

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATURAL RESOURCES DEFENSE COUNCIL,  
INC.; CENTER FOR BIOLOGICAL DIVERSITY;  
FRIENDS OF MINNESOTA SCIENTIFIC AND  
NATURAL AREAS,

*Plaintiffs,*

v.

UNITED STATES FISH AND WILDLIFE  
SERVICE, MARTHA WILLIAMS, in her official  
capacity as Principal Deputy Director of the  
U.S. Fish and Wildlife Service; UNITED STATES  
DEPARTMENT OF THE INTERIOR,

*Federal Defendants.*

Civ. No. 1:21-cv-00770-ABJ

**SUPPLEMENTAL DECLARATION OF THOMAS E. CASEY**

I, Thomas E. Casey, declare as follows:

1. I provided a declaration for submission to the Court in December 2021 discussing my concern that the U.S. Fish and Wildlife Service's (Service) failure to designate critical habitat for the rusty patched bumble bee is likely to harm my ability to view the bee.
2. I would like to supplement my declaration to express additional concerns about the effects of the Service's failure to designate critical habitat for the bee.
3. All statements in my prior declaration remain accurate.
4. As stated in my previous declaration, I plan to continue looking for the rusty patched bumble bee in parks in the Twin Cities area, including Gale Woods Farm and Carver Park Reserve (collectively, "the Parks"), and the Minnesota Valley National Wildlife Refuge ("the Refuge"). I have reviewed the U.S. Fish and Wildlife Service's Status Assessment, RPBB0190, and determined that each of these places is within Ecoregion 220.

5. I have not seen the bee in the Parks or the Refuge yet, but I believe it is likely that I could in the future. Not only are they within High and Low Potential Zones described by the Service on its website,<sup>1</sup> but I have seen that they contain a mixture of woods and leaf litter that is needed for overwintering queens, as well as a variety of flowering plants for foraging. Based on this information, I also think there is a good chance that these areas could be designated as critical habitat, if the Service were to reverse its Not-Prudent Decision.

6. In my prior declaration, I expressed my concern that actions at the Refuge, which are governed by the Service's management plan for the Refuge, are likely to harm the bee if critical habitat is not designated in this area. Since that time, I have seen a newly posted page on the Refuge website, attached as Exhibit A, which describes specific ongoing projects at the Refuge. These include: (a) replacement of a gas pipeline which will require heavy machinery to be brought into the park on Bluff Trail and removal of vegetation; (b) herbicide use and mowing intended to restore prairie habitat on the Rapids Lake property; and (c) landscaping activities at the Bloomington Education and Visitor Center. These actions seem like they have the potential to degrade the bee's habitat. I believe that, if critical habitat were designated for the rusty patched bumble bee in the Refuge, these and other similar actions would need to be analyzed for their potential impacts to the bee's habitat. This would make it more likely that they would be carried out in ways that prevent or minimize harm to that habitat. This, in turn, would increase my likelihood of seeing the bee in the Refuge.

7. I have seen other parks in the Twin Cities area fragmented by construction of new trails for mountain biking and other activities. I know that fragmentation continues to threaten the bee and I worry that planned projects at the Refuge will contribute to this threat.

---

<sup>1</sup> See <https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis/map>.

8. The Parks are adjacent to private lands with a mixture of residential development (including lawns), agriculture, and other uses. Gale Woods Farm is also an active farm where I have seen cultivation of alfalfa and hay. Based on conversations with Three Rivers Park District (the owners), I know that the farm is not organic, meaning they likely use pesticides. The Refuge is similarly adjacent to agriculture, urban development, and the Minnesota-St. Paul International Airport. There is even a catchment basin within the Refuge, where water runs off from the airport.

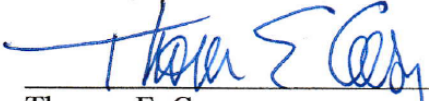
9. I have learned about neonicotinoid insecticides and the risks they pose to bees. I am also aware that the Service has identified pesticides, and specifically neonicotinoids, as a significant threat to the rusty patched bumble bee. I know that neonicotinoids have been approved for use on these agricultural, industrial, and residential areas within Minnesota. I also know that neonicotinoids are particularly good at contaminating the environment beyond the areas where they are applied. Although the Minnesota Department of Agriculture has developed voluntary “best management practices” concerning the use of neonicotinoids, it has not banned these pesticides. For these reasons, I believe it is likely that their use in and around the Parks, the Refuge, and other areas where I look for the bee reduces my ability to see the bee.

