



## Editorials Opposing the Bush Administration's Proposed Weakening of the Endangered Species Act

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August 13, 2008  
Editorial

## **An Endangered Act**

The Bush administration has never masked its distaste for most environmental laws or its ambitions to thwart Congress's will. Now in its waning months, it is trying to undermine the Endangered Species Act.

This week, the interior secretary, Dirk Kempthorne, proposed a regulatory overhaul of the act that would eliminate the requirement for independent scientific reviews of any project that could harm an endangered species living on federal land.

Instead, federal agencies would decide on their own whether the projects — including construction of highways and dams — pose a threat and then move ahead if they determine there is no problem. Mr. Kempthorne called the changes “narrow.” If these changes are narrow, we hate to think of what he means by broad.

The new regulations would overturn one of the act's most fundamental provisions. Under current rules, federal agencies are required to submit their plans to either the Fish and Wildlife Service or the National Marine Fisheries Service.

This in effect gives scientists at those agencies the right to say no to any project or, as is most often the case, to require modifications if the project threatens an endangered species. Mr. Kempthorne would now effectively remove these agencies, whose job is to oversee the act, from the process.

The dangers of such “self-consultation” should be obvious.

The Bureau of Reclamation likes to build dams; the Department of Transportation likes to build highways. Protecting endangered species is not their priority. Other agencies, like the Office of Surface Mining or the Bureau of Land Management, have shown themselves far too vulnerable to pressure from the very industries, like mining, they are meant to regulate.

The Endangered Species Act has, on the whole, been successful in arresting the decline of many species that might otherwise have gone extinct. In cases like the bald eagle, it has helped restore the health of a species to a point where it can be removed from the endangered list. But many property owners and commercial interests, including developers and loggers, hate the act because, in their view, it unreasonably inflates costs.

The Bush administration has tried hard to accommodate their interests. It has gone to great lengths to circumnavigate the clear language of the law by rigging the science (in many cases ignoring their own scientists), negotiating settlements favorable to industry and simply refusing to obey court orders. This time, however, the administration means to rewrite the law itself, albeit through regulatory means.

There is now a 30-day comment period, after which the department is likely to issue a final rule. In 2006, courts struck down a similar if narrower effort to give the Environmental Protection Agency authority to approve pesticides without consulting with the Fish and Wildlife Service or National Marine Fisheries Service. Mr. Kempthorne's latest assault deserves a similar fate.

<http://www.nytimes.com/2008/08/13/opinion/13wed1.html>

# An endangered act

A new proposal would let all kinds of federal agencies make decisions about what species to protect.

August 14, 2008

The Bush administration has shown extraordinary disdain for the Endangered Species Act over the years, dragging its heels on listing some species ([polar bear](#), [sage grouse](#), [wolverine](#)) and removing vital protections for others ([gray wolf](#), [arroyo toad](#), [red-legged frog](#), [spotted owl](#)). Time after time, it has been pulled into court for flouting the law, and most of the time it has lost and been ordered to do its job.

But regard for endangered species hit a low point this week, when Interior Secretary Dirk Kempthorne proposed a regulatory change that would undermine not just case-by-case decision-making but the law's basic procedures. According to the proposal ([pdf](#)), federal agencies that wanted to start a new project -- a road, say, or a dam -- could decide on their own that it wouldn't harm an imperiled species, in which case they wouldn't have to consult with the wildlife biologists at the U.S. Fish and Wildlife Service or National Marine Fisheries Service who are the experts on these matters. Other agencies not only lack such expertise, they have a built-in conflict of interest. We wouldn't think of letting an oil company decide whether a new offshore rig might harm the ocean; we wouldn't allow a pharmaceutical company to market a new medication on its say-so that the drug is safe. Why would we let the Department of Transportation build a new road through the habitat of the California gnatcatcher because its engineers claim that the project would do no harm?

Under Kempthorne's proposal, a project could be halted or scaled down only if it was "reasonably certain" to harm endangered species; currently, scientists must show that damage is "reasonably foreseeable." The proposal also would make it harder for scientists to consider the cumulative effects of various projects.

Because of a 30-day public comment period, instead of the usual 60 or 90 days, the rule could be adopted and in place before the presidential election. Though it might well be overturned by Congress, the courts or perhaps a new administration, the process would take months, giving federal agencies the chance to push through their projects. That makes this proposal a particularly cynical move, designed for expediency, not good government.

**To get involved:** The public can comment, and view the comments of others, at [regulations.gov](http://www.regulations.gov).

<http://www.latimes.com/news/opinion/la-ed-species14-2008aug14.0.6167310.story>

# Owls of indignation

August 16, 2008

THE BUSH administration could have found no more galling way to flaunt its disregard for the environment. This week, the US Fish and Wildlife Service announced that it will slash by 23 percent the amount of land designated as critical habitat for the northern spotted owl under the Endangered Species Act. The announcement came one day after Interior Secretary Dirk Kempthorne essentially proposed gutting the act.

The administration, prodded by developers and loggers, wants to abolish rules requiring federal agencies to consult with government wildlife or marine scientists before roads, dams, mines, and other construction projects can be approved. Bush would allow agencies to decide for themselves what impacts their projects would have on wildlife. Environmental groups are already up in arms, and rightly so.

