

A low-angle photograph looking up into a dense forest canopy. Sunlight streams down from the top center, creating a bright starburst effect and illuminating the scene. Numerous monarch butterflies are in flight throughout the frame, their orange and black wings contrasting against the green foliage and blue sky. The butterflies are captured in various positions, some with wings spread wide, others in mid-flutter. The overall mood is one of natural beauty and urgency, given the 'Endangered' title.

ENDANGERED

EARTH

CENTER FOR BIOLOGICAL DIVERSITY • SUMMER 2021

MEET OUR WILD CLIENTS

January – June 2021

CANDY DARTERS

In Virginia and West Virginia, a Center lawsuit led to the protection of almost 370 river miles as critical habitat for colorful, stream-dwelling candy darters.



NORTHERN SPOTTED OWLS

In March, we took legal action to reinstate federal protections — stripped away by the Trump administration — to more than 3.4 million acres of federal old-growth forests, which are essential for the survival of northern spotted owls.



SAGE GROUSES

The Center was instrumental in a federal court's decision in February to overturn the Trump administration's removal of protections from 10 million acres across the West that allowed mining in vital sage grouse habitat.



NORTHERN MEXICAN GARTER SNAKES

In response to nearly 20 years of Center work, in April the Fish and Wildlife Service finalized critical habitat protection for northern Mexican garter snakes under the Endangered Species Act.



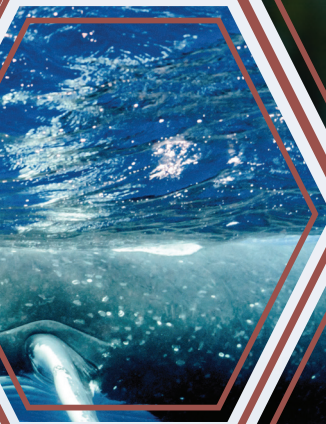
NORTHERN JAGUARS

Building on the more than 750,000 acres of critical habitat we've already secured for jaguars in the U.S. Southwest, we're seeking to protect 20 million acres more along the Mogollon Rim, where reintroduction could mean the return of a breeding population north of the border.



MONARCH BUTTERFLIES

Monarch butterfly populations have plummeted by 80% in the past 20 years. That's why the Center is working hard to save them from pesticides like glyphosate and dicamba and to win them protection under the Endangered Species Act. In March, a bipartisan group of lawmakers introduced legislation to provide \$125 million in emergency funds to save western monarchs from extinction.



CALIFORNIA WOLVES

Our petition back in 2014 won protection for gray wolves in California under the state's endangered species law — setting the stage for their return to their former range. Since then, at least 15 wolves have entered California from Oregon, including two in 2021, with one traveling as far south as San Luis Obispo County.



HUMPBACK WHALES

In April, thanks to our 2018 court victory, the Biden administration protected more than 116,000 square nautical miles as critical habitat for endangered Pacific humpback whales.



AFRICAN ELEPHANTS

The United States contributes to elephant poaching as a significant consumer of ivory, and before New York passed its State Ivory Law, the state harbored the largest ivory market in the nation, followed by California. So in March the Center intervened in a lawsuit by New York state to defend its ban on elephant-ivory sales.

WESTERN YELLOW-BILLED CUCKOOS

After more than two decades of Center advocacy and litigation, the U.S. Fish and Wildlife Service designated nearly 300,000 acres of protected critical habitat in April for one of the Southwest's rarest birds: the western yellow-billed cuckoo.



STANDING UP FOR THE AMERICAN BUMBLEBEE



This spring the Center for Biological Diversity took another bold step to defend America's wildlife by filing a formal legal petition with the U.S. Fish and Wildlife Service to protect the American bumblebee under the Endangered Species Act. The need couldn't be greater.

Throughout the 20th century, American bumblebees were routinely spotted in grasslands, fields and open spaces across 47 states, giving this species one of the largest ranges of any bee in North America.

Living in colonies that can include hundreds of bees, their ability to pollinate crops and wildflowers has long made them a vital part of America's open spaces.

