



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

American Bumblebee/Endangered Species Act: Center for Biological Diversity Files Judicial Action Against U.S. Fish and Wildlife Service Alleging a Violation

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The Center for Biological Diversity (“CBD”) filed a citizen suit action in the United States District Court for the District of Arizona (“Court”) against the United States Fish and Wildlife Service (“Service”) alleging a violation of the Endangered Species Act (“ESA”).

CBD filed a Complaint for Declaratory and Injunctive Relief (“Complaint”) alleging a failure of the Service to take required actions on previously filed petitions requesting the listing of the following bumblebees:

- American bumblebee
- Southern Plains bumble
- Variable cuckoo bumblebee
- Blue calamintha bumblebee

Petitions previously submitted by CBD requested that the service list the bumblebees as either threatened or endangered species under the ESA.

The ESA requires that if the Service finds that substantial scientific or commercial information indicates that a petitioned ESA listing action may be warranted, that a decision must be undertaken within 12 months of the petitions’ receipt determining:

- Whether that action is warranted;
- Not warranted; or
- Warranted but precluded.

CBD alleges that the Service has failed to determine whether listing the bees was warranted, not warranted, or warranted but precluded within a year of the petitions’ receipt.

The Complaint requests that the Court order the Service to comply with the dates certain with ESA’s mandatory non-discretionary command to issue determinations on the petitions.

A copy of the Complaint can be downloaded [here](#).