

WILD AT HEART

THE WORD FROM WILDEARTH GUARDIANS

No. 10, Summer 2011

Let the Listings Begin



Historic Agreement
Will Give Hundreds
of Endangered Species
a Chance at Protection



MISSION STATEMENT

WILDEARTH GUARDIANS protects and restores the wildlife, wild places, and wild rivers of the American West.

BOARD OF DIRECTORS

- Peter Schoenburg, PRESIDENT
- Robin Smith, VICE PRESIDENT
- Shannon Larsen, TREASURER
- Todd Ringler, SECRETARY
- Jess Alford
- Mark Rickman
- Mike Brown
- Vanessa Scurci
- Doug Erwin
- Jon Spar
- Stephanie Forrest
- Bill Syme

STAFF

- Whitney Bacon, IT GURU
- Bryan Bird, MS, WILD PLACES PROGRAM DIRECTOR
- Rosie Brandenberger, PUBLICATIONS MANAGER
- Lori Colt, COMMUNICATIONS DIRECTOR
- Angelisa Espinoza, OFFICE ADMINISTRATOR
- Kevin Gaither-Banchoff, DEVELOPMENT DIRECTOR
- John Horning, EXECUTIVE DIRECTOR
- Taylor Jones, ENDANGERED SPECIES ADVOCATE
- Mona Kay, BOOKKEEPER
- Wendy Keefover, MA, CARNIVORE PROTECTION DIRECTOR
- Jim Matison, RESTORATION PROJECTS DIRECTOR
- Jeremy Nichols, CLIMATE & ENERGY PROGRAM DIRECTOR
- Carol Norton, ASSOCIATE DIRECTOR
- Nicole Rosmarino, PhD, WILDLIFE PROGRAM DIRECTOR
- Samantha Ruscavage-Barz, STAFF ATTORNEY
- Mark Salvo, JD, SAGEBRUSH SEA CAMPAIGN DIRECTOR
- Jay Tutchton, GENERAL COUNSEL
- Ashley Wilmes, STAFF ATTORNEY

WILDEARTH GUARDIANS is a 501(c)(3) tax-exempt organization.

SANTA FE OFFICE:
312 Montezuma Ave.
Santa Fe, NM 87501
TEL 505.988.9126
FAX 505.989.8623

DENVER OFFICE:
1536 Wynkoop St.
Ste. 301
Denver, CO 80202
TEL 303.573.4898

OFFICES ALSO IN:
Phoenix, Tucson, Boulder

Special thanks to Jean Martin for copy editing.

COVER: WILDEARTH GUARDIANS' settlement agreement with the US Fish & Wildlife Service requires the agency to either propose to list or issue a "not warranted" finding for the Coral Pink Sand Dunes tiger beetle by October 2012. PHOTO: CHRIS WIRTH.

100 percent recycled, 50 percent PCW

RESTORING THE VISION

John Horning

Nobody likes to wait – especially in the emergency room at the hospital, when every minute counts. But that’s exactly what’s happened for hundreds of America’s most endangered, but as yet unprotected, plants and animals. More than 250 species are currently waiting for what they need most: formal protection under the Endangered Species Act (ESA).

Most of these candidates have been waiting for more than 20 years for listing. And now, thanks to a historic legal settlement between WILDEARTH GUARDIANS and the U.S. Fish and Wildlife Service (FWS), the wait is over – or at least soon to be over, now that there is finally a legally enforceable agreement that will require the FWS to make decisions that could move 253 of these imperiled species onto the protective ark that is the ESA. Another 600-plus species will also receive some attention moving them through the ESA listing process. It’s going to take a little while because the waiting line grew and grew longer under past administrations that ignored the problem.

For species such as the greater sage-grouse, lesser prairie-chicken, lynx, and Sonoran desert tortoise, the end to the waiting is long overdue. Oil and gas drilling, sprawling human population growth and climate change continue to fragment and degrade the wild habitats these animals need to survive.

This historic agreement is in place thanks to the legal tactics, energy, brilliance, and negotiating skills of two WILDEARTH GUARDIANS staff members: Jay Tutchton and Nicole Rosmarino. This duo has been working for more than a decade to secure protection for endangered species and this legal settlement is a cornerstone of an edifice of accomplishments in the fight to protect imperiled biodiversity.

There will be much more work to be done for certain, but for this moment I am extremely proud of what WILDEARTH GUARDIANS has accomplished.

Visit our website: [Top Priorities](#)>[Endangered Species Act Listing](#)>[Candidate Settlement Milestone](#)

GUARDIANS GIVER

Con Slobodchikoff



Con Slobodchikoff is a prairie dog’s best friend and a true Guardian. The Professor Emeritus of Biology at Northern Arizona University says, “Prairie dogs are an iconic image of the Old West. Lewis and Clark sent a prairie dog to Thomas Jefferson when our country was young. In times past, they seemed to be everywhere. Now their numbers are greatly reduced due to human-introduced disease, poisoning, shooting, and development. They are heading the same way as the passenger pigeon; everyone said there were plenty of pigeons until the last one died.

Prairie dogs are a keystone species in plains grassland ecosystems, holding together the energetic food web and performing many ecosystem functions. WILDEARTH GUARDIANS is taking action to save prairie dogs so they don’t go extinct, which would undermine the biodiversity of the plains grasslands. The GUARDIANS have been doing an excellent job of trying to save species such as prairie dogs so that our children and their children will be able to see some of the same animals and plants that the settlers of the Old West routinely saw.”