The slashing of spotted owl habitat proves the point. It comes despite reports that the population in the Pacific Northwest and northern California is declining by 4 percent a year because of several possible factors: logging, wildfires, possible inbreeding, and an invasion of competing barred owls. The Seattle Times reported this week that spotted owl nesting sites in Washington State have dropped by nearly half since 1994. The newspaper quoted US Geological Survey wildlife geneticist Susan Haig as saying, "I have not lost hope for spotted owls. But I think we're at a pretty serious crossroads."

The cut in spotted-owl habitat came after relentless industry pressure - the same pressure environmentalists fear will be commonplace if federal agencies are under no compunction to vet projects for species impact. In 2005, Weyerhaeuser, which recently settled a lawsuit with environmentalists over logging in spotted-owl habitat, was allowed to edit a draft letter from US Fish and Wildlife concerning the company's logging activities.

A year ago, a federally appointed panel of scientists from the Society for Conservation Biology and the American Ornithologists' Union said the Bush administration's plans to reduce spotted-owl habitat "failed to make use of the best available science and, in fact, appears to have selectively cited from the available science to justify a reduction in habitat protection."

Still, the Bush administration insists on giving the fox the keys to the henhouse. Congress, environmentalists, and anyone who cares about the protections achieved under the Endangered Species Act - from the bald eagle to wild daisies - should let Kempthorne know in the 30-day comment period that what he calls "common-sense modifications" is just capitulation.■

[http://www.boston.com/bostonglobe/editorial\\_opinion/editorials/articles/2008/08/16/owls\\_of\\_indignation/](http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2008/08/16/owls_of_indignation/)

## A slick species of rule change

Even though the Bush administration dislikes the 1973 Endangered Species Act, it has made no serious effort to rewrite the popular law in Congress. Instead, it has tried to achieve its goal by simply refusing to enforce the legislation.

So when government scientists decided that proposed projects had to be altered or stopped to protect an endangered species, administration officials would simply rewrite the scientific findings, an investigation by the Government Accountability Office found.

Federal courts have reached a similar conclusion. By one recent count, 78 cases have been filed, heard and settled in federal court since January 2001, claiming that the Bush administration had failed to abide by the Endangered Species Act. The administration has lost 77 of those cases, many heard by judges appointed by Republican presidents.

Now the administration is trying another means of gutting the law. It has proposed a rule change — "a narrow regulatory change," Interior Secretary Dirk Kempthorne calls it — that would strip government scientists of their role in reviewing federal projects for their impact on protected animals, birds, fish and reptiles.

If the change is implemented, federal agencies that propose projects would also determine whether those projects might endanger species protected by law. The concept of independent review by biologists at the Fish and Wildlife Service and National Marine Fisheries Service — a core concept of the Endangered Species Act since its passage — would disappear.

Kempthorne claims the change is being made in the name of efficiency. He has a point. If no government scientists review proposed federal projects, political appointees won't have to spend time and effort twisting the results of those reviews, and federal courts won't have to spend weeks of court time overturning decisions. But that's not how the law was designed to work.

— [Jay Bookman](#), for the editorial board

[http://www.ajc.com/opinion/content/opinion/stories/2008/08/13/endangered\\_species\\_act.html](http://www.ajc.com/opinion/content/opinion/stories/2008/08/13/endangered_species_act.html)

# Endangered species law in danger from Bush

Sunday, August 17, 2008

The countdown to January has begun, and the Bush administration is starting to roll out a long, foul list of last-minute policy changes. If its proposal to gut the Endangered Species Act is any indication of what it has in mind, we all have cause to be frightened of the next several months.

The proposal, which does not require congressional approval, would allow federal agencies to decide for themselves whether or not that highway, dam or mine they want to build would adversely impact any endangered species - instead of turning the matter over to independent government scientists in the Fish & Wildlife Service, the way that they've done for 35 years.

And if you don't think that the Department of Transportation or the Office of Surface Mining or any other federal department is more interested in getting its own projects done than in the fate of a rare fish or snake or bird, well, how much would you like to pay for that bridge that is going to destroy them?

What adds the insult to this injury is the rationale this administration has offered for these changes. Interior Secretary Dirk Kempthorne expressed the administration's concern that the Endangered Species Act in its current form might be acting as a "back door" for federal agencies to assess the impact of greenhouse-gas emissions on protected species and their habitats. He added that the agency needed to "focus" on where it could "do the most good."

Excuse us?

Federal agencies with the foresight to consider how greenhouse-gas emissions are affecting endangered species should be applauded and encouraged, not censored and shut down. Especially since so few of them have either the expertise or the inclination to consider the impact their projects have on endangered species - which is why those independent government science reviews came in handy.

According to Michael Bean, the director of wildlife conservation activities for the Environmental Defense Fund, tens of thousands of federal projects get scrutiny from the Fish & Wildlife Service every year. It's inconceivable that we'd receive the same level of oversight if we just left the job up to each agency. And that, of course, is the point - for years, the Bush administration has sought ways to undermine the review process for habitat and protected species. In its own way, this move is breathtakingly brilliant: It allows the Bush administration to gut a law without having to answer for it to Congress, or, it turns out, to the public.

