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International Edition

updated 1:19 a.m. EST, Fri December 12, 2008

Environmentalists blast changes to Endangered Species rules

STORY HIGHLIGHTS

- Bush administration changes
- Federal agencies won't need
- Environmental groups say ch

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From Erika Dimmler
CNN

TEXT SIZE

WASHINGTON (CNN) -- The Bush administration cleared the way Thursday for federal agencies to skip consultations with government scientists when embarking on projects that could impact endangered wildlife, the interior secretary said.



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Environmentalists are not happy with President Bush's changes to regulations of the Endangered Species Act.

The final regulations to the Endangered Species Act take effect before President Bush leaves office in January, but wildlife conservation groups say undoing the damage could take months.

"The responsibility to initiate consultation will still lie with the federal agency undertaking the action," Interior Secretary Dirk Kempthorne said, but if the agency in question can satisfy the requirement that no harm will come to an endangered species, then there is no need to consult with either the U.S. Fish and Wildlife Service or the National Marine Fisheries Services.

The determination of "no harm" will rest with agency bureaucrats instead of scientists, but the agencies can still seek the input of the scientists on a voluntary basis, Kempthorne said.

Developers and agencies with large projects have long sought a weakening of Endangered Species Act regulations, which they say delay their projects and add to costs.

Environmental groups contend that this change will take scientists and biologists who have protected [endangered species](#) completely out of the mix, leaving wildlife more vulnerable and harder to protect. They also say that more than 250,000 citizens voiced their opposition to the measure through the Web site [regulations.gov](#).

"The Department of Interior is ignoring the vast majority of the over 200,000 comments they got on this rule

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Obama overturns Bush endangered species rule

STORY HIGHLIGHTS

- Regulation made it easier to start projects without consulting scientists
- New ruling suspends regulation, pending a review
- Environmental groups applaud president's actions

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WASHINGTON (CNN) – President Obama on Tuesday overturned a last-minute Bush administration regulation that many environmentalists claim weakened the Endangered Species Act.



President Obama, with Interior Secretary Ken Salazar, marked the agency's 160th birthday Tuesday.

The regulation, issued a few weeks before George W. Bush left office, made it easier for federal agencies to skip consultations with government scientists before launching projects that could affect endangered wildlife.

By overturning the regulation, Obama said during an enthusiastic reception at the Interior Department, he had restored "the scientific process to its rightful place at the heart of the Endangered Species Act, a process undermined by past administrations."

Under the Bush administration rule, there was no need for a federal agency to consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Services if that agency determined that no harm would come to an endangered species as a result of its project.

But the determination of what "no harm" meant rested with agency bureaucrats instead of scientists.

Obama issued a memorandum that effectively suspends the regulation while ordering a review to determine whether it promotes "the purposes of the [Endangered Species Act]."

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"The work of scientists and experts in my administration, including right here in the Interior Department, will be respected," Obama said. "For more than three decades, the Endangered Species Act has successfully protected our nation's most threatened wildlife, and we should be looking for ways to improve it, not weaken it."

Environmental groups were quick to praise Obama's action.

"President Obama's announcement will allow [the Endangered Species Act] to do what it was intended: protect our nation's endangered plants and animals," said Andrew Wetzler, director of the Natural Resources Defense Council's Endangered Species Program.

"Reversing the Bush administration's midnight action will restore protections for our last wild places and species."

Obama also helped celebrate the 160th anniversary of the Interior Department on Tuesday.

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"Throughout our history, there's been a tension between those who've sought to conserve our natural resources for the benefit of future generations and those who have sought to profit from these resources," he told department employees.

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change-by moving forward. They are basically saying public be damned," said Andrew Wetzler, Director of the Natural Resources Defense Council's Endangered Species program.

The NRDC maintains that "absent court action, undoing this ruling could take months ... despite today's feel-good statements, we remain convinced that these changes are illegal."

The [National Wildlife Federation](#), also voicing strong opposition, said that "in the eleventh hour of his presidency, President Bush has rammed through a sweeping overhaul of the Endangered Species Act. This action eviscerates key protections that have helped safeguard and recover endangered fish, wildlife and plants for the past 35 years.'

But Chris Paolino, a spokesman for the Interior Department, said that the change is an "attempt to refocus the resources, time and manpower of both the U.S. Fish and Wildlife Federation and National Marine Fisheries to focus on those projects that have a measurable, adverse impact on endangered species."

President-elect Barack Obama has said he would work to reverse the changes, but since they go into effect before he takes office, his administration would have to reopen the rulemaking process.

