watercourses have been documented by the government between 1959 and 1977, and thousands of abandoned mines have yet to be cleaned up. This history—and the cancer, death,

and human and ecological injustice that attend it—has caused Indian tribes in the region to ban uranium development and casts a long shadow over today's new boom.

### New Boom Provokes Litigation, Legislation

Today's boom is marked by a ten-fold increase in uranium prices in recent years, thousands of new uranium claims around the Grand Canyon, several dozen uranium exploration projects slated for public lands near the Canyon, and talk of opening several old mines.

The boom began in earnest on December 20, 2007, when the Kaibab

“WE DO NOT WANT TO SIT BY, IGNORANT OF THE EFFECTS OF URANIUM MINING, ONLY TO WATCH



ANOTHER GENERATION OF MOTHERS AND FATHERS DIE.”—NAVAJO NATION PRESIDENT JOE SHIRLEY, JR.

National Forest approved VANE Minerals’ exploratory drilling at up to 39 sites just south of the Park. The Forest Service approved the drilling—the first of five such projects slated for the area—using a “categorical exclusion,” the least rigorous review available to the agency under the National Environmental Policy Act.

A firestorm ensued.

The Center, along with Sierra Club and Grand Canyon Trust, authored a letter to the Forest Service outlining legal violations underlying its approval of the project and demanding its immediate withdrawal. That letter was ignored, so the three groups filed suit in early March.

Meanwhile, the Coconino County Board of Supervisors unanimously resolved to oppose uranium development in the Canyon’s watersheds and support a legislative uranium ban south of the Canyon and in House Rock Valley. Arizona Governor Janet Napolitano followed with a letter to the Secretary of Interior expressing similar concerns and requesting administrative protections for lands in watersheds surrounding the Canyon. The Arizona Game and Fish Commission sent a letter to Senator John McCain and the Arizona congressional delegation requesting legislative efforts to shield lands surrounding the Canyon from prospective mining.

Heeding this controversy, Congressman Raúl Grijalva in mid-March introduced the Grand Canyon Watersheds Protection Act of 2008—banning new mining claims and exploration

across 1 million acres surrounding the Canyon.

A crowded Flagstaff congressional hearing showed strong support for the bill. Leaders of the Navajo, Hopi, Hualapai, Havasupai, and Kaibab Paiute nations testified, favoring the ban.

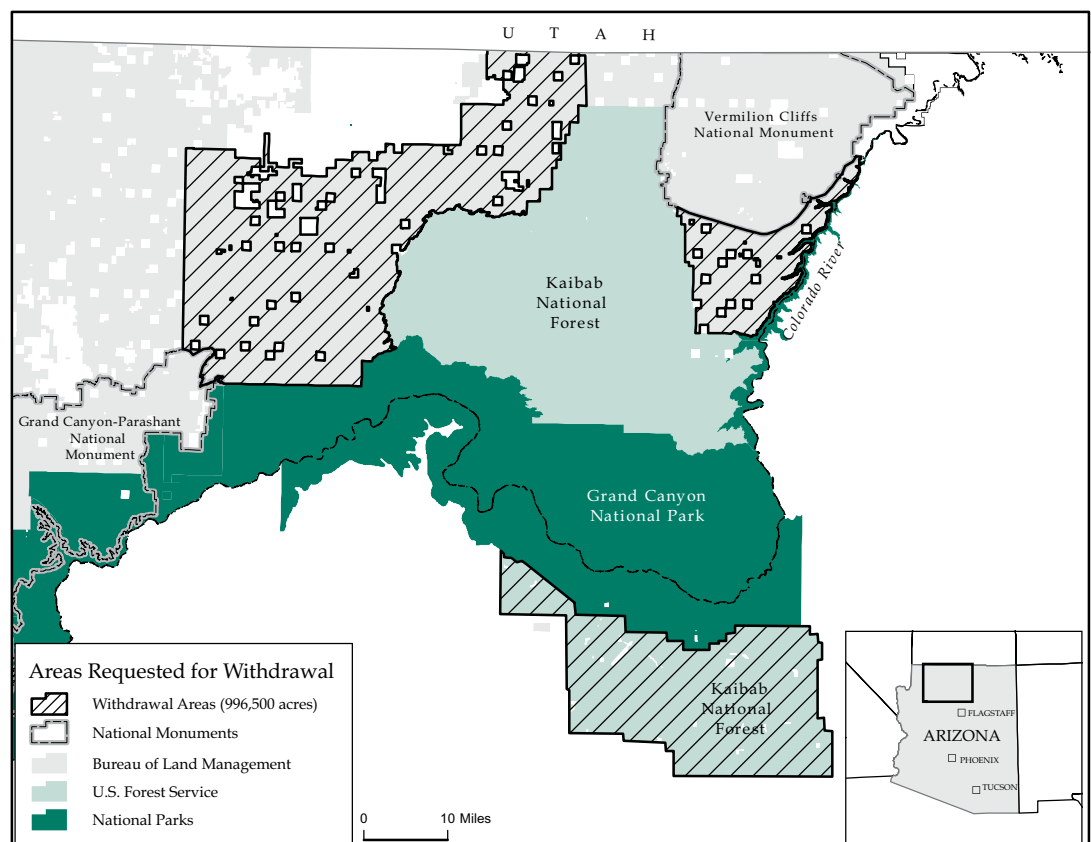
When asked to rank his concern about uranium impacts on a scale of one to 10, the superintendent of Grand Canyon National Park stated “10.” And Chris Shuey, director of the Uranium Impact Assessment Program at Southwest Research and Information Center, testified to the impossibility of guaranteeing that uranium mining would not lead to irreversible contamination of groundwater aquifers that feed water

