

THE 40TH ANNIVERSARY OF THE ENDANGERED SPECIES ACT

Endangered earth

FALL 2013

CENTER FOR BIOLOGICAL DIVERSITY



Celebrating 40 Years of the Endangered Species Act

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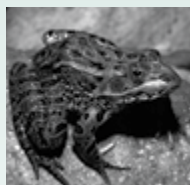
ON THE WEB



Endangered Species Ringtones:

Hear the call of the wild? Or want to, whenever your cell phone rings? At the Center's

RareEarthtones.org, you can download free ringtones of the songs, roars, chirps and howls of more than 100 imperiled animals — and wallpaper, too. (Check out LlamadasSalvajes.org for ringtones with descriptions in Spanish.)



Find Species Where You Are:

Ever wonder which endangered animals or plants may be hiding near you? Visit BiologicalDiversity.org/SpeciesFinder

to download our free "Species Finder" app for the Android phone, and find out in the blink of an eye.

Cover photo of cactus ferruginous pygmy owl by Sky Jacobs

Back in the summer of 1992, I got to know my first endangered species, the marbled murrelet. My job was to survey planned timber sales for the robin-sized seabird on the Siuslaw National Forest in Oregon's Coast Range — and I took the job very seriously, because finding murrelets in a sale stopped the logging and saved the trees they needed to survive. Surveys involved waking up as early as 3:30 in the morning to be out in the forest 45 minutes before sunrise to stare up into the sky, hoping to see or hear a murrelet. I considered myself wildly successful at this: I found murrelets in five timber sales.

Alone among seabirds, marbled murrelets nest in trees. To do this, the tenacious birds make a daily journey of up to 35 miles each way, from ocean to forest, to bring fish back to their nests (little more than scratched depressions made in moss on the wide branches of old-growth trees). Logging of mature forests up and down the West Coast had been eating away at the murrelets' habitat for decades, and the very year I was out in the woods looking for the small birds happened to be the same year they won protection under the Endangered Species Act.

This protection, along with similar protection for northern spotted owls and salmon, led to the creation of the "Northwest Forest Plan" and the protection of much of the last remaining ancient forest on federal lands in the Pacific Northwest, including millions of acres spread across Washington, Oregon and California. The plan would never have been created without the Endangered Species Act, which celebrates its 40th anniversary this year.

Protection of the Pacific Northwest's last, majestic old-growth forests is but one of many accomplishments for which we can thank the Endangered Species Act. Because of the Act, we've preserved vital wildlife habitat around

Marbled murrelet





San Miguel Island kit fox

the country, attacked invasive species, eliminated poisons like DDT that were killing bald eagles and other birds, and changed the way we manage rivers like the Columbia and Colorado to mimic natural flows and save salmon and other native fish. Ultimately the Act has changed our relationship with the world by making us realize how profoundly our actions affect other forms of life.

And the Endangered Species Act has been tremendously successful. Of the more than 1,400 species that have been protected under the Act, a mere 10 have been declared extinct — and of these, eight were very likely gone before they received the Act's protection. This is a greater-than 99 percent success rate. Scientists estimate that without the Endangered Species Act, as many as 227 species would have gone extinct.

The Act is also leading to the recovery of hundreds of species. In a report released last year, the Center documented massive recovery in 110 species around the country, including one I helped protect in the first place, the San Miguel Island fox, which has increased by more than 3,800 percent since 2004.

So, as we celebrate the 40th anniversary of this incredible law its worth pausing to remember the powerful protections the Act provides every day in all 50 states.



Noah Greenwald is the Center's Endangered Species program director in Portland, Ore.

THE ENDANGERED SPECIES ACT Facts & Figures

Approved: Dec. 28, 1973

Signed by: President Richard Nixon

Purpose: To protect and recover imperiled plants and animals and the places where they live.

Protects: More than 1,400 species in the United States and more than 600 outside the United States.

Habitat: More than 200 million acres of have been designated as "critical habitat" for threatened and endangered species.

Success rate: 99 percent of the plants and animals protected by the Endangered Species Act have been saved from extinction.

Recovery: A recent study of more than 100 protected species across all 50 states found that 90 percent are meeting or exceeding recovery goals set out by federal scientists.

Strong public support: A national poll commissioned by the Center for Biological Diversity earlier this year found that 2 out of 3 Americans want the Act strengthened or left alone, but not weakened.