Congress could also act to block the new regulations. [E-mail to a friend](#)  | [Mixx it](#) | [Share](#)

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President Bush loosened Endangered Species Act regulations , primarily to protect Republicans.

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Principal Voices.

updated 10:24 a.m. EST, Thu November 20, 2008

Bush set to relax endangered species rules

STORY HIGHLIGHTS

- Animals and plants in danger
- Rules must be published by F
- Bush administration admit int

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TEXT SIZE

WASHINGTON (AP) -- Animals and plants in danger of becoming extinct could lose the protection of government experts who make sure that dams, highways and other projects don't pose a threat, under regulations the Bush administration is set to put in place before President-elect Obama can reverse them.



GETTY IMAGES

The Bush administration wants to make changes to the endangered species rules.

The rules must be published Friday to take effect before Obama is sworn in Jan. 20. Otherwise, he can undo them with the stroke of a pen.

The Interior Department rushed to complete the rules in three months over the objections of lawmakers and environmentalists who argued that they would weaken how a landmark conservation law is applied.

A Nov. 12 version of the final rules obtained by the Associated Press has changed little from the original proposal, despite the more than 250,000 comments received since it was first proposed in August.

The rules eliminate the input of federal wildlife scientists in some endangered species cases, allowing the federal agency in charge of building,

authorizing or funding a project to determine for itself if it is likely to harm endangered wildlife and plants.

Current regulations require independent wildlife biologists to sign off on these decisions before a project can go forward, at times modifying the design to better protect species.

The regulations also bar federal agencies from assessing emissions of the gases blamed for global warming on species and habitats, a tactic environmentalists have tried to use to block new coal-fired power plants.

Tina Kreisher, an Interior Department spokeswoman, could not confirm whether the rule would be published

before the deadline, saying only that the White House was still reviewing it. But she said changes were being made based on the comments received.

"We started this; we want to finish this," said Kreisher.

If the rules go into effect before Obama takes office, they will be difficult to overturn since it would require the new administration to restart the rule-making process. Congress, however, could reverse the rules through the Congressional Review Act, a law that allows review of new federal regulations.

It's been used once in the last 12 years, but some Democratic lawmakers have said they may employ it to block the endangered species rules and other midnight regulations by the Bush administration.

Rep. Nick Rahall, chairman of the House Natural Resources Committee, said Wednesday that he and other Democrats were committed to "the change that is needed."

Drew Hammill, a spokesman for House Speaker Nancy Pelosi, said the House will be looking at ways to overturn the endangered species rules and other midnight regulations.

"The House, in consultation with the incoming administration and relevant committees, will review what oversight tools are at our disposal regarding this and other last minute attempts to inflict severe damage to the law in the waning moments of the Bush administration," Hammill said.

The Bush administration has made no secret of its intent to complete the endangered species changes quickly.

When the proposal was first announced in August, the public was initially given 30 days to comment. That period was later doubled after Democratic lawmakers pressed for more time.

Then, last month, the head of the endangered species program corralled 15 experts in Washington to sort through 200,000 comments in 32 hours.

"This is definitely lightning quick," said John Kostyack, executive director of the National Wildlife Federation's Wildlife Conservation and Global Warming initiative. "I would be surprised that they spent all this time rushing it through if it wasn't greased."

If successful, the Bush administration will accomplish through rules what conservative Republicans have been unable to achieve in Congress: ending some environmental reviews that developers and other federal agencies blame for delays and cost increases on many projects.

Supporters of the changes also expected it to be finalized later this week.

The Pacific Legal Foundation, which advocates for property rights, urged that the rules be approved.

"Litigious activists have used the Endangered Species Act to fight projects," Reed Hopper, the foundation's principal attorney, said in a statement. "The administration's current proposal is a step toward curbing these abuses." [E-mail to a friend](#) | [Mixx it](#) | [Share](#)

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updated 10:19 p.m. EDT, Mon August 11, 2008

Bush could weaken Endangered Species Act

STORY HIGHLIGHTS

- Bush wants federal agencies
- Changes would "seriously we
- New rules end reviews that d
- Similar bill passed in the Hou

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WASHINGTON (AP) -- Parts of the Endangered Species Act may soon be extinct.



AP PHOTO

An adult male Florida panther growls as he enters his new home at Big Cypress National Preserve in Florida.

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The Bush administration wants federal agencies to decide for themselves whether highways, dams, mines and other construction projects might harm endangered animals and plants.

New regulations, which don't require the approval of Congress, would reduce the mandatory, independent reviews government scientists have been performing for 35 years, according to a draft first obtained by The Associated Press.