sources in and around the Canyon.

On April 5, the Center, Sierra Club, and Grand Canyon Trust went before a federal judge in Phoenix requesting a temporary restraining order against VANE’s exploration. The Forest Service and industry argued that the exploration was routine and the categorical exclusion justified.

The judge disagreed. She went beyond our request for a restraining order, issuing a preliminary injunction and halting drilling operations until the case is heard.

The ruling positions us strongly for subsequent hearings and emboldens our effort to see Congressman Grijalva’s legislation through to passage. ●



**Protective Measures:** Approximation of lands around the Grand Canyon proposed for exclusion from new mining claims and exploration under Congressman Grijalva’s Grand Canyon Watersheds Protection Act of 2008. Spatial analysis and map by Curt Bradley, Center for Biological Diversity.



# PROGRAM NEWS.....

## Relocation a deadly gamble for tortoises

Backed by scientific evidence that moving Mojave desert tortoises is a hazard to their health, this March the Center and Desert Survivors filed a notice of intent to sue the government over a plan to relocate potentially thousands of the threatened reptiles to make way for military-base expansion.



Photo courtesy USGS

Desert tortoise

Despite our notice and several prior years of drought, the government began relocation the same month—and by mid-April, 23 monitored tortoises had been killed by coyotes desperate for food. While 770 healthy tortoises were moved in this initial relocation, fewer than 250 of them are being monitored.

The relocation, part of “mitigation” to allow the Fort Irwin army base to destroy prime desert tortoise habitat in the western Mojave, was clearly a bad idea even before the tortoise deaths occurred.

It was known from the outset that the move would significantly harm tortoises by moving healthy animals onto public lands containing diseased tortoises, and that roads, off-road vehicles, development,

dumping, and mines have turned the relocation lands into far poorer habitat than areas from which desert tortoises are being removed.

Recent science has shown that the western Mojave desert tortoise is genetically distinct from other desert tortoises. Though it’s survived the harsh conditions of the California deserts since the Pleistocene era, numbers have plummeted by about 90 percent since the mid-1970s because of disease, grazing, off-road vehicles, development, and predation.

The tortoise plainly can’t afford the deaths it’s experienced since relocation started. The Center is working to achieve a high level of protection for the relocation area in order to increase the odds that as many tortoises as possible will be able to survive over the long term.

## Energy corridor puts wild lands on fast track to ruin

The Center has filed suit against the Department of Energy for designating the Southwest National Interest Electric Transmission Corridor, a whopping 45-million-acre area within which companies can gain



Photo by Steve Elkins

Peninsular bighorn sheep

fast-track approval for power line projects without considering environmental impacts.

The corridor, stretching across seven Southern California and three Arizona counties, contains 3 million acres of national parks and national wildlife refuges, 750,000 acres of national monuments, and almost 7.5 million acres of federally designated wilderness, wilderness study areas, and citizen-proposed wilderness.

It also encompasses the 21-million-acre California Desert Conservation Area and is home to at least 95 federally listed species, including the Peninsular bighorn sheep and desert tortoise.

But under the new designation, companies looking to build utility and power line projects can override state and federal denials, obtain rights-of-way across private lands, and shortcut environmental reviews.

In January, the Center sued over the Southwest Energy Corridor’s violation of the National Environmental Policy Act and the Energy Policy Act of 2005, amending the suit in March to highlight the power line designation’s violation of the Endangered Species Act in jeopardizing scores of threatened and endangered species.

We won’t allow high-voltage transmission lines to scar highly valued Southwest landscapes and harm irreplaceable habitat.

## (Warts and all) Amargosa herps on road to protection from off-road threats

The Center and allies filed a petition in February to protect the vanishing Amargosa toad under the Endangered Species Act.

Amargosa toads—striking animals despite their undeniable wartiness—live solely along a 10-mile stretch of the Amargosa River and spring systems in Nevada’s Oasis Valley.