THE RIO GRANDE: AN EAGLE'S VIEW

John Horning

ADRIEL HEISEY



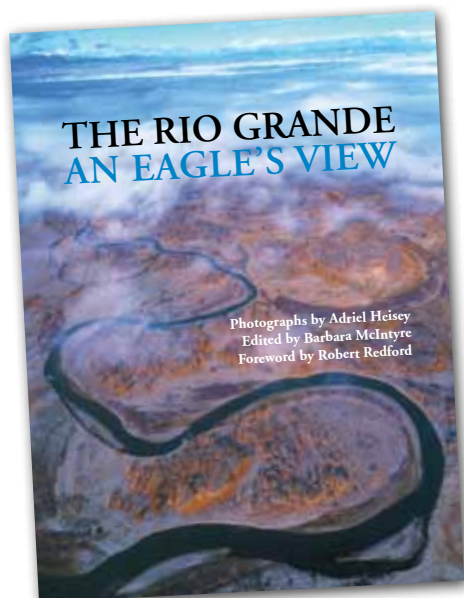
WILDEARTH GUARDIANS recently released a large format book featuring aerial photographs by well-known photographer Adriel Heisey. The book's goal is to reconnect people to the great river and inspire them with its beauty and fragility.

river's future — the book features the work of well-known aerial photographer Adriel Heisey.

Heisey chronicles the river from its headwaters along the spine of the Rocky Mountains in Colorado to its delta in the Gulf of Mexico in Texas. The book includes nearly 200 color photographs of the river's wild canyons, lush wetlands, and riverside forests. All told, Heisey took more than 26,000 photographs of the river as part of this project.

Complementing Heisey's exquisite images are brief essays by noted actor and conservationist Robert Redford, Senator Tom Udall and GUARDIANS Executive Director John Horning. Anchoring the written narrative is a longer essay by Steve McDowell about the history and evolution of a conservation ethic along the Rio Grande.

With the long journey to produce the book now complete, our next goal is to get the book into as many hands as possible. All proceeds from book sales will directly support our campaign to protect and restore the Rio Grande. The book is available directly from our website, wildearthguardians.org.



THE RIO GRANDE: AN EAGLE'S VIEW

Photographs by Adriel Heisey
Essays by Robert Redford, Senator Tom Udall,
Steve McDowell and John Horning
Published by WILDEARTH GUARDIANS, 2011
Hardcover, 240 pages, \$75

www.theriograndeaneaglesview.com

SAVE THE DATES FOR THESE WILDEARTH EVENTS

SEPTEMBER 17

Rio Grande book event at Bookworks, Albuquerque

SEPTEMBER 21

Rio Grande book event at Collected Works, Santa Fe

SEPTEMBER 30

GUARDIANS Gala, Santa Fe

OCTOBER 12

Rio Grande book event at Tattered Cover, Denver

NOVEMBER 4

Tree Hugger Bash, Albuquerque

NOVEMBER 17

Festival of the Cranes book event, Socorro, NM

Keep an eye out for invitations to book events and other gatherings in Arizona, Colorado and Texas.

MEGA-FIRES IN THE SOUTHWEST

The Perfect Storm

Bryan Bird

WHY ARE YOU A GUARDIAN?



"Growing up I saw the wild places I roamed bulldozed for housing developments. Eventually I saw the wildlife species in my neighborhood disappear. I see the same thing happening today and am especially saddened by the toll it's taking on prairie dogs. I strive to educate my friends about how important prairie dogs are to their ecosystem. People enjoy seeing foxes or hawks in their neighborhood, but they often don't realize that those species rely on prey like prairie dogs to survive."

— TRINITY DEMASK
Arvada, Colorado,
resident and singer-
songwriter speaking
out for wildlife

Become a member of
WILDEARTH GUARDIANS:
wildearthguardians.org

Arizona and New Mexico have each recently set records for the largest single fire in each state's documented history. With the smoke still lingering, the public is asking: Why? The answer: Decades of resource mismanagement and severe drought resulting from climate change have created the perfect storm for mega-fires. In fact, these mega-fires have become predictable.

We must go back several decades to understand how the current wildfire situation arose. During the last hundred years or so the lower elevation, dry forests in the West were severely logged, leaving a nearly uniform mass of small trees. Domestic livestock grazing, which suppresses the grasses that typically carry forest-cleansing, low intensity fire, fostered the proliferation of pine seedlings and aggravated conditions. On top of it all, humans developed a highly effective, military-style response to wildfire, leaving the overgrowth unchecked.

Some have suggested logging these forests to save them. The proposition is both unwise and untenable. Cutting itself out of business, the lumber industry has mostly disappeared in the West and the market for lumber is at record lows, in sync with the depressed housing market; even if we threw aside all environmental concerns and opened our public forestlands to logging on an historic scale, there would still be no use for the logs. In a free market system there has to be demand or no amount of deregulation is going to make a difference — and logging will not change the weather.

