

## Tainted science taken to task

**Administration asked to answer for abuses of science in decisions denying protection to endangered species**

**F**or six years, the Bush administration has been building a grim record of suppression, manipulation, and politicization of science—a record extending across the entire executive branch. Last fall, building on momentum from revelations about Bush appointee Julie MacDonald's interference in Endangered Species Act science, the Center began to push the new congressional leadership for oversight to expose the Bush administration's assault on the Endangered Species Act.

We weren't disappointed this spring. Congress called on the administration to account for many of its abuses, and a string of new, damning revelations about the administration's politicization of endangered species science added fuel to the fire.

In March, a government watchdog agency released its detailed account of manipulation and suppression of endangered species science by a high-level Interior Department appointee, Julie MacDonald. The Interior Department Inspector General found that MacDonald had altered science to reduce protections for species, shared internal agency documents with industry groups, and harassed career agency staff into doing her bidding.

MacDonald resigned April 30, just a week before Rep. Nick Rahall's House Natural Resources Committee held a long-awaited oversight hearing on the politicization of Endangered Species Act



Photo courtesy USFWS

The West Virginia flying squirrel is just one of many species on the losing end of the administration's manipulation and censorship of its own scientists.

science. The May 9 hearing spotlighted interference affecting the bull trout, northern spotted owl, and West Virginia flying squirrel, as well as testimony from advocacy groups about the pervasive

### ● It takes a lot of little drops

A campaign to save a desert river is gaining traction in surrounding communities.

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Keeping oil rigs from becoming condor roosts, re-enacting the administration's grilling of the grayling, turning down the noise in whale-dense waters, and more.

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nature of the problem. Deputy Interior Secretary Lynn Scarlett had the hot seat as committee members quizzed her about scientifically questionable endangered species decisions.

May 9 also marked one year since the Bush administration last added a species to the endangered list, the longest lapse since 1981, when the infamous James Watt was Secretary of Interior. In response to the anniversary, the Center released "Politicizing Extinction," a new report on administration interference in adding plants and animals to the endangered and threatened lists, designating critical habitat, and developing recovery plans for those species.

**Tainted Science** continued on back page



# ADVOCACY SPOTLIGHT

Joanne Oellers, *Verde Campaign Coordinator*

## Verde campaign taps communities

**Gandhi once said of activism, “We are all little drops.” A new Center campaign has taken up that theme, calling upon fast-urbanizing communities in the Verde River Basin to join the fight to save the desert river at their heart.**

**T**he Center has stepped up to the challenge of what could be the final chance to save one of the Southwest’s last perennial rivers: central Arizona’s Verde. Long recognized as a biodiversity hotspot, the Verde River is currently under threats unlike any in its history.

### Growth explodes beyond means

It’s simple: projected human population growth threatens the vitality—indeed the survival—of the upper section of the Verde. Not only do the area’s burgeoning municipalities—which, including Prescott, Prescott Valley and Chino Valley, are among the fastest growing in the country—plan to tap the aquifer that feeds the river, but proposed Yavapai County developments have designs on the same water. In fact, pumping of the aquifer could quadruple within the next two decades.

In 2004, Prescott and Prescott Valley purchased approximately 4,500 acres in the Big Chino subbasin north of Prescott, acting on permission to import groundwater from a separate basin. Though the cities have acknowledged that the Verde provides valuable habitat for threatened and endangered species, they have not provided comprehensive mitigation plans to protect the stream flow upon which that habitat depends.

Rather, they stand behind a questionable and inadequate “Project Plan” for reducing impacts. Even as pipeline details are negotiated, city and town officials merely propose “examining” the expansion of a monitoring network, “identifying” recharge sites, and

“researching” healthy watershed management. We see no evidence of action addressing inevitable impacts before construction reaches the point of no return.

The cities’ original proposal slated for 2009 an operational pipeline with the capacity to transport 12,400 acre-feet per year; internal delays have pushed the project’s completion to at least 2010.

In May, Chino Valley signed an agreement to acquire historically irrigated acreage that conveys the right to pump nearly 975 million gallons of Big Chino groundwater per year. The town hopes to eventually be able to pump more than 5,000 acre-feet of water each year to serve a projected population of more than 49,000 in the year 2030, up from approximately 10,000 people today.

To the untrained eyes of optimistic newcomers and even some current residents, the Verde River’s lush loveliness belies its vulnerability. The imminent increase in pumping from the river’s source aquifer is a peril not easily imagined from the banks of the cool waters that—lined by cottonwoods and willows and frequented by beavers, otters, spikedace, yellow-billed cuckoos,

southwestern willow flycatchers and bald eagles—make this oasis live.

Yet, as reported in our Summer 2006 *Endangered Earth*, American Rivers selected the Verde as one of the 10 most endangered rivers in the United States. Improved drilling and delivery methods encourage growth that outstrips long-term water supply. The region’s



Photo by Walt Anderson

**Uncertain oasis: The Verde River’s hospitable lushness today makes it easy to overlook a looming threat. Exploding growth stands to dramatically increase groundwater pumping from the aquifer that sustains this desert oasis.**

cities are living beyond their means and failing to meet water management goals.

