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Obama's record on Western environmental issues

By Judith Lewis Mernit

In the late fall of 2008, the staff of the nonprofit Public Employees for Environmental Responsibility gathered at the Airlie Retreat Center in Virginia's horse country to plot strategies for a new day dawning: Barack Obama had just been elected president, promising fresh progress on issues that had frustrated environmentalists throughout the eight years of George W. Bush. Jeffrey Ruch, PEER's executive director, didn't want to waste any time. "The focus of all of our discussions was how to take advantage of the new green Obama administration," he says. "We were going over all the ground that Clinton had gained, all that had been lost under Bush, and focusing on what could be revived."

PEER, Ruch says, "acts as a shelter for battered staff -- people come to us and say, 'So-and-so is being persecuted, please intervene and stop it.' " The group also monitors morale within the federal agencies that enforce environmental laws. In the Bush era, PEER defended muzzled biologists and stood up for whistleblowers; the group also helped expose how mid-level managers at the U.S. Fish and Wildlife Service rewrote scientific data. Ruch and his cohorts believed the "culture of fear" the U.S. Inspector General found inside Bush's Department of Interior would be replaced by one of transparency and respect for science; they predicted that the Environmental Protection Agency -- which, under President Bill Clinton, "affirmatively intervened" when states failed to enforce the Clean Air and Water acts -- would once again seize stalled cases from scofflaw states.

"We talked about all the 'overfile' petitions we'd give to U.S. EPA to go to the states and say, 'Hey, what the heck is going on?' " Ruch remembers. "We talked about how long it would take to do that, and made sure everybody had templates to move forward efficiently. We strategized about how to induce the new administration to appoint whistleblowers -- to bring back reformers who had been pushed out in the previous administration. We were optimistic, even to the point of enthusiasm."

About a month later, Obama started making nominations for key posts at the federal agencies. Ruch and his staff envisioned dream teams, including a plain-spoken Westerner, Arizona Congressman Raúl Grijalva, for Interior secretary. PEER was among 106 environmental groups that endorsed Grijalva; they liked his strong stands on issues like mining reform and endangered species protection. And it didn't seem like a pipedream: Interior secretary usually goes to a Westerner, twice in the last century to an Arizonan. Grijalva had served on the House Natural Resources Committee, and as a Latino, he fit into the new administration's interest in cabinet diversity. Sources inside Obama's transition team confirmed that Grijalva was high on the short list.

But on Dec. 17, 2008, Obama announced that he had picked another Westerner instead: the Stetson-wearing descendent of a long line of ranchers, Colorado Sen. Ken Salazar.

"When Salazar bounded out in that (debut) press conference wearing his cowboy hat, saying

in his statement that 'my top priority as secretary of the Interior is energy independence' -- he compared it to the Moon shot -- I thought, 'This guy is going to make Gale Norton (Bush's first Interior secretary) sound like John Muir,' " Ruch says.

Ruch's take on Western environmental politics, coming from PEER's Washington, D.C., headquarters, might seem a little hyperbolic. But many Western environmental groups backed Grijalva, too, among them Alliance for the Wild Rockies and the Pacific Biodiversity Institute. And several of them took Salazar's appointment hard. "He was picked because he'd prioritize energy development on public lands," says Kierán Suckling, the outspoken executive director of the Tucson-based Center for Biological Diversity. Suckling now sees that moment as a harbinger of failure: "Obama," he says, "has either declined to lead or led in the wrong direction on virtually every issue that matters."

Suckling is disappointed that the Obama administration so far has replicated the Bush decisions "on wolves and grizzly bears, on the Sacramento Bay Delta, on sage grouse." He had high hopes, he says, for Jane Lubchenco, the Oregon marine biologist Obama picked to lead the National Oceanic and Atmospheric Administration, but wonders why she ended up telling Congress that breaching the Snake River dams to save salmon was "an option of last resort."

Worst of all, Suckling says, Obama has failed to articulate a clear policy on greenhouse gases. "He never used the bully pulpit to go out and twist arms and make something happen on climate," Suckling says. "He never told Congress what to do."

If the environmental movement is an ecosystem, Ruch and Suckling represent its indicator species: The most sensitive ones, the first to react when their habitat falls out of balance. Other, perhaps heartier, environmental groups' leaders aren't quite so disgruntled. Gene Karpinski, for instance, director of the League of Conservation Voters, warmly endorsed Salazar. A few prominent environmentalists in national groups were so worried about disrupting the administration's careful deal-making that they declined to speak on the record at all for this story. (Suckling, without naming names, wishes more of them would be willing take the risk, even if it threatens important alliances. "If the environmental movement pushed back harder," he says, "we could enjoy some benefits of Obama's waffling -- we could at least get him to waffle in our direction.")