10. I am aware that the U.S. Environmental Protection Agency (EPA) is currently reviewing its approval of neonicotinoid insecticides under the Federal Insecticide Fungicide and Rodenticide Act. I also know that EPA’s review requires the Agency to consult with the Service regarding the effects of those pesticides on endangered species and their critical habitat, and that EPA can restrict uses of neonicotinoids to reduce their negative effects. I believe that if critical habitat were designated in or around the areas where I search for the bee, the added scope of review during the consultation process would make it more likely that EPA will impose

restrictions on neonicotinoid use in those areas. I also believe that any added restrictions on these bee-toxic insecticides would improve my chances of viewing the bee.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 11 day of April, 2022, in Mound, Minnesota.

  
\_\_\_\_\_  
Thomas E. Casey

## **Exhibit A**

U.S. Fish and Wildlife Service, Minnesota Valley Refuge- Construction and Maintenance Projects, <https://www.fws.gov/story/2021-12/minnesota-valley-refuge-construction-and-maintenance-projects> (Dec. 21, 2021)



Image Details (/media/163210)

# Minnesota Valley Refuge- Construction and Maintenance Projects

Dec 21, 2021

**F**ollow us on Facebook for the most current announcements.

## Bloomington Education and Visitor Center

Beginning in fall 2021, the Bloomington Education and Visitor Center will be temporarily closed for construction while it is renovated and reconfigured to house the Ecological Services Field Office (MN/WI) of the U.S. Fish and Wildlife Service as well as offices for Minnesota Valley National Wildlife Refuge. The two facilities will be co-located for greater efficiency of operation.

The project will add about 1,600 square feet of office space and conference rooms to the Bloomington building. It will also renovate about 3,200 square feet of the first and second floors. The renovation will include:

- converting storage space into offices and conference rooms,
- turning a garage into storage space,

adding a toilet,  
replacing exterior siding, and  
landscaping.

The contract to complete the architectural and engineering design for the building was awarded to LHB, Inc of Duluth, MN. This project is scheduled for completion in summer 2022. For further information, contact refuge manager Sarena Selbo at [Sarena\\_Selbo@fws.gov](mailto:Sarena_Selbo@fws.gov) (mailto:Sarena\_Selbo@fws.gov).

## **Long Meadow Lake Unit**

Starting in winter 2021, heavy equipment and construction crews will be present on Bluff Trail. Work crews are creating an easement to support a project for CenterPoint Energy. Trail will remain open. Project boundary signs and flaggers will be present along the trail during working hours. CenterPoint Energy Project Updates (<https://www.centerpointenergy.com/en-us/InYourCommunity/Pages/ConstructionZoneProjectSites/Bloomington-and-Burnsville-Nicollet-Line.aspx?sa=mn&au=res>).

## **Rapids Lake Unit**

### **Habitat restoration project**

The U.S. Fish and Wildlife Service, Minnesota DNR, and Minnesota Valley Lands are partnering to restore wildlife habitat on the Rapids Lake property south of Carver, Minnesota. Work includes restoration of prairie wildflower and oak savanna habitats, and will involve herbicide applications, native plant seeding, and occasional mowing.

## **Wilkie Unit**

### **Habitat restoration project**

Restoration of wetland habitats will take place 2020-2022 at the Wilkie Unit of Minnesota Valley National Wildlife Refuge. Work will include addition of water control structures and an earthen plug to manage water levels. These structures will provide the ability to adjust water levels to help plants grow and create quality feeding and resting habitat for waterfowl.

**NOTE:** The trail section under the Highway 169 bridge will be closed to all public access and pedestrian/cyclist use until further notice. For more information about the ongoing habitat restoration project within the Wilkie Unit [click here](#). All closures will be signed and marked on site. We apologize for the inconvenience to visitors in this area as we work to restore habitats for the future.

For project inquiries please contact: Tom Novak, Project Manager, U.S. Army Corps of Engineers, St. Paul District, 612.716.6542

---

Story Tags

**[BUILDINGS, FACILITIES AND STRUCTURES \(/TAXONOMY/TERM/4873\)](/TAXONOMY/TERM/4873)**

**[HABITAT RESTORATION \(/TAXONOMY/TERM/4949\)](/TAXONOMY/TERM/4949)**

**[MAINTENANCE \(/TAXONOMY/TERM/4974\)](/TAXONOMY/TERM/4974)**

**[WILDLIFE REFUGES \(/TAXONOMY/TERM/5102\)](/TAXONOMY/TERM/5102)**

**Published**

Dec 21, 2021

[Working Lands \(/news/working-lands\)](/news/working-lands)

**Facilities**

[Minnesota Valley National Wildlife Refuge \(/refuge/minnesota-valley\)](/refuge/minnesota-valley)

Want FWS news sent to your inbox?

---