Development and water extractions, as well as off-road vehicles tearing up the toads’ last fragment of living space, are responsible for the species’ push toward extinction.

Says Center biologist Rob Mrowka of the



Photo by Gary Nafis

Amargosa toad

animal’s plight: “Voluntary conservation efforts over the past eight years, while commendable, have been woefully insufficient and have failed to protect the species and its habitat, so the legal protections of the Endangered Species Act are sorely needed.”

Also in the Amargosa River area, a besieged population of the Mojave fringe-toed lizard cleared the first hurdle toward Endangered Species Act protection when the U.S. Fish and Wildlife Service announced it would begin a one-year status review.

These lovely lizards can evade predators and extreme midday heat by using their fringed toes to swiftly bury themselves in the fine sands of the dunes they inhabit. Sadly, they remain close enough to the surface to meet their demise beneath off-road vehicles' sand-digging tires.

### Slime doesn't daunt us either: We stand up for snails and slugs . . .

This March, the Center and partners filed a petition to list 32 imperiled snails and slugs in the Pacific Northwest under the Endangered Species Act.

Threatened by impacts from logging to grazing to water projects, these extraordinary but underappreciated mollusks were stripped of the modest protections they once had when the government removed Northwest Forest Plan safeguards in favor of increased logging on public lands.



Photo by William Leonard

#### Burrington jumping slug

Mostly found in old-growth habitats, the mollusks are a key part of forest and aquatic ecosystems. Aquatic snails and terrestrial snails and slugs feed on microorganisms and forest-floor litter and are then eaten by birds,

amphibians, reptiles, fish, mammals, and other invertebrates. Great nutrient cyclers and contributors to soil and water quality, these mollusks are also perfect indicators of forest and watershed health because of their pollution sensitivity.

Unfortunately, most of the petitioned-for species now remain in very few locations—and some could die off completely from a single habitat-disturbing activity.

Listing under the Endangered Species Act would help protect not only these rare mollusks, but also the environmental integrity of their disappearing Pacific Northwest old-growth habitat.

### . . . and for giant spitting earthworms

The giant Palouse earthworm belongs to the largest and longest-lived group of earthworms, reportedly reaching a length of up to three feet and inhabiting burrows as deep as 15 feet underground.

It can speed through the soil to escape predators and reportedly spits at attackers, anomalously giving off a lily-like smell.

The Center joined five allies this January to sue the U.S. Fish and Wildlife Service for its failure to grant Endangered Species Act protection to this remarkable and nearly extinct earthworm of the Palouse region in Washington and Idaho.

A year after a 2006 petition was filed to list the species under the Act, the Service

denied protection to the earthworm—despite the fact that agricultural and suburban development, invasive species, disease, and pesticide pollution have nearly decimated its native prairie habitat.

In fact, less than 1 percent of the Palouse ecosystem remains intact, and scientists consider it one of the most imperiled ecosystems in the country. Before 2005, not a single giant Palouse earthworm sighting had been confirmed for 17 years.

But the species still has a chance for survival—if it's awarded Endangered Species Act protection.

### New from the doublespeak administration: when a road is not a road

In a landmark case this March, the Center and others challenged approval of a natural gas pipeline that would require more than eight miles of new roads to be constructed in protected Colorado roadless areas.

The U.S. Forest Service and Bureau of Land Management, which authorized the project, used terms like “temporary use area” and “construction zone”—instead of “road”—in attempts to sidestep the 2001 Roadless Area Conservation Rule, a law prohibiting road construction on roadless national forest lands.

If project approval is upheld, 58 million acres of pristine lands could be opened to roads. That's because this case represents a larger agenda for the Bush administration: to

undermine roadless-area protections nationwide.

Also this March, the Center and allies released a report detailing administration plans to allow development on more than 6 million acres of roadless backcountry in Idaho—containing the last intact forest ecosystem in the lower 48 states.

The plans, which would allow dramatic increases in logging, road construction, mining, and oil and gas exploration, could set a precedent for managing roadless areas in other states.

The administration has already removed protection for the Tongass National Forest in Alaska and may soon strip protections in Colorado and elsewhere.



Photo by MacNeil Lyons, National Park Service

#### Gray wolf

### Protections pulled from wolves wandering northern Rockies

In February, the Bush administration prematurely stripped federal Endangered Species Act protections from northern Rocky Mountain gray wolves, leaving wolf conservation to individual states that refuse to take the responsibility seriously.

The yanking of northern Rockies wolves from the endangered species list appears to be a conciliatory gesture

# PROGRAM NEWS.....

toward the livestock industry, since it clearly isn't in the interest of the wolves—or sound science.

The 1,500-plus wolves distributed among three areas in central Idaho, northwestern Montana, and the Yellowstone ecosystem fall short of numbers biologists have determined necessary for recovery. And because wolves traversing between these three areas almost invariably prey on livestock and are subsequently gunned down by the federal government, Yellowstone's wolves are genetically isolated and particularly vulnerable to reduced reproductive success—and ultimately, to extinction.