But as we lose grasslands to industrial crop monocultures at a rate of four football fields a minute, we're pushing this bumblebee toward extinction at an alarming rate. }

Over just the past 20 years, the American bumblebee has seen a devastating 89% decline. It has now disappeared from at least eight states.

The loss of healthy grasslands and other open areas limits the nutrition bumblebees can get from diverse pollen and nectar sources. Making things worse, since the 1990s agriculture has transitioned to the widespread use of genetically engineered crops that need massive amounts of pesticides.

The toxic chemicals required by intensive, monoculture agriculture have hindered bumblebee survival and reproduction.

All these threats weaken bumblebees' immune systems, making them more susceptible to diseases spread by domesticated bees.

The decline of the American bumblebee — and, evidence suggests, insect populations in general — is yet another warning sign that unsustainable industrial food systems are hurting natural ecosystems.

Protections for this industrious pollinator would have the effect of holding pesticide companies accountable for their products' harms and spurring a transition to more sustainable agricultural practices.

But action now can make a difference.

The Endangered Species Act has prevented the extinction of 99% of the species under its care. With its tools, we have a great shot at making sure this iconic pollinator buzzes across fields, grasslands and gardens for generations to come.



Jess Tyler • Staff Scientist
Environmental Health Program

Photo by Katie Lamke, Xerces Society
Oak Flat photo by Russ McSpadden

THE BATTLE TO SAVE SACRED OAK FLAT

Located in Arizona's Tonto National Forest, Oak Flat — or Chì'chil Bildagoteel — is a unique biological gem, a place of beauty that has been sacred to the western Apache for centuries. Countless generations have relied on it for religious and coming-of-age ceremonies and have gathered medicinal plants and acorns from its majestic oaks. It contains, according to a Tribal expert, "the best set of Apache archaeological sites ever documented."

This stunning place first came under threat in late December 2014, when, in a midnight rider on a defense funding bill, Sen. John McCain (R-Ariz.) pushed through a land swap. The swap would trade away Oak Flat to international mining behemoths Rio Tinto and BHP for its proposed Resolution Copper Mine — despite early opposition to the project from Indigenous groups and allies.

Recently Rio Tinto has made headlines for destroying a sacred site in Australia, the Juukan Gorge. The CEO resigned in response to shareholder pressure, and the company issued a statement saying, "Never again." But those words ring hollow in the face of its 148-year record of destroying habitat and violating human-rights laws.

In January 2021 the Apache Stronghold filed a historic lien on the land, per the 1852 Treaty of Santa Fe that had granted Apaches a parcel including Oak Flat. This and the lawsuits from the Stronghold, Tribe and allies like the Center for Biological Diversity have delayed the land exchange.

With the Save Oak Flat Act recently introduced in Congress, we have a chance to overturn the Oak Flat giveaway — to stop the Resolution Copper Project and Land Exchange from destroying a sacred site and endangering the lives of countless species.

We're in a pivotal moment in this battle to protect Oak Flat, and we need everyone to write letters to their members of the House of Representatives asking them to support the Save Oak Flat Act. This is the time to join thousands across the world in demanding that Native Americans' spiritual ties to Oak Flat be honored, and that this biological and recreational jewel be protected for generations to come.

Brytnée Laurette • Public Lands Campaigner
Public Lands Program



TURNING BIDEN'S PROMISE INTO BOLD CLIMATE ACTION



During his first days in office, President Biden answered years of climate activism by Center members and our allies by canceling the permit for the Keystone XL pipeline and suspending new oil and gas leasing of federal lands and waters.

Together with rejoining the Paris Agreement and halting oil leasing in the Arctic National Wildlife Refuge, these significant moves show the president is heeding our calls to reverse Trump-era destruction and address the climate and extinction crises.

But Biden can do much more to ward off climate catastrophe, even if Congress is slow to move.

We're leading the push for Biden to declare a climate emergency under the National Emergencies Act. Besides calling this emergency what it is, that will unlock statutory powers for two key actions: reinstating the crude oil export ban and redirecting part of military spending toward renewable energy infrastructure. Both actions are crucial to igniting the clean energy revolution we need to protect our health and our planet for generations to come.