Notable species: Among the most famous species protected by the Act are gray wolves, polar bears, blue whales, grizzly bears, spotted owls and wolverines.

Fully recovered: Among fully recovered (and delisted species) are bald eagles, American peregrine falcons, brown pelicans and American alligators.

Success stories:

A few highlights of wildlife protected under the Endangered Species Act:

- Nesting pairs of California least terns have increased 2,819 percent;
- San Miguel island foxes have increased by 3,830 percent;
- The number of nesting female Atlantic green sea turtles in Florida is up by 2,206 percent;
- El Segundo blue butterflies have increased by 22,312 percent.

Keystone XL: Species in Harm's Way

Pipeline Will Threaten at Least 12 Imperiled Species Including Whooping Cranes, Swift Foxes, Piping Plovers

A new Center report shows that the State Department has woefully underestimated the impacts of the Keystone XL pipeline on some of America's most endangered species — including whooping cranes, northern swift foxes, piping plovers, pallid sturgeon, American burying beetles, greater sage grouse and black-footed ferrets.

Under the Endangered Species Act, the State Department must make sure major projects like the Keystone XL don't jeopardize the continued existence of any endangered species. It also has to disclose, and plan to minimize, harm to affected species before approving such projects. To meet these requirements, State produced a "biological assessment" that purported to analyze impacts to all endangered species — but bizarrely, the only species it admitted would be hurt was the American burying beetle.

In researching our report, called *In Harm's Way: How the*

U.S. State Department and U.S. Fish and Wildlife Service Have Ignored the Dangers of the Keystone XL Pipeline to Endangered Species, we carefully mapped the distribution and habitat of other endangered species in the pipeline's path. It was clear that contrary to State's claim, at least nine other endangered species could be badly hurt.

State avoided considering harm to the full range of endangered species only by sweeping the worst impacts of the pipeline under the rug. For instance, it didn't analyze the impact of future spills, instead simply arguing that those spills were unlikely to occur — a claim that runs directly counter to evidence. Other government documents, indeed, predict about 1.9 spills a year.

Spills pose a particularly severe threat to highly endangered pallid sturgeon, which live in the Missouri and Yellowstone rivers, downstream of the pipeline's path. A spill would be devastating for these ancient fish; a 2010 spill of another tar sands pipeline, in the Kalamazoo River, destroyed aquatic life along 25 river miles and has yet to be properly cleaned up.

The State Department also failed to look at the impacts of power lines and roads that would come with the pipeline. Power lines would kill endangered birds, including whooping cranes, interior least terns and piping plovers, through collisions and because they provide perching sites for predators.

And finally, State didn't analyze the impact of new tar sands development in Alberta driven by Keystone XL — even though such development is already devastating populations of woodland caribou and other wildlife. Keystone will be a disaster for global climate, with a cascade of effects on numerous endangered species — including polar bears.



Swift fox photo courtesy of USFWS



Noah Greenwald is the Center's Endangered Species program director in Portland, Ore.

350 or Bust

The Case for Capping Carbon Pollution

Life, like *Jeopardy*, is all about asking the right questions. But when it comes to U.S. climate change policy, the Obama administration is posing, at best, an incomplete question — at worst, the wrong one altogether.

This summer the president announced his most ambitious plan yet to tackle society's greatest environmental problem. But while his new global warming plan does take modest steps toward reducing greenhouse gas pollutants, it just doesn't cut those emissions enough to prevent catastrophic sea-level rise, extreme weather or massive wildlife extinctions.

A key point in the president's plan is a vague, loophole-ridden directive to the Environmental Protection Agency to establish carbon pollution standards for new and existing power plants (standards that are already, er, required by existing law). The challenge isn't legislation but political will: How do we rise above enormous industry pressure and fully implement the successful Clean Air Act?

The Act has significantly reduced emissions of every harmful pollutant brought under its jurisdiction over the past 40 years. It's been found to provide benefits more than 20 times as valuable as its costs.

And in 2007 the Supreme Court held that the Act applies to greenhouse air pollutants, despite a fusillade of legal opposition from the fossil fuel industries and Bush administration.

