

**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

DECLARATION OF BRYAN P. NEWMAN

I, BRYAN P. NEWMAN, declare that if called as a witness in this action I would competently testify of my own personal knowledge as follows:

1. I submit this declaration in support of the Center for Biological Diversity's challenge to the U.S. Fish and Wildlife Service's refusal to designate critical habitat for the endangered rusty patched bumble bee.
2. I have been a member of the Center since June of 2016.
3. I live in Blaine, Minnesota, which is near where the rusty patched bumble bee has been found.
4. I am an amateur naturalist, and I look for insects and other wildlife wherever I go or travel.

5. I have strong aesthetic, recreational, and scientific interests in the rusty patched bumble bee. During summer, near my home in Blaine, Minnesota, I look for and observe bees on a weekly basis – and on some weeks, a daily basis. My partner and I have planted native prairie plants in our yard, including bee balm, which attract lots of bees. I have bee identification guides, and I know how to recognize the rusty patched bumble bee. We have wooded wetlands adjacent to our home and native prairie with lots of wildflowers, and I remain hopeful that someday I will see a rusty patched bumble bee in this bee habitat near my home.

6. I have done several “citizen science” surveys for bumble bees in the Twin Cities metropolitan area, where I have worked with scientific professionals to capture and identify numerous bee species.

7. In the summer of 2018, I walked along the shore of Como Lake in St. Paul, Minnesota, with the goal of seeing a rusty patched bumble bee, as I had heard that the species had been found near there. I was thrilled to find one as I observed dozens of bees of various species buzzing from flower to flower in this beautiful area. I pasted below my photograph of the bee.



8. With the 2017 Endangered Species Act listing of the rusty patched bumble bee, I began to learn about the precarious status of the bee and its threats, including the loss of its habitat.

9. In the spring, summer, and early fall of last year, I made several trips to Lone Lake Park in Minnetonka, Minnesota, where the rusty patched bumble bee lives. The purpose of the trips was to look for the endangered bees. While I saw and identified numerous bees, I did not find any rusty patched bumble bees.

10. Minnetonka is an outer-ring suburb and agricultural fields can be found in adjacent areas. My home is also in an outer-ring suburb and large agricultural fields can be found within just a few miles of my home. Pesticides used near the bees degrades their habitat and reduces their survival and recovery, as well as my ability to see them.

11. A couple years ago I learned that a population of rusty patched bumble bees lives in Noerenberg Memorial Gardens in Orono, Minnesota, so I drove there and looked for the bees. I am pretty sure that I spotted one of the endangered bees, but I was unable to capture a photo to confirm it. I'm concerned that pesticide use on nearby agricultural fields in Orono could also degrade their habitat and harm the bees.

12. I try to quickly identify any bee that I notice when I'm out and about and taking a walk. I will continue to look for the rusty patched bumble bee whenever I'm out walking and observing potential bee habitat such as patches of wildflowers.

13. If the bee were to make progress toward recovery, I would have hope of seeing the bee in additional areas, such as near my home. That would be a thrill for me.

14. I am harmed by the U.S. Fish and Wildlife Service's failure to designate critical habitat for the rusty patched bumble bee. Species with designated critical habitat have better

chances of survival and recovery. The rusty patched bumble bee already has lost much of its natural habitat and the bee, as well as the flowering plants it relies upon, are too often exposed to pesticides and other threats. Designation of critical habitat would further my interests in the bee and its conservation by requiring, among other things, that federal agencies consult with the U.S. Fish and Wildlife Service when they take actions that degrade bee habitat. This consultation could result in mitigation measures for these projects, such as commitments to restrict pesticide use or restore degraded bee habitats.

15. In summary, I have aesthetic and recreational interests in the preservation of rusty patched bumble bees and their habitats. These interests are being harmed by the U.S. Fish and Wildlife Service's failure to designate critical habitat. Specifically, if the Service would follow the law and designate critical habitat then the bee would be less likely to suffer further population declines and may even someday recover. If the bee suffers further declines or becomes extinct, this loss would deprive me of the benefits I currently enjoy from its existence. Designation of critical habitat and consultations with the U.S. Fish and Wildlife Service would result in protective measures, such as reducing impacts of pesticides on this species, which is important to ensure that my interests in the species are preserved and remain free from injury.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of September 2021, in Anoka County, Minnesota.


BRYAN P. NEWMAN