Worse, the administration also craftily issued a rule this spring that's set to go into effect should the courts order continued Endangered Species Act protection for the northern Rockies wolves. Under a bizarre and illegal misuse of one of the Act's provisions, the rule would let state authorities kill endangered wolves.

Since authorities in Idaho, Montana, and Wyoming—no doubt swayed by livestock industry pressure—have refused to commit to maintaining viable wolf populations, the states are likely to allow the USDA Wildlife Services agency to carry out aerial gunning, leghold traps, and poisons to remove as many as half the wolves in the three populations.

Thus, the Center and allies—represented by Earthjustice—are suing to challenge both the delisting of northern Rockies wolves and the wolf-killing regulation.

## Mysterious disease signals bats' need for new protections

The past two winters have seen the demise of thousands of hibernating bats dying from what New England scientists have referred to as white-nose syndrome, an ailment first identified in New York last winter and believed to be associated with a fungus.

In light of this startling new threat, the Center sent a letter and petition early this year asking the U.S. Fish and Wildlife Service to stop all federal actions that might harm four endangered bat species: Indiana, gray, Ozark big-eared, and Virginia big-eared bats.

According to the Fish and Wildlife Service, 10 percent of highly endangered Indiana bats winter in New York. Half of the estimated



Photo courtesy USFWS

Indiana bat

52,000 Indiana bats hibernating there this year stay in just one former mine—now infected with white-nose syndrome.

Despite their name, Indiana bats depend on forests and hibernation spots from Vermont to Illinois, and from Michigan to Alabama. For decades, their summer habitat—dead and dying trees—has been decimated by highways, houses,

and logging because of humans' tendency to see dying trees as "hazards" rather than as perfect places to raise bat young.

In April, the Center notified federal agencies that if they fail to review activities known to harm the four bat species—such as logging and road-building—we'll take the bats' cause to the courts.

## It's high time to end freshwater turtle harvest

In the South, wildlife exporters and dealers harvest huge numbers of wild freshwater turtles in states that don't adequately regulate commercial turtle harvest—particularly Oklahoma, Florida, Georgia, and Texas—leading to population crashes of some native turtle species.

Commercial turtle buyers in Oklahoma reported purchasing almost 750,000 wild-caught turtles from 1994 to 1999, while more than a quarter-million wild turtles were exported from Dallas/Fort Worth International Airport to Asia, destined for dinner plates, between 2002 and 2005.

Meanwhile, herpetologists have reported drastic declines and even disappearances of many southern map turtle species in Georgia and Florida.

To stop the runaway harvest, the Center and friends filed emergency petitions with Florida, Georgia, Oklahoma, and Texas in late March to end all commercial turtle harvesting in public and private waters, to prevent further population declines of native southern turtle

populations, and to protect public health.

Turtles collected in these states and sold as food are often contaminated with mercury, PCBs, and pesticides.



Photo courtesy USGS

Barbour's map turtle

"Unregulated commercial trappers are capturing appalling numbers of freshwater turtles in southern states, including rare map turtle species that are so depleted they may need protection under the Endangered Species Act," said the Center's Jeff Miller.

"These turtles are an important part of aquatic ecosystems and should not be allowed to be wiped out."

## Whales win in Hawaii sonar case . . .

Concluding a suit filed by Earthjustice for the Center and allies last spring, in February a federal judge in Hawaii forbade the U.S. Navy from proceeding with plans to use high-intensity, mid-frequency sonar in whale-dense Hawaiian waters without including measures to protect ocean life.

Hawaii's oceans are famously home to thousands of whales and dolphins, including endangered species like the humpback, blue, fin,



sei, and sperm whales. These animals use their finely tuned hearing for almost all aspects of their survival, from feeding to breeding to communication and navigation.

But sonar blasts not only disrupt these crucial activities—they can also result in serious and often fatal injuries to marine mammals. The sonar the Navy planned to use would have been even louder than that previously determined to cause mass whale strandings and deaths worldwide.

But while the Navy acknowledged that its sonar might be detrimental to whales, it ignored the Marine Mammal Protection Act and refused to prepare an environmental impact statement for its activities.

Fortunately for Hawaii's already imperiled cetaceans, February's ruling incorporated specific orders to the Navy regarding whale safety, including adjusting sonar power according to whale proximity and extensive monitoring before, after, and during sonar use.



Photo courtesy NOAA

Humpback whales

### ... but double-dealing administration hands Alaska whales win-lose

April 8 proved a fateful day for the endangered North Pacific right whale when the government granted it millions

of acres of critical habitat—and took a resounding step toward spoiling much of the same “protected” zone.