Now climate change and drought are increasing the flammability of these forests, already vulnerable from decades of mismanagement, resulting in the Wallow (841 square miles) and Las Conchas (214 square miles) fires. The science is clear: Big fire years track drought cycles, and climate change is exacerbating those conditions. The ongoing fires are predictable, but can we do anything to mitigate their impacts and manage the risk to humans? Yes, we can.

Innovative, collaborative efforts are quietly reshaping the federal forest policies that got us here in the first place and charting a sustainable future for the National Forest System. Starting in 2001 with Senator Jeff Bingaman's Collaborative Forest Restoration Program (CFRP) in New Mexico, now expanded nationally, former



JOHN MCCOLGAN, USDA

Decades of resource mismanagement and severe drought resulting from climate change have created conditions for this summer's mega-fires throughout the West.

adversaries began developing forest restoration projects that are environmentally sound and effective in restoring forest health. In New Mexico alone, more than 30,000 acres have been addressed and approximately 600 jobs created through CFRP.

On federal, public forests, where small trees and brush are the problem, cost-effective fuel reduction is accomplished with other tools including wildland fire use, prescribed fire, thinning, and reduced livestock grazing. Last year the Forest Service reduced hazardous fuels on 1.5 million acres using methods such as forest thinning and prescribed burns; many of the fuel-reduction areas are strategically located around communities and proved critical in defending Arizona towns in the latest blaze.

Another cost-effective action that can be taken immediately by the federal land managers is closing grazing allotments so that healthy grass communities can recover. WILDEARTH GUARDIANS is advocating for voluntary grazing permit retirement in ponderosa pine and dry mixed conifer forests, which would have instantaneous positive effects for restoring natural fire regimes. We live in a time of shrinking federal budgets and acute effects from climate change. Strategic use of resources will be critical. In addition to eliminating livestock grazing pressure and forest fuel treatments, it is time for responsible citizens to demand appropriate county zoning and insist on placing the enormous costs of firefighting on the parties that encourage development in fire-prone forests. That is the essential work to avert mega-fires in a climate-changed world.

Visit our website:
[Programs>Wildlands>Public Lands Advocacy](#)

CLIMATE WATCH

Clean Air and a Safe Climate in the West

Jeremy Nichols

Our efforts to power past coal took a big step forward in June as WILDEARTH GUARDIANS reached a milestone settlement agreement to curb thousands of tons of toxic air pollution in Colorado, Montana, North Dakota, and Wyoming.

The agreement puts at least 18 coal-fired power plants totaling more than 16,000 megawatts on the path to cleaner operations and opening the door to retire or transition them to cleaner, greener energy.

That's good news for the West's most cherished wildlands, for public health, and for our climate.

The agreement resolves a lawsuit we filed last January in response to the U.S. Environmental Protection Agency's (EPA) delay in tackling haze pollution throughout the country. The Clean Air Act (CAA) requires that the EPA ensure states have plans in place to reduce haze in what are known as "Class I" areas. These Class I areas include most National Parks and Wilderness Areas, pristine landscapes that are also bellwethers for the health of our air.

The keystone of these plans is a CAA requirement that states clean up their oldest and dirtiest coal-fired power plants, the largest sources of haze pollution in the West. Unfortunately, states have been slow to adopt haze reduction plans. In 2009, the EPA found that virtually every state had failed to submit the plans as required by the CAA.

Our settlement guarantees that haze reduction plans will be finally adopted for Colorado, Montana, North Dakota, and Wyoming. Under the agreement, the EPA will propose and finalize the plans according to the schedule below. We'll start seeing progress as early as July 2011 with a proposed plan for North Dakota; that plan will be finalized by January 2012.

STATE	PROPOSAL OF PLAN	FINAL APPROVAL OF PLAN
Colorado	Mar. 8, 2012	Sept. 6, 2012
Montana	Jan. 20, 2012	June 29, 2012
N. Dakota	July 21, 2011	Jan. 26, 2012
Wyoming	Apr. 15, 2012	Oct. 15, 2012

These plans promise widespread reductions in air pollution, but the most significant benefits will occur as coal-fired power plants are targeted for clean-up. Our agreement paves the way to clean up, repower, or outright retire at least 18



WILDEARTH GUARDIANS reached a milestone settlement agreement in June that will require states to clean up the oldest and dirtiest coal-fired power plants across the West.

coal-fired power plants, which together annually release more than 200,000 tons of sulfur dioxide, 150,000 tons of nitrogen oxide, and 120 million tons of carbon dioxide into the air we breathe. Colorado, for example, has proposed to retire or repower five coal-fired power plants in the state as part of their haze plan. Our settlement ensures this plan becomes a reality.

We've still got work to do to power past coal, but this agreement is significant progress.

Visit our website: [Top Priorities > Power Past Coal](http://TopPriorities.org/PowerPastCoal)



DENNIS KOST

Cleaning up coal-fired power plants will reduce thousands of tons of toxic air pollution and result in cleaner skies for wildlands, public health and the climate.

WHY ARE YOU A GUARDIAN?



"Life on Earth is on the run, and only dedicated individuals working together through the efforts of amazing groups like WILDEARTH GUARDIANS can match humanity's destructive power and greed with our power for compassion and responsibility. Only passion and unrelenting advocacy on behalf of these beautiful creatures can prevent another catastrophe. I refuse to let that happen, and will never stop doing anything and everything that I can to prevent it."

