

# Endangered earth

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## INSIDE THIS ISSUE

## Climate Bill Or Coin Toss?

**O**n June 16, the White House released *Global Climate Change Impacts in the United States*, a sobering inventory of global warming's dramatic effects on the planet. Sit up and take notice: We're not talking about the specter of change forecasted for future decades, but about real changes already observed around the world right now.



"Man's Frozen River Footprints" © Michelle McCarron

Among those already on-the-charts effects of climate change highlighted by the report's authors: increases in air and water temperature; sea level rises; more frequent and intense extreme weather events such as drought, heat waves, and hurricanes; and rapid melt or thaw of sea ice, snow cover, glaciers, and permafrost.

The take-home message? Dramatic effects, already taking their place in the record books today, merit equally dramatic action to arrest global warming, *today*. In fact, the report's authors stress—as have

other leading climate scientists—that the earlier we take action to deeply reduce the greenhouse gas emissions that cause global warming, the more our actions will actually *matter* in heading off climate “tipping points” beyond which it becomes far more difficult, if not impossible, to turn back runaway changes to the planet.

Fast forward 10 days from the climate report's release, to the U.S. House of Representatives' 219-212 vote June 26 to pass the American Clean Energy and Security Act of 2009, the first bill ever passed by either house of Congress limiting

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greenhouse gas emissions. Many lined up to hail the bill as a landmark achievement, while others conceded that it compromised too much to polluting industries but defended the bill as an important “first step.” Attention now shifts to the Senate, which will hammer out its own version of the legislation to put to a vote, expected by late summer or fall.

Unfortunately, as it stands, the bill falls far short of the change we need, and instead looks more like a tragically missed opportunity to make

Climate bill *continued on page 9*



# ADVOCACY SPOTLIGHT

Mollie Matteson, *Conservation Advocate*

## Battling White-nose Syndrome

On a rainy, bone-chilling morning this past February in northern Vermont, my housemate and I were talking over coffee in my kitchen when he spotted a strange fluttering in the backyard. “It’s a bat!” he cried, and I sprang up to see. A small, brown, distinctly non-birdlike creature was flying erratically over the lawn.

As it veered out of sight, I stepped out onto the deck, hoping to see it again. It had landed a few feet away on the house, and as the cold rain came down, the bat appeared to be trying to tuck itself into a crack in the clapboards. Then it flapped awkwardly away. I knew it could not live more than a few hours in such weather.

Here in Vermont, seeing a bat in February, in the middle of the day, is not normal. But seeing bats flying and dying in winter has become an increasingly common experience in the eastern United States since the sudden appearance two years ago of a bat disease dubbed “white-nose syndrome.”

This mysterious illness has been called “the most serious threat to wildlife in the past century.” It is extremely lethal to affected bats: Mortality rates have ranged up to 100 percent within a particular cave colony, more than a million bats are estimated dead, and at least six species have proven susceptible to the illness.

Ever since its initial discovery near Albany, New York, in late winter 2007, the disease has confounded and stunned biologists. It has spread with alarming rapidity: From its epicenter it has moved over the last two winters across all of New York state, to nearly all of the New England states, and to Pennsylvania, New Jersey, West Virginia, and

Virginia. There are recent reports that white-nose syndrome has shown up in Ontario and Quebec.

While scientists remain unsure of what exactly is killing the bats, the illness is associated with a hitherto unknown fungus called *Geomyces destructans* that invades the bats’ skin. Affected bats often exhibit a white, powdery substance around their muzzles and on their wings. Wings may bear small rips or holes. The bats are emaciated at a time in winter when they should still have adequate fat reserves. Some bats fly out of the caves or mines where they

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**Sadly, we may only come to fully appreciate the value of bats when they’re gone. But the time to protect them is now.**

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winter, when they should be deep in hibernation. Others appear unable to arouse, even when nudged by people.

The *Geomyces* fungus is “psychrophilic,” or cold-loving, and appears to take advantage of the low body temperature of hibernating bats. But scientists still don’t know how the fungus might be killing the bats, or whether some other factor, such as an environmental toxin or inadequate food supply, predisposes the bats to the fungal infection.

One disturbing discovery biologists have made recently is that the *Geomyces* fungus, while capable of growing at low temperatures, grows even faster at warmer temperatures, at least under lab conditions. This

may mean that white-nose syndrome will not be confined to more northern latitudes, as had been hoped. In fact, researchers have estimated that the fungus could be sustained in caves as far south as northern Florida.

### Epidemic outpaces action

Here at the Center, we first learned about the dying bats in late December 2007. By that time, there were at least 8,000 dead bats in New York, including the federally endangered Indiana bat, and the disease had been discovered in Vermont.

At the end of January 2008, we sent a letter to the U.S. Department of Interior urging that as a precautionary step, bat hibernacula—particularly those containing any federally listed species—be closed to recreational cavers. We further requested that the U.S. Fish and Wildlife Service suspend permission for any federal activities with potential to adversely affect listed bats until these actions were reconsidered in light of white-nose syndrome.