The North Pacific right whale, once ranging from California to Alaska and across the ocean to Russia and Japan, was devastated by commercial whaling and is now the world's rarest large whale, with possibly fewer than 50 individuals remaining in the Bering Sea.

After recognizing it as a distinct species under the Endangered Species Act this spring, in April the National Marine Fisheries Service gave the whale its very own 23.6-million-acre critical habitat designation in the Bering Sea off Alaska.

Ironically, on the same day, another federal agency moved forward with its proposal to lease 5.6 million acres in and near the designated area to oil and gas companies.

Not only would the lease sale push the near-extinct whale out of the heart of its feeding grounds; it would also impact Pacific walrus, ribbon seals, humpbacks, beluga whales, many seabirds, and one of the world's most productive salmon fisheries.

The administration's schizophrenic attitude toward the right whale echoes its decision to propose the polar bear for listing while simultaneously pushing forward offshore oil and gas leases in the bear's Chukchi Sea habitat.

The Center is currently in court over the Chukchi Sea lease sale, and we're challenging the nationwide offshore program that includes the proposed Bering Sea lease sale.



Photo by Benji Schwartz

Gurney's pitta

### Victory for international species of air and sea

The Center's International Program has seen some big victories over the past few months, with potential ripple effects on other lawsuits and species.

On January 24, a federal judge ruled in our favor and against the Department of Defense in its plan to build an airbase in the habitat of the Okinawa dugong.

The Department of Defense now has to consider, and mitigate for, the impacts of its construction on the seagrass home of this highly imperiled, manatee-like cultural icon of the Japanese people.

Also in January, the U.S. Fish and Wildlife Service listed six imperiled birds from around the world under the Endangered Species Act.

Fourteen years after first determining the birds were in desperate need of protection, the Service's foot-dragging bureaucrats finally responded to a series of lawsuits by the Center and granted protection to the black stilt (New Zealand), caerulean paradise-flycatcher (Indonesia), giant ibis (Laos, Cambodia), Gurney's pitta (Burma, Thailand), long-legged thick-knee (Fiji), and Socorro mockingbird (Mexico) as endangered species.

### Finally, a hint of urgency in the emergency room?

U.S. Fish and Wildlife Director Dale Hall announced in February that the agency will consider 92 of the 280 species on its “candidate” list for Endangered Species Act protection over the next two years.

The announcement came in the wake of the Center's 2005 lawsuit charging the Bush administration with using the infamous candidate list as a stall tactic to keep species off the endangered species list.

We're encouraged by the intention, but since a new administration is coming—and it doesn't appear that funds have been allocated for the listings—the jury's still out on just how good the news really is for the hundreds of species in “extinction's waiting room.”

The agency also proposed in February to list the extremely rare Hawaiian plant *Phyllostegia hispida*, first made a candidate species in 1997 and one of three Hawaiian plants recommended for emergency protection in 2005.

Despite the perilous status of this plant—only two known individual specimens remain—the agency has taken more than two years to propose protection for the species. ●

## A VANISHING ICE WORLD BEYOND THE POSTER BEAR

The polar bear is the first Arctic species to gain Endangered Species Act protection due to global warming, but it's unlikely to be the last. To less fanfare, the Center has been working to protect a host of other ice-dependent species being pushed toward extinction by a warming planet.

- For the **Pacific walrus**, another denizen of the Arctic seas, the ice is a platform from which to forage for clams and mussels in the relatively shallow waters over the continental shelf.

Female walruses and their calves follow the sea ice year-round and rely on the safety of ice floes for nursing and as essential resting platforms between foraging bouts, but in 2007 the early disappearance of summer sea ice pushed females and calves onto coastal land in abnormally dense herds—and resulted in high calf mortality due to trampling. All Pacific walrus depend on winter sea ice for breeding. Their bottom-dwelling prey are also declining due to global warming.

In February, the Center petitioned to protect the Pacific walrus under the Endangered Species Act, and in May—after another missed deadline by the Bush administration—we announced plans to file suit on the walrus's behalf.

- **Ribbon seals**, named for the striking light-on-dark patterning that allows adult seals to

continued next page

## White House comes clean with climate science

Score another one in the making-the-administration-'fess-up category: Under a court order obtained by the Center, in May the White House released a four-years-overdue report that comprehensively assesses global warming's likely impacts on human health, ecosystems, and the economy in the United States.

The 271-page report, compiled by federal scientists, catches up the word from the White House with what much of the rest of the world already knows—namely, that recent global warming:

- has been largely driven and rapidly accelerated by human-caused greenhouse gas emissions;
- will likely result in more death and damage from wildfires, hurricanes, and other natural disasters, as well as extreme weather, water shortages, worsened smog, and ripple-effect phenomena such as increased insect infestations and food- and waterborne microbes and diseases; and
- will disproportionately burden with these impacts the poor, elderly, and disabled.