— IAN FIELD

San Diego, California, resident and member speaking out for the lobo

Become a member of WILDEARTH GUARDIANS: wildearthguardians.org

IN THE HALLS OF JUSTICE

Samantha Ruscavage-Barz, Jay Tutchton, and Ashley Wilmes

WHY ARE YOU A GUARDIAN?



TIM SPRINGER



ANTI-WOLF RIDER: NORTHERN ROCKIES WOLF DELISTED

WILDEARTH GUARDIANS joined with Alliance for the Wild Rockies and Friends of the

Clearwater to file a lawsuit challenging the constitutionality of the Congressional budget rider that removed Endangered Species Act protection for wolves throughout much of the Northern Rockies (except Wyoming). The suit, filed on May 5, 2011, has been set for expedited briefing by the federal judge who oversees the case. We believe the fate of wolves should not be ruled by backroom political deals that destroy the checks and balances fundamental to our democracy. The case is important for endangered species, as the budget rider delisting the Northern Rockies wolves marked the first time a species has been legislatively delisted. The case also has far-reaching consequences for our law-making process: Important policy decisions should not be footnotes to must-pass budget deals.

BRYAN BIRD



CURBING URANIUM DEVELOPMENT IN NEW MEXICO

WILDEARTH GUARDIANS and other groups filed suit in federal court on April 28, 2011, challenging the U.S. Forest Service's (USFS) rules that preclude citizen objections to uranium exploration permits. The Appeals Reform Act requires that all "proposed actions of the U.S. Forest Service concerning projects and activities implementing land and resource management plans" must be subject to public notice, comment, and administrative appeal, yet the challenged regulations illegally exempt all actions that are "categorically excluded" from the need to prepare an Environmental Assessment

or Environmental Impact Statement under National Environmental Policy Act (NEPA) regulations for public notice, comment and appeal. On September 17, 2010, the USFS approved the White Mesa Uranium Exploration project in the Cibola National Forest, which would allow exploratory drilling for uranium mining, employing a categorical exclusion under its NEPA rules and exempting it from administrative appeal under the regulations. WILDEARTH GUARDIANS commented on the proposal and would have appealed this project, but were denied the right under the challenged USFS rules.

MEXICAN WOLF RECOVERY PROGRAM UPDATE

In 2008, WILDEARTH GUARDIANS and The Rewilding Institute filed suit against the U.S. Fish & Wildlife Service (FWS) and the U.S. Forest Service (USFS) regarding the federal government's failed stewardship of the Mexican Wolf Recovery Program. The lawsuit challenged FWS's controversial management protocol dubbed SOP 13. The policy mandated the permanent removal of wolves known or thought to have been involved in three conflicts with livestock in any 365-day period. The lawsuit also targeted the USFS's failure to carry out a conservation program for the Mexican gray wolf within its own recovery zone in a heavily grazed area made up almost entirely of National Forest lands. GUARDIANS enjoyed mixed success in this case. In a victory for wolves and for GUARDIANS, FWS withdrew SOP 13 and promised not to use it in the future. The Court also ruled that USFS does not have to prepare its own Mexican Wolf Recovery Plan, but must help the FWS implement the existing recovery plan to benefit the wolf. Our next step is getting FWS to develop an effective and "real" recovery plan, which USFS must help implement under the Court's holding in our case.



MEXICAN WOLF INTERAGENCY FIELD OFFICE

Visit our website: [Take Action>Current Actions](#)

"I like what WILDEARTH GUARDIANS is doing because I like helping animals and I'm hoping that no animals will ever go extinct again." To show her support of our "End the War on Wildlife" campaign, Emma recently made this sign for a school report. Emma shows that activism starts and can have an impact at any age.

— EMMA LIEBERMAN WITH HER GRANDMOTHER ROSE TELPNER
Daughter and mother of recent WILDEARTH GUARDIANS house party hostess Martha Lieberman, Phoenix, Arizona

Become a member of WILDEARTH GUARDIANS: wildearthguardians.org

CAMPAIGN UPDATES

LYNNE STONE



EFFORT TO CUT FEDERAL CARNIVORE KILLING PROGRAM BUDGET FAILS

In June 2011, U.S. Representatives John Campbell and Peter DeFazio introduced an amendment to cut a private-interest subsidy to agriculture by \$11 million. It would have defunded the federal government's program for slaughtering 115,000 coyotes, cougars, and other native carnivores each year purportedly to protect domestic livestock. Dozens of agricultural industry groups and shooting organizations such as the National Rifle Association and Safari Club opposed the amendment, using false scare tactics. Only 29 Republicans and 103 Democrats voted in favor, while 207 Republicans and 80 Democrats voted to continue this wasteful, cruel war on wildlife.

Visit our website: [Top Priorities>Ending the War on Wildlife](#)

IMPERILED LIZARD, CHICKEN SURVIVE CONGRESSIONAL ATTACKS... FOR NOW

It has been an eventful year for the dunes sagebrush lizard and the lesser prairie-chicken. After waiting 10 and 13 years, respectively, on the Endangered Species Act (ESA) candidate list, both species are now finally inching toward formal protection under the law – and that has drawn the ire of two notoriously anti-ESA Senators. John Cornyn (R-TX) and James Inhofe (R-OK) introduced legislative riders in June 2011 that would amend the ESA to specifically prohibit the U.S. Fish and Wildlife Service from listing the lizard and chicken. Both amendments failed when the Senate dropped consideration of the omnibus bill, but conservationists expect that Senators Cornyn and Inhofe will seek other opportunities this year to enact their riders.

