

United States Senate
WASHINGTON, DC 20510

April 23, 2009

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240-0001

Dear Secretary Salazar:

Congress recently recognized the importance of the protections of the Endangered Species Act by providing you with authority to immediately lift two last-minute regulations issued by the Bush administration, both of which undermine these protections. One rule limits the protections for the habitat of the threatened polar bear, and the other undermines the checks and balances of the consultation process for all listed species, including the polar bear. We ask you to use the authority provided by the FY09 Appropriations Bill Section 429 to rescind both Bush rules.

The most severe threat to the polar bear is the loss of its habitat – the polar ice cap – on which it depends for hunting, resting, and breeding. Recent scientific studies by the U.S. Government indicate that the Arctic ecosystem may be completely ice free in the summer by 2037, and other studies have indicated it may be even sooner. Your predecessor, Dirk Kempthorne, admitted that melting ice in the Arctic is causing the decline of the polar bear and will continue to do so unless we take action. But the Bush rule precludes your agency from considering and addressing the very factors that are causing the ice to melt, including climate change. Many other species also rely on the arctic ice mass. After repealing the Bush special rule on the polar bear, you possess ample independent legal authority to issue a new rule that better protects the polar bear if you decide one is necessary.

Similarly, the Bush Interagency Consultation rule, hurried through the administrative process at the end of 2008, short-circuits the ability of experts at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service from considering and mitigating harm to listed species across the country.

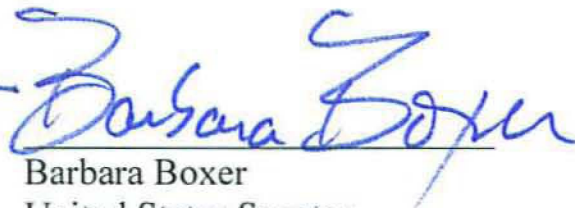
Despite the thousands of comments that were submitted from the public on this rule pointing out the many ways it could fail to protect species, the Bush Administration finalized it without significant change. We request that you revoke this flawed Bush rule.

As you know, the authority provided in the FY09 bill expires on May 9, 2009. We ask that you act quickly to rescind the Bush rules. Thank you for your attention to this important matter and your continued leadership on these issues.

Sincerely,



Dianne Feinstein
United States Senator



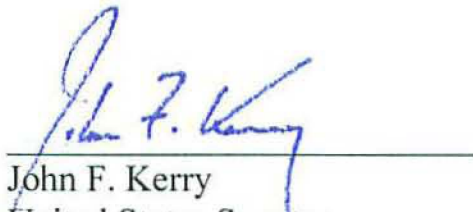
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