The president has many more climate solutions at hand using ordinary executive powers. They include ending the approval of new fossil fuel infrastructure projects, banning fracking on public lands, redirecting financial flows from fossil fuels

to clean energy, and holding fossil fuel polluters accountable through the Justice Department.

To further address the emergency, we're pushing Biden to harness the full power of America's signature environmental protection law, the Clean Air Act. We need a national pollution cap for greenhouse gases, just as we have for other key pollutants like ozone. We also need strong rules to slash greenhouse gas pollution from cars, trucks, airplanes and ships.

Using the tools already available to him under law, President Biden can set a course to transform our exploitative, extractive economy to one that's clean, sustainable and inclusive. In the process, he can create the biggest jobs stimulus since World War II.

From the Arctic to Appalachia, the climate crisis threatens lives and livelihoods, along with the plants and animals that enrich our world. But with this existential threat comes an immense opportunity for change that puts people and the planet over profit. Biden's first steps are promising, but they're only the start of what must be an urgent and uncompromising effort to save us from climate catastrophe.

The Center won't stop until President Biden delivers on his promise to be a climate leader and the United States leads the world in a just transition away from fossil fuels.



**Nyshie Perkinson • Senior Media Specialist
Climate Law Institute**

Joe Biden photo by Gage Skidmore;
Plastic pollution photo courtesy Science Photo Library

PUSHING FOR A PLASTIC-FREE PRESIDENT



Plastic is filling our oceans, choking out wildlife, polluting vulnerable communities and fueling climate change. Yet the petrochemical industry is making more plastic than ever, most going into throwaway packaging. We need to stop making so much of it — and now we have an opportunity to do just that.

In recent years the Center has worked to publicize the big-picture threat of plastic pollution and rising U.S. plastic production, fed by our oversupply of fracked gas. In a more targeted way, we've worked to stop Formosa Plastics from building one of the world's biggest plastic-making plants in St. James Parish, Louisiana, in a Black community already sickened by industrial pollution.

The Ferosma Plastics project was stalled by our lawsuit, when a judge forced the Army Corps of Engineers to suspend and reexamine its permit. We'll keep working with our Gulf Coast partners to ensure this project never gets built.

The election of Joe Biden as president also gave us a chance to finally make real progress on the global fight against plastic pollution and production.

That's why we assembled a coalition of some 600 conservation and community groups nationwide to create the Presidential Plastics Action Plan, calling for President Biden to take a series of executive actions to stem the tide of plastic pollution.

Since we unveiled that plan in December, posting its details at www.plasticfreepresident.org, more than 108,000 people have signed petitions urging Biden to act. We recently presented those petitions to the administration, staging an event outside the Environmental Protection Agency office in San Francisco.

Our campaign is now entering a more assertive new phase, focusing on one of the eight actions we're asking Biden to take: banning all new or expanded petrochemical projects. There's no reason to keep making so much plastic, and it's time to stop converting fracked gas into mountains of new throwaway products.

The bottom line: We can't keep filling our oceans with plastic, which is expected to outweigh all the fish in the sea by 2050. We can't let the plastic industry keep emitting more greenhouse gases, which it does at every phase of the plastics lifecycle, from fracking to manufacturing all the way to plastic's degradation or incineration. And we can't keep poisoning frontline communities with toxic petrochemical pollution.

You can help — join us in calling on Biden to fulfill his pledges to take strong climate action and protect environmental justice by executing the Presidential Plastics Action Plan.

Stephanie Prufer • Oceans Campaigner
Oceans Program



WOLVES AT A

On Jan. 4 a federal rule to strip wolves of their Endangered Species Act protection took effect. More egregious than any previous delisting attempt by the U.S. Fish and Wildlife Service, the rule removes federal protection from gray wolves everywhere in the lower 48 United States except the Southwest, home to the Mexican gray wolf subspecies.

