

**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 DAVID NOAH GREENWALD

I, DAVID NOAH GREENWALD, 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 am a member of the Center for Biological Diversity (the Center) and have been for more than 24 years. I have also been a Conservation Biologist with the Center, and I am now the Endangered Species Program Director. In this capacity, I have been responsible for reviewing the status of species and ecosystems, including the rusty patched bumble bee and the habitat upon which it depends.
3. The Center is a nonprofit corporation founded in 1989 with offices in Oregon, Washington, New Mexico, Arizona, Nevada, Washington D.C., Minnesota, Florida, North

Carolina, and California. The Center's mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health through creative media, science, policy, and the law. Based on the understanding that the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked, the Center is working to secure a future for animals and plants hovering on the brink of extinction, for the ecosystems they need to survive, and for a healthy, livable future.

4. The Center's activities include public education, advocacy, and litigation to enforce environmental laws. As part of its mission the Center works to enact, strengthen, and enforce the ESA, its regulations, its guidelines, and the species-specific decisions that protect endangered and threatened species and the ecosystems on which they depend.

5. The Center has over 89,000 members who are dedicated to the preservation, protection, and restoration of biodiversity, native species, ecosystems, and public lands in North America. The Center's members rely on the Center to defend the ESA and its implementing regulations to ensure that they continue to effectively protect imperiled species and to keep them informed of species-specific decisions that the Services take pursuant to the ESA. Many of the Center's members live, work, or recreate in areas occupied by the rusty patched bumble bee.

6. I was thus dismayed when the Service denied critical habitat protections to the rusty patched bumble bee.

7. I personally derive scientific, aesthetic, and spiritual benefits from the continued existence of the rusty patched bumble bee in the wild and from the habitats upon which it depends. A native of Minnesota, I use such habitats recreationally and professionally. I have visited areas presently occupied by the rusty patched bumble bee on two occasions and plan to again in the near future.

8. In September 2020, I twice visited Lone Lake Park in Minnesota to look for rusty-patched bumble bees. Lone Lake Park is a known location of the bee that the Center has worked to protect. In August 2020, the Center filed a notice of intent to sue the City of Minnetonka over planned mountain bike trails that threatened the bee and its habitat. Following the notice, the Center reached an agreement with the City that required monitoring for the bee, avoidance of disturbance of bees during construction, and restoration of habitat to mitigate for the trail. I did not find the bee when I visited the Park, but did view its habitat and observe construction of the mountain bike trails. I was greatly relieved to see that these trails were being constructed with care taken to avoid harming the bee.

9. I plan to continue to search for the rusty patched bumble bee at Lone Lake Park and elsewhere when I return to Minnesota to visit family, including during a visit I am planning during the spring or summer of 2022.

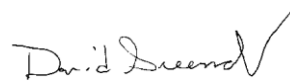
10. I would suffer professional, aesthetic, spiritual, and recreational injuries from the inability to observe and appreciate the rusty patched bumble bee in the wild. My knowledge and observation of the decline of the rusty patched bumble bee and the loss of its habitat has weighed on my mind and detracted from my enjoyment of areas in Minnesota and other areas within the bee's current and historic range.

11. My professional, aesthetic, spiritual, and recreational interests in the rusty patched bumble bee's existence in the wild are substantially injured by denial of critical habitat protections for the rusty patched bumble bee. Other members of the Center who enjoy observing the rusty patched bumble bee and its habitat or want to observe rusty patched bumble bee habitat are similarly injured by denial of protection. A court order requiring the U.S. Fish and Wildlife

Service to reconsider providing critical habitat protections for the rusty patched bumble bee would address these injuries.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of November, 2021, in Portland, Oregon,

A handwritten signature in cursive script that reads "David Noah Greenwald". The signature is written in black ink and includes a checkmark-like flourish at the end.

DAVID NOAH GREENWALD