While our pleas for proactive, precautionary measures went largely unanswered (the Fish and Wildlife Service finally issued a call for cave closures this past spring), we feel little satisfaction believing that swifter action could have made a difference for the bats. The fact is, the state and federal agencies responding to the crisis did not have a system in place for responding to fast-moving wildlife crises and were short on staff and funding, and at least some officials seemed to downplay the potential of this newly emergent disease to become a widespread epidemic.





Nancy Headlip, New York Department of Environmental Conservation

**Bats in Crisis:** More than a million bats are estimated dead from the mysterious illness that takes its name from the powdery white substance that often coats the muzzles of afflicted bats—like these little brown bats photographed in a New York cave. In two winters the illness has spread quickly from its New York epicenter as far as Canada, afflicting at least six species of bats.

While it's obvious now that white-nose syndrome is a wildlife crisis of terrible proportions, and there has been a valiant effort by some biologists and agency offices to cope with the threat, the response to the disease continues to lack clear coordination and adequate resources.

For this reason, the Center has spearheaded an effort to bring Congressional attention to the issue. For example, in May we submitted a letter to all representatives and senators calling for increased funding for research and stepped-up action on white-nose syndrome. Our letter was signed by 60 other groups, as well as some of the most prominent bat biologists in the country.

On another front, we've been monitoring federal projects that could further harm bats already threatened by white-nose syndrome. This March we successfully protested an oil and gas drilling project on West Virginia's Monongahela National Forest that posed a threat to endangered Virginia big-eared bats and Indiana bats as well as nearby critical habitat. Moreover, white-nose syndrome had been confirmed in the same county only the month before.

## An unfathomable loss

Throughout the country, many bat species have been on the decline for decades, due to habitat destruction, cave vandalism, and outright persecution. Bats have also likely been harmed by widespread use of agricultural pesticides and other types of toxic chemicals.

Relatively little is known about most bat species—a serious hindrance in confronting white-nose syndrome, since in many cases scientists lack baseline information.

What scientists do predict is that if current trends continue, several species of bat may become extinct in just a few years. Widespread loss of bats could leave devastating gaps in ecosystems and profoundly disrupt the food chain, given the crucial role of insect-eating bats in keeping bug populations in check, thus sparing us heavier pesticide use. Not to mention the role some bat species play as plant pollinators, themselves.

Sadly, we may only come to fully appreciate the value of bats when they're gone. But the time to protect them is now. Even if a cure is found soon—as we hope—it's a chilling certainty that recovery of bats, with

their low reproductive rate and often exacting habitat needs, will not be easy. Despite the inestimable services bats perform in our night skies, it's unfortunately due to human action that many bat species were already in a precarious state prior to the onset of white-nose syndrome—and time may tell that humans have been inadvertently responsible for the introduction and spread of the fungus, at least to some extent. Whatever the case, we're now their only hope.

And I hope that on some warm summer evening years hence, by a pond or at the edge of a forest, I'll look up and see bats flitting about, and think on a catastrophe narrowly averted. •

*Mollie Matteson is a wildlife biologist who heads up the Center's Northeast office in Richmond, Vermont.*

## ON THE WEB:

Read more about the bat crisis and our efforts to stop white-nose syndrome in its tracks at [www.biologicaldiversity.org/campaigns/bat\\_crisis\\_the\\_white-nose\\_syndrome/](http://www.biologicaldiversity.org/campaigns/bat_crisis_the_white-nose_syndrome/)

# PROGRAM NEWS

## Great Lakes gray wolves triumph, Rockies wolves still face slaughter

Gray wolves in the Great Lakes region regained their place on the endangered species list in June, thanks to a legal victory for the Center and allies. It's the latest curve—but likely not the last—in what's been a long rollercoaster ride for wolves in the upper Midwest.

The Center previously struck down Bush administration attempts to pull federal protections from Great Lakes gray wolves before a last-ditch effort by the outgoing administration put them on the chopping block once more. The Obama administration blocked the most recent Bush rules in January—but to our dismay, it reversed course in April, bowing to the anti-wolf lobby and again stripping protections from Great Lakes and northern Rockies gray wolves.

That move left the wolves' fate to state management plans primed to loosen rules that shield wolves from slaughter, allowing increased government "predator control," green-lighting wolf-trapping and trophy-hunting seasons, and lowering the bar for killing wolves to defend property.

The Center and our allies filed separate suits against the federal government in June to defend wolves in the Great Lakes and northern Rockies regions. In late June, the U.S. Fish and Wildlife Service settled



Gray wolf

our suit for the Great Lakes wolves and agreed to restore full federal protection—for the time being. The agency will now accept public comments on the wolves' status—something it failed to do before its April decision to yank the Endangered Species Act safeguards.

