

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0035
(916) 319-2035
FAX (916) 319-2135

DISTRICT OFFICES
101 W. ANAPAMU ST., SUITE A
SANTA BARBARA, CA 93101
(805) 564-1649
FAX (805) 564-1651

201 E. FOURTH ST., SUITE 209-A
OXNARD, CA 93030
(805) 483-9808
FAX (805) 483-8182

Assembly California Legislature



PEDRO NAVA
ASSEMBLYMEMBER, THIRTY-FIFTH DISTRICT

COMMITTEES
CHAIR, BANKING AND FINANCE
BUSINESS & PROFESSIONS
HEALTH
INSURANCE

CALIFORNIA OCEAN PROTECTION
COUNCIL
LITTLE HOOVER COMMISSION

April 23, 2009

The Honorable Ken Salazar
Secretary, U.S. Department of Interior
1849 C Street, N.W.
Washington DC 20240

The Honorable Gary Locke
Secretary, U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Salazar and Secretary Locke,

The U.S. Endangered Species Act (ESA) is our Nation's signature environmental law and one of the strongest tools we have to restore and protect our magnificent plant and wildlife heritage. The ESA has been our nation's safety net for species facing extinction since 1973 and it is one of the strongest legal tools for confronting the growing impacts of global warming. For nearly four decades the ESA has protected species and ecosystems in California and throughout the nation.

This letter is to request that you act quickly to rescind two environmentally regressive and irresponsible rules hurried through the administrative process at the end of the Bush Administration and discussed below.

The U.S. Congress recently recognized the importance of the protections of the ESA by providing you with authority to immediately lift two of the regressive regulation changes issued by the Bush Administration, both of which undermine important protections. The first rule undermines the checks and balances of the inter-agency consultation process which requires that all federal agencies consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on the impact of their actions on species listed under the Act. The second rule limits the protections for the habitat of the polar bear, listed as "threatened" by the Bush Administration. We ask you to use your authority provided by the FY09 Appropriations Bill Section 429 to rescind both Bush rules by May 9, 2009.¹

The first rule, the interagency consultation rule, short-circuits the ability of experts at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to consider and mitigate harm to listed species across the country. The Bush Administration finalized this rule in December 2008, despite hundreds of thousands of comments submitted by the public pointing

¹ This letter is directed to both Secretary Salazar and Secretary Locke, as the Department of Interior and the Department of Commerce both have authority over the inter-agency consultation rule. However, the comments regarding the polar bear listing rule are directed solely to Secretary Salazar, as the polar bear listing is entirely under the authority of the Department of Interior.



out the many ways this rule would fail to protect endangered species, and despite opposition from 80 professors of environmental law, a broad coalition of more than 100 conservation organizations throughout the country, and the California Attorney General. Prior to the Bush's changes, ESA rightly recognized that the best people to oversee government decisions that may negatively affect endangered species and their habitats are the biologists with expertise in wildlife and ecological sciences.

The second rule reduces protections to the polar bear from greenhouse gas emissions and global warming. The polar bear is imperiled because its habitat – the polar ice cap – on which it depends for hunting, resting, and breeding, is literally melting beneath its feet. 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. In listing the polar bear, then Secretary of Interior 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 blocks the U.S. Fish and Wildlife Service from considering and addressing the very factors that are causing the ice to melt, including climate change. In addition, the U.S. Environmental Protection Agency has recently ruled that greenhouse gas emissions endanger human health and welfare and numerous studies have shown that climate change will like lead to increased species extinction in the U.S. and across the globe. Considering climate change impacts on species would be consistent with these findings.

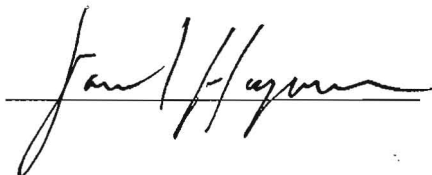
As you know, the authority provided in the FY09 bill expires on May 9, 2009. We ask that you act quickly to rescind the Bush rules. The people and the state of California cherish our wildlife and natural habitats, and we are committed to protecting our natural heritage and imperilled species from the impacts of climate change.

Last year, the California State Legislature adopted A.J.R. 41 (Lieu), a joint resolution calling on the U.S. Fish and Wildlife Service to move forward on efforts to provide federal Endangered Species Act protections for the polar bear. We urge you to continue that effort and restore full protections to the polar bear and all wildlife threatened by climate change. Thank you for your attention to this important matter and your continued leadership on these issues.

Thank you for your consideration of this matter,



Pedro Nava
Assemblymember 35th District



Sam R. Green

Tom Tolch

Carol Sue

Nancy Skinner

Joan Buchanan

Christine Kehoe

Joe Cote

Anthony Portanku

L. R. L.

Jerry

Mario J. J. J.

Bob Plumerfield

Patricia Higgins

Jim Beall Jr

John Camo

Anna M. O'Connell

Jim

Nora E.

Lori Hancock

Laura

Lori Saldana

My

Ellen Corbett

Mike E.

Romanino

W. J. C.

Paul J.

Alex Padella

Mary Salas

[Signature]

David J. P.