Before the Big Chino aquifer is pumped—to the detriment of the river—we must have constructive regional collaboration. And in fact, early talks with the Town of Chino Valley indicate its willingness to integrate aggressive conservation measures and to work with environmentalists to achieve water management and growth planning goals. We’re working to see that other cities in the area follow suit.



### Campaign connects the dots

With generous support from the Pulliam Foundation, the Center opened a Prescott office in early 2007. Our staff has roots in the Verde Basin, at the heart of our campaign to educate, motivate and advocate for the overall sustainability of the watershed.

Working with other conservation groups in the basin, the Center is driving the debate over the damaging pipeline water projects fueled by unsustainable growth. Our outreach efforts are guiding thousands to write letters to decision-makers demanding that the Verde River be protected. We are also getting more citizens to city council meetings where the Verde's fate is at issue.

Since our campaign launch, Center staff have brought the "Save the Verde" message to more than 850 schoolchildren throughout Yavapai County. We've developed lessons to teach students about the Verde River Watershed and water in Arizona, including the interconnections among groundwater, surface water and human water use, as well as the importance of riparian habitat and the need to care for Arizona's water resources. Response has been tremendous. Letters of hope, gratitude, and promises to use water wisely flow in from teachers and students alike.

A highly successful component of our outreach efforts has been the "Little Drop of Water" project. As we inform schoolchildren and other community members about the issues, we invite them to demonstrate their commitment to preserve the Verde River by adding their artwork and messages to printed "drops" that symbolize the importance of water to this ecosystem. Little Drops of Water have been showcased at area businesses and at numerous events ranging from local Earth Day celebrations, where more than a thousand drops were displayed, to water forums conducted by county supervisors and state legislators. Local artists have contributed their own droplets of creativity, framed for exhibit and sale, to raise money for the campaign.

As our staff members participate in state and local events—from river clean-ups and tamarisk removal to Arizona State University's Global Climate Challenge and Prescott Pride Day—we continue to ask the public to speak up for the Verde and its wildlife. The Center and the community are unequivocal in our call for specific measures to ensure the baseflow of the Verde, and for full investigation of longer-term solutions prior to pipeline construction.

### A Vision for the Verde

There is growing recognition in the Verde River Basin that the region also needs a water management district that links growth to water usage and that incorporates a Habitat Conservation Plan. A water management district would require smart development decisions that preserve the river's baseflow. It also could develop water detention and recharge projects, conservation programs, and water rules and oversight for a basin currently governed by ideals more befitting of the Wild West than a fast-growing, resource-squeezed modern city.

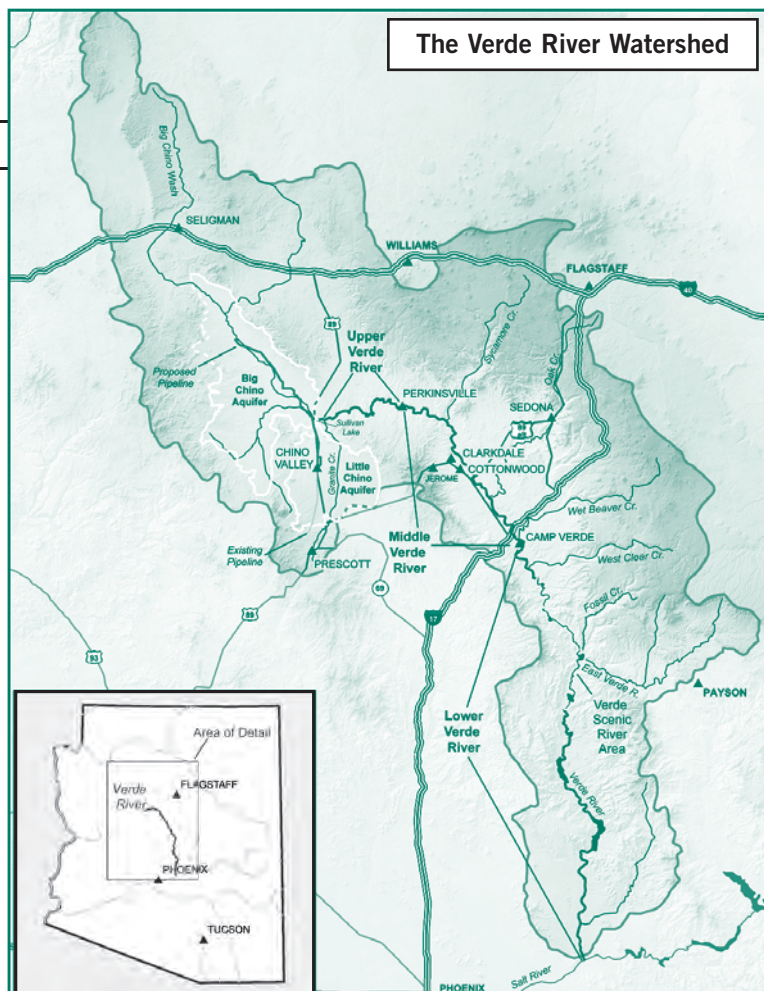
Habitat Conservation Plans, an outgrowth of the Endangered Species Act that came into vogue under the Clinton administration, allow for some habitat to be destroyed if steps are taken to minimize the damage or offset it with other projects that conserve habitat. They also offer communities assurances that they will not have to

face water delivery disruptions as long as the plans are properly implemented.