Visit our website: [Top Priorities>Endangered Species Act Listing](#)



PUBLIC DOMAIN

JEREMY NICHOLS



POWERING PAST COAL AT THE SAN JUAN GENERATING STATION

The future of clean air and clean energy in the Four Corners is looking brighter than ever thanks to the efforts of WILDEARTH GUARDIANS. Earlier this year, the Environmental Protection Agency (EPA) proposed to require Public Service Company of New Mexico (PNM) to retrofit the San Juan Generating Station with modern air pollution controls. The proposal, which was

spurred by a GUARDIANS' lawsuit, would finally force PNM to clean up the 1,800 megawatt coal-fired power plant located in northwestern New Mexico. The proposal provides a critical opportunity to make the case for retiring the San Juan Generating Station and instead invest clean-up dollars into renewable energy. Despite political pushback from PNM and anti-environmental allies in New Mexico Governor Susana Martinez's administration, the EPA is still on track to finalize its proposal by August 5, 2011.

Visit our website: [Top Priorities>Power Past Coal](#)

WHY ARE YOU A GUARDIAN?



"Our small group of Telluride locals shares a passion for the preservation of biodiversity and an appreciation for the role of the indigenous Gunnison's prairie dog in Telluride. We have been working for over five years to educate local folks about the importance of allowing the prairie dogs to exist without 'management'. In late 2010, a proposal was made to begin poisoning prairie dogs that had advanced beyond an arbitrary boundary. Thanks to the superb help of WILDEARTH GUARDIANS, our little group of prairie dog advocates was able to sway the council members to shelve the poisoning plans unanimously. We are grateful to WILDEARTH GUARDIANS for helping us win this victory."

—AMY CANNON, JERRY DAVIDIAN, RAMONA GAYLORD, DAN CHANCELLOR, CAROL BLACK
Telluride, Colorado,
residents and prairie dog advocates

Become a member of
WILDEARTH GUARDIANS:
wildearthguardians.org

LET THE LISTINGS BEGIN

Historic Agreement Will Give Hundreds of Endangered Species a Chance at Protection

Katie Arnold



JESS ALFORD

The lesser prairie-chicken is just one of more than 250 imperiled candidate species that stand to benefit from a landmark settlement between WILDEARTH GUARDIANS and the federal government.

In the pantheon of imperiled species, the lesser prairie-chicken is both unluckier and luckier than most. The low-flying western grouse, found in five states in the southern Plains — Oklahoma, Kansas, Texas, Colorado, and New Mexico — is besieged by threats. Oil and gas development, livestock grazing, unnatural fire, wind turbines, off-road vehicle use, and urban and residential encroachment are jeopardizing the bird’s natural habitat. As a result, its range has shrunk by a staggering 90 percent, and recent estimates place its population somewhere between 10,000 and 50,000 (and perhaps less than 10,000).

In spite of these figures, the lesser prairie-chicken has yet to receive formal federal

protection under the Endangered Species Act (ESA). Under the ESA, the U.S. Fish and Wildlife Service (FWS) can designate a species as “threatened” or “endangered,” but if resources or the will to list are lacking, FWS can sideline it on a waiting list — sometimes indefinitely. This loophole, called “warranted but precluded,” is like being admitted to the emergency room with a grave illness, only to be made to wait in the hallway: the doctors acknowledge you’re in dire condition, but there’s no one available to save your life. The lesser prairie-chicken has languished on the candidate list for 13 years.

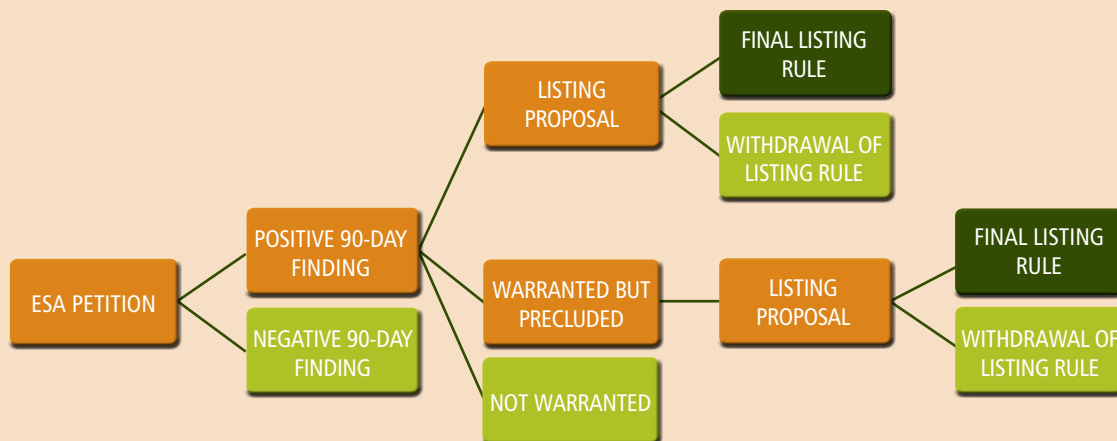
WILDEARTH GUARDIANS aims to change this, and in May 2011 reached an agreement with the federal government to clear the waiting list once and for all. The historic settlement isn’t just good news for the western grouse. Another 250 imperiled species — from frogs and butterflies to reclusive spiders, rare fish, mammals, and birds — stand to benefit. The deal has sweeping ramifications for wildlife in every state and every type of landscape — mountains, prairies, deserts, and rivers — in the country.