The missing *Jeopardy* question is this: What is our ultimate goal? The Clean Air Act provides a succinct answer: national ambient air-quality standards (called "NAAQS" by legal wonks or a "greenhouse pollution cap" by normal people). A pollution

cap would be based on the best science and would allow the United States not only to divide allowable greenhouse pollution contributions among the 50 states but also establish our national commitment relative to other countries.

Most importantly, a greenhouse pollution cap would force presidential administrations to confront the sobering reality articulated by climatologists like Dr. James Hansen: If we don't get atmospheric carbon dioxide down to 350 parts per million, we risk changing our planet in a way never seen by humanity. We're currently over 400 ppm. The last time the Earth looked like this, camels lived near the North Pole and seas were at least 30 feet higher — at a level that would put many of the world's cities underwater, including New York and Miami.

Because of the Center's grassroots efforts, more than 70 cities around the country have passed resolutions calling on the EPA to use the Clean Air Act to urgently, ambitiously reduce greenhouse gas emissions. If the Mr. Obama is to provide the hope he promised to our children, he needs to start by asking the right question.



Photo by Thomas D. Mangelsen

Two-thirds of the world's polar bears could be extinct by 2050 if greenhouse gas-fueled global warming keeps melting their Arctic sea-ice habitat.

Bill Snape coordinates the Center's legal and policy work on endangered species, wilderness, and energy from Washington, DC.



In the Alaskan Wild

Fresh Water Lake Seals Threatened by Pebble Mine

Lying some 200 miles west of Anchorage in the heart of Alaska's Bristol Bay ecosystem, Lake Iliamna is a place of superlatives. Up to 48 million sockeye salmon — the largest runs in the world — spawn in this vast, beautiful lake, and locals whisper of a mysterious lake monster. The lake is also home to the only freshwater seal population in the United States: Iliamna Lake seals.

Until recently Iliamna Lake seals have lived the good life, gorging on fatty salmon during the summer and when winter comes hanging out near cracks in the lake ice (or possibly sheltered ice caves). These uniquely patterned seals, described as “fat” and “fishy-tasting” by Alaska natives, give birth to pups in mid-July, and young seals are raised on a diet rich in salmon, giving them ample reserves to survive the long winters.

Unfortunately, yet another superlative is found in the Iliamna Lake area — one of the world's largest deposits of gold, copper and molybdenum (the latter is used to make stainless steel). It's called “the Pebble” mine, 20 miles upstream from the lake. Foreign mining companies are in the early permitting stages of a plan to extract these metals by excavating a massive open-pit mine, with devastating repercussions on the wildlife and salmon of Lake Iliamna.

The Pebble mine would span some 32 square miles of pristine wilderness, requiring miles of roads and pipelines and suck more power than the entire city of Fairbanks, Alaska. Pebble would pro-

duce 7 to 10 billion tons of toxic tailings — 3,000 pounds for every person on Earth — which would have to be perpetually contained by an earthen dam 700 feet high and miles long.

Numerous studies show that Pebble would have devastating impacts — polluting streams, filling in wetlands, and disrupting the salmon runs that sustain both the wildlife and people of the region. An earthquake would release massive amounts of toxins into the Iliamna Lake watershed, destroying salmon habitat.

To protect Iliamna Lake's 300-plus seals from the combined threats of large-scale mining and climate change, the Center filed an Endangered Species Act petition in November 2012. Pebble developers immediately fought back, and submitted a 60-page line-by-line critique of the petition in an attempt to prove the Pebble mine would not harm the seals of Iliamna Lake. But the National Oceanic and Atmospheric Administration was not impressed: It issued a positive 90-day finding on our petition this spring, initiating a year-long status review that will determine whether the seals should be listed as threatened or endangered. That study must be completed by November 2013.

Somewhere out there, a lake monster is clapping.

Kiersten Lippmann is a Center biologist who works on Arctic and Alaskan issues from Anchorage.