With a known history of action, and well-positioned to grow with the issues, the Center keeps the health of the Verde—and quality of life for the residents of the river basin—at the forefront of the conversation. We hope to bridge the gap from passivity to action with widespread public education about the Verde River and grassroots support by community members.

Check out [savetheverde.org](http://savetheverde.org) for all of the latest news, updates and a calendar of local river and water events. Download and decorate a "Little Drop," or send a letter to decision-makers.

*Joanne Oellers is a biologist whose childhood in Phoenix led her to retreat to the tiny community of Dewey, Ariz., where the grasslands and wildlife—and later witnessing the incorporation of her town and absorption of expansive lands into neighboring Prescott Valley—primed her for her role as the Center's Verde Program Coordinator.*



Map by Curtis Bradley

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## Center opposes drilling in condor haven

Three months after a major oil spill in California's Los Padres National Forest, the Center, Defenders of Wildlife, and Los Padres ForestWatch filed a lawsuit in April contesting Bush administration plans to expand oil and gas drilling that would significantly harm the area's wildlife.



California condors on oil rig, Los Padres National Forest

The contested proposal would increase drilling across more than 52,000 acres of forest, allowing for surface drilling adjacent to three wilderness areas and slant drilling beneath three creeks designated or proposed for federal Wild and Scenic River protection. It also calls for surface drilling next to the Sespe Condor Sanctuary and the Hopper Mountain National Wildlife Refuge, vital havens for the critically endangered California condor.

The administration continues to push its plan despite nearly a dozen major oil spills in the area over the last three years, including

a January 2007 spill in which at least 200 gallons of oil and 2,100 gallons of wastewater were released into Tar Creek, a tributary of the Wild and Scenic Sespe Creek that runs along the southern border of the condor sanctuary.

The condor shares the Los Padres wilderness with several other endangered animals and plants that already have been harmed by oil and gas activity. The administration's plan also stands to diminish recreational opportunities in the forest. The Center intends to preserve the area's exceptional value as both a nature preserve and a much-visited national forest.

## Southern California developments blocked

This spring, the Center scored victories against two southern California developments that would have harmed key habitat for endangered species.

First, a coalition of groups represented by the Center won a hard-fought case to block a Hilton hotel planned for the shores of Big Bear Lake in the San Bernardino Mountains. The hotel was to be built amid the wetland habitat of the bird-footed checkerbloom, a perennial herb endemic to the site. The Center filed suit in 2006 after the project's planners disregarded its danger to the plant as well as widespread public concern about the site's wetlands.

Fortunately, this May, a San Bernardino County judge agreed with the Center that the hotel

project unreasonably ignored the existence of wetlands on the site and inadequately mitigated the project's impacts to the checkerbloom.

Also in May, the Center and the Sierra Club won an injunction to prevent a developer from grading in designated critical habitat for the Peninsular bighorn sheep. The proposed Shadowrock development—a golf course, hotel and luxury housing complex—would have obstructed a critical movement corridor for the bighorn at the northern end of their range in the San Jacinto Mountains.

The injunction stems from a case challenging the City of Palm Springs' illegal extension of the Shadowrock Development Agreement,



Photo by Tom Brewster

Shadowrock site, Chino Canyon

a move that trampled voters' right of referendum on the project. The court found that harm to Chino Canyon habitat from grading outweighed financial harm that the developer might suffer from additional delay.

In April, the Center also separately challenged the Army Corps of Engineers for approval of a plan that would allow Shadowrock to

begin grading the site and to "mitigate" damage by destroying vegetation along 600 feet of Chino Creek, a rare perennial creek that also houses the endangered least Bell's vireo. The Corps suspended the project approval in May, but we are keeping a close eye on Shadowrock—just one new project in a decade-long fight to protect the bighorn from ill-considered development.

## Bureau plans fall short for tortoise, desert lands

The Center, following up on past successes that limited livestock grazing in Mojave Desert tortoise habitat, is now challenging the Bureau of Land Management and the U.S. Fish and Wildlife Service regarding their most recent analysis of grazing impacts on the tortoise, which fails to adequately protect this threatened species and its habitat.

In addition, the Bureau is pushing for approval of 10-year grazing permits on allotments throughout the California Desert Conservation Area. The Center is scrutinizing these permits and engaging in the public comment process to ensure that the needs of the desert tortoise are considered and meaningful protections are in place.

The impacts of livestock grazing in hot desert landscapes include trampled and consumed vegetation, depleted soils, degraded waters, and non-native weed invasions, which bring fire to a non-fire-adapted ecosystem and cause



catastrophic changes. Combined with the region's increased off-road vehicle presence, this means less habitat and forage for the tortoise, already teetering on the edge of survival.

This spring, the Center has commented on and protested grazing authorizations for more than two dozen of the Bureau's allotments, and we will proceed by appealing decisions that allow grazing to hinder the desert tortoise's recovery.