Meanwhile, the Center presses forward with our lawsuit to restore Endangered Species Act protections to northern Rockies gray wolves.

## Court rulings may signal shift for wildlife in our national forests

June was a momentous month for upholding critical protections for national forests and their wild denizens in Southern California and nationwide.

Most recently, thanks to the Center and 13 allies, a judge nixed the U.S. Forest Service's third attempt to ruinously revise rules for managing the national forest system.

That rule revision, made under Bush in 2008, essentially stripped the country's 193 million national-forest acres of all environmental safeguards, including the requirement to ensure protection for species from logging, grazing, road-building,

and other potentially devastating projects.

Thankfully, the judge ruled, the 2008 revision—just like predecessors in 2000 and 2005—blatantly violated federal law.

Also in June, in a different Center case, a judge ordered greater protection for 40-plus imperiled plants and animals across 3.5 million Southern California acres in the Angeles, Cleveland, Los Padres, and San Bernardino national forests.

The court ruled that the U.S. Fish and Wildlife Service and National Marine Fisheries Service violated the Endangered Species Act by relying on unsound "biological opinions"—documents assessing impacts to species—in its review of revised forest-management plans. While owning that the plans would harm species and habitat, the documents didn't identify the extent of this harm or suggest meaningful ways to reduce it. The agencies must now prepare new biological opinions.

A court decision is expected this fall in another Center lawsuit directly challenging the revised Southern California forest plans.

For the sake of millions of acres of national forest and a host of at-risk species—from condors to steelhead trout—we hope the rulings signal a policy shift away from the neglect characteristic of the Bush administration and toward real forest protection.

## Wanted: conviction of condor shooters

The Center opened a new front this spring in its campaign to find those responsible for shooting two endangered California condors earlier this year, distributing "wanted" posters through California's central coast region that advertise a toll-free condor tip line and a reward for information leading to arrest and conviction of the shooters.

In a tragic twist, Condor 286, one of the two injured condors, died at the Los Angeles Zoo May 11 from lead poisoning—not from the 15 shotgun pellets found lodged in his body, but from ingesting hunter-shot lead ammunition.

Our public poster campaign builds on the efforts of a private investigator retained by the Center in April.

The \$40,500 reward—also established by the Center in April and supported by the Wendy P. McCaw Foundation, Humane Society, and others—is believed to be the largest ever posted for the shooting of an endangered species.

Lead poisoning, usually from scavenging on



California condor



carion contaminated by lead bullets, is one of the gravest threats to the recovery of the condor nationwide.

The Center has successfully campaigned for lead-ammunition bans in condor habitat in California and is now fighting to defend condors on the Arizona Strip, 2 million breathtaking acres of public lands adjacent to the Grand Canyon. In March, we filed suit against the Bureau of Land Management and U.S. Fish and Wildlife to block a backward plan that would allow continued use of toxic lead ammunition in prime condor habitat.

Since their release in Arizona, at least a dozen condors are thought to have died after scavenging on food tainted by lead from hunting ammunition.

*Tips regarding the shooting of condors #286 or #375 in California this spring should be called into the toll-free Condor Tip Line, at 1 (800) 840-1272, or emailed to CondorTip@gmail.com.*

## Lynx habitat jumps to 25 million acres

Following litigation and pressure from the Center and other groups, this spring the Obama administration reversed a bogus Bush-era decision that skimmed on protected habitat for the Canada lynx. The new decision expands protections to award the lynx one of the largest—if not *the* largest—terrestrial critical habitat designations in



Canada lynx

Washington Fish & Wildlife

Endangered Species Act history.

The cunning but vulnerable feline, declared federally threatened in 2000, is imperiled by trapping, habitat destruction, snowmobiling, and global warming, among other threats. In 2006, it received a scant 1,841 square miles as critical habitat—just a tenth of the originally proposed 18,031—and corrupt former Interior Department official Julie MacDonald ensured it excluded U.S. Forest Service lands, plus state and private lands.

MacDonald is infamous for her influence on bad endangered species decisions, which prompted the Center in August 2007 to warn of suits for 55 wronged plants and animals. Our efforts have since helped win revisited habitat designations for many of those species.

Luckily for the lynx, a lawsuit by the Center and allies was already ongoing, and after bad press and profound pressure, in October 2007 the U.S. Fish and Wildlife Service admitted its 2006 habitat designation didn't mesh with available science.

Now the Service has granted the lynx a new designation of 39,000 square miles—almost 25 million acres—in six states, from Maine to Washington. Timber companies hungry

to clearcut lynx habitat are disappointed.

Unfortunately, the 20-fold expansion still leaves out key habitat in Colorado—where there's a reintroduced population of the cat—and in Washington and Montana.

## Center sues for sea turtle safeguards; shuts down fatal fishery

After 18 months without seeing any progress on petitions to improve loggerhead and leatherback sea turtle protections, in May the Center, Oceana, and Turtle Island Restoration Network sued the U.S. Fish and Wildlife Service and National Marine Fisheries Service for their failure to address the turtles' troubles.