Under current regulations, FWS assesses candidates on the warranted but precluded list annually, reviewing their status and, if necessary, advancing them on the waiting list. Candidates are assigned a listing priority number from 1 to 12, with 1 reserved for species that are both

highly imperiled and the only species of their genus in the world and 12 for those least at risk (but still imperiled enough to warrant listing). The lesser prairie-chicken made its debut on the waiting list in 1998 as an ‘8’ but — due to loss of habitat and dwindling numbers — was upgraded to a ‘2’ in 2008. Three years later, the fate of the lesser prairie-chicken is still in limbo.

AN ENDANGERED SPECIES’ PATH TO PROTECTION

The primary way in which species are presently listed under the U.S. Endangered Species Act (ESA) is through the citizen petition process. The chart below outlines the various steps in that process.



Yet as dismal as this sounds, things could be worse for the lesser prairie-chicken. Despite its deprecatory name, the squat bird — a medium-sized gray-brown grouse with a roadrunner’s pointy, tufted head — is very dynamic. Each spring at communal breeding grounds called leks, male prairie-chickens strut, squawk, plump their feathers, puff their red air sacs, and tussle with other males in a flamboyant mating ritual to attract females and beat back the competition. The ritual has made them minor celebrities among the birding crowd, and has spawned YouTube videos and a High Plains Lesser Prairie-Chicken Festival, held annually in Milnesand, New Mexico (last year’s event was sold out).

The lesser prairie-chicken’s showy behavior has helped draw high-profile attention to its ongoing struggle for survival, particularly in the face of its latest threat: wind power development. Prairie-chickens have evolved to avoid tall structures like trees, utility poles, and transmission lines — anything on which their predators, raptors (often referred to as “chicken hawks”), can perch. After a power line was built on the Nature Conservancy Tallgrass Prairie Preserve in Oklahoma, a study showed that greater prairie-chickens, a close cousin to the lesser prairie-chicken, relocated to avoid the structure. “It was like Moses parting the Red Sea, only in this case splitting the habitat rendered a huge swath unusable,” says Mark Salvo, Director of WILDEARTH GUARDIANS’ Sagebrush Sea Campaign. Elsewhere in Oklahoma, one of the top wind-power producing states in the country, turbines pose a particular hazard. Lesser prairie-chickens have been observed to stay several hundred feet to several miles away from the turbines, further shrinking and fragmenting the bird’s range.

In an effort to mediate this conflict, FWS has proposed a voluntary two-mile buffer between wind turbines (emphasis on



ELLEN SCHAFHAUSER

The population of Sonoran desert tortoise has declined by more than 50 percent since it was denied ESA protection in 1991.

THE WORLD AS IT WAS

When we say that most Endangered Species Act candidates have been waiting for listing for over 20 years, and that many have been waiting for more than 30 years, that doesn’t quite capture how long that wait really is. So, here’s a glimpse of the world as it was when some of our favorite candidates were put on the waiting list, and how they’re faring now:



CAROL DAWSON

SKIFF MILKVETCH. This Colorado plant was first made a candidate in December 1980. Ronald Reagan had just been elected for his first term as U.S. president, Blondie topped the Billboard Chart, and actor Jake Gyllenhaal was born on December 19.

Now: *This plant doesn’t have another 30 years to wait. Scientists worry that it will be effectively extinct by 2030.*



CHRIS NEWSON

JEMEZ MOUNTAINS SALAMANDER. This New Mexico salamander (one of only three in the state) was first made a candidate in December 1982. Ronald Reagan was president, and he had brought new listings nearly to a halt. *Gandhi* swept the Oscars, edging out the blockbuster *E.T.*

Now: *This lungless amphibian depends on moist soils to breathe via its skin and is imperiled by climate change and drought. Time is running out for this New Mexico native.*



JESS ALFORD

LESSER PRAIRIE-CHICKEN. This southern Great Plains grouse was first made a candidate in June 1998. Bill Clinton was serving his second term as U.S. president, snowboarding debuted at the Winter Olympics, and John Horning had been with then-Forest Guardians for four years, fighting public lands ranching

and already working on behalf of the prairie-chicken.

Now: *Having already lost 90% of its habitat, and with wind farm planners deliberately expediting their developments to beat a listing, this beleaguered bird needs immediate protection.*

“voluntary”) and lesser prairie-chicken leks, and scientists are scrambling to develop a spatial planning tool to help wind farm developers minimize impact on lesser prairie-chicken habitat. “It’s a difficult subject for environmentalists,” says Salvo. “We support alternative energy, but if sited in the wrong place, wind turbines can be extremely negative for the lesser prairie-chicken.”

Under the new settlement agreement, the lesser prairie-chicken will have a chance, at long last, to receive federal protection sometime within the next two years, and any development on public lands that could harm the prairie-chicken would be subject to review and approval by FWS. But the biodiversity crisis is much bigger than the lesser prairie-chicken, affecting hundreds of other domestic species, and this settlement may be their last best hope for survival.