In the Sonoran Desert, we have been working with a coalition of conservation groups to improve Bureau "resource management plans" for lands the agency oversees in Arizona, especially those on the state's national monuments: Agua Fria, Sonoran Desert, Ironwood Forest, Grand Canyon-Parashant, and Vermillion Cliffs. The paramount purpose of national monuments is to protect and conserve the scientific and cultural values of special places, and we are working to remind the Arizona Bureau of this mandate. We have requested restrictions on livestock grazing, limits on off-road vehicle travel, reduction in roads, restoration of habitat, and preservation of the unique places that merit monument recognition.

### Administration signs death warrant for long-neglected grayling

On May 15, less than a month after the U.S. Fish and Wildlife Service's decision to deny

Endangered Species Act protection to the Montana fluvial arctic grayling, concerned Montana citizens held a symbolic funeral procession in which a Bush impersonator burned a grayling effigy.

On the same day, the Center, Western Watersheds Project, former Montana fishing guide George Wuerthner, and Montana Tech University Professor Dr. Pat Munday—a



Activists' vigil over grayling "funeral pyre"

primary organizer of the procession—filed an official 60-day notice of intent to sue the Service over its decision.

Once found throughout the upper Missouri River drainage above Great Falls, the fluvial arctic grayling has been reduced to a single population located in a short stretch of the Big Hole River above Divide Dam. A primary factor in the fish's range decline has been the dewatering of its stream habitat and degradation of riparian areas. Extensive water withdrawals from the Big Hole River—along with seven consecutive years of drought—continue to threaten the population. In recent years, so few graylings have been found that their numbers could not be estimated.

The grayling was first recognized to warrant an endangered listing in 1994, but because of bureaucratic delay it was merely placed on the candidate list, where it stayed until this year's decision removed it from consideration for protection altogether. While studies show that Big Hole graylings—the last fluvial population in the lower 48 states—are genetically distinct

from other populations, the Service dismissed the low numbers of Big Hole fish because the species occurs in rivers of Canada and Alaska as well

as in Montana lakes.

The April decision parallels other Bush administration moves to deny protection to species on the brink of extinction in the United States—including the cactus ferruginous pygmy-owl, Mexican garter snake, and Puget Sound orca—because they also occur across the border.

### Backed by scientists, Center seeks restored protection for grizzlies

The Center and six other organizations filed suit in June to restore Endangered Species Act protection to grizzly bears throughout a vast region including and surrounding Yellowstone National Park.

The U.S. Fish and Wildlife Service removed a federal "threatened"

listing from 500-600 bears in Wyoming, Montana and Idaho in April, insisting that the Yellowstone population has recovered.

To the contrary, more than 270 scientists—including Dr. Jane Goodall—submitted comments to the Service recommending a much higher recovery target of 2,000-3,000 bears to ensure a population with the genetic diversity for long-term survival. To reach those numbers and expand their gene pool, the currently isolated Yellowstone grizzlies would need to link up to other populations in the northern Rockies—a feat made even more unlikely by the removal of protection from the Yellowstone bears.

One of the bears' primary food sources, the whitebark pine nut, has already declined due to pine bark beetle infestation facilitated by global warming. Other food sources are similarly imperiled, and the bears also face threats to their habitat by residential and oil and gas development. Delisting the Yellowstone grizzly shifts the species' management to state wildlife agencies and opens the door for public hunts. Worse, these bears now have no protection from the traps, rifles and poisons of federal predator control—one of the biggest factors that led to the loss of grizzly populations elsewhere.

The Center also has requested a revision of the 1993 Grizzly Bear Recovery Plan. We are calling for more rigorous protection of grizzlies living both within and

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outside of official grizzly recovery areas, designation of new recovery areas throughout the West where grizzlies can be re-established, and uplisting still-protected populations from “threatened” to “endangered.”

## Navy sonar threatens whales

In May, the Center and four other organizations represented by Earthjustice filed a lawsuit against the U.S. Navy and the

already tenuous existence of these whales, which depend on their sensitive sense of hearing for survival. Besides disrupting whales’ feeding, breeding, nursing, communication, navigation and social behaviors, sonar blasts can result in serious and often fatal injuries to the animals.

Use of high-intensity military sonar has been associated with whale and dolphin strandings all over the world, including a July 2004 incident in which 150 melon-headed whales were displaced into a Kauai bay and one calf was found dead. The Navy itself has admitted to evidence that its past sonar use has been detrimental to marine life, and it acknowledged in its Environmental Assessment for the newly planned exercises—12 separate sets of Undersea Warfare Exercises slated for 2007 and 2008—that its sonar will likely harm whales.

Knowing its plans blatantly violate the Marine Mammal Protection Act, the Navy exempted itself from the law in January 2007 and refused to prepare an Environmental Impact Statement or to include protective action for the whales in its plans. The National Marine Fisheries Service, which is supposed to be responsible for protecting endangered marine life, has paid little attention to the effects of the sonar activities, effectively allowing the Navy to decide for itself the level of destruction it will cause.

The Center’s action aims to ensure appropriate oversight of Navy activities

in habitat for thousands of imperiled ocean mammals.