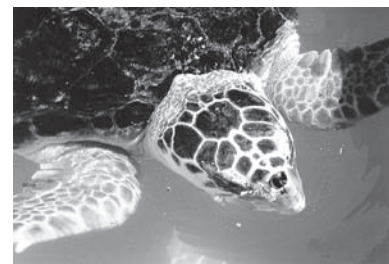
Researchers have found that virtually all populations of nesting North Atlantic loggerheads have taken a nosedive, and that the North Pacific loggerhead faces near-extinction within a matter of a few decades.

In response, we promptly petitioned to upgrade the sea turtles' Endangered Species Act status from "threatened" to the unfortunately well-deserved "endangered," also requesting that loggerheads be divided into two distinct population segments—the North Pacific loggerhead and the western North Atlantic loggerhead—and calling for increased protections in key habitat.

Another Center petition urges the Fisheries Service to designate as critical

habitat West Coast areas used for migration and foraging by leatherback sea turtles—already declared endangered, but currently bereft of any habitat protections in the Pacific.

In some good news for sea turtles, following another lawsuit by the Center and allies, this May the Fisheries Service ordered a six-month emergency closure of the Gulf of Mexico's bottom longline fishery to protect imperiled sea turtles from capture and death. The agency will now determine



National Park Service

Loggerhead sea turtle

how—or whether—the fishery can operate without harming imperiled turtles' survival and recovery.

The fishery had been illegally capturing hundreds of loggerheads and nearly 1,000 total turtles: more than eight times the limit the agency set in 2005.

## Snail protections would protect desert springs

They might not be giants, but their survival signals the survival of an ecosystem. So the Center launched efforts this spring to keep 42 species of spring snails in the Great Basin desert springs where they've evolved over millennia.

# PROGRAM NEWS

The 42 spring snail species, which occur in California, Utah, and Nevada, are threatened primarily by groundwater withdrawal projects proposed by the Southern Nevada Water Authority and others. Groundwater pumping at the proposed scale is expected to cause the water table to decline by more than 100 feet in some areas, in turn causing spring flows to decline or springs to dry up entirely, threatening these rare species with extinction.



Scanning electron micrograph of *Pyrgulopsis deaconi* shell

Because their aquatic environments are isolated by the harsh terrain of the Great Basin desert, the snail species at each spring have developed distinctive characteristics. Fourteen of the species occur at only a single spring—and as goes the spring, so goes the species.

In fact, the stakes may be even higher. The snails live in springs where water flow has been constant for thousands or even millions of years, and which provide a reliable source of water for other desert wildlife, even in the driest of years. Thus, if the Center's

scientific petition to gain Endangered Species Act protection for the spring snails is successful, it will in effect protect habitat for many other species.

## One year after uranium ban, no change for Grand Canyon

A year ago this summer—on June 25, 2008—the House Committee on Natural Resources invoked a rarely used legal provision to prohibit new uranium claims and exploration across 1 million acres of public lands surrounding the Grand Canyon.

The emergency resolution, spearheaded by Rep. Raúl Grijalva, D-Ariz., heeded concerns from elected officials, local governments, tribes, scientists, and conservation groups that new uranium development around the canyon would harm wildlife, industrialize iconic wild landscapes, and contaminate aquifers that discharge into the canyon's seeps, springs, and the Colorado River.

But the Bureau of Land Management, first under the Bush administration—and now, disappointingly, also under the Obama administration—ignored the congressional order and continued authorizing new uranium exploration within the protected area.

This May, the Center amended our 2008 lawsuit against the Bush administration's authorizations to include

the new administration's, and as of press time in July, we were preparing to file a motion to enjoin the Bureau from authorizing additional uranium exploration within the 1-million-acre area until the courts reach a final ruling. We were also gearing up to support the Havasupai Tribe's uranium protest and gathering, in July, near Red Butte just south of the Grand Canyon.

Hearings were also slated for late July in Washington, D.C. on the Grand Canyon Watersheds Protection Act—legislation twice introduced by Rep. Grijalva to permanently protect the same 1 million acres from new uranium claims and exploration.

## Grand Canyon area goshawks and old-growth prevail

In a victory for northern goshawks that depend on old-growth forest north of the Grand Canyon, a Center appeal this spring blocked a 26,000-acre timber sale on the Kaibab Plateau.

The area hosts one of the Southwest's best remaining stands of old-growth ponderosa pine, aspen, Douglas fir, and spruce, as well as the largest northern goshawk breeding population in the lower 48 states.

Center campaigns in the 1990s forced the U.S. Forest Service to stop clearcutting the plateau for the benefit of the goshawk and threatened Mexican spotted owl. Foresters

turned to fire as an excuse to pursue a timber agenda under the guise of “restoration” and proposed the Jacob Ryan timber sale, which the Center successfully challenged. But the 2006 Warm Fire on the Kaibab ignited another push to carry out the Jacob Ryan project.



