

**The Center for Biological Diversity:
Recent Activities Could Impact Millions of Acres
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“We need a new environmental movement, with new goals and new organizations. We need more people working in the field, in the actual environment, and less people behind computer screens. We need more scientists and many fewer lawyers.”

Michael Crichton, quoted in the appendix to his 2004 book “State of Fear”

Get ready to hear more in the news from the Center for Biological Diversity (Center), a well-funded group of environmental activists that has launched a recent litigious media campaign that may have West-wide ramifications. The Center has long been known for its consistent fight to thwart the efforts of developers, farmers, ranchers and government agencies through petitions to list more species to the federal Endangered Species Act (ESA), create new ESA critical habitat for other plants and animals, and engage in a seemingly endless string of litigation aimed primarily at the agencies who regulate resource producers.

Over the past two months, this column has focused on the Center’s aggressive recent actions in California, and has described the media savvy the Center employs throughout the West. This month, you’ll get a taste of how Center actions can impact real farmers and ranchers on millions of acres, and also learn a bit more about the surprising sources from which it receives contributions.

The past holiday season was not a time of rest and relaxation for the busy lawyers at the Center. Just after Thanksgiving, the U.S. Fish and Wildlife Service released a letter stating that it would reconsider prior decisions made by Bush Administration policy officials regarding the level of protection for seven species protected by the ESA. The release of the Service letter can be traced back to an earlier request made by Democrats in Congress, who asked the U.S. Interior Department Inspector General (IG) to investigate whether or not agency scientists were pressured to alter their findings by Julie MacDonald, then an Interior Department appointee overseeing the Service. Initial allegations against MacDonald were widely covered in the mainstream press and were primarily driven by the Center and Public Employees for Environmental Responsibility (PEER), an organization that encourages government employees to work as “anonymous activists”.

MacDonald resigned last year after the IG report appeared to support the allegations made by the Center and others. Only later did the Colorado Springs *Gazette* report that Ms. Macdonald was never solicited by the IG for an opportunity to rebut its report. That paper – definitely in the minority – concluded that Julie MacDonald was “railroaded”.

That didn’t slow down the holiday festivities launched by the spin-masters and lawyers at the Center. With the Service letter and IG report in hand, the Center and other activist groups filed lawsuits in December challenging the Service’s refusal to properly designate and protect critical habitat areas for 13 endangered species in Oregon, California, New Mexico, and North Carolina.

The suits were part of a broader effort by the Center to challenge “political corruption harming 55 endangered species and cutting more than 8.5 million acres of wildlife habitat”. The group had previously filed simultaneous lawsuits challenging six other decisions in November.

The December lawsuits challenge the consideration of critical habitat for the not-so-charismatic California red-legged frog, arroyo toad, three plants in California, and four invertebrates in New Mexico.

The press quotes coming out of the Center over the holidays were dramatic and dire, and promised all sorts of doom and gloom.

"Habitat loss is the number-one killer of endangered species," said Michael Senatore, senior counsel at the Center on December 19. "These species won't survive unless we protect their habitat. Julie MacDonald is an endangered-species Death Star."

The Center less than ten days later filed another lawsuit in federal district court demanding that Interior and the Service hand over public documents about MacDonald.

“When you add up all the evidence,” Center senior counsel William Snape intoned, “the Bush Interior Department is clearly the worst in U.S. history.”

If the Center is successful in its efforts, heightened ESA protection status could impact thousands of farmers and ranchers throughout the West and millions of acres, especially if charismatic critters like the Montana fluvial arctic grayling, Mexican garter snake, Santa Ana suckers or loach minnows are even suspected of living in the neighborhood.

Should the Center decide to further focus its efforts in those areas, farmers and ranchers may want to raise their level of diligence and heed Arizona rancher Jim Chilton’s experience. Chilton has had an ongoing battle with the Center for over 5 years. That clash culminated in a December 2006 Court of Appeals opinion that upheld an earlier jury verdict stating that the Center had flagrantly misrepresented the grazing practices of Chilton’s ranch company. The decision awarded Chilton \$600,000 in actual and punitive damages.

So where does the Center get its money to fund all of its wide-ranging activities? According to an article that appeared in the Spring 2006 edition of *Range Magazine*, (<http://www.rangemagazine.com/features/spring-06/capitalist-for-cash.pdf>), from 1996-2002, Ted Turner’s foundation donated more than \$350,000 to the Center. In 2004, Sierra Club Foundation granted the Center \$500,000. That same year, over \$718,000 came from “legal returns”, a large portion of which came from the federal government, which the Center frequently sues, according to *Range*.

You may be only too happy to learn that this column will be moving on to other topics next month. However, I can just about guarantee that you’ll be reading and hearing plenty about the Center for Biological Diversity’s actions in the newspapers for the rest of the year.