That removal of protection was premature: Gray wolves are far from fully recovered. But the Service argued that since Minnesota, Wisconsin and Michigan have robust wolf populations, it doesn't matter that wolves haven't yet recovered across vast areas of suitable habitat elsewhere in the country, like in Colorado and California.

For almost 20 years the Service has repeatedly tried to walk away from the hard work needed to fully restore U.S. wolf populations — and the Center and allies have successfully sued over nearly every attempt to prematurely remove protection. This time we joined a broad coalition of conservation groups to again ask the court to rescind wolves' delisting. We're also asking the public to sign a petition requesting the Service restore their protection.

The agency's unambitious approach to wolf recovery doesn't fit with the best available science, according to a panel of expert biologists who reviewed the delisting rule's proposal in 2019, as well as a letter written to the Service this spring by more than 100 top wolf scientists.

Now there's another level of urgency to this fight. With a slate of cruel new laws designed to expedite expanded hunting of wolves, states are showing they can't be trusted to oversee their wolf populations.

Within a month of this year's federal delisting, a Kansas-based hunting group went to court to force an immediate wolf hunt in Wisconsin. Despite legal opposition from the Center and allies, plus the state's

own wildlife agency, Wisconsin pushed forward with a winter wolf hunt.

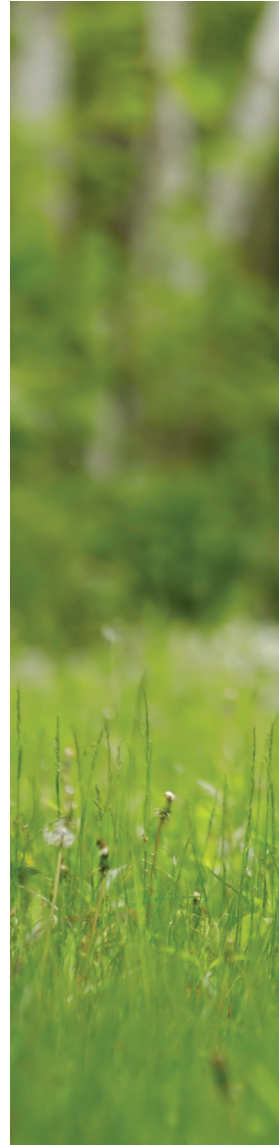
It was a brutal and tragic event. In just 60 hours, hunters — most chasing down wolves with packs of hounds — killed at least 20% of Wisconsin's entire wolf population, exceeding the state's hunting quota by 83%.

Emboldened, legislators in Idaho and Montana decided to double down on their already-aggressive wolf-hunting and trapping seasons by introducing multiple bills that greatly expand how, when and where wolves can be killed through hunting, trapping and snaring.

Idaho passed Senate Bill 1211, which lets the state hire private contractors to shoot, trap and snare roughly 90% of the state's wolf population. That could bring the number of wolves there from 1,500 all the way down to 150.

Montana passed a series of bills extending the hunting season by a month and allowing the use of bait and cruel strangulation snares to capture and kill wolves. The bills also allow wolf hunting at night on private land and let hunters kill an unlimited number of wolves. Another measure authorizes reimbursements to hunters and trappers for expenses associated with killing wolves. These extreme wolf-killing measures could mean the extermination of 85% of Montana's wolves.

To stop this slaughter, the Center and allies have asked the Fish and Wildlife Service to restore federal protections to wolves in the northern Rocky



CROSSROADS



Gray wolf with pups

Mountains. We've also called upon the Service to cut off Idaho's federal wildlife-management funding and urged the Montana Department of Fish, Wildlife and Parks to restrain its wolf-killing proposals or also risk losing millions in federal funding.

The U.S. government *must* return protection to gray wolves now and free the species from the whims of

state and cultural politics. This icon of the American West is a key part of healthy ecosystems. Wolves belong in the wild and don't deserve to be gunned down and trapped by the hundreds or thousands whenever local politicians are feeling bloodthirsty.

The Center will never stop fighting for wolves.