Old-growth trees marked for logging, Jacob Ryan project area

The Forest Service plan professed measures to save trees larger than 18 inches in diameter and older than 130 years. But independent tree-age coring by the Center confirmed that the service had marked trees as old as 200 years for cutting, in violation of its own plan.

Thanks to an appeal filed by the Center and Sierra Club in March, the service withdrew the plan in May, admitting it hadn't accounted for the impact of the logging on the fire-scarred ecosystem or complied with protection standards for the goshawk.

The Center also filed suit in late June to halt the ill-conceived Warm Fire timber sale adjacent to Jacob Ryan. •

Spring snail shell micrograph: paratype USNM 860676. Use of this Smithsonian photo does not represent endorsement of any petition. Scale bar = 1 mm.



# Jaguar investigation sharpens sad ending

**M**ost of our readers no doubt heard some of the spring's saddest news shortly after March 2, 2009, the day the last known wild jaguar in the United States died at human hands in an Arizona zoo.

We felt the loss sharply when the news was announced. But since that day, as we've worked with others to uncover the story behind the jaguar's untimely death, it's a tragedy that has only become more pronounced—and more troubling.



**Last Days for the Last Jaguar:** Before he was collared, images of Macho B had been captured only by motion-sensor cameras as he roamed free in the southern Arizona wilds. In February 2009, he was captured in a wire snare set by Arizona Game and Fish, fitted with a radio collar, and released. Two weeks later, he was recaptured and euthanized.

In short, the death of “Macho B”—as the slain jaguar was dubbed—was predictable and unnecessary, the end result of a fumbling political effort, largely motivated by a greater concern for protecting the livestock industry, to deny jaguars protection under U.S. law. The attempted cover-up that ensued, which unraveled due to investigative reporting by the *Arizona Daily Star* along with events brought to light by the Center for Biological Diversity, was followed by a blockbuster federal court ruling that should restore jaguars' rights, under the Endangered Species Act, to protected habitat and to a scientific plan to recover the species in the United States.

That means—we can hope—that the “last” jaguar, identified through dozens of motion-operated camera images in southern Arizona's wilds from 1996 to 2009, may not end up the last.

Macho B roamed freely throughout hundreds of square miles in southern Arizona until February 18, 2009 when he was caught in a wire snare that the Arizona Game and Fish Department announced it had set as part of a study on mountain lions and black bears. He was sedated, outfitted with a GPS telemetry collar, and released.

Twelve days later, after signals from the collar and a follow-up visual check indicated sluggish movement, he was recaptured, helicoptered to the Phoenix Zoo, diagnosed with kidney failure, and euthanized.

## Emerging story calls capture into question

The seeds of this debacle were planted by the Arizona Game and Fish Department in 1997 as it sought to stop the U.S. Fish and Wildlife Service from placing the jaguar on the federal endangered species list in response to a Center suit. The state agency founded, and has since led, an interagency group called the Jaguar Conservation Team.

At its inception, as part of its argument against federal jaguar protection, the team pledged to coordinate protection of jaguar habitat, track jaguar sightings, and protect jaguars from harassment, injury, and killing. But over time, it abandoned these goals and increasingly became obsessed with the notion of capturing and radio-collaring jaguars, scoffing at objections even as it was advised that two jaguars in northern Mexico had died after capture in snares for radio-collaring.

The team decided to proceed with capturing a jaguar despite the Center's urging that information could be obtained on jaguar identity, habitat use, diet, and even stress hormones through a program that trains dogs to sniff out specific species' scat. The feces would yield DNA to unlock some of the secrets to jaguar conservation—all with no risk to jaguars.

After Macho B's death, the real story started to emerge: The snare ostensibly set for cougars and bears had

Jaguar continued on page 10

# Change on climate issues soberingly slow

**W**hen it comes to fighting global warming, the Obama administration's campaign battle cry for change has, in its first six months, been reduced to a whisper. This administration has yet to set policies that rise to the challenge at hand—and in some cases, it has taken up the sword for positions that we hoped would go the way of the steeped-in-denial Bush administration. More than ever, we've been tirelessly fighting on the front lines, in Washington, D.C., and across the nation, for swifter, sweeping changes that will arrest global warming and save the polar bear and other species—including our own.

## Obama administration adopts Bush polar bear extinction plan

Center supporters will recall that among the Bush administration's last-minute legacies was the special rule it put into effect, late last year, blocking enforcement of the Endangered Species Act to protect polar bears from global warming. It was a move that defied logic given the administration's own admission, when it listed the polar bear as threatened under the Act, that the bear's Arctic sea-ice habitat was disappearing due to warming.