Of course, the Bush administration got some help: It has since emerged that this regulation was written in the Department of the Interior's Solicitor's Office. That makes sense - the administration was more interested in the opinions of lawyers than those of scientists about the real-world impact that this proposal will have. Their lawyers had better have a good explanation as to why there will be no public hearings on this issue and why the Fish & Wildlife Service is no longer accepting e-mail from the public during this 30-day "public comment" period.

Sen. Barbara Boxer, D-Calif., and the chairwoman of the Environment and Public Works committee, called the proposed changes illegal. If the Bush administration manages to ram this through, we urge her to make sure that reversing it is one of her top priorities as soon as a new administration takes office.

Unfortunately, we fear that Boxer - and the rest of Congress - will have a lot to clean up once January comes around. If this proposal is any indication of what the Bush administration has in mind for its last-minute list, the next several months are going to bring a lot of pain for the environment, for animals, and for humans, too.

The Fish and Wildlife Service claims that you can still make your voice heard by going to the Federal Rulemaking Portal at [www.regulations.gov](http://www.regulations.gov).

This article appeared on page **G - 10** of the San Francisco Chronicle

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/16/EDRE129K2G.DTL>

Las Vegas Sun

Sun Editorial:

## **Protect endangered species**

### **Bush administration proposes changes that would gut successful law**

Thu, Aug 14, 2008 (2:05 a.m.)

The Bush administration won't come right out and say it, but it detests the Endangered Species Act. It views the 35-year-old federal law as a nuisance, something that gets in the way of highways, dams and parking lots.

On President Bush's list of national priorities, the protection of plants and animals is somewhere near the bottom.

That was made clear Monday when the administration, represented by Interior Secretary Dirk Kempthorne, proposed that enforcement of the law be left up to individual federal agencies. The way it is now, any plans, such as those for construction projects, must be reviewed by scientists and other experts at the federal Fish and Wildlife Service or the National Marine Fisheries Service.

The administration proposal would eliminate those independent reviews, allowing agencies instead to make those determinations on their own. The problem, of course, is that most other agencies don't have their own wildlife and habitat scientists. That's why we have a wildlife service and a fisheries service. After more than seven years in office President Bush still hasn't figured that out.

Independent scientific reviews as allowed under current law are there for a reason. If the law didn't exist, agencies under pressure to show results would simply rubber stamp projects. Wildlife and fisheries scientists help ensure that species aren't wiped out because of reckless development.

The Endangered Species Act has proved over time that there is room for both species preservation and development, despite gripes from developers that the law costs them money. But the Bush administration threatens to tilt that delicate balance too far in favor of construction projects. The agencies should not be allowed to trample on threatened and endangered plants and animals simply to meet project deadlines.

If the proposed administrative changes are allowed to take effect, the law will be in danger of becoming toothless. The result, undoubtedly, would be the extinction of countless species that are now just barely surviving.

<http://www.lasvegassun.com/news/2008/aug/14/protect-endangered-species/>

# Endangered law: Bush rule change ignores science - again

Tribune Editorial

Article Last Updated: 08/12/2008 08:47:00 PM MDT

It should come as no surprise.

The Bush administration has single-mindedly worked for years to undo this country's landmark environmental conservation measures. So a rule change to emasculate the 35-year-old Endangered Species Act probably was to be expected. After all, efforts by conservative members of Congress have been thwarted for years by thoughtful senators and representatives with more concern for the environment than for developers, private contractors and the oil industry.

As his presidency grinds to a close, Bush and his appointees are working overtime on roadblocks to prevent the United States from taking any steps to reduce the use of fossil fuels that might shrink Big Oil's bottom line. The changes they're proposing would block regulation of the greenhouse-gas emissions that are endangering plant and animal species by eliminating science as a consideration.

Under the new rules, for example, the Bureau of Reclamation could decide for itself whether a new dam posed a threat to fish, and the Transportation Department alone could determine whether a major highway threatened wildlife habitat. No longer would those agencies have to consult with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service who have expertise in this complex area of biology.

Bush has never let science get in the way of cronyism. On the critical issues of global warming, in particular, Bush's cohorts have soft-pedaled, ignored or simply edited out scientists' conclusions.

When the polar bear became the first species threatened by the effects of human-caused climate change, Interior Secretary Dirk Kempthorne took the unprecedented step of declaring the bear threatened, but also forbidding any requirements to reduce greenhouse-gas emissions, the primary cause of climate change, in order to protect the animal.

Besides eliminating all basic scientific recommendations, the rule change would extend the polar bear ruling to all species, barring federal agencies from even considering how CO2 emissions and their contribution to global warming impact species and habitat.

These execrable rule changes threaten the ESA, but they don't have to make it extinct. If the changes are approved by the agencies before Bush leaves office, a new president and Congress should act immediately to reverse them.



Seattle Post-Intelligencer

[http://seattlepi.nwsourc.com/opinion/374673\\_endangered.html](http://seattlepi.nwsourc.com/opinion/374673_endangered.html)

Last updated August 12, 2008 4:39 p.m. PT

## Endangered Species Act: Who needs laws?

SEATTLE POST-INTELLIGENCER EDITORIAL BOARD

How many ways are there to count down 159 days? Then, a better question might be how many shenanigans are ahead of us before the Bush administration exits?