MAJOR EVENTS IN THE ENDANGERED SPECIES ACT LISTING PROGRAM

DECEMBER 28, 1973 Richard Nixon signs the Endangered Species Act into law. Among the first species listed are the Utah prairie dog and the grizzly bear

1975 Smithsonian Institution nominates over 3,000 plants in the U.S. to be listed as endangered or threatened

1975 U.S. Fish and Wildlife Service announces Triage Policy: FWS testifies to Congress that it has received listing petitions for nearly 24,000 species (mostly foreign) and has developed triage policy

1979 FWS withdraws proposals for nearly 1,900 species, most of them plants

1981 The Reagan administration greatly slows down species listing

APRIL 1995-APRIL 1996 Congress enacts moratorium on species listing

1996 FWS cuts candidate list by over 3,600 species, reducing it to 182; candidate list thereafter slowly increases to an average of 265 from 2001 to present

2000 "Precious Heritage" is published, in which scientists recognize that at least 6,400 species in the U.S. are at risk (fewer than 1,400 are currently listed)

2004 Center for Biological Diversity and others petition 225 candidate species for listing

MAY 2006 The Bush administration begins what will be a two-year period of no new listings

2007 WILDEARTH GUARDIANS petitions nearly 700 critically imperiled species for species listing

2007-2008 Congress holds hearings on political obstruction in ESA listing program within Interior

2009 FWS issues positive petition findings on 110 species petitioned by GUARDIANS but final determinations remain overdue

2010 WILDEARTH GUARDIANS "BioBlitzes", in which the group files petitions and lawsuits daily for nearly 50 days to compel more species listings; the Center for Biological Diversity files a petition to list 404 species in the southeastern U.S. and sues to compel overdue findings on a suite of outstanding petitions pending before FWS

2011 WILDEARTH GUARDIANS and the Center for Biological Diversity each reach settlement agreements with FWS to remedy the candidate listing backlog and list species



DAVE HOPPER, USFWS

WILDEARTH GUARDIANS' efforts to list species under the ESA have always been guided by the belief that all creatures, great and small, deserve the chance to exist.

THE ESA IN CONTEXT

The ESA is one of the most powerful environmental laws in the United States. The statute, signed into law by President Nixon in 1973, allows citizens, scientists, and organizations to identify plant and animal species in trouble and petition for their protection. Designed to be an early warning system, it requires that the FWS make "expeditious progress" in listing and protecting those most at risk.

Though the ESA currently protects 1,372 domestic species of plants and animals, progress on listing species under the law has been challenging and erratic during its 38-year history. In the 1970s, FWS fielded petitions for some 24,000 (mostly foreign) species, but by 1980 the agency had listed very few of them. At one point the agency proposed to list nearly 1,900 imperiled species (mostly plants), but subsequently withdrew its proposal in 1979. The Reagan administration slowed the listing process in the 1980s, and in 1995 Congress passed a yearlong moratorium on listing. The following year, FWS dropped more than 3,600 species from the candidate list, and a decade later, the Bush administration halted listings yet again.

Protecting biodiversity has become a hot-button political issue, pitting pro-development industry and its powerful lobbyists against environmentalists and severely undercutting the mission and power of the ESA. "Over the last decade, the federal government hasn't been using the full force of the Endangered Species Act," says WILDEARTH GUARDIANS Executive Director John Horning. "Worse than that, it has been hostile to the law's vision and tried to undermine the science that is a cornerstone of the Act's foundation."

Take the case of the Sonoran desert tortoise, which was denied protection by FWS in 1991. Since then, its numbers have declined by more than 50 percent on monitored plots in Arizona due to urban sprawl, livestock grazing, and road mortality. The tortoise is even threatened by admirers: According to a recent study, one out of 12 drivers who sees a tortoise on the road will take it home as a pet. "The ESA is being implemented in a backwards manner," says Nicole Rosmarino, Wildlife Program Director at WILDEARTH GUARDIANS. "When there's still time to save them, the Fish and Wildlife Service has turned species away."

In response, WILDEARTH GUARDIANS has spent much of the past decade filing petitions on behalf of more than 750 critically imperiled species, including the Sonoran desert tortoise, which was finally placed on the warranted but precluded list late last year. The GUARDIANS' "BioBlitz" and associated litigation during

the 2010 International Year of Biodiversity were unprecedented, a calculated gamble to highlight the FWS's failure to make expeditious progress in its central mission to protect species. "There's no doubt the strategy was risky," admits Horning. "But all along our intentions have been to see if this would result in a serious conversation about how to address the backlog."

The gamble paid off last September, when U.S. District Judge Emmet G. Sullivan ordered WILDEARTH GUARDIANS and FWS to find a solution to the failing listing program. In May 2011, after eight months of discussions, GUARDIANS and FWS arrived at a historic settlement to break the impasse. According to the terms, FWS agreed to make listing decisions on more than 250 warranted but precluded species within six years. Many, including the lesser prairie-chicken, will be cleared from the wait list by 2012. GUARDIANS believes the vast majority will likely be granted full protection as endangered species.

