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Lawsuit Targets California Permit for Clearcutting Endangered Marten Habitat

Clearcut Logging Increases Extinction Risk for Rare Carnivore

OAKLAND, *Calif.*— Conservationists today sued the California Department of Fish and Wildlife to challenge its “Safe Harbor Agreement” that would allow Green Diamond Resource Co. to harm state-endangered Humboldt martens by clearcutting the endangered animal’s habitat.

The lawsuit seeks to invalidate the agreement because it provides no net conservation benefit for martens. Fewer than 200 of the forest-dwelling carnivores survive in California, and clearcut logging is the primary threat to their recovery.

The suit was filed in Alameda County Superior Court by the Environmental Protection Information Center (EPIC) and the Center for Biological Diversity, both represented by Earthjustice.

“It is disheartening that the California Department of Fish and Wildlife has betrayed the best interests of the marten in order to appease the rich and powerful timber industry,” said Tom Wheeler, executive director of EPIC. “The permit will result in long term harm to the marten by allowing the same behavior that is causing the marten to go extinct: large-scale clearcut logging.”

Green Diamond is one of the largest timber companies in the marten’s current range and owns a key piece of land between the principal surviving population of martens and Redwood National and State Parks, an area key to their long-term survival.

“This weak agreement pushes the Humboldt marten toward extinction instead of increasing protection for the feisty little fluffball and its habitat,” said Tierra Curry, a senior scientist at the Center for Biological Diversity. “Even a progressive state like California would rather let the last truffle tree be cut than stand up to the timber industry.”

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The Humboldt marten was listed as endangered under the California Endangered Species Act in 2018, following a 2015 petition seeking state protection for the rare mammal, a relative of minks. During the delay in the state listing, the Department of Fish and Wildlife entered into the agreement with Green Diamond allowing ongoing clearcutting of marten habitat, against the recommendation of its own scientific experts.

Under California law, the agency can only issue a Safe Harbor Agreement if it finds that the activities covered would benefit the species, either by increasing population or by protecting habitat. Agency emails obtained through a California Public Records Act reveal that scientists determined the permit would harm marten habitat with only speculative benefit. But supervisors disregarded their own scientific experts and approved the permit.

“The Department of Fish and Wildlife has not upheld its duty under the law,” said Heather Lewis, attorney at Earthjustice. “Safe Harbor Agreements are supposed to protect and preserve endangered species, but this agreement undercuts state efforts to save the Humboldt marten.”

Martens have been wiped out from 93 percent of their range by logging and historic trapping. They require dense shrub underbrush characteristic of older forests, and are particularly sensitive to clearcut or “even-aged” logging, because it inhibits dispersal and increases predation risk.

Lands owned by Green Diamond Resource Co. were previously identified by the state as essential for habitat connectivity for the species. The permit would permit logging of identified marten habitat in exchange for minimal changes to Green Diamond’s logging practices and a promise to fund a new marten relocation study, the benefits of which are dubious.

Martens are proposed for protection under the federal Endangered Species Act, but the federal proposal also includes an exemption for the state-issued Safe Harbor Agreement.

[Photos](#) are available for media use.

The Environmental Protection Information Center (EPIC) advocates for science-based protection and restoration of Northwest California's forests, using an integrated, science-based approach, combining public education, citizen advocacy, and strategic litigation.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.4 million members and online activists dedicated to the protection of endangered species and wild places.

Earthjustice, the nation’s premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. Because the earth needs a good lawyer.