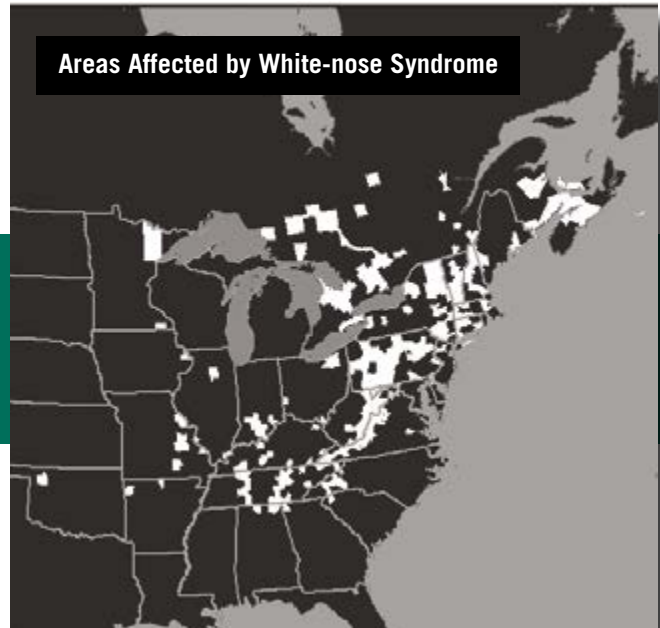


Aerial photos of Iliamna Lake seals courtesy of Dave Withrow / NOAA-National Marine Mammal Lab



The Bat Extinction Crisis

White-nose Syndrome Spreads North, South and West



Seven years after a mysterious white, fuzzy growth was first observed on hibernating bats in an upstate New York cave, the catastrophic wildlife disease dubbed “white-nose syndrome” has spread to 22 states and five Canadian provinces. The disease has killed nearly 7 million bats, spread across seven bat species, and has all but eliminated several of those species from large swaths of eastern North America.

This year biologists found white-nose syndrome for the first time in Georgia, South Carolina and Illinois. Scientists also confirmed this year that the disease-causing fungus, known as *Pseudogymnoascus destructans*, is present at low levels on bats and cave walls in Arkansas and Minnesota. (More sophisticated testing for the fungus is allowing researchers to identify fungal presence at earlier stages than in the past, so it may be several years before the disease itself shows up on bats in those two states — but it’s almost certain to strike.)

Meanwhile, amidst the barrage of ominous news about white-nose syndrome, federal land managers in the West have recently weakened protections for bats and cave ecosystems. This summer Forest Service officials in the Rocky Mountain Region — which includes Colorado, Wyoming and South Dakota — lifted a three-year cave closure originally put in place to reduce the risk of people bringing the deadly fungus to the West. The Center fought this policy change, but continued pressure from recreational cavers swayed the agency in favor of opening up most caves to the public. Our efforts did result in greater accountability in the new cave permitting system, but

the possibility remains that even one improperly decontaminated pair of boots could cause the premature introduction of the white-nose fungus into the western United States. Once the fungus is in the region, bats themselves will be able to spread it from cave to cave.

It’s clear that bats are the primary vector of the white-nose fungus, and eventually — because bats are mobile creatures and populations do intermingle — the disease will almost certainly move into the West. Some opponents of cave closures have seized on this as a justification for not taking all precautionary measures possible to avoid human transport of the fungus. Meanwhile, scientists are racing to find a viable means of curbing, if not curing, the illness before it strikes the West. The Center’s position is that because this malady is so devastating, we need to give bat populations every chance we can to remain disease-free as long as possible.

Further, wherever bats exist — whether they’re already affected by white-nose syndrome or not — we need to make sure that other threats, such as pesticides and habitat destruction, aren’t adding to their decline.

Mollie Matteson is a conservation advocate who leads the Center’s bat conservation campaign from Vermont.



10 Most Endangered Amphibians, Reptiles

In September the Center released a report on 10 of the nation's most vulnerable, least protected frogs, turtles, snakes and salamanders. Titled *Dying for Protection*, the report highlights species covered in a 2012 petition we filed seeking Endangered Species Act protections for 53 amphibians and reptiles — animals that are disappearing at an alarming rate. We can save them, but only if they're protected under the Act.



Known only from a 12-mile stretch of Virginia's Blue Ridge Mountains, **Peaks of Otter salamanders** have one of the most restricted ranges of any salamander in the United States and won't be able to move upslope as the climate warms.



Once widespread across the Southeast, **eastern gopher tortoises** have been reduced to small, isolated populations by rattlesnake hunters that destroy them in their holes, pine plantations, and sprawl.



Habitat destruction, disease, pollution and pesticides have driven **western pond turtles** out of Washington's lower Puget Sound, reduced them to two populations in the Columbia River Gorge, and left only 1 percent of past numbers in Oregon's Willamette Valley. In California the turtles' remnants are small and declining.