It's hard to top this week's blunder: a trial balloon that would allow federal agencies to essentially waive the Endangered Species Act.

The logic behind the would-be rules works this way: Say the Department of Transportation wants to fund a highway. That agency would decide - without the help of scientists, say, at the National Marine Fisheries Service - that the project meets ESA standards. It's a smooth review, a done deal, so the highway could be built right away.

And if there's a potential impact on the climate? Well, the administration says that's an entirely different matter. Interior Secretary Dirk Kempthorne told The Associated Press, "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."

In other words: We didn't like the polar bear listing and want to make certain that it doesn't happen again.

Harrumph. Congress can - and should - halt any new ESA regulations immediately.

The real reason for this maneuver is that the Bush administration is an endangered species, of sorts. This is an attempt to change a federal law by regulation, knowing that the clock is ticking quickly. Or too slowly, depending on your perspective.

Oregonian

## One more endangered species

### **Sacrificing science on the altar of willful ignorance threatens more than an environmental law; it threatens we the people**

Wednesday, August 13, 2008

**The Oregonian**

The Endangered Species Act is far from our favorite thing. It is cumbersome, confusing and can hurt.

It should not, however, be kicked to the curb.

That's the approach being advocated this week by Dirk Kempthorne, secretary of the interior. The former governor of Idaho, no friend to the environment, is seeking to change the rules requiring federal agencies to consult with federal wildlife experts, aka their colleagues, before engaging in such activities as logging or leasing grazing land, building roads or sinking mines, that might harm listed species.

Make no mistake, what's going on here is way more than an administrative end-run around a recalcitrant Congress. It's the latest in a long series of White House efforts to exclude expertise, clearing a path for overtly political decisions.

This brand of willful ignorance is turning out to be the hallmark of the Bush administration.

We've seen exactly the same thing in the Justice Department, in FEMA, in NASA, in the field of women's health and, most shamefully of all, in the military.

As an approach to government, it's abhorrent, and we can't wait for it to end.

This latest obscurant assault is being driven by the administration's ongoing concern about the potential use of the Endangered Species Act as a legal lever to force limits on greenhouse gas emissions. We share the view that the act, now 35 years old, often is a clumsy tool, especially in trying to address global warming.

Its use in this arena is at best disingenuous. Often, it's plain dumb.

But what the act needs, and deserves, is an honest and thorough evaluation. A president who had not squandered all of his political capital could be leading exactly that.

Instead, what we have is a White House trying to embed its lopsided ideologies in federal regulations far and wide, affecting everything from birth control to logging, as the administration exits the political stage.

In the waning months of his woeful presidency, George W. Bush appears determined to add one more species to the endangered list -- us, as made manifest in the integrity of the full federal decision-making process.

Our next president will have to move quickly, and decisively, to restore credibility to the decisions made by departments that daily affect the lives, and the livelihoods, of every American. We can hardly wait for him to get started.

<http://www.oregonlive.com/editorials/oregonian/index.ssf?/base/editorial/1218601630133970.xml&coll=7>

# Don't cripple the law that protects endangered species

## THE ISSUE

The Bush administration wants to allow federal agencies to proceed with projects that might endanger plants and animals without permission from the Fish and Wildlife Service.

UNABLE to persuade Congress to disarm the Endangered Species Act, President Bush is proposing to weaken it by regulation. Any doubt that he can legally do so should spur Congress to toughen the law to prevent such impairment.

The proposal to change the rules comes three months after Interior Secretary Kirk Kempthorne announced his decision to list the polar bear as a threatened species under the act - threatened by global warming. The state of Alaska sued Kempthorne last week, contending that the listing could cripple oil and gas development.

The law protecting threatened and endangered species has not been significantly altered in more than 20 years, and the administration has asked for dramatic changes that would seriously weaken it. The proposed rule would no longer require completion of independent reviews by the Fish and Wildlife Service of plans that could pose risks to endangered animals and plants.

The present law requires Fish and Wildlife to inform agencies within 30 days of receiving a project proposal if it needs more information. Developers have complained that the question-and-answer process can go on for many months. Under the proposed rule, agencies could terminate consultation with Fish and Wildlife after 60 days if it has not yet acted on the proposal.

"It is important to use our time and resources to protect the most vulnerable species," Kempthorne said in announcing the rule proposal. "It is not possible to draw a link between greenhouse-gas emissions and distant observations of impacts on species." Federal review of the effect of those emissions on shrinking Arctic ice should not be reviewed, he added, "because it is not possible to link the emissions to impacts on specific listed species such as polar bears."

That is ridiculous. The effect of emissions on the warming of the Earth's atmosphere is widely accepted outside the White House. Fish and Wildlife experts are well-schooled to determine the effects of global warming on wildlife. The rules would put those decisions in the hands of agencies with no expertise on - or interest in - those issues.

Sen. Barbara Boxer, D-Calif., issued a statement saying the proposed rule change is "another in a continuing stream of proposals to repeal our landmark environmental laws through the back door." She added, "I believe it is illegal, and 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."

Action is needed in the courts and Congress to prevent the proposed rule change from taking effect.