Dr. Thomas Lovejoy, who chaired the group of scientists that reviewed the report, told the Associated Press, "It basically says the America we've known we can no longer count on. It's a pretty dramatic picture of all kinds of change rippling through natural systems across the country. And all of that has implications for people."

Back in the state of denial, at a press conference announcing the report's release, a White House "science" spokesperson declined to call its findings "bad news."

The truth may be grim—but we *are* celebrating the occasion of federal scientists having a chance to do their jobs. And we'll keep taking steps to see their hard work put to good use in shaping more progressive U.S. climate policy. •

## Cutting-edge climate work takes top awards

We hate to sing our own praises, but you'll have to indulge us while we brag on staff we're mighty proud of for their legal work on global warming.

First, we'd like to toast Kassie Siegel, our Climate, Air, and Energy Program Director, who shared *California Lawyer* magazine's 2007 Attorney of the Year Award in the environmental law category for her work on national fuel economy standards. She was a major figure in the lawsuit, ended last November, that rejected the administration's lax emissions standards for light trucks and sport utility vehicles—a lawsuit sure to drive sweeping changes in future fuel standards policy. Kassie co-authored the petition to federally protect the polar bear, and she's an unstoppable force behind all our efforts to fight global warming.

Another recent honor: inclusion in Environment Now's *Top Achievements Report 2007*, a review of the most successful environmental initiatives led by nonprofits in Southern California last year. For the first time in the report's history, the awarding committees for both the "Climate and Energy" and "Land Use, Open Space and Smart Growth" categories independently chose the same campaign to take the gold: our campaign, along with California's Attorney General Jerry Brown, to put climate change on the maps of urban planners in San Bernardino County, the largest county in the lower 48 states.

The Center's lawsuit, filed with the Sierra Club and the San Bernardino Valley Audubon Society in April 2007, challenged the county for not addressing global warming in its land-use plans as required by the state's key environmental law, the California Environmental Quality Act. A day after we filed suit, so did the Attorney General—and in August, the sprawl-happy county agreed to measure greenhouse gas emissions, set emissions reductions targets, and take steps to meet those targets in its blueprint for growth for the next 20 years. Kudos indeed to our Urban Wildlands and Climate Program teams for this groundbreaking victory. •



## Polar bear continued from front page

scientists' predictions that with current greenhouse-gas-emission and ice-melt trends, two-thirds of the world's polar bears are likely to be extinct by mid-century.

But.

Those concessions came just before Kempthorne's stern insistence that the bears' newly "protected" status is not about to change the way the government does business with respect to regulating emissions—or oil and gas drilling in the bears' Arctic habitat.

Indeed, the administration scrambled to pad every side of its official decision to protect the polar bear with buffers intended to keep that decision from rubbing uncomfortably against the activities of the oil and gas industry.

In an entirely illogical twist of plot, Kempthorne insisted that the Endangered Species Act does not apply to the regulation of greenhouse gases—even, apparently, if those greenhouse gases pose the primary threat to the polar bear and the reason for its listing.

In fact, the administration wrote its own special (read: bizarre) rule along with the bear's listing, effectively proclaiming that its new status under the Endangered Species Act will give few new protections to the species—and won't interfere with plans for oil and gas drilling activity in polar bear habitat as currently permitted under the Marine Mammal Protection Act.

And unfortunately, that's very bad news for the polar bear.

As our members may recall, the administration's May 14 announcement came under court order, when a federal judge sided with the Center in our case against the administration for failing to meet its January deadline to determine whether to protect the polar bear under the Endangered Species Act.

Wondering what the administration was up to while the world was waiting to learn the fate of the polar bear?



Photo by Brendan Cummings

**It's business as usual for oil companies in the Arctic—but the business of surviving is harder for polar bears.**

For starters, it was busily selling off the bear's habitat to the highest bidder.

In early February, the administration offered up 30 million acres of the Chukchi Sea—including some of the most pristine polar bear habitat in the United States—for lease. Oil companies bid on 2.7 million acres, and most of those leases have now been issued.

In other words, business as usual looks to protect the future of oil industry profits more than the future of polar bears.

"The only thing keeping pace with the drastic melting of the Arctic sea ice is the breakneck speed with which the Department of the Interior is rushing to sell off polar bear habitat for fossil fuel development," notes Brendan Cummings, the Center's Oceans Program director.

"For polar bears to survive in the face of global warming, we need to protect their habitat, not auction it off to oil companies."

In coalition with Alaskan Native organizations and other conservation groups, and represented by EarthJustice, the Center challenged the February sale in court.

That case challenging the lease sale is ongoing, and in early June the Center announced another suit to force

"disappear" underwater, depend on sea ice for every aspect of survival. In particular, they rely on the winter sea-ice edge in the Bering and Okhotsk seas off Alaska and Russia for safely birthing and rearing their pups.