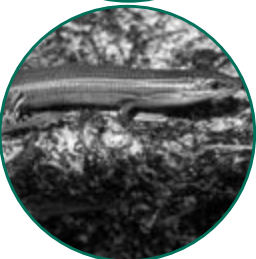
With the ongoing loss of their longleaf pine home, **Louisiana pine snakes** are likely already extinct in Texas, and fewer than 100 of the animals likely remain in Louisiana.



They once greeted visitors by the hundreds at California's high mountain lakes, but **mountain yellow-legged frogs** have declined by 90 percent because of exotic fish, pesticides, diseases and habitat loss.



Eastern hellbenders, North America's largest amphibians, are being driven toward extinction by dams and water pollution from sources like mountaintop-removal coal mining.



Florida Keys mole skink numbers have declined by up to 30 percent; these small lizards are threatened by development and sea-level rise.



Under threat from oil and gas drilling and herbicides sprayed to protect livestock, **dunes sagebrush lizards** cling to survival on small fragments of land in southeastern New Mexico and west Texas.



After extensive declines from collection, habitat loss, road mortality and intense predation on eggs and hatchlings, **Blanding's turtles** now only thrive in Minnesota and Nebraska.



Once common in the U.S. West, **boreal toads** have been devastated by a deadly fungus and the destruction of high-elevation streams and wetlands through pollution, recreation and livestock grazing.

Collette Adkins Giese is the Center's full-time staff attorney protecting rare amphibians and reptiles. She is located in Minnesota.



Oil Companies Caught Fracking California's Coastal Waters

Dozens of oil wells off California's coast have been fracked in recent years, according to new information uncovered by the Center — and, in fact, the state's Coastal Commission knew nothing about the dangerous technology being used in these wildlife-rich waters, home to loggerhead and green sea turtles, as well as the world's largest summer gathering of blue whales.

Revelations about offshore fracking come as state regulators and lawmakers grapple with the escalating use of fracking, which involves blasting huge volumes of chemical-laced water into the ground to shatter rocks and release oil and gas.

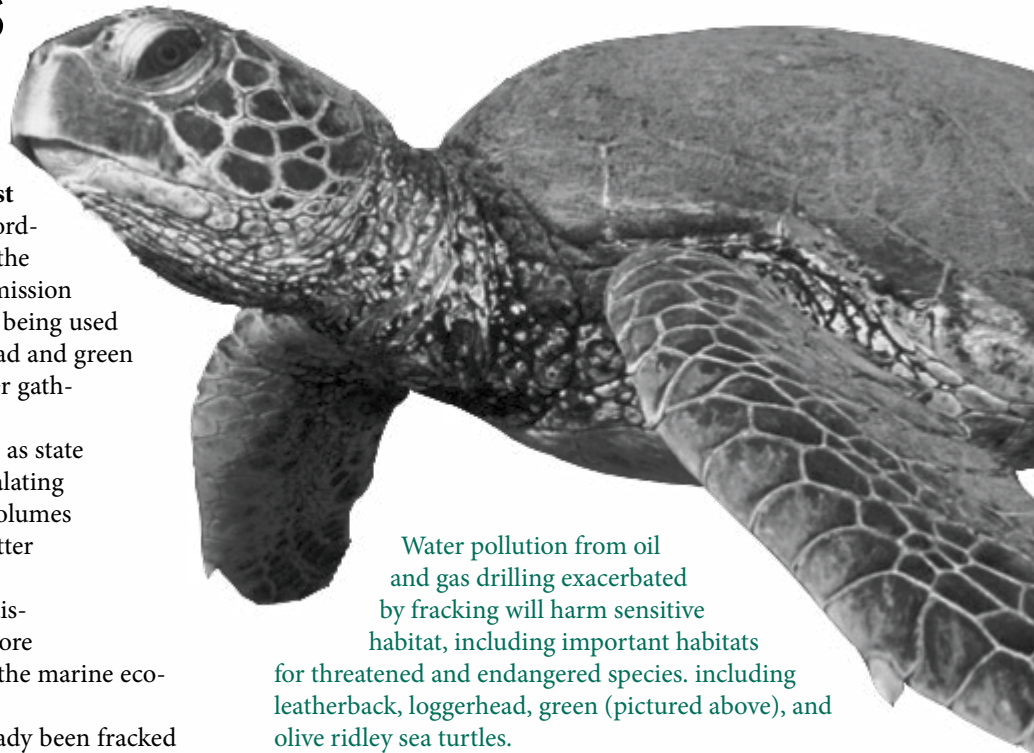
During offshore fracking, fluid is either discharged into the ocean or transported for onshore ground injection. At sea these chemicals enter the marine ecosystem and pose a threat to marine life.

