

Published April 10 2009

Local view: Don't weaken fish and wildlife's 'bill of rights'

The Endangered Species Act is the "bill of rights" for our nation's fish and wildlife. The act is a fundamental statement that we value other species and that they have the right to exist.

By: **Marc Fink**, Duluth News Tribune

The Endangered Species Act is the "bill of rights" for our nation's fish and wildlife. The act is a fundamental statement that we value other species and that they have the right to exist. If a fish or wildlife species is scientifically demonstrated to be endangered with extinction, it is listed as endangered under the act. The act then prohibits the killing or harming of endangered species, as well as adverse impacts to their critical habitat. The act also requires federal agencies to "consult" with the U.S. Fish and Wildlife Service to ensure its actions would not jeopardize endangered species or their habitats. These protections remain in place until the species are recovered and removed from the list of endangered species.

In the final days of the Bush administration, new regulations were issued to significantly weaken the Endangered Species Act in two key respects. First, the Bush regulations give the fox permission to guard the henhouse by allowing federal agencies to determine themselves when they must follow the common-sense "consultation" procedure. Federal agencies, such as the Army Corps of Engineers, whose primary interest is decidedly not endangered species, are thus allowed to evade consulting with independent scientists from the U.S. Fish and Wildlife Service over the impacts of projects with potentially severe consequences for endangered species. The Bush administration tested a similar policy in 2003 and found that when allowed to "self-consult" over timber sales, the Forest Service and Bureau of Land Management violated the Endangered Species Act nearly 70 percent of the time. Rather than scrap the program, however, the administration expanded it to all federal agencies.

Second, the new regulations reduce protections for endangered species by prohibiting the consideration of greenhouse gases, and potentially additional pollutants, during the consultation process. By 2050, nearly a third of the world's species could be committed to extinction if current levels of greenhouse gas emissions continue, according to recent scientific estimates. Climate change is already undeniably impacting endangered species, as more than half of the recovery plans for species issued in the past three years recognize global warming as a threat.

There is no legitimate reason why federal agencies should not consider ways to reduce their greenhouse gas emissions just as they consider other ways to reduce the impacts of their projects on endangered species.

On March 11, Congress passed an Omnibus Appropriations Bill giving new Secretary of the Interior Ken Salazar 60 days to revoke these Bush administration regulations. With the stroke of a pen, Secretary Salazar can rescind these midnight regulations and restore the long-standing protections to species whose very existence is at stake. But the secretary's authority to act expires May 9. Thereafter, reversing these regulations will be a much more arduous and time-

consuming process. The Obama administration should act quickly to remove the Bush regulations and reinstate this important check on federal activities.

Over the past 35 years, the Endangered Species Act has been an overwhelming success in protecting our nation's wildlife and preventing the extinction of 98 percent of all species designated as endangered. While more work is needed, the number of wolves roaming the north woods has steadily increased, and bald eagles are again common in much of Minnesota. With the growing awareness of climate change, along with continued habitat encroachment and degradation, now is not the time to weaken this "bill of rights" for our nation's fish and wildlife species.

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