



Obama Restoring Endangered Species Act Provision

By Juliet Eilperin
March 3, 2009

Today President Obama will restore rules requiring U.S. agencies consult with independent federal experts to determine if their actions might harm threatened and endangered species, according to an administration official who asked not to be identified, marking yet another reversal of President Bush's environmental legacy.

In December 2008, the Bush administration changed a longstanding practice under the Endangered Species Act by issuing rules that allowed agencies to move ahead with projects and programs without seeking an independent review by either the Fish and Wildlife Service or the National Oceanic and Atmospheric Administration. Environmentalists and scientists said this shift could allow agencies to press ahead with plans that could hurt already-vulnerable species across the country.

Today Obama will issue a presidential memorandum, an administration official said, that will direct departments to yet again consult with the two agencies on decisions that could affect imperiled plants and animals "while the Interior and Commerce Departments review the Bush rulemaking."

The move, the official said, "will restore the status quo ante and allow the Interior and Commerce Departments to determine whether a new rule should be promulgated that will again codify the longstanding consultation practice under the" Endangered Species Act.

House Natural Resources Committee Chairman Nick J. Rahall (D-W.V.), who had decried the Bush rule and had been trying to reverse it through the legislative process, hailed Obama's decision.

"I wholeheartedly support the president's proposal to restore the protections for endangered species that the Bush administration spent so many years trying to undermine," Rahall said in an interview. "It is one more indication that the new administration truly represents change for the better and is committed to the protection of our natural resources and our environment. I think we know who would have been the winner in this fox guarding the hen house scenario advanced by the Bush administration, and it would not be the hens."

Obama is scheduled to visit the Interior Department this afternoon, to commemorate the agency's 160th anniversary.

Kieran Suckling, executive director of the Center for Biological Diversity, said the memorandum would have a tremendous impact.

"Endangered species are breathing a deep sigh of relief today," Suckling said. "The consultation process is the heart of the Endangered Species Act power. By reversing Bush's attempt to deregulate the consultation process, Obama restored oversight and balance and has given endangered species a good fighting chance of survival."