## Victory in view for Panama World Heritage site

The World Heritage Committee responded positively in June to a petition submitted by the Center and more than 30 other American and Panamanian organizations, seeking to list Panama’s biologically diverse La Amistad International Park as “In Danger.”

The health of the park, a designated World Heritage site, is currently threatened by the planned construction of four hydroelectric dams that will severely affect the Changuinola River at La Amistad’s center—one of the last free-flowing rivers in Central America.

Today, La Amistad encompasses Central America’s largest, most diverse virgin rainforest, supporting an amazing array of mammals, birds, fish, reptiles and amphibians as well as 40 endemic bird species and hundreds of endemic plant species. It is one of few remaining refuges for animals such as the jaguar, ocelot, resplendent quetzal and harpy eagle. In addition, La Amistad is important for the cultural and physical well-being of several indigenous tribes.

The dams, proposed by the U.S.-based AES Corporation, would not only increase greenhouse gas emissions through methane production; they also would allow for extensive impacts to the area by roads, bridges and power lines, and would

permanently alter more than 600 miles of stream to significantly affect the biological integrity of the park. Rare native species would be significantly harmed if not wiped out—as would a number of migratory aquatic species—and the natural flow of one of Panama’s most vital rivers would be destroyed. In addition, the area would undoubtedly be opened up for further development.

Concerned about the effects the planned dams would have on La Amistad, the Committee has asked Panama and Costa Rica to allow a World Heritage Centre/World Conservation Union visit to the site to



Photo by Glen Tepke

Humpback whale

National Marine Fisheries Service, challenging plans to use high-intensity, mid-frequency sonar for antisubmarine exercises in the whale-dense ocean surrounding Hawaii. The sonar in question would be far louder than that previously determined to cause mass whale strandings and deaths.

Hawaii’s waters are well-known habitat for thousands of whales and dolphins, including many endangered species such as the humpback, which breeds in Hawaiian waters, as well as blue, fin, sei and sperm whales. The planned sonar would threaten the



Photo by Cynthia Elkins

Panama’s Changuinola River

ascertain the level of these threats. Following the visit, the two countries will be asked to develop a report on the site’s conservation for next year’s Committee session, and if adequate steps have not been taken to ensure the park’s protection, it may be listed as “In Danger,” as requested by our April petition.

We hope the Committee’s decision will encourage the Panamanian government to cancel the dam projects and address other threats to the park. The Center and our many allies will not allow this international treasure to be lost.



Photo by Todd Rogers

From their home near Joshua Tree National Park, Center Staff Attorneys Brendan Cummings and Kassie Siegel have set in motion the first legal challenges against recalcitrant developers and local governments whose plans fail to address the impacts of growth on greenhouse gas emissions.

## Cutting-edge California cases tie sprawl to global warming—and demand an accounting

As Washington, D.C. struggles to find a national policy to combat climate change, the Center is already working to enforce existing laws to require greenhouse gas reductions on the local level. The Center's campaign follows the old adage: Think Globally, Act Locally. The climate crisis is a global-scale problem, but finding solutions is something we must address now in our local counties, cities and neighborhoods.

In keeping with that adage, the Center has filed cutting-edge lawsuits under the California Environmental Quality Act to force local agencies and developers to think about climate change in the course of daily business. The California law is one of the nation's strongest to require that state and local agencies fully analyze and mitigate for significant environmental impacts of all projects they approve. Unfortunately, prior to the Center's advocacy most state and local agencies did not consider, let alone require mitigation

for, greenhouse gas emissions as part of their environmental review.

From individual development projects to county-wide plans, the Center is working to force recalcitrant officials and developers to account for the contribution of local growth to climate change. The cumulative greenhouse gas pollution resulting from large new developments is extremely significant, from daily energy consumption by individual households to increased transportation due to sprawl and loss of carbon-sequestering open space.

Several of the Center's first legal challenges are unfolding in the pine-covered mountains and desert valleys of the Inland Empire east of Los Angeles—a rapidly urbanizing region that will continue to undergo explosive population growth surpassing that of most U.S. states. Successful legal challenges in one region should drive changes throughout California.

**Cutting-edge cases** *continued on page 10*

## Ninth Circuit hears challenge to low mileage standards

In another landmark case, the Center is challenging the Bush administration's low fuel-economy standards for sport utility vehicles and pickup trucks nationally. The standards, which cover model years 2008-2011, would leave the United States with the lowest gas mileage of any developed nation, and lower even than some developing nations like China.

The case, *Center for Biological Diversity v. National Highway Traffic Administration*, was heard by a three-judge panel of the Ninth Circuit Court in San Francisco May 14, and is consolidated with challenges by 12 state and local governments and other public interest groups. A decision is anticipated sometime in 2007.

We hope the Court will agree with our arguments that the Bush administration violated the law in setting impermissibly low fuel-economy standards and ignoring greenhouse gas emissions and global warming. Despite a legal mandate to set the standards at the "maximum feasible" level, the administration set ridiculously low standards of 22.5, 23.1, and 23.5 miles per gallon for upcoming model years 2008, 2009 and 2010 respectively.