<http://starbulletin.com/2008/08/16/editorial/editorial01.html>

## Editorial: The witching hour nears in Washington

### THE WHITE HOUSE DRAWS A BEAD ON ENVIRONMENTAL RULES IT DISLIKES

Published 12:00 am PDT Saturday, August 16, 2008

Story appeared in MAIN NEWS section, Page A16

As the sun sets on any White House, its occupants are inclined to engineer some midnight surprises.

These are administrative changes the president failed to enact earlier, either because of resistance by Congress or other political considerations. President Bush is now providing a preview of the kind of environmental rollbacks that will mark his final days in office.

Earlier this week, the administration unveiled a regulatory overhaul of the Endangered Species Act that undercuts the U.S. Fish and Wildlife Service.

Under current ESA procedures, the wildlife service gets to review plans by federal agencies that could affect imperiled animals and plants.

If the U.S. Bureau of Reclamation wants to build a dam or a canal, or if the Bureau of Indian Affairs wants to allow a coal-powered plant on tribal land, the wildlife service gets to conduct an initial screening.

If the service finds that the project could further endanger a listed species, it asks for more information.

That doesn't kill the project. But it prompts the responsible agency to find ways to minimize impacts or examine alternatives.

Bush wants to do away with that screening. For most federal projects, including dams and power plants, decisions on possible impacts to wildlife would be made by the federal agencies charged with building dams and power projects. That largely ensures that no impacts will be found, which apparently is the point.

History has shown that this initial screening has helped flag serious threats. Last year, for instance, the Fish and Wildlife Service slowed down construction of a coal-powered plant near Farmington, N.M., that could have harmed several species, including two endangered fish. The project, to be built on Navajo land, had been approved by the Bureau of Indian Affairs.

Although administration officials are touting this change as a way to free up the Fish and Wildlife Service to focus on the most critically endangered species, there are other ways to accomplish such a goal. Get ready for other midnight surprises. The clock is ticking on Bush's presidency, and right now, it's only 11 p.m.

<http://www.sacbee.com/110/story/1160997.html>

## **Bush aims to rewrite rules for endangered species**

### **New threat**

If nothing else, the Bush administration's proposed rewrite of Endangered Species Act regulations proves the devil is in the details.

Devilish is what these new details appear to be. Litigation is where they're bound. Rejection is what they deserve.

In brief, the regs discussed by Interior Secretary Dirk Kempthorne on Monday would give federal agencies much more latitude in deciding whether projects they handle could jeopardize endangered species or critical habitat. Agencies would be able to make the call on their own, without having to consult the experts in the US Fish and Wildlife Service or the National Marine Fisheries Service.

These regulations would also narrow the scope of formal consultations with those expert agencies, shorten the response time for consultation requests from 90 to 60 days, and narrow the criteria by which the two agencies could decide to require protective steps.

### **What's the purpose?**

Kempthorne says Interior wants to streamline the process and make it more timely, prevent the Endangered Species Act from becoming a "back door" to halt projects on the basis of global warming.

Background: Secretary Kempthorne was reluctantly dragged to the listing of polar bears as threatened by lawsuits, science and a breathtaking retreat of ice in the Arctic. The administration feared that listing the bear based on global warming could endanger any commercial or government project that increases greenhouse gas emissions, because the scientific consensus is that those emissions are a major contributor to warming.

Or, they feared such a listing because it could interfere with oil and gas leases in the Chuckchi Sea.

The listing was done, but the fears remain.

These regulations may stem from that fear. They not-so-subtly require a higher standard of proof for whether a project will harm an endangered species. Any such finding would require "clear and substantial" information to show that an effect is "reasonably certain to occur." And at the same time, the new Bush administration rules allow federal agencies more latitude to exclude other agencies' experts -- the very source most able to provide that "clear and substantial" information.

This is just wrongheaded.

The Endangered Species Act rarely gets in the way of development projects. For all the talk of snail darters and spotted owls, the vast majority of projects reviewed under the act get the green light. They may be modified, or remediation required, but they still go on. The act works, not perfectly, but it works. Species recover -- and most livelihoods endure.

While it's not clear exactly how much these regs would "eviscerate" the Endangered Species Act, as some environmentalists claim, this administration long ago gutted its own claims to straight shooting by putting ideology and partisanship ahead of science and honest debate. Revising regs in the dying days of this administration will bring lawsuits and possibly reversal in a new administration. Spare the trouble and expense.

The draft regulations are due out in the Federal Register late this week or early next. The public then has 30 days to comment. We hope Secretary Kempthorne hears a resounding no, and acts accordingly.

**BOTTOM LINE:** New regulations for the Endangered Species Act endanger the act.

<http://www.adn.com/opinion/view/story/493231.html>

# Editorial: Bush endangers rules protecting at-risk species

Mercury News Editorial

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The last year in office can bring out the best or worst in an American president. For President Bush it's the worst, as he maneuvers to circumvent Congress and gut the Endangered Species Act.

The president must not be allowed to achieve this dishonorable goal. And both Barack Obama and John McCain, vying to succeed him, should shore up their environmental credentials by pledging to undo any harm he is able to accomplish.

Bush's proposed rules would let federal agencies such as the Fish and Wildlife Service decide for themselves whether construction projects would harm endangered animals and plants. Bald eagles, grizzly bears and whooping cranes, beware. These agencies are not necessarily your friends.