Interior Secretary Dirk Kempthorne said late Monday the changes were needed to ensure that the Endangered Species Act would not be used as a "back door" to regulate the gases blamed for global warming. In May, the polar bear became the first species declared as threatened because of climate change. Warming temperatures are expected to melt the sea ice the bear depends on for survival.


The draft rules would bar federal agencies from assessing the emissions from projects that contribute to [global warming](#) and its effect on species and habitats.

"We need to focus our efforts where they will do the most good," Kempthorne said in a news conference organized quickly after AP reported details of the proposal. "It is important to use our time and resources to protect the most vulnerable species. It is not possible to draw a link between greenhouse gas emissions and distant observations of impacts on species."



If approved, the changes would represent the biggest overhaul of the [Endangered Species Act](#) since 1986. They would accomplish through regulations what conservative Republicans have been unable to achieve in Congress: ending some environmental reviews that developers and other federal agencies blame for delays and cost increases on many projects.

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The changes would apply to any project a federal agency would fund, build or authorize that might harm endangered wildlife and their habitat. Government wildlife experts currently perform tens of thousands of such reviews each year.  [See how the Endangered Species Act works today »](#)

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"If adopted, these changes would seriously weaken the safety net of habitat protections that we have relied upon to protect and recover endangered fish, wildlife and plants for the past 35 years," said John Kostyack, executive director of the National Wildlife Federation's Wildlife Conservation and Global Warming initiative.

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 [See photos of endangered animals »](#)

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Under current law, federal agencies must consult with experts at the Fish and Wildlife Service or the National Marine Fisheries Service to determine whether a project is likely to jeopardize any endangered species or to damage habitat, even if no harm seems likely. This initial review usually results in accommodations that better protect the 1,353 animals and plants in the United States listed as threatened or endangered and determines whether a more formal analysis is warranted.

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The Interior Department said such consultations are no longer necessary because federal agencies have developed expertise to review their own construction and development projects, according to the 30-page draft obtained by the AP.

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"We believe federal action agencies will err on the side of caution in making these determinations," the proposal said.

The director of the Fish and Wildlife Service, H. Dale Hall, said the changes would help focus expertise on "where we know we don't have a negative effect on the species but where the agency is vulnerable if we don't complete a consultation."

Responding to questions about the process, Hall said, "We will not do anything that leaves the public out of this process."

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The new rules were expected to be formally proposed immediately, officials said. They would be subject to a 60-day public comment period before being finalized by the Interior Department, giving the administration enough time to impose them before November's presidential election. A new administration could freeze any pending regulations or reverse them, a process that could take months. Congress could also overturn the rules through legislation, but that could take even longer.

The proposal was drafted largely by attorneys in the general counsel's offices of the Commerce Department's National Oceanic and Atmospheric Administration and the Interior Department, according to an official with the National Marine Fisheries Service, who spoke on condition of anonymity because the plan hadn't yet been circulated publicly. The two agencies' experts were not consulted until last week, the official said.

Between 1998 and 2002, the Fish and Wildlife Service conducted 300,000 consultations. The National Marine Fisheries Service, which evaluates projects affecting marine species, conducts about 1,300 reviews each year.

The reviews have helped safeguard protected species such as bald eagles, Florida panthers and whooping cranes. A federal government handbook from 1998 described the consultations as "some of the most valuable and powerful tools to conserve listed species."

In recent years, however, some federal agencies and private developers have complained that the process results in delays and increased construction costs.

"We have always had concerns with respect to the need for streamlining and making it a more efficient process," said Joe Nelson, a lawyer for the National Endangered Species Act Reform Coalition, a trade group for home builders and the paper and farming industry.

Sen. Barbara Boxer, D-California, chairwoman of the Environment and Public Works Committee, called the

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proposed changes illegal.

"This proposed regulation is another in a continuing stream of proposals to repeal our landmark environmental laws through the back door," she said. "If this proposed regulation had been in place, it would have undermined our ability to protect the bald eagle, the grizzly bear and the gray whale."

The Bush administration and Congress have attempted with mixed success to change the law.

In 2003, the administration imposed similar rules that would have allowed agencies to approve new pesticides and projects to reduce wildfire risks without asking the opinion of government scientists about whether threatened or endangered species and habitats might be affected. The pesticide rule was later overturned in court. The Interior Department, along with the Forest Service, is currently being sued over the rule governing wildfire prevention.

In 2005, the House passed a bill that would have made similar changes to the Endangered Species Act, but the bill died in the Senate.

The sponsor of that bill, then-House Resources chairman Richard Pombo, R-California, told the AP Monday that allowing agencies to judge for themselves the effects of a project will not harm species or habitat.

"There is no way they can rubber stamp everything because they will end up in court for every decision," he said.