Because the lifetime greenhouse gas emissions of the regulated vehicles will total more than 2.8 billion metric tons of carbon dioxide, or nearly six times the entire annual emissions of the State of California, raising fuel-economy standards is one of the single most important actions the government can take to reduce greenhouse gas pollution.



# We won't toe this line .....

The fight is on against Sunrise Powerlink—a corporate bid to trade southernmost California's precious park lands for a new corner on a manufactured market.

Conservative San Diego County is not known for fervent resistance to corporate shenanigans. And sleepy Borrego Springs, with its population of 2,500 and location 50 miles from the nearest stoplight, may as well be Pluto for its distance from the seats of political power. Maybe that's why the events of February 8, 2007 were so impressive.

On that night an exuberant crowd of more than 400 people wore yellow bandanas, waved signs, and cheered speakers at a hearing of the California State Parks Commission in an overflowing room at the Borrego Springs Resort. Outstanding in the group were average citizens, seniors, and children, all there to speak of their abiding passion for Anza-Borrego Desert State Park. Many braved a weeknight, four-hour drive over winding mountain roads to voice their overwhelming opposition to the proposed "Sunrise Powerlink" transmission line through the heart of California's largest state park.

## The world according to SDG&E

The Sunrise Powerlink is a new high-voltage electricity transmission line extending 150 miles from El Centro in the Imperial Valley west over the Peninsular mountain ranges to north coastal San Diego.

According to San Diego Gas and Electric (SDG&E), the Powerlink is essential to alleviate a pending energy crisis in San Diego. Company publicists claim that the line would become a renewable energy superhighway and reduce electricity costs for San Diego ratepayers.

In fact, San Diego's "energy crisis" is a phantasm summoned up by SDG&E

itself to manipulate the market. The company invokes this spectre of waning energy supply in order to justify the Powerlink, but what its public relations team doesn't want consumers to know is that reducing demand through truly renewable sources would eliminate the

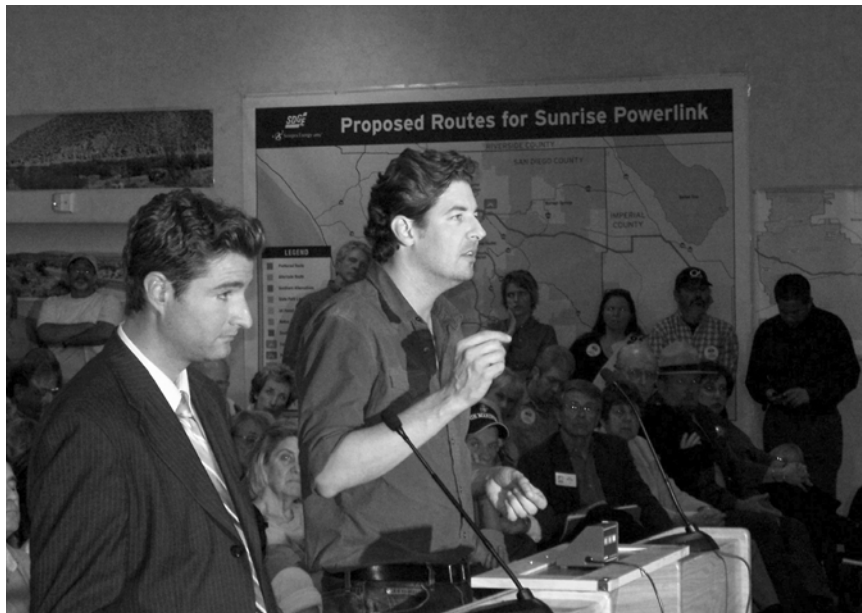
In addition, the 2010 expiration of a sweetheart energy transmission deal between the California Department of Water Resources and Sempra—SDG&E's parent company—will free up significant capacity on an *existing* high voltage line. That line, which also connects the Imperial Valley and San Diego, could be employed in the event of a need for future transmission capacity.

## In harm's way

The Powerlink plainly poses a serious threat to the natural environment, not to mention cultural and historical resources, as well as communities. Raptors and migratory birds are electrocuted by high voltage wires and towers. Construction and access roads would disturb Peninsular bighorn sheep, arroyo toads, Hermes copper butterflies, and a host of other imperiled species. Access roads also would attract off-highway vehicle users and provide an easy route for the spread of exotic plants into many relatively pristine natural areas.

But few are aware of the project's serious threat to people and property: wildfire. The Powerlink and its corridor can be expected to become a major new source of wildfire ignitions in a region that has already suffered too

many disastrous conflagrations. In fact, the 2003 Cedar Fire burned 273,000 acres and 2,200 homes, killed 14 people, and converted thousands of acres from native chaparral and sage scrub to



Center Conservation Manager David Hogan speaks against the Powerlink at the February 2007 State Parks Commission hearing.

need for another harmful transmission line stretched across fragile desert lands. Dedicated expansion of solar energy, new efficient air conditioning systems, a proposed state ban on incandescent bulbs by 2012 and other measures could reduce peak energy demand by 30 percent. Indeed, California state law requires that new transmission lines be considered for approval only after all opportunities for efficiency, local renewables, and new local conventional generation have been exhausted.