**Amaroq Weiss • Senior West Coast Wolf Advocate
Endangered Species Program**





SAVING THE GREAT MIGRATIONS

Migratory birds are in serious trouble. According to a recent study, due to industrial activity and human encroachment on habitat, there are now 2.9 billion fewer birds flying across the United States and Canada than there were 50 years ago. Many millions of birds are still killed each year in collisions with power lines, entrapment in oil-waste pits, and other fatal encounters with the human-built landscape.

In the face of this ecological devastation, the last thing the United States should be doing is drastically weakening federal conservation laws. Yet that's precisely what the Trump administration did in response to lobbying by the oil and gas industry. In 2017 Trump's Interior Department adopted a new interpretation of the Migratory Bird Treaty Act. It said, for the first time in that venerable statute's more than 100-year history, that the law — which broadly prohibits any "taking" or killing of migratory birds without a permit — only comes into play when someone does something specifically directed at killing or harming birds (such as hunting or trapping).

This meant that all kinds of "incidental take" were completely off limits to regulation. The Center, along with others, promptly sued. In August 2020 a federal judge in New York held that the Trump interpretation violated the Act's plain language and overriding conservation mandate. In a notable literary reference, the court admonished, "It is not only a sin to kill a mockingbird — it is also a crime."

But the Trump administration refused to take no for an answer. In its waning days, it adopted the identical 2017 interpretation of the Migratory Bird Act in a formal regulation. The Center and allies sued again; briefing in this new challenge will occur over the next several months.

In the meantime, the Biden administration is soliciting public comment on a proposal to revoke the Trump rule. The Center is urging the administration to do that — and go further by creating a new, comprehensive system for protecting migratory birds from industrial harm.

Our fine-feathered friends deserve no less.

Eric Glitzenstein • Director of Litigation

Sandhill cranes photo courtesy National Park Service;
monarch butterfly photo by Docentjoyce

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The Unbearable Lightness of Monarchs

From the Director
Kierán Suckling

Back in 1997, some 1.2 million monarch butterflies settled down for the winter in forest groves near Santa Cruz and San Diego.

They had summered in backyards and forests from British Columbia to Colorado and Arizona. Then — as they've done for thousands upon thousands of years — the orange-and-black beauties up and fluttered to the California coast on impossibly delicate wings.

But by 2020 this overwintering population, known as western monarchs, had declined from over a million to fewer than 2,000 individuals. Monarchs weigh just half a gram, so the entire population weighed a little more than 2 pounds. This is what remains of a pollinator once so abundant that the collective sound of their migrating wings was as loud as a rippling stream or summer rain.

The eastern population, which summers throughout most of the rest of the United States, is also in an extinction spiral, having declined by more than 80% over the past two decades.

To save the monarch, the Center for Biological Diversity petitioned to protect it under the Endangered Species Act in 2014. Then when the

U.S. Fish and Wildlife Service failed to act, we sued the agency to demand action. But the Trump administration, during its final weeks, indefinitely delayed the protection the monarch so desperately needs, even while admitting the butterfly is imperiled.

Now we have a new administration, and a new chance to fight for monarchs.

Over the past 32 years, the Center has secured protection for more than 720 endangered species and more than half a billion acres of wildlife habitat. These lifesaving protections have pulled some of the planet's most arresting wild creatures back from the edge of extinction — Mexican gray wolves, sea otters, Pacific salmon — and put them on a path to recovery.

With your help, we can do the same for monarchs. Because their plight is also a warning: Great and small, fierce and fragile, all life is now at stake in our age of extinction.

This is a fight we have to win. Thank you for being at our side.



ENDANGERED EARTH

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ON THE COVER
Monarch butterflies

is the membership newsletter of the Center for Biological Diversity. With the support of more than 1.6 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.

To become a member or give a gift membership, contact us at (866) 357-3349 x 323 or membership@biologicaldiversity.org; send a check to Center for Biological Diversity, Membership, P.O. Box 710, Tucson, AZ, 85702-0710; or visit the "Support" page on our secure server: www.BiologicalDiversity.org. Contributions are tax deductible. Our tax ID# is 27-3943866.

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Juvenile jaguar

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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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