Tens of thousands of you signed petitions to Interior Secretary Ken Salazar this spring urging him to rescind the Bush rule, after Congress gave him the authority to do so. More than 1,300 scientists, 50 prominent legal experts, and 130 conservation organizations also called for the rule's repeal. But in one of his most disappointing decisions to date, Salazar announced in early May that the Obama administration had made the rule—effectively a polar bear extinction plan—its own, parroting the Bush administration's position that the Endangered Species Act is

not the “right” law to address global warming.

Unfortunately, the administration has taken up the same line about the Clean Air Act, our most valuable law in the fight against global warming. [See this issue's cover article for more on the shortcomings of climate legislation currently in Congress, and lauded by the administration, that would repeal sections of the Clean Air Act.]

## Center and climate experts take stand: time to cut off dirty coal

The Obama administration has also been reluctant, so far, to take a hard stand on coal, backing climate legislation that allows new dirty coal development and green-lighting new permits for highly destructive mountaintop-removal projects.

The Center continues to fight coal addiction, including development of new coal-fired power plants that are fundamentally incompatible with achieving the greenhouse emissions cuts that leading climate scientists agree are necessary to

avoid catastrophic changes to the planet. In late April, in the face of appeals by the Center and other groups, the Environmental Protection Agency moved to pull its permit from the proposed Desert Rock coal plant in northern New Mexico's San Juan River Basin, where the river and two endangered fish species are already afflicted with heavy-metal contamination resulting from operation of three nearby coal-fired plants. And in May, we launched a legal challenge against the federal government's poor management plan for 11.5 million acres of public lands in east-central Nevada, which allows land sales for construction of three new coal-fired power plants.

The Center was also on hand for the largest climate change



Polar bears on Capitol Hill by Cloc Canela; Capitol coal rally by Franciska Santana



**Taking the Town By Storm:** This spring in D.C., the Center spoke out against coal power at the largest climate change demonstration in U.S. history, and we brought polar bears to Capitol Hill (pictured here with Center Senior Counsel Bill Snape). The bears delivered tens of thousands of supporter petitions urging President Obama and Interior Secretary Ken Salazar to rescind a last-minute Bush rule denying polar bears global warming protections under the Endangered Species Act.

demonstration in U.S. history, when thousands of protesters descended on Washington, D.C., March 2 to successfully shut down the coal-powered Capitol Power Plant. Formerly one of the Capitol's largest contributors to carbon emissions, the plant has since switched to natural gas. Center staff took part in the massive anti-coal demonstration alongside prominent climate change activist Bill McKibben and NASA scientist James Hansen.

## New federal fuel-economy standards and victory for states are steps in right direction

The administration announced new corporate average fuel-economy standards this spring: a better step toward meeting its promises for a clean-energy future, but not without cause for concern. The standards it initially unveiled in late March were actually *lower* than those proposed by the Bush administration in 2008 in response to a federal court victory by the Center. In May, it reversed course and proposed raised standards for cars, trucks, and sport-utility vehicles to improve upon those set by Bush, targeting 35.5 miles per gallon by 2016 ahead of the legally mandated 35 miles per gallon by 2020.

The plan's drawbacks? For one, the Energy Policy and Conservation Act requires the government to set fuel-economy standards at the "maximum feasible level," and Obama's proposed standards are still much lower than what is technically feasible. Consider that China's standard is already 35.8 miles per gallon *this year*, while current European and Japanese

standards are approximately 43.3 and 42.6. Furthermore, the Obama administration's standards are slow to kick in; its standards for model year 2011 still fall below those proposed under Bush. We simply can't afford to drag our feet on cutting automobile emissions, so the Center filed suit in April to strike down the 2011 standard as inadequately low.

Fortunately, late June brought a hard-fought victory for the Center and other groups, along with attorney generals from California and 13 other states, when the Environmental Protection Agency granted California the ability under the Clean Air Act to enforce its own greenhouse gas emissions standards for new cars and light trucks. As a result, other states can also enforce their own rules if identical in substance to California's tailpipe restrictions. Those states currently include Washington, Oregon, Arizona, New Mexico, Maine, Vermont, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Pennsylvania, and Maryland, with others poised to follow suit.

The victory reverses Bush administration actions to block the state standards and comes as very good news—one hopeful sign that the administration will yet turn rhetoric into the rapid action that we need to solve the climate crisis. •

## ON THE WEB:

For more on the campaigns of the Center's Climate Law Institute and the many species we're working to protect from the threat of global warming, visit [www.biologicaldiversity.org/programs/climate\\_law\\_institute/](http://www.biologicaldiversity.org/programs/climate_law_institute/)

We're also leading the way in the fight against global warming's evil twin, ocean acidification. Find out what we're doing to spur the Environmental Protection Agency to action at [www.biologicaldiversity.org/campaigns/ocean\\_acidification/](http://www.biologicaldiversity.org/campaigns/ocean_acidification/)

## Climate bill *continued from cover*

historic strides commensurate with the grave threat, and urgent challenges, that the world's best science has spelled out for us in no uncertain terms. Thus, as this opportunity passes to the Senate, the Center for Biological Diversity is turning up our full-court press to see the bill substantially strengthened.