Bighorn sheep

Photo courtesy USFWS





Wildflowers at Anza-Borrego Desert State Park

Photo © Richard Dickey

exotic grasslands along a swath closely tracking the western portion of the Powerlink route.

The Powerlink would ultimately slice through some of the most unspoiled desert, forest, and Mediterranean landscapes in the state, marring miles of sublime views, drowning nature's quiet with an electric soulless hum, trashing cultural sites, and bisecting popular recreation areas.

#### **Parks provide path of least resistance**

Communities usually mount a vigorous defense against giant new transmission lines near their homes and businesses, so it's not surprising that the current Powerlink proposal follows a path of least political resistance. The company's preferred route passes through some of the last undeveloped land in San Diego County—a myriad of parks and preserves established to protect nature and provide a respite for weary urbanites.

Still, SDG&E may have pushed too far when it proposed construction of roughly 22 miles of the Powerlink through the heart of Anza-Borrego Desert State Park, including designated state wilderness.

Construction of the Powerlink along the preferred route would require an extraordinary precedent: de-designation of state wilderness for the first time in California history. If legal protections for wilderness are cracked here, the same can and likely will happen anywhere corporations seek to locate their projects

on protected natural lands.

Anza-Borrego is just the highest profile park target of SDG&E's scheme. The route would bisect at least 15 other existing parks or preserves—protected land ranging from the home of the flat-tailed horned lizard and Native American intaglios in the Yuha Basin near El Centro, to bucolic grasslands in the Los Peñasquitos Canyon Preserve to the west. Scenic views from five other protected natural areas would be marred. Alternative routes could harm as many as 87 other protected areas, including wilderness areas of the Cleveland National Forest.

#### **Will the real Powerlink please stand up?**

So why did SDG&E insist on the state park route? And why does the Powerlink's main 500-kilovolt line point northwest from the Imperial Substation to the middle of nowhere, with only two smaller lines to San Diego?

Many believe the answer lies in Sempra Energy's existing and planned Mexicali power plants, the Los Angeles megalopolis, and the distance to be bridged in between. Company documents reveal that the Powerlink is just phase one of a master plan to extend the larger line north to Greater Los Angeles, likely as a means to expand the California market for imported cheap, polluting, fossil-fuel power from Sempra plants and others in Mexico.

#### **Opposition builds momentum**

There's time yet to stop this ill-conceived project. A decision by the California Public Utilities Commission isn't due until January 2008 and an Environmental Impact Report will be released in early August 2007.

SDG&E has taken the self-serving position that it requires sole approval from the utilities commission to build the line. California state park managers have disagreed and hold that they should have final say in approval of any project through Anza-Borrego.

Dozens of environmental and community groups, activists, and property owners have formed a unified campaign against the Powerlink. The San Diego Foundation has raised over \$500,000 for the fight. Attorneys and organizers have been hired. A technical report detailing smart energy alternatives to the Powerlink is in the works. And more than 400 people drove hours to the middle of nowhere in February to praise wilderness and condemn this disturbing demonstration of the lengths to which corporate America will sacrifice cherished public resources in pursuit of maximum profits.

*—Article by David Hogan, Conservation Manager*

The Center filed suit last December against the City of Banning's approval of a major residential subdivision proposal by SunCal, one of the largest developers in California. The development would convert 1,500 acres of rolling hills and valleys into sprawl, leap-frogging beyond the city limits. We filed a second challenge in January against a luxury mega-resort near Joshua Tree National



**Postcards from the edge:** More burgeoning developments in more remote areas mean more gridlock, smog, and greenhouse gas emissions that cause global warming. Starting in California, the Center for Biological Diversity is leading the charge on cutting-edge work within the courts to force developers and planners to make the connection between growth and global warming.

Park, beyond the fringes of the City of Desert Hot Springs.

Combined, these two projects total roughly 4,200 homes, over 1 million square feet of commercial space, a 400-room hotel, two golf courses, and a commercial amphitheater generating 66,000 car trips per day. The projects' size, remote location and complete

inadequacy of environmental documents with regard to greenhouse gas emissions prompted the Center to make them the subject of our first legal challenges on the issue.

In addition, San Bernardino County—the largest county in the contiguous United States—approved its long-range blueprint for growth over the next 25 years without addressing how to

plan for a warming world. Climate change is expected to hit the region especially hard; for example, global warming is already increasing the risk of large wildfires and drought across the West in areas like San Bernardino. Yet the County avoided requests from the Center and California's Attorney General to address climate change and global warming.

So together with our conservation allies at the Sierra Club and Audubon Society, the Center filed a lawsuit to require San Bernardino County to address global warming in its recently approved General Plan.

By implementing the California Environmental Quality Act as a means to force developers and state and local agencies

to take responsibility for the impact of rapid growth on climate change—which in turn threatens the sustainability of our communities—the Center is working to bring about concrete actions locally while global policy catches up.

—Article by Jonathan Evans,  
Staff Attorney

## D.C. UPDATE

As reported in the spring issue of *Endangered Earth*, documents released to the media in March by the Center for Biological Diversity and Public Employees for Responsibility revealed that the Interior Department was developing a set of new, damaging regulations that would undermine every aspect of the Endangered Species Act.