On land, more than 1,000 wells have already been fracked across California without oversight by state oil and gas officials. The Center is fighting fracking — on both land and sea — in the state's legislature and courts.

Despite polls showing that most Californians want fracking stopped, industry recently persuaded Gov. Jerry Brown to sign a bill — Senate Bill 4 — that will do far too little to protect the state's air, water and climate from fracking pollution. Last-minute amendments, added after oil-industry lobbying, could block meaningful review of fracking under state environmental laws.

The good news: A de facto moratorium on fracking is already in place on federally managed public land in California, following a legal victory by the Center. After a federal judge ruled that the Obama administration violated the law by leasing California public land for oil development without considering fracking's risks, the Bureau of Land Management postponed all oil and gas lease sales in the state.

The BLM says it will develop a new “environmental impact statement” for fracking in Central California, along with a statewide study of the dangerous process. Further oil leasing is unlikely in the areas covered by the impact statement until its completion.



Water pollution from oil and gas drilling exacerbated by fracking will harm sensitive habitat, including important habitats for threatened and endangered species, including leatherback, loggerhead, green (pictured above), and olive ridley sea turtles.

One key danger of fracking is air pollution, as shown by a new Center analysis. Our “Dirty Dozen” report found that oil companies have used 12 dangerous “air toxic” chemicals more than 300 times in the Los Angeles Basin in recent months; chemicals that raise cancer risk and damage the lungs and eyes have been used in fracking, acidization and other unconventional oil production methods in the L.A. area.

But air pollution won't be the only problem made worse by fracking in the Golden State. Fracking also threatens wildlife and water quality and exacerbates climate change. That's why we'll keep fighting to halt fracking — not only in California but around the country.

Kassie Siegel is senior counsel and director of the Center's Climate Law Institute in San Francisco.





Photo by dalliedee / Flickr Commons

Flash Point: The Fight to Save America's Wolves

Wolf recovery has been an inspiring, if often complex, chapter in the 40-year history of the Endangered Species Act, a story — about an animal — that has captivated millions of Americans. Nearly wiped out in the lower 48 states by the early 20th century, wolves have slowly recovered — with federal help and the passion of many hundreds of thousands of advocates — to occupy 5 percent of their historic habitat.

But now, in a move opposed by many leading wolf researchers, President Obama's Interior Department plans to strip federal protections from nearly all wolves in the continental United States.

The Center, along with our allies around the country, have been fighting to ensure that these protections remain in place. Without them we'll be abandoning 40 years of work to recover wolves; we'll be slamming the door on the prospect of bringing these social

canines back to places like Colorado, Utah, California and the Northeast.

Center supporters have also come out in force to raise their voices to protect wolves. This year more than 75,000 people from our dedicated network of activists urged Congress, Jewell and the Obama administration to keep wolf protections. Activists took to the streets in Center-organized "Stand for Wolves" rallies in Washington, D.C.; Sacramento, Calif.; and New York City.

The proposal to remove protections will hand over wolf management over to state wildlife agencies across most of the country — a move that, so far, has meant widespread killing.

Following removal of protections for wolves in the northern Rocky Mountains and western Great Lakes in 2011, states in those regions quickly enacted aggressive hunting and trapping seasons designed to drastically reduce wolf populations. In the northern Rocky Mountains, more than 1,100 wolves have been killed since protections were removed. In Montana 6,000 permits were sold in September — despite the fact that only 625 wolves remain alive in the state.

To help save wolves visit us at BiologicalDiversity.org/wolves.

Nearly 100 Species Protected Under Landmark Agreement

On July 12, 2011, the Center struck a historic legal settlement with the U.S. Fish and Wildlife Service requiring the agency to make Endangered Species Act protection decisions on 757 species by 2018. So far 97 species have been protected under the agreement, and another 40 have been proposed for protection.

