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CONSERVANCY • SIERRA CLUB • UNION OF CONCERNED SCIENTISTS • THE
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April 9, 2009

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar:

We are writing to ask you to use your authority under the recently enacted Omnibus Appropriations Bill to withdraw two Endangered Species Act regulations put into effect by the Bush administration in its final days that substantially weaken protection for imperiled fish, wildlife and plants.

The Bush administration's re-write of the Section 7 consultation regulations largely dismantled a system of checks and balances that has provided an essential safety net for threatened and endangered plants and animals for more than two decades. The sweeping changes made to the scope and application of the Endangered Species Act were not based on any revisions to the law by Congress and were finalized in an effort so rushed that it made a mockery of the public review and comment process.

President Obama took an important interim step in reducing the adverse effects of the Bush administration Section 7 rules by issuing a memorandum on March 3, 2009, requesting that federal agencies immediately return to their prior longstanding consultation and concurrence practices involving the scientific experts at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. But the March 3 memorandum does not repeal the Bush Administration's eleventh-hour regulatory rewrite. Your withdrawal of these regulations would simply and immediately restore an interagency consultation process that functioned successfully for more than 20 years prior to January 15, 2009.

The polar bear special rule promulgated by the Bush administration under Section 4(d) of the Endangered Species Act also should be withdrawn. This rulemaking, which allowed public input only after an interim final regulation had already been put in place, ignored the Section 4(d) mandate to adopt all measures necessary for the recovery of threatened species and improperly exposed polar bears to harm by depriving them from the protection against take that normally is afforded to species listed as threatened. Your withdrawal of these regulations would expedite proposal of a new rule that addresses legitimate issues such as polar bear-human conflicts and does not bar consideration of the harm caused by activities that contribute to climate change impacts, which are the very ones responsible for the polar bear's imperiled status.

We hope that you will seize the opportunity Congress has provided to restore integrity to implementation of the Endangered Species Act and withdraw the Bush administration's ideologically driven regulations.

Sincerely,

Rebecca Wodder
President
American Rivers

John Flicker
President
National Audubon Society

John DeCock
President
Clean Water Action

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