Even if they wanted to be objective, the agencies in question don't have the expertise or independence needed for the kinds of analysis that independent scientists have been making for the past 35 years.

This assault on science can be stopped.

Congressional leaders should make it clear that if the president moves forward, they will pass laws countering the proposed regulations.

The environmental community should mount a campaign to keep the Interior Department from adopting the rules. Organizations should prepare to file lawsuits, since the rules ignore the spirit of the Endangered Species Act.

But the simplest approach would be for McCain and Obama to announce that they would reverse the rules when they take office Jan. 20.

That should discourage the president and his appointees from wasting time on this fight.

Developers have argued for years that the current laws are inflexible. They would especially like clarity on how the potential impact of climate change on plants and animals might affect project approvals. That's fair, but it's an issue best resolved by Congress, not by Bush appointees who don't value protecting species in the first place.

President Reagan gave 253 species protected status during eight years in office. Bush's father, serving just four years, listed 231. President Clinton protected 521 species in two terms. The current president has granted protection to only 59 species.

Americans generally understand the importance of preserving plants and animals endangered by human activity. Bush's people are not who we want setting the rules.

[http://www.mercurynews.com/opinion/ci\\_10199154](http://www.mercurynews.com/opinion/ci_10199154)

# OUR OPINION: McCain should thrash species-act rollback

Published Monday, August 18, 2008

Teddy Roosevelt would not be proud.

And John McCain should waste no time in pointing that out.

Presidential candidate McCain calls himself a "Teddy Roosevelt Republican" and often calls the 26th president his "ultimate hero." So, how would Roosevelt — the creator of five national parks and 18 national monuments — respond to the Bush administration's idea to hobble the Endangered Species Act?

He likely would reject the idea out of hand. "There can be no greater issue than that of conservation in this country," Roosevelt once said.

That's the kind of language McCain should use in denouncing the president's plan.

On Aug. 11, the Bush administration "proposed a regulatory overhaul of the Endangered Species Act to allow federal agencies to decide whether protected species would be imperiled by agency projects, eliminating the independent scientific reviews that have been required for more than three decades," the Washington Post reported.

"The new rules, which will be subject to a 30-day per comment period, would use administrative powers to make broad changes in the law that Congress has resisted for years.

"Under current law, agencies must subject any plans that potentially affect endangered animals and plants to an independent review by the Fish and Wildlife Service or the National Marine Fisheries Service. Under the proposed new rules, dam and highway construction and other federal projects could proceed without delay if the agency in charge decides they would not harm vulnerable species."

Notice that the proposal doesn't cut scientists out of the loop altogether. As administration supporters have pointed out, wildlife biologists still would get involved if a project is deemed to threaten endangered species.

The trouble is in the word "deemed," because if the proposal becomes law, the federal agencies themselves (rather than the scientists) get to decide which projects pose a threat.

That's too much power in the hands of bureaucrats whose funding depends on completing — not blocking — their own agency's projects. And the Bush administration knows it.

In part, the rule change also is meant to stop environmentalists from using the Endangered Species Act to fight climate change, said Dirk Kempthorne, secretary of the interior. For example, activists could use the "CO2 leads to global warming, which hurts polar bears in Alaska" argument to block power plants in the lower 48.

And Kempthorne has a point: Such an expansion of the act should first be passed by Congress. But so should the dramatic reduction of the act that Kempthorne himself is proposing.

Otherwise, such actions look too much like power grabs by people who couldn't get their policy implemented the old-fashioned way: by winning majorities in Congress and the signature of the president.

Sen. Barack Obama already has denounced the proposal. Good for him. But "a spokesman for Sen. John McCain, the Republican presidential nominee, said he had no comment on Bush's revisions," The Associated Press reported.

That's not what Americans expect from the driver of the Straight Talk Express — who, if he needs inspiration, should remember that Roosevelt's conservation ethic and tireless defense of the natural world are big reasons why TR's on Mt. Rushmore today.

— Tom Dennis for the Herald

[http://www.grandforksherald.com/articles/index.cfm?id=84484&section=Opinion&freebie\\_check&CFID=72057307&CFTOKEN=88402018&jsessionid=8830ac3eda4a23551c82](http://www.grandforksherald.com/articles/index.cfm?id=84484&section=Opinion&freebie_check&CFID=72057307&CFTOKEN=88402018&jsessionid=8830ac3eda4a23551c82)

## Endangered species to lose under new regs

Published Fri, Aug 15, 2008 12:00 AM

If a Bush administration measure to usurp a main tenet of the Environmental Protection Act wins and allows federal agencies to bypass scientific data when developing land in environmentally sensitive areas, endangered species in South Carolina and throughout the country will lose.

President Bush's proposal would let officials on federal projects decide for themselves whether their work would harm endangered species. As the Environmental Protection Act stands, the Fish and Wildlife Service or the National Marine Fisheries Service serve as a system of checks and balances for federal projects.

South Carolina ought to take heed.

The Palmetto State's federal lands are home to countless endangered and threatened species, such as the wood stork, which was pictured fishing from a Lady's Island tidal marsh on the front page of Thursday's Beaufort Gazette. Other species on the list of 41 endangered or threatened plants and animals include a variety of sea turtles, fish, whales, bald eagles, pumas and woodpeckers.