The administration played down the documents as an early draft, despite evidence that they had circulated for months and had undergone recent revision. And mysteriously, in another example of inappropriate industry access to Interior, a timber industry lawsuit—filed before the draft regulations were leaked to the press—cited those regulations as if they were final.

Congress responded to the draft regulations with a strong showing of support for the Endangered Species Act. Seventy-two House members signed on to a letter of concern led by Reps. Maurice Hinchey, D-N.Y., Jim Moran, D-Va., and Chris Shays, R-Conn. Senate Environment and Public Works Chair Barbara Boxer and three other senators joined wildlife subcommittee chairman Joe Lieberman in voicing concerns to the administration. House Appropriations Committee members included language in June's Interior Appropriations bill cautioning the administration against an undemocratic rewrite of the Act.

Interior Secretary Dirk Kempthorne now claims that the department has scrapped its original plans for an administrative overhaul of the Endangered Species Act. However, statements from Fish and Wildlife Service officials indicate that some of the most damaging components of the leaked draft regulations are still under consideration as part of a potential regulatory package. Taking no chances, the Center will continue to monitor the situation closely and join congressional allies in defending the Act against attacks.



# Message to Tejon stockholders takes wing: Condors—Not Condos

This May, the Center organized a rally in front of the Tejon Ranch Corporation's annual stockholders' meeting. The rally, joined by our conservation partners at the Sierra Club,

sprawling developments that would forever destroy the ecologically diverse ranch, one of California's largest remaining unfragmented and unspoiled stretches of open space.



The Sierra Club's Katherine Squires and Center biologist Ileene Anderson give wing to life-sized condor puppets at a rally outside the Tejon Ranch Corporation's annual stockholder meeting. The company wants to build three massive developments on the ranch's 270,000 acres. Conservationists want the biodiversity hotspot preserved for habitat and open space.

aimed at encouraging stockholders to consider the benefits of preserving Tejon Ranch—a biodiversity hotspot—as a state or national park for wildlife and people.

The Tejon Ranch corporation currently has other plans: a series of

Preserving Tejon Ranch as a new national or state park would protect a bounty of native plant and animal communities, cultural and historic features, and scenic vistas. Tejon Ranch has been identified by the U.S. Fish and Wildlife Service as encompassing

## Endangered earth

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habitat that is critical for the protection and recovery of endangered California condors as well as more than 60 other rare or endangered species.

A family of life-sized California condor replicas also joined the event to remind stockholders that the proposal to build vacation homes in critical condor habitat would devastate these extraordinary, prehistoric-looking birds.

"Eminent conservation biologists who have studied Tejon Ranch indicate that a minimum of 246,000 acres are crucial for preservation of open space and wildlife habitat, as well as wildlife linkages that connect northern and southern California," said Center biologist Ileene Anderson. "The stockholders need to look not at short-term financial gain, but instead at long-term gains that include leaving a lasting legacy to all Californians."

## Tainted Science *continued from front page*

According to the report, interference by Bush political appointees has resulted in the administration's atrocious listing rate, the reduction of as much as 90 percent of all critical habitats designated under the administration, and widespread tampering with the scientific conclusions of recovery plans for the Apache trout, northern spotted owl and West Virginia flying squirrel, among others.

However, our work to restore scientific integrity to the Interior Department and the endangered species program is by no means done. Next steps include further investigation and rectification of tainted endangered species decisions, as well as full accountability for department officials who have suppressed science, including former Deputy Assistant Secretary MacDonald.

In one case of political interference close to our Arizona headquarters, for example, the Center is working to

overturn management decisions—made by MacDonald's band of unscrupulous administration bureaucrats and shored up by bad science—that have left the desert nesting bald eagle precariously perched. While biologists with the U.S. Fish and Wildlife Service recommended affording Endangered Species Act protection to the reproductively isolated and especially vulnerable Arizona population of bald eagles, the agency instead took the official position in August 2006 of denying protection to the desert eagle.

The Center obtained and released documents that reveal the decision's disregard for relevant data, as well as the lack of any data supporting denial of protection to Arizona's bald eagles. According to those documents, which have helped place the agency's tinkering under public scrutiny, service biologists were given "marching orders" to ignore biologists' recommendations. The case has also come to the attention of

Arizona Democratic U.S. Reps. Raúl Grijalva and Harry Mitchell, who have publicly registered their concern with the agency about this fishy situation.

*We thank Rep. Grijalva and the other members of the House Natural Resources Committee who offered thoughtful comments and questions during the hearing on the administration's politicization of science: Reps. Jay Inslee, D-Wash., Wayne Gilchrest, R-Md., Lois Capps, D-Calif., George Miller, D-Calif., Grace Napolitano, D-Calif., Pete DeFazio, D-Ore., Rush Holt, D-N.J., Dale Kildee, D-Mich., Ron Kind, D-Wis., John Sarbanes, D-Md., Donna Christensen, D-V.I., and Chairman Nick Rahall, D-W.Va.*

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*Cover article by Melissa Waage,  
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