In a warming Arctic, ribbon seals are returning to winter sea-ice that forms later and thinner. To ensure they don't literally disappear, we filed a scientific petition in December seeking Endangered Species Act protection. We've since followed up in court to ensure timely progress on the review process to add the seals to the threatened and endangered species list.

- In May, we petitioned for Endangered Species Act protection for three more Arctic ice seal species: **ringed, bearded, and spotted seals**. They occur in the Bering, Chukchi, and Beaufort seas, and—like the ribbon seal, Pacific walrus, and polar bear—are faced with loss of habitat to increased oil and gas drilling in addition to global warming.

- On the opposite ice-bound pole and nearby environs, we continue our work to save **penguins** threatened by global warming. Abnormally warm ocean temperatures and diminished sea ice have wreaked havoc on abundance of krill—the keystone of the Antarctic marine ecosystem and an essential food source not just for penguins but also for whales and seals.

In response to Center's scientific petition, the administration determined last July that 10 penguin species—including the world-famous emperor penguin—may warrant Endangered Species Act protection. But after the Service missed its deadline to actually bestow that protection, we filed suit this February to compel the agency to take action. •

**Polar bear** continued on back page

# Spring Cleaning in D.C.

**Called to task for crooked dealings, the administration must give species a new chance at the protections they deserve.**

As the president's last few months in office approach, the Center's efforts to clean up after his administration are building more momentum than ever—and our hard work is paying off. The government can no longer turn its back on the damage it's done to species and habitat through malfeasance, corruption, and—most obviously—suppressed and twisted science.

Among the latest species to benefit from our fight against science censorship is the desert nesting bald eagle. We petitioned to list this unique southwestern eagle population separately from other bald eagles in 2004, but the U.S. Fish and Wildlife Service—apparently knowing protection would prevent lucrative development in eagle habitat—denied our petition, despite a study showing the species' likely impending extinction.

When bald eagles nationwide were removed from the federal endangered species list last year, so were the desert nesters, but thanks to a Center and Maricopa Audubon lawsuit, a judge has ordered a reconsideration of our petition. Service scientists, the judge declared, had indeed evidently received “marching orders” from the administration to deny biological evidence of the desert nesting bald eagle's peril and had taken illegal steps in its quashing of the petition. In the meantime, the desert eagle remains protected under the Endangered Species Act.

Unfortunately, as many Center members know, the suppression of science behind the eagle case is just the tip of the iceberg: Since 2002, when now-disgraced former Interior Department official Julie MacDonald was appointed, bureaucrats and developers have been dreaming in dollar signs while species' protections disappear. Not only did MacDonald alter science to benefit



Photo by Robin Silver

The desert nesting bald eagle currently soars above the administration's sullied record of suppressing science to deny legal protections to endangered species. We've launched a series of court actions on behalf of dozens of other plants and animals that got the shaft.

industry over ecosystems; she also shared internal agency documents with private-interest groups and bullied agency staff into following her commands.

So last August the Center stepped in, launching an ambitious campaign with a notice of intent to sue the administration over wrongful Endangered Species Act decisions affecting 55 imperiled species. In November, bowing under the pressure of widespread publicity—largely Center-driven—and hammered by Congressional demand, the Fish and Wildlife Service announced it would revise seven decisions harming six species.

In addition, a federal judge in Idaho has ordered the Service and Interior to revisit a listing decision for the greater sage grouse, and an Oregon senator has requested the review of numerous other “improperly influenced” determinations.

The Service's planned revision of seven decisions obviously doesn't begin making up for the environmental harm perpetrated over the past six years. To help the administration along, since we served notice the Center has filed lawsuits defending protections for 19 species, including the arroyo toad, Montana fluvial Arctic grayling, and Sacramento splittail—which was suspiciously delisted in 2003 when MacDonald co-owned a farm containing key splittail habitat.

And last December, we filed a Freedom of Information Act lawsuit demanding that the administration hand over public documents about MacDonald's interference. As the Center plans more litigation, ongoing inspector general and General Accounting Office investigations are examining the extent of the corruption. In late May, in fact, a General Accounting Office report proved it went beyond MacDonald to at least four other Bush administration appointees.

Thankfully, the biggest bureaucratic threat of all, a move that would have been devastating for all imperiled species, has been stopped in its tracks.

Last spring, the Center and Public Employees for Environmental Responsibility obtained a massive document outlining administration plans to bypass Congress and effectively rewrite the Endangered Species Act to benefit business at the expense of the species the Act is meant to protect.

After we released the document, Congressional leaders vowed to oppose the revisions by any means necessary and Interior got plenty of bad publicity. Then, this January, the administration declared it would not proceed with its wholesale assault on our most precious environmental law.

