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Block 'humbug' rules that imperil species in Maine

By Jym St. Pierre

For eight years the Bush administration consistently has demonstrated disdain for our natural heritage. Now comes the latest outrage.

The administration just finished new rules that endanger our most imperiled species. That means large holes will be torn in the legal safety net that protects the Canada lynx, piping plover, Atlantic salmon, and others of the more than 15 species in Maine listed as endangered or threatened under the national Endangered Species Act, or ESA.

We already have lost many species from human activities. Since European settlement, at least 14 species have been killed off or driven out of Maine. More are on the edge. According to the Maine Natural Areas Program, nearly one out of four native plants and nonmarine mammals in Maine are endangered, threatened, rare, of special concern, or already gone.

The new humbug rules would let a project proceed without any input from wildlife experts. This overturns a process that has been used by agencies for years.

Previously, when a federal agency evaluated new projects, such as highways or water projects, they consulted with the Fish and Wildlife Service or National Marine Fisheries Service about impacts the projects might have on endangered or threatened species. The scientists in those two agencies could then advise how a project may move forward with the least possible impact on vulnerable species.

Now, agencies such as the Army Corps of Engineers will decide for themselves, without consultation with the Fish and Wildlife Service or National Marine Fisheries Service, whether a proposed project would negatively affect listed species. Wildlife and marine biologists form the underpinnings of scientific integrity that support the Endangered Species Act. Removing them from the decision-making process erodes the very foundation of this crucial conservation law.

This hardly is the first assault on imperiled species by the Bush administration. In 2007, for instance, Julie MacDonald, a political appointee in the Department of Interior with no biological training, resigned after numerous breaches were exposed. She forced the agency's field staff to rewrite scientific analyses to exempt industries from endangered species listings. She leaked internal documents to lobbyists. She killed designation of critical habitat for Canada lynx in Maine after meetings with the Maine Forest Products Council and Plum Creek.

In short, a report by the inspector general of her own department documented that MacDonald had "bullied, insulted, and harassed the professional staff ... to change documents and alter biological

reporting.” When survival of a species or population is jeopardized, we should be relying on scientists who spend their lives study-ing wildlife, not on political hacks who have been appointed to government positions to undermine our laws.

Like the rest of the world, we are facing major shifts to our landscapes in Maine from climate change. The last-minute rules adopted by the Bush administration also codify an intent to ignore the impacts of climate shock on our fish, wildlife, and plants. They have exempted from the Endangered Species Act greenhouse gas emis-sions from coal-fired power plants, oil and gas drilling, and thousands of other harmful developments.

In addition to the threats to our flora and fauna, every resident should be alarmed about the undermining of democratic public process. The Department of the Interior received more than a quarter-million public comments on the rule changes. A mere 1 percent of the comments supported the Bush changes. But the agency rushed them through anyway, providing only 32 hours for the hundreds of thousands of comments to be processed in an attempt to finish these changes before the Obama administration begins on Jan. 20. That way they cannot be reversed by executive action.

Within minutes after President Bush announced the ESA rule changes on Dec. 11, several public interest organizations filed a lawsuit in federal court. However, there is a better way to fix this problem.

The rules could be could stopped through the Congressional Review Act. That law authorizes review and reversal of new federal regulations. Though it has been used sparingly — only once in the last dozen years — the situation is urgent. Maine’s congressional representatives have shown strong support for the ESA. They should take the lead now to block the bad endangered species rules by the outgoing Bush administration.

These rule changes are a reminder of the disdain for scientific expertise that has consistently characterized the Bush administration's efforts to dismantle many of our fundamental conservation programs. This parting shot is one type of change we can do without. Meanwhile, a change in leadership of those entrusted to administer our conservation programs cannot come soon enough.

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