In exchange, WILDEARTH GUARDIANS will limit the number of petitions it files to 10 species per year, a compromise designed to free up FWS from responding to new petitions so it can commit time and resources to actually listing species. Though GUARDIANS gave up its right to sue FWS over late listing decisions, it retained the right to sue over the findings themselves. "We can still bring substantive challenges on behalf of species at risk if their protection is denied," says Rosmarino.

GUARDIANS has been clear about priorities, keeping the focus on the candidate species in limbo and seeking to ensure that action would be taken on their behalf. Explains Rosmarino: "It was clear that something needed to give. The FWS needed to clear off their desk, and we needed to change course. The current strategy of petitioning hasn't gotten more species listed. We also want to change the dimensions of how we work with the FWS. We've filed three lawsuits just to get petition findings, in some cases. That's just not efficient."

"The settlement was clearly a step forward for the candidate species," she continues. "Many conservation organizations recognize this." One notable exception is the Center for Biological Diversity (CBD), which was part of early negotiations with GUARDIANS and FWS. In May, CBD opposed the final decision because it does not include species they favored, such as the Pacific walrus and the American wolverine. However, in July, CBD withdrew their opposition to GUARDIANS' settlement when they received a settlement of their own, which covers 35 current candidates.

GUARDIANS remains committed to the merits of the settlement: providing relief to more than 250 species that have been all but abandoned for years.

For the lesser prairie-chicken, the landmark deal means the end of a very long wait. Its anticipated ESA protection within the next two years will, experts hope, protect the prairie grasslands and shinnery oak habitat this bird calls home, and the diverse community of life, including the dunes sagebrush lizard (a candidate since 2001), that live there, too. In effect, says Rosmarino, "the lesser prairie-chicken can function as an umbrella species, protecting a wide range of prairie in five states."

Though this is a benefit, it's not the reason GUARDIANS has been fighting on behalf of the prairie-chicken for 13 years, nor is the fowl's quirky mating ritual or its celebrity status among birders. "We're not in a position to evaluate which species should live or die," says Rosmarino. "All have a right to exist, and it's our ethical imperative to make sure that they do. We believe in the intrinsic value of all species."

That's good news for the literally dozens of imperiled bugs, butterflies, and arachnids like the Warton cave meshweaver, a critically endangered but not exactly charismatic spider that has been lingering on the candidate list since 1994. First identified from a single specimen in 1992, the tiny, eyeless, colorless spider lives in a single shallow cave called Pickle Pit, in Travis County, Texas, and was last seen in 2001. Scientists don't know how many meshweavers still exist because the cave's owners have denied them access, and, worse, the lock on the gate over the cave is rusted shut. The situation presents a twist on the classic riddle: If an elusive arachnid is locked in a cave that no one can get into or out of, does it matter if it goes extinct? For WILDEARTH GUARDIANS, the answer is an emphatic *yes*. The ESA is also clear: Species protection is to be science-based, not a popularity contest.

For some species, the ecological effects of extinction may be profound. "We usually have no idea of the full impacts when various species vanish from the ecosystem," says Rosmarino, who points out that it's taken scientists nearly 100 years to understand how the passenger pigeon's extinction adversely affected vast areas of hardwood forest in the Northeast.

"With the Endangered Species Act, the federal government has created an ecological safety net, but it can't work unless species get listed," says John Horning. Thanks to this historic deal, the safety net is being mended. Let the listings begin.

Visit our website: [Top Priorities](#)>[Endangered Species Act Listing](#)



DONATE WITH CONFIDENCE!

This good news is made possible by your generous donations. As evidenced by our consistent 4-star rating from Charity Navigator, WILDEARTH GUARDIANS efficiently and effectively leverages your donations to get the job done.

Help keep the good news flowing by making a gift to WILDEARTH GUARDIANS today.

505.988.9126 x0
or donate at
wildearthguardians.org.



312 Montezuma Avenue
Santa Fe, NM 87501

Non-Profit Org.
U.S. Postage
PAID
Albuquerque, NM
Permit #476

INTERNS AT THE GUARDIANS



Travis Bruner



Catherine Cannon

Nine diverse interns from all over the country are assisting the GUARDIANS this summer with legal research and program support. From Catherine Cannon, a carnivore protection intern who is assisting with our efforts to ban traps on public lands in New Mexico, to Carter Cassidy, a law student who is working on an endangered species petition, all nine interns are receiving opportunities and learning experiences of a lifetime. Josh Purtle, a law student from Harvard, is assisting with our challenge of the recent decision to delist wolves along with several other endangered species petitions. Law students Adrienne Lewis and Travis Bruner are assisting our legal team with climate, coal-mining, and endangered species cases, in addition to grazing reform support. Karol Mann, another carnivore protection intern, is focused on large carnivore and wildcat projects for the GUARDIANS. Sam Townsend and Chloe Viner, both law students from Vermont Law School, are gaining hands-on experience with a series of ESA petitions. Michael Oro is an intern from the University of Colorado working on clean water protection in that state. And Zoë Hanley is spending her summer as an endangered species intern primarily helping set up a searchable database of candidate species which deserve listing under the ESA. We are grateful to all our dedicated interns and wish them all the most success in their environmental endeavors beyond this summer.

If you know of prospective applicants for our internship program please direct them to our website for a list of current positions available.



Sam Townsend



Chloe Viner