The results of the act, passed in 1969, are crystal clear in the American alligator population. In the 1960s, gators were nearly hunted to extinction in South Carolina. Today, more than 100,000 alligators roam the state's marshes, rivers and swamps, enough so that a new hunting season has opened.

While it's still too early to tell what impact Bush's measure would have locally, it's important to note that any federal project -- dredging, building groins, replacing bridges, laying down blacktop or augmenting military installations -- is subject to rigorous review and recommendation based on federal environmental scientists' data. To leave those endangered species in the hands of nonscientists is an

attempt to skirt environmental law for the sake of expediting projects.

South Carolina's tourism industry depends on a healthy portion of eco-tourism, which has grown exponentially over the years and continues to thrive. Much of what the state is known for, besides its beaches, are its natural habitats and abundant wildlife. Therefore, it's important to maintain the federal standards in place to ensure that those species and their futures are protected on federal land. South Carolina contains more than 1 million acres of federal land, and another million acres are state-owned. In Beaufort County more than 26,000 acres are federally owned.

If South Carolinians are as passionate about protecting their home as they claim to be, then when the federal government opens its 30-day comment period before its final ruling, our voices should be heard.

<http://www.beaufortgazette.com/opinions/story/522370.html>



# Endangered, indeed

First published: Monday, August 18, 2008

Here we thought we knew everything about what President Bush has done to our collective language. Yet it turns out that calling himself the Decider, inventing words like misundereestimate and assigning strange pronunciation to words like nuclear are just the beginning. The Bush administration has taken to such mischief as trying to have the endangered in Endangered Species Act apply more to the landmark environmental law itself than to any of the animals and plants it's supposed to protect.

It's almost Orwellian, come to think of it. Perhaps the President is better read than he's let on.

The White House wants to leave this parting gift to the environment. Federal agencies would be allowed to determine on their own whether highways, dams, mines and other construction projects might harm endangered animals and plants. That would be the end of the mandatory, independent reviews that government scientists have been performing for 35 years. The days of requiring other federal agencies to consult with the Fish and Wildlife Service or the National Marine Fisheries Service to determine whether a project might harm any of the 1,353 plants or animals protected by the Endangered Species Act would be over. And Congress wouldn't be able to do a thing about it.

Here's what that would mean, in the straightforward language of environmental lawyer Eric Glitzenstein, who specializes in fighting to protect threatened or endangered species and habitats from shortsighted environmental policies.

"This is the fox guarding the hen house. The interests of agencies will outweigh species protection interests."

What's particularly scary is what's behind all this tinkering with the Endangered Species Act. Interior Secretary Dirk Kempthorne is put off that the law was invoked earlier this year to declare the polar bear a threatened species because of global warming.

So what if increasingly warmer temperatures are what's melting the sea ice that polar bears need to survive? This administration has no patience for any implementation of the Endangered Species Act to regulate the greenhouse gas emissions that are largely responsible for global warming in the first place. It instead wants to ban federal agencies from assessing the impact that emissions from projects that contribute to global warming have on already threatened species and habitats.

"It is important to use our time and resources to protect the most vulnerable species," Mr. Kempthorne says. "It is not possible to draw a link between greenhouse gas emissions and distant observations of impacts on species."

Not possible. In clear and less cynical language, that would read more like "The Bush administration does not want to see any such connection between greenhouse gases and further damage to threatened and endangered species."

It's helpful to consider what such a rewriting of the Endangered Species Act would have meant for existing environmental laws. Sen. Barbara Boxer, D-Calif., chairwoman of the Environment and Public Works Committee, says the law, in such a watered down state, wouldn't have been able to save the bald eagle, the grizzly bear or the gray whale.

Is that what the Bush White House wants?

Let the President say so, then, in language everyone can understand ♦ if he dares.

THE ISSUE: White House policies threaten a landmark environmental law.

THE STAKES: The Endangered Species Act could be rendered almost meaningless.

<http://www.timesunion.com/AspStories/story.asp?storyID=712339&category=OPINION>

## Shredder is overheating in Bush's final months

Posted to: [Editorials Opinion](#)

The Virginian-Pilot

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Generally speaking, it is a very bad idea to enlist hungry foxes to guard the chickens, since they rarely have the birds' best interests at heart. In the waning days of this White House, doing so is called "streamlining," presumably because it gets food into the foxes faster.

The administration is hard at work in its last months gutting decades of environmental and wildlife regulation. That the moves defy both the legislative and judicial branches of the government is just a bonus.

According to the draft regulations, obtained by the Associated Press, the White House intends to allow federal agencies to skip an independent review designed to determine whether a project threatens animals or wildlife. Instead, the agencies would do the assessments themselves.

The whole reason that agencies were required to submit to such tests was because they weren't able to see beyond their own narrow interests - in building a dam, in locating a military base, in expanding a highway - to the larger public interest in protecting species.

The regulations, which don't require congressional approval, would amount to the biggest changes in endangered species law in decades.

The new rules would also forbid the federal government from considering the greenhouse gas emissions of a project in determining the effects on threatened species. That's nothing more than a backdoor attempt to circumvent the administration's own conclusion that global warming is killing polar bears.

The Endangered Species Act isn't the only environmental regulation the administration seems determined to leave in tatters.

