

FREEZE TAG FOR THE WEST

Obama Halts Regulations on Wolves, Oil Shale and Guns in Parks

Obama's first actions could mean new directions for wolves, guns and public lands in the West.

By David Frey, 1-21-09

It took just hours for the Obama administration to take action that could have sweeping effects on the western landscape. Shortly after Obama took office, his chief of staff issued a freeze on so-called "midnight rules" put in place by the outgoing Bush administration to give the new administration a chance to review them.



National Park Photo.

Those last-minute Bush regulations include plans to remove the wolf from the endangered species list, expand a controversial oil shale program, lift the ban on guns in national parks and weaken the Endangered Species Act and protections for Interior Department lands.

The freeze, which puts on hold any regulation not already published in the Federal Register, has been welcomed by environmentalists, among others, who hope the Obama administration will roll back some of the controversial parting shots from the Bush administration.

"What Obama has just done is a message of hope and change to the environmental community," says Michael A. Francis, deputy vice president, public policy, for The Wilderness Society, who says his organization is still trying to figure out what the freeze will mean.

Tuesday's memo from Chief of Staff Rahm Emanuel calls for a withdrawal of any regulation yet to be published, a ban on new regulations and a request that departments wait 60 days to implement any regulations that have been published and reopen public comment periods.

"It is important that President Obama's appointees and designees have the opportunity to review and approve any new or pending regulations," Emanuel wrote to federal departments and agencies.

Environmentalists are still trying to sort through the impact of Emanuel's memo, and what it will mean to have Ken Salazar, the new Interior chief plucked from his seat as a senator from Colorado, examining rules governing the Endangered Species Act and Bureau of Land Management. Conservationists were divided over the choice of Salazar for the top Interior seat.

"We are still waiting to find out what all those impacts are going to be," says Frank Smith, with Western Colorado Congress, a group that has opposed plans to speed oil shale development in the region. "I might venture a guess that even the incoming administration isn't quite sure."

Wolf advocates are hopeful the measure will scuttle Bush administration plans to remove the gray wolf from the endangered species list in states including Montana, Idaho and portions of Washington, Oregon and Utah.

"We're glad that a fresh set of eyes will look at it," says Michael Robinson, conservation advocate for the Center for Biological Diversity, which advocates for wolf reintroduction. "If they're looking at it through

the prism of the Endangered Species Act and scientific findings that have been made rather than politics I think they would have come to a very different conclusion.”

The Bush administration had tried twice before to delist the gray wolf but was blocked by lawsuits and court orders. In the latest move, the Interior Department ruled wolves had recovered enough in the northern Rockies to be taken off the list, although they were kept on in Wyoming, where no state management plan has been passed to protect them.

“We are not going to second guess what [the Obama administration] may or may not do going forward,” said Jon Hainan, spokesman for Idaho Gov. Butch Otter, who supported the delisting. “We look forward to working with our congressional delegation and the Obama administration to explain the importance of delisting and why this process should continue.”

Wolf advocates have argued that the fate of the wolf is still too tenuous, even in states where they have thrived, to be taken off the list.

“It doesn’t make sense, biologically or legally, to delist it piecemeal without a national wolf recovery plan that has standards for how many wolves in what distribution in a good portion of their range would be needed to ensure the wolf will survive in the long run and be viable,” says Robinson, who would like to see wolf recovery extended to other states, including Colorado and Utah.

The impacts may extend beyond wolves. Oil shale critics are hopeful Obama’s regulation freeze could mean a rethinking of plans to lease 2 million acres of western lands for experiments in the controversial energy source, which they fear could mean major impacts on the region’s air, water and landscape. Salazar has been among its skeptics.

“We’re waiting to see what the new administration feels it can do,” Smith said. “They’re still trying to get a grasp on the situation as a whole, still trying to find footholds legally and otherwise to justify a reevaluation.”

It’s not unusual for an outgoing president to issue a flurry of eleventh-hour regulations, or for his successor to try to undo them. Among President Clinton’s final moves was a measure to protect road less areas. Bush sought to slip in about two dozen rules, hoping to have them published before Obama could block them.

One lifted the 25-year-old gun ban in national parks. Changes to the Endangered Species Act would have let public land managers approve projects without considering impacts to endangered species and would have barred global warming from being considered in species decisions. One measure would have stripped requirements for emergency protections on sensitive Interior lands threatened by development.

Other proposed regulations would have exempted factory farms from air pollution reporting, allowed for the burning of hazardous waste and permitted mountaintop mining companies to dump the waste in rivers.

The freeze on those regulations comes as Salazar takes the helm of Interior, a department fraught with scandals. Salazar was confirmed on Tuesday, pledging “openness in decision-making, high ethical standards and respect for scientific integrity,” and promising to “work for a more proactive and balanced stewardship to protect our national parks and open spaces.”

Environmentalists hope that even before the Obama administration forges any environmental policies of its own, it will at least halt some of the final measures pressed forward before Bush left office.