Among the major shortcomings of the American Clean Energy and Security Act:

- As passed, the bill aims for the wrong target in greenhouse gas reductions. Leading scientists, including NASA's James Hansen, agree that in order to rein in warming sufficiently to sidestep disastrous consequences for the planet, the amount of carbon dioxide in our atmosphere must be reduced from 385 parts per million, currently, to 350 parts per million or below. Targets set by the current climate bill are not even enough to stabilize greenhouse gases at 450 parts per million, and provide at best a 50/50 chance of avoiding catastrophic warming. In short, it rests the fate of the planet on a coin toss.

- The bill repeals the ability of the Clean Air Act, our strongest existing law to fight global warming, to regulate critical polluters. While the bill's cap-and-trade programs would set greenhouse gas emissions standards in a system highly subject to political horse-trading, the Clean Air Act would require the Environmental Protection Agency to scientifically set standards sufficient to protect public health and welfare. Any new climate legislation should work together with the well-established protections of the Clean Air Act, instead of trading them away.

- While the Clean Air Act would require that any new coal-fired power plants—the single most destructive greenhouse gas emitters—be built, if at all, with

**Climate bill** *continued on back page*

**Jaguar** continued from page 7

been baited with scat from a captive female jaguar in heat. The jaguar's kidneys, rather than failing, were in excellent condition—and whatever ailed him, perhaps stemming from dehydration while he struggled against the snare, may not have proved fatal. But more information on the jaguar's condition was lost due to the Arizona Game and Fish Department's decision—in order to preserve the pelt—to only conduct a superficial necropsy by testing samples of the jaguar's organs and not to examine the entire carcass before deterioration.

The Center also uncovered the fact that, contrary to repeated avowals by the state agency, it did not have a required permit from the U.S. Fish and Wildlife Service to conduct risky snaring in the range of an endangered jaguar. Simply put, Arizona Game and Fish wanted to capture a jaguar, claimed it had the legal authority, and then claimed the capture was inadvertent.

These revelations, along with delays by the department in releasing its own records and necropsy report, as well as the harsh criticism of a University of Arizona veterinary pathologist for revealing what she learned in conducting the necropsy, led the Center and U.S. Rep. Raúl Grijalva, D-Ariz., to call for a Fish and Wildlife Service law-enforcement investigation to get at the truth. At press time, that investigation was ongoing.

## Not in vain: Death breathes new life into fight for stronger, sounder protections

In late March, ruling in the Center's third case since the jaguar's 1997 endangered listing seeking a recovery plan and critical habitat, federal judge John M. Roll overturned the Fish and Wildlife Service's cynical position that northern jaguars are *too* rare to be important and their U.S. habitat too insignificant, and ordered it to make a new decision by January 8, 2010.

This leaves the federal agency and its political leadership two choices. On the one hand, it can appeal

**A blockbuster federal court ruling that should restore jaguars' rights to a recovery plan and protected habitat means—we can hope—that the “last” jaguar may not end up the last.**

the ruling or come up with a new excuse for inaction—a tenuous prospect since it cannot invoke its previous rationales already rejected by the courts.

Alternately, it can comply with the Endangered Species Act, convene a recovery team to develop a science-based recovery plan, and designate and protect the habitat needed to ensure jaguar recovery. In 2007, it should be



Macho B by Arizona Game and Fish; jaguar memorial by Julie Miller

**Gone But Not Forgotten:** Center Conservation Advocate Michael Robinson speaks to mourners at Macho B's March memorial outside Game and Fish offices in Tucson about what must be done to restore the endangered jaguar to U.S. soil.

noted, the American Society of Mammalogists confirmed what the Center has spent 10 years urging: that preserving jaguar habitat in the United States, including Arizona and New Mexico, is “vital to the long-term resilience and survival of the species”—a conclusion that it also noted takes on additional significance as ongoing climate change begins to pose graver threats to jaguar habitat elsewhere.

Whatever course the Fish and Wildlife Service takes, and whatever its law-enforcement division uncovers about the untimely demise of Macho B, the Center will continue to fight for the return of jaguars to North America's mountains, forests, deserts and grasslands—ecosystems that sculpted the jaguar into the animal it is, and whose other wildlife were shaped in turn by thousands of years of the hidden presence of big, spotted cats. •

*Article by Michael J. Robinson, Conservation Advocate. Working from near the Center's birthplace in New Mexico's Gila Wilderness, Michael has long been our lead advocate for the recovery of jaguars, wolves, and grizzly bears.*





**Marking a Milestone:** The Center for Biological Diversity celebrated two decades of saving species with Center members, colleagues, and friends at our 20th anniversary event in downtown Tucson April 16. The gathering highlighted the Center's hard-won victories for endangered plants, animals, and wild places—and the colorful back story that made us the most effective environmental group in the country today—while looking ahead to our next 20 years. Tucson's own Congressman Raúl Grijalva was present to accept the Center's first-ever Environmental Hero Award for his work to safeguard endangered species and public lands. Also speaking at the event: Pulitzer Prize-winning journalist Ed Humes, who read from one of the chapters dedicated to the Center's work in his new book, *Eco Barons* (see story this page). Pictured at left: Executive Director Kierán Suckling (right) presents Congressman Grijalva with his award, a framed jaguar print by Center founder Robin Silver (back).