According to Pilot writer Catherine Kozak, the National Marine Fisheries Service has proposed replacing environmental impact analyses and shortening public comment periods when developing or changing rules for fisheries management. The goal is to shut citizens out, or at least to mute their voices.

"They're throwing out 40 years of case law," said Sera Harold Drevenak, South Atlantic representative with the Marine Fish Conservation Network. "I don't see how it's making anything any simpler. To start over from scratch is ridiculous."

Or sublime, depending on your perspective.

Nobody advocates unnecessary regulation that masks a political agenda. But the administration seems bent on doing away with environmental regulation simply because it doesn't like the result, or the interpretation by regulators, Congress or the courts.

For eight years now, there have been plenty of hints that the Bush administration had no qualms about entrusting foxes with keys to the White House, as when the vice president encouraged oil companies to craft the nation's energy policy, or when politicians were encouraged to use the Justice Department to settle scores.

The effect of the White House push on the environment is likely to be measured largely by the time opponents will waste fighting them.

The resulting uncertainty will also paralyze precisely the projects the revisions were designed to speed, because whoever is elected next to guard the nation's henhouse will almost certainly change the rules yet again.

<http://hamptonroads.com/2008/08/shredder-overheating-bushs-final-months>

Bemidji Pioneer

## Pioneer Editorial: 11th-hour regs wrong for wildlife

Bemidji Pioneer Editorial Board

Published Thursday, August 14, 2008

Government regulations should be used to ensure fairness, protect the vulnerable and provide an orderly process of determining that an act doesn't harm the public health. It shouldn't stifle a free market economy or place burdensome barriers that deny one's livelihood.

President Bush, in an effort to streamline the permitting process for subdivisions, dams, highways and other such projects, on Monday proposed changes to the Endangered Species Act. Unfortunately, the proposal goes too far and swings the pendulum from a balanced approach to resource management and economic development to one of expediting development at the risk of causing extinction of plants and animals.

Currently, any project a federal agency would fund, build or authorize undergo a process to determine if the project is likely to harm endangered wildlife and their habitat. Government wildlife experts at the U.S. Fish and Wildlife Service or National Marine Fisheries Service conduct thousands of reviews each year. The Bush proposal would eliminate the need for scientific study, instead allowing the federal agency itself to determine such risks. And, agencies would be barred from considering a project's contribution to global warming in their analysis.

That is clearly the wrong direction, but a direction the Bush administration is only too familiar with following. Only wildlife experts can determine if an action will threaten a wildlife species or habitat, not an agency bureaucrat. Scientists need to make recommendations based on fact, not politics or business expediency. The White House's track record, however, suggests that we ignore the science and embrace the political winds — such as censoring scientific recommendations on global warming from the Environmental Protection Agency.

The president also proposes placing a 60-day deadline to evaluate a project if wildlife experts are asked to be involved, after which the project moves ahead if a decision is not made. We don't disagree with a reasonable deadline, as government needs to be prudent but forthright in making decisions and not drag out permit evaluations as it does, in some cases, for years.

But while government needs to go through the hoops quicker, it still must be thorough and complete, basing decisions on the facts. The proposed rules go too far, and may well cause the extinction of wildlife — something that is permanent and cannot be restored.

Such sweeping changes also come in the waning days of the Bush administration, and could take effect before the Nov. 4 election. The new administration could freeze any pending regulations or reverse them, a process that takes months.

That is a practice that both parties unfortunately use to enact burdensome regulations at the 11th hour. Democrat President Bill Clinton did the same, favoring environmentalists, by imposing roadless areas in national forests, which in essence affected the volume of timber that could be offered for harvest.

Imposing sweeping regulations in the last days was wrong then, just as it is today.

<http://www.bemidjipioneer.com/articles/index.cfm?id=17625&section=Opinion>

## Endangered Species Act endangered

Published: Saturday, August 16, 2008 4:35 AM EDT

The Bush administration seems to have misinterpreted the title of the Endangered Species Act. The law is meant to protect endangered species, rather than to endanger species.

Yet the administration, itself a lame duck, plans to eviscerate much of the law before leaving office by changing the regulations by which federal agencies enforce it.

Under the law, federal agencies overseeing development projects must submit, to the Fish and Wildlife Service or National Maritime Fisheries Service, any plan that affects an endangered species. The reason for that is simple: those agencies employ professional wildlife biologists who are capable of rendering science-based decisions on a project's likely impact on wildlife.

Under the proposed regulatory change, each federal agency would decide for itself whether projects it oversees would adversely affect wildlife. This, as one conservationist put it, pretty much defines the concept of the fox guarding the henhouse.

It is not difficult to determine Congress' intent in passing and maintaining the law. It wanted to protect endangered wildlife. It repeatedly has rejected the very sort of changes, by law, that the administration now seeks to make by regulation. If the administration succeeds, the American process for making laws itself will be an endangered species.

[http://www.thedailyreview.com/articles/2008/08/16/editorial/tw\\_review.20080816.a.pg4.tw16edit\\_s1.1883730\\_edi.txt](http://www.thedailyreview.com/articles/2008/08/16/editorial/tw_review.20080816.a.pg4.tw16edit_s1.1883730_edi.txt)