

**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 JASON TAYLOR

I, Jason Taylor, in my individual capacity, 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. From my ongoing conservation efforts in the heavily agricultural state of Iowa, I am aware that widespread use of neonicotinoid insecticides presents a serious threat to bees and other wildlife. I know these pesticides are used in massive quantities on corn and soybean in the region, and that contamination is widespread; a study has even found neonicotinoids in treated tap water in Iowa City, Iowa. I also know, based on the Service's Status Assessment for the rusty

patched bumble bee, that the Service has identified use of neonicotinoid insecticides as a major threat to the bee.

4. As stated in my prior declaration, I have dedicated a significant amount of time in my personal and professional life to protecting and restoring habitat for the rusty patched bumble bee in Iowa. Specifically, as Executive Director of the Bur Oak Land Trust, I help to conserve and steward 13 properties to provide native prairie habitat for the rusty patched bumble bee and other species.¹ I also work to create and maintain bee-friendly habitat around my home, where I first identified a rusty patched bumble bee in 2018.

5. Many of the Land Trust's properties (including Hora Woods, Belgum Grove, Turkey Creek, and Big Grove), as well as my home, are within the High Potential Zones identified by the Service on its website.² All of the Land Trust properties provide suitable habitat for the bee. I have understood for a while now that prairie alone does not provide optimal habitat for populations of the bee. While prairies with lots of flowers are important in the summer, the queens often need wooded areas for nesting and overwintering. All of the Land Trust's properties have a mixture of both areas, so bee populations should be able to thrive. We are also constantly trying to improve these areas, for example, by removing invasive species, planting native shrubs, avoiding insecticide use, and using an herbicide application plan that eliminates overspray. For these reasons, I think there is a good chance that these areas would be designated as critical habitat if the Service reversed its Not-Prudent decision.

¹ The Bur Oak Land Trust has acquired an additional property since my previous declaration was filed.

² See <https://fws.maps.arcgis.com/apps/mapviewer/index.html?webmap=2716d871f88042a2a56b8001a1flacae>.

6. Many of the Land Trust's properties are surrounded by intensive agriculture. For example, Belgum Grove, a 40-acre Land Trust property where I have seen the rusty patched bumble bee in the past, is in the middle of vast expanses of corn and soybean production. Even though I have seen the bee on this property, I think it would be difficult for the bee population there to expand to other areas; to get to other suitable areas of habitat, members of the bee population would likely have to traverse pesticide-contaminated fields along the way, which would compromise their ability to survive and reproduce.

7. The Land Trust also recently acquired a 198-acre property in an area of Iowa where the rusty patched bumble bee has not, to my knowledge, been seen in a long time. I have not yet seen the bee there, but I hope to someday. That property is also surrounded by corn and soy fields.

8. I am aware that neonicotinoids are approved for use on corn and soy in Iowa, and that their use is widespread. I know that pesticides, including neonicotinoids, can spread from the fields where they are applied through aerial drift, planter dust, and runoff. It is frustrating to me that we can provide amazing islands of habitat for the rusty patched bumble bee, and yet grave threats to the bee are coming in from all the edges. These populations are threatened by pesticide use, and we have no control over pesticide use in neighboring areas.

9. 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 this is one of the only ways I can hope that my neighbors will stop using neonicotinoids. I also believe that

designating my properties or the surrounding areas as critical habitat would make it more likely that EPA will impose restrictions on use of neonicotinoids in this region.

10. I know that a lot of threats impact the bee. But I believe that reducing any of these threats, including pesticide use, by even a little bit will increase the likelihood that the bee will persist on my property and on Land Trust properties that it currently occupies. I also believe that doing so will increase the chances that the bee will colonize or recolonize Land Trust properties where it is not currently found.

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 1 day of April, 2022, in Iowa City, Iowa.

 4-1-2022

Jason Taylor