This summer alone we saw dozens of positive decisions, including finalized protection for the Mount Charleston blue butterfly, a species so rare that in a recent survey only 17 individuals were found. The Mount Charleston blue survives only in the Spring Mountains northwest of Las Vegas and is threatened by development, fire suppression and fuel reduction.

Austin blind and Jollyville Plateau salamanders also received full protection, along with 4,451 acres of newly designated "critical habitat" in Texas.

Our agreement also brought protection for the grotto sculpin — a rare cave- and stream-dwelling fish found only in Perry County, Mo. — and proposed protection for Oregon spotted frogs. The agency proposed to designate more than 68,000 acres and 24 stream miles as protected critical habitat for the frogs.

The red knot, a shorebird that migrates more than 9,000 miles from its South American wintering grounds in Tierra del Fuego to its Arctic breeding grounds in northern Canada, also received proposed protection from the agency.

Other species proposed for protection this year include the wolverine, greater sage grouse, Sierra Nevada frog, Yosemite toad, three Southeast flowers, two Washington plants, two Southwest snakes and the Webber's ivesia. The ivesia is a small, yellow flower in the rose family, found in California and Nevada, that only grows in soils that can take 1,000 years to form.

For more information, see BiologicalDiversity.org/757.

Over the past 25 years,
the Center for Biological Diversity
has helped save more than 500 species
and 220 million acres of wild habitat.

But there is still so much more
work to be done.



Make your tax-deductible gift today.

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A Wild Success

From the Director

Kieran Suckling

As a high school senior in Cape Cod, I signed up to help save Plymouth red-bellied turtles that — though they'd once been found in ponds and waterways across much of eastern Massachusetts — were in serious trouble.

To be honest, in 1982, saving the turtles seemed like a long shot. Two years before that, when they were awarded Endangered Species Act protection, fewer than 50 remained in the wild.

Still, we raised inch-long turtle hatchlings in captivity, fed them lettuce and vitamins, and then released them into the wild once they were big enough to have a fighting chance against great blue herons, skunks, raccoons and other predators.

At the time the Endangered Species Act was only nine years old. I never imagined the tremendous role it would play in saving hundreds of plants and animals over the next three decades (let alone the central role it would play in my own life).

The Endangered Species Act celebrates its 40th anniversary at the end of this year. It's a moment where every American should stop and celebrate the fact that this great law, well

known for saving bald eagles, grizzlies and wolves, has kept extinction at bay for a remarkable 99 percent of the more than 1,400 species entrusted to its care.

Years after my efforts to help save those struggling turtle hatchlings, I cofounded the Center for Biological Diversity. For almost a quarter-century now, our devoted staff has worked every day to save hundreds of our nation's most imperiled plants and animals.

We've helped get more than 500 animals and plants protected, along with more than 200 million acres of critical habitat.

The Endangered Species Act has done its job too:

- The California least tern, a shorebird that had dwindled to just 225 pairs when it was protected in 1970, today has more than 6,000 pairs.
- The black-footed ferret, once thought extinct throughout its range in the middle of the country, went from zero animals in the wild in 1991 to more than 1,400 in 2010.
- The Florida population of the Atlantic green sea turtle, listed as endangered in 1978, grew by 2,200 percent between 1989 and 2011.

And the future is looking brighter for Plymouth red-bellied turtles, too. There are now as many as 600 breeding-age individuals in the wild, in 20 separate ponds.

Of course, none of this happens in a vacuum. Thank you for all you've done to further this vital work. We couldn't do it without you.

Here's to another 40 years of wild success.

Endangered earth

is the membership newsletter of the Center for Biological Diversity. With the support of more than 625,000 members and supporters, the Center works through science, law and creative media to secure a future for all species, great or small, hovering on the brink of extinction. *Endangered Earth* is published three times yearly in January, July and October and printed on 100% post-consumer recycled paper with solvent-free vegetable-based inks.

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Russ McSpadden

COPYEDITING

Lydia Millet, Anna Mirocha

CONTRIBUTORS

Noah Greenwald, Collette Adkins Giese,
Mollie Matteson, Bill Snape, Kassie Siegel,
Kiersten Lippmann, Patrick Sullivan, Russ
McSpadden, Mike Stark, Kieran Suckling

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