But internal reviews by the National Marine Fisheries Service and Fish and Wildlife Service concluded that about half the unilateral evaluations by the Forest Service and Bureau of Land Management that determined wildfire prevention projects were unlikely to harm protected species were not legally or scientifically valid.

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Those had been permitted under the 2003 rule changes.

"This is the fox guarding the hen house. The interests of agencies will outweigh species protection interests," said Eric Glitzenstein, the attorney representing environmental groups in the lawsuit over the wildfire prevention regulations. "What they are talking about doing is eviscerating the Endangered Species Act."

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Of Foxes and Henhouses

President Bush wants to give more latitude to federal agencies to determine for themselves whether projects might harm endangered species. The author of the AP story doesn't understand what's going on: they write, in the lead, "Parts of the Endangered Species Act may soon be extinct." It's not true. They

Endangered species denials are reversed

Agency admits undue influence

By H. Josef Hebert

Associated Press

WASHINGTON | The U.S. Fish and Wildlife Service on Tuesday reversed seven rulings that denied endangered species increased protection, after an investigation found the actions were tainted by political pressure from a former senior Interior Department official.

In a letter to Rep. Nick Rahall, D-W.Va., the agency acknowledged that the actions had been "inappropriately influenced" and that "revising the seven identified decisions is supported by scientific evidence and the proper legal standards."

The reversal affects the protection for species including the white-tailed prairie dog, the Preble's meadow jumping mouse and the Canada lynx.

The rulings came under scrutiny last spring after an Interior Department inspector general concluded that agency scientists were being pressured to alter their findings on endangered species by Julie MacDonald, then a deputy assistant secretary overseeing the Fish and Wildlife Service.

MacDonald resigned her position last May.

Rahall in a statement said that MacDonald, who was a civil engineer, "should never have been allowed near the endangered species program."

He called MacDonald's involvement in species protection cases over her three-year tenure as an example of "this administration's penchant for torpedoing science."

Acting Fish and Wildlife Director Kenneth Stansell wrote Rahall that the cases were reviewed "after questions were raised about the integrity of scientific information used and whether the decisions were made consistent with the appropriate legal standards."

He did not refer to MacDonald specifically.

Francesca Grifo, of the Union of Concerned Scientists, said the acknowledgment of seven instances of wrongdoing "does not begin to plumb the depths of what's wrong" at the wildlife agency and its implementation

of the Endangered Species Act.

There are at least 30 cases "where we have evidence of interference" over the last seven years, maintained Grifo, director of the group's scientific integrity program.

Problems were found in seven of the eight cases taken up for review after MacDonald's resignation.

The wildlife agency said it will reconsider a petition to list as endangered the white-tailed prairie dog.

The petition had been denied, but the agency said after its investigation, "the Service believes this decision should be reconsidered."

It also said it will examine the continued listing of the Preble's meadow jumping mouse, as well as a separate ruling that had been made concerning the mouse's critical habitat.

The agency decision to take the mouse from under the protection of the Endangered Species Act was questioned after MacDonald's involvement became known.


Four other cases being reconsidered involved declarations of critical habitat for the Canada lynx, the Hawaiian picture-wing fly, the Arroyo toad and the California red-legged frog.

The agency said it did not find any scientific evidence to warrant changes in another questioned critical habitat decision involving the Southwestern willow flycatcher, saying it was "scientifically supportable."

MacDonald resigned in May after the Interior Department's inspector general rebuked her for pressuring wildfire agency scientists to alter their findings about endangered species and leaking information about species decisions to industry officials.

The IG found that she had broken federal rules by those actions.

In her three years on the job, MacDonald also was heavily involved in delisting the Sacramento splittail, a fish found only in California's Central Valley where she owned an 80-acre farm on which the fish live.

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Agency reverses endangered species rulings

- Story Highlights
- Seven rulings that denied increased protection for endangered species reversed
- Probe found the actions were tainted by political pressure
- Agency will reconsider a petition to list as endangered the white-tailed prairie dog
- Also reconsidered: Canada lynx, Hawaiian picture-wing fly, Arroyo toad

WASHINGTON (AP) -- The U.S. Fish and Wildlife Service on Tuesday reversed seven rulings that denied endangered species increased protection, after an investigation found the actions were tainted by political pressure from a former senior Interior Department official.

In a letter to Rep. Nick Rahall, D-West Virginia., the agency acknowledged that the actions had been "inappropriately influenced" and that "revising the seven identified decisions is supported by scientific evidence and the proper legal standards." The reversal affects the protection for species including the white-tailed prairie dog, the Preble's meadow jumping mouse and the Canada lynx.

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