## Unlikely Barons

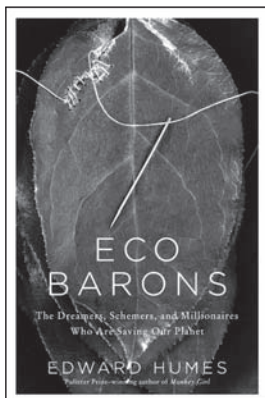
**W**e're all familiar with bad-news fatigue; it's as common as the cold among the media and science junkies of the environmental set. The more news we read, the more jaded we seem to get. Some of us, in fact, feel so beaten down by doom-and-gloom pronouncements about climate change and extinction—pronouncements we're constantly reading about or hearing—that a paralytic apathy threatens.

Luckily, Ed Humes has a remedy, and the Center for Biological Diversity is part of it. The Pulitzer Prize-winning journalist's new book *Eco Barons* tells us to sit up and take heart: A powerful green revolution has been building in the shadows that will make a vast difference to endangered species and landscapes from North Pole to South.

Led by visionary activists and entrepreneurs ranging from green-minded land moguls like Doug Tompkins and Ted Turner to the Center's own founders and lawyers Kierán Suckling, Peter Galvin, Brendan Cummings, and Kassie Siegel—who have three long chapters

all to themselves—these mavericks, Humes writes, are reinventing environmentalism.

Humes is a cheerful and engaging storyteller, and his tales of the unlikely heroism of these ecological empire builders are invigorating. *Eco Barons* reads like a series of mini-biographies—windows into the lives of the green and famous, their histories and foibles, and the side-winding paths that have led them to do great things for animals, plants, and other people. No doubt about it: *Eco Barons* is an antidote to despair.



*Eco Barons*  
*The Dreamers,*  
*Schemers, and*  
*Millionaires Who Are*  
*Saving Our Planet*  
**Edward Humes**

The Center's role in the book is unique since its leaders' accomplishments originated not from the place of wealth that typifies the other profiled players, but instead from creative thinking. Humes describes us as "America's most effective environmental law firm, consistently outwitting the best private, corporate and government attorneys in the world to protect millions of acres of forest and wilderness."

What can we say? Sounds about right. •

## Endangered earth

*Endangered Earth* is the quarterly newsletter of the Center for Biological Diversity, a 501(c)3 nonprofit organization dedicated to protecting endangered species and wild places.

Contributions are tax-deductible.

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## Climate bill *continued from page 9*

significant emissions reductions effective upon construction, the House-passed bill overrides the Clean Air Act to allow numerous plants to be built with no additional emissions reduction requirements for more than a decade—in effect, allowing hundreds of millions of tons of additional and unnecessary greenhouse pollution.

- Questionable offsets granted under the American Clean Energy and Security Act to the coal industry and other polluters could in fact result in *increased* greenhouse gas emissions and actually *accelerate* global warming.

With scientists telling us we have a decade or less to put the world on a course to avert climate catastrophe—and with studies highlighting *current* effects of global warming—we simply cannot accept that a weak, watered-down bill is better than no bill at all. And we cannot accept a bill that allows global warming to get *worse*.

Fortunately, the fight isn't over. The bill has just begun its journey through the Senate, where it can be still be substantially strengthened. The Center will take an active role in ensuring that happens, calling on the Senate to pass a bill that sets emissions reductions targets that will reduce carbon dioxide in our atmosphere to below 350 parts per million; maintains the Clean Air Act's power to act as a global warming backstop by reducing greenhouse pollution under scientifically determined standards; and bans construction of new, while phasing out existing, coal-fired power plants.

We'll also seek final legislation that includes measures to slow Arctic melting to avoid irrevocably crossing a climatic tipping point, and to save the polar bear and thousands of other warming-threatened species from extinction. •

*It's critical that the U.S. Senate substantially strengthen the climate legislation that passed the House in June, setting tougher standards to reduce greenhouse emissions and preserving the power of the Clean Air Act to fight global warming. Stay tuned for updates and alerts this summer and fall as we mobilize our supporters to call your senators to meaningful action.*

### ON THE WEB:

Read the Center's full analysis of the American Clean Energy and Security Act and how it stacks up against the emissions-reduction standards for which leading climate scientists advocate:  
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