But the battle definitely isn't over. Moving forward, the Center must prevent numerous decisions that would establish damaging policies, directly harm wildlife and habitat, weaken the Endangered Species Act itself, and hamper the functioning and funding of the entire Endangered Species Act program.

It won't be easy, but we're determined to see science win the day. •

# “Big Year” for Bay Area Species

Beginning in January, the Center for Biological Diversity and several partner organizations embarked on a novel campaign to reconnect people with the superlative treasures of the San Francisco Bay Area's great urban national parks by introducing the 2008 Golden Gate National Parks Endangered Species Big Year.

The Golden Gate National Parks contain more federally protected endangered species than any other unit of the national park system in continental North America: more than Yosemite, Yellowstone, Kings Canyon, and Sequoia national parks combined. Among the parks' 33 federally listed plants and animals are many the Center has long worked to protect, such as the western snowy plover, mission blue butterfly, tidewater goby, California red-legged frog, San Francisco garter snake, and humpback whale.

This astounding array of imperiled biodiversity—in the midst of one of the country's most vibrant urban centers—is certainly a source of wonder and celebration. But the dire status of so many of the Golden Gate National Parks' star plants and animals also calls for pause and reflection—indicating, perhaps, that something might be wrong with the relationship of the city's residents to its natural havens.

Spearheaded by former Center staffer Brent Plater, Big Year is literally a race against time: a challenge to park visitors, over 12 months, to see each of the 33 species and—more importantly—to take 33 discrete conservation recovery actions to help keep these species from edging closer to the brink of extinction.

To empower competitors beyond what they can experience through individual exploration, more than six dozen guided field trips are planned throughout 2008 to create opportunities for city dwellers and visitors to encounter—and take action for—the parks' most vulnerable wildlife.

Organized conservation actions range from restoring California least tern habitat at the proposed Alameda Wildlife Refuge, to teaching visitors how to reduce their carbon footprint to help ensure the Bay checkerspot butterfly survives in San Mateo County, to spurring visitors to contact their congressional representatives to support the Endangered Species Act and the Golden Gate National Parks' conservation programs.

Though the event hopes to tap the spirit of competition to inspire participants to become involved in learning about and protecting as many of the parks' species as possible over the course of the year, it's not too late to pitch in on the many conservation actions still planned for the summer and fall months. •

To learn more about Big Year, visit [www.ggnrbigyear.org](http://www.ggnrbigyear.org) or contact the Center's Kelli Shields at [kshields@biologicaldiversity.org](mailto:kshields@biologicaldiversity.org) or (415) 436.9682 ext. 311.



Photo by Glen Tepke

The western snowy plover is one of 33 federally protected species in the Golden Gate National Parks.

## Endangered earth

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## Polar bear continued from page 9

the Department of Interior to reconsider the impacts of opening virtually all the polar bear's U.S. habitat in the Chukchi and Beaufort seas to oil leases.

Meanwhile, additional lease sales are planned for the Chukchi and Beaufort seas by 2012. And the administration continues to add insult to injury. On June 11, Interior published yet another "special rule" that—guess what?—exempts oil companies operating in the Chukchi Sea from Marine Mammal Protection Act safeguards *already* extended to the polar bear *before* its Endangered Species Act listing. Those safeguards prohibited harassment of polar bears, but now the administration has waived them for oil companies in the Chukchi for a period of five years.

Under its new rule, the administration green-lights oil companies to saturate the Chukchi's waters with sonic blasts each summer, to deploy and operate three offshore

drill rigs a year, to operate more than two dozen ships and aircraft—including highly-disruptive ice-breakers—24 hours a day, and to build hundreds of miles of roads destined to run seismic trucks through polar bear denning areas.

"These regulations are a blank check to the oil industry to carry on their operations irrespective of their impacts on endangered marine mammals," says Cummings. "It's unacceptable to allow polar bears to be sacrificed on the altar of oil company profits."

To protect the polar bear and other Arctic animals from direct intrusion and disturbance by drilling activities and additional greenhouse gas emissions from the fossil fuels produced, the Center is calling for a moratorium on oil and gas activities in the Arctic.

And because polar bears have no time to lose, we're losing no time in challenging the administration's attempts to write itself new loopholes

in the laws that were, despite Kempthorne's huffing and puffing, exactly intended to ensure such treasures as the polar bear and its unique sea-ice habitat aren't lost to future generations—forever.

Just two days after Kempthorne's announcement, the Center, NRDC, and Greenpeace took new legal action seeking to overturn the special rule that accompanied and undermined the polar bear's threatened listing.

"It's not too late to save the polar bear, and we'll keep fighting to ensure that the polar bear gets the help it needs through the full protections of the Endangered Species Act," promises Kassie Siegel, director of the Center's Climate Program.

"The administration's attempts to reduce protection to the polar bear from greenhouse gas emissions are illegal and won't hold up in court."●