Other environmentalists simply believe Obama's been handed too tall an order. "They're dealing with extremely challenging resource management conflicts," says John Kostyack, vice president of wildlife conservation at the National Wildlife Federation. To sincerely evaluate the administration's progress on, say, endangered species, "you'd have to look around the country to hundreds of intense negotiations under way over how to reconcile our species conservation goals with pressure from economic development and global warming."

There was never any serious argument among environmentalists about whether President Bush did enough to protect the environment. But at least Bush retained allies in the oil and gas industry, who enjoyed a rush of new leases and rights under his rule. In contrast, there have been times in the last two years when it has seemed like Obama couldn't make anybody happy -- when several news cycles passed without a single cable news host uttering a good word about him, even if the two sides contradicted each other -- one side accusing the president of caving to industry and the other of socialist tyranny.

In a July 2010 report called The War on Western Jobs, 48 Republicans from the Senate and Western Congressional Caucuses, including Rep. Rob Bishop, R-Utah, and Wyoming Sens. John Barrasso and Mike

Enzi, warned that the Obama administration is, among other things, harboring secret plans to designate national monuments, sending high-paying mining jobs overseas, and generally exacerbating the West's high unemployment rates by threatening to declare coal waste hazardous to human health.

Never mind that Obama's Office of Management and Budget rewrote the EPA's coal ash rule to suit the coal and waste management industries, or that Obama and Salazar opened new areas off the coasts to offshore drilling on March 31, 2010 -- 20 days before the Deepwater Horizon oil platform exploded in the Gulf of Mexico. The War on Western Jobs still paints him as an environmentalist warrior to rival Clinton, who by executive order converted millions of acres of federal land into more than a dozen new national monuments and protected nearly one-third of the national forest system as "roadless forest," a brand-new category. Clinton's own Interior secretary, Bruce Babbitt, pushed with limited success for mining and grazing reform, and environmentalists liked him as much as ranchers and miners hated him.

Between the extremes of pure environmentalism and the latest iteration of the Sagebrush Rebels, however, there is a story emerging from the Obama administration of systemic progress on environmental issues, some of it arcane and nuanced and much of it at ground level. He has not taken the hard turn toward change that many people hoped for, and the small steps taken may not be enough to halt the rising of the oceans before they erode the California coastline, or stave off precipitation shifts before they kill the West's ski resorts and ratchet up our water-supply wars. But under the circumstances -- a miserable economy, two quagmire wars, a brutal fight over healthcare reform in a nearly paralyzed Congress -- it may be all anyone could have done. And it may turn out to be the kind of progress that will be harder to reverse in future, inevitably more hostile years.

And so, no, Obama has not led on the more visible issues like climate policy. From the northern spotted owl to the gray wolf, his administration has done no more than Bush's did to save endangered species. But to act on those kinds of issues this early in his administration would have required a level of combativeness of which Obama -- who grew up with a foot in each world wherever he stood -- appears to be constitutionally incapable.

Obama didn't rise to fame because of his gifts for partisan battling. He catapulted into the spotlight at the Democratic convention in 2004, a time when partisan battling had grown so rancorous that many were relieved to have someone -- especially an African-American of mixed parentage with a foreign-sounding name -- remind us that "there is not a liberal America and a conservative America," but only "a United States of America."

And that's exactly why Suckling never really liked him: "I voted for Hillary," he admits, "because she is a partisan warrior, and I think that's the only way to change things." Obama, he says, "may be our first extremist moderate president."

Moderation, however, has its advantages. One place to see them in action is at the Bureau of Land Management, a mostly Western agency within Interior that employs 10,000 full-time staffers and oversees 265 million surface acres and 700 million acres of mineral rights with a $1 billion annual budget.

In 2001, Bush issued an executive order requiring federal staffers to prepare a "Statement of Energy Effects" any time their actions might cause "adverse effects on energy supply, distribution, or use." It helped set a tone that prioritized mineral extraction over just about any other use of federal land. Despite Salazar's talk of energy independence, one of his first actions, in February 2009, sought to restore some balance: In a letter

to the BLM's Utah director, Salazar asked for a review of the leases that had been offered during the agency's last Bush-era quarterly oil and gas lease sale, in December 2008.

Three weeks after a federal judge responded to environmentalists' lawsuits by putting a hold on 77 of the 116 lease parcels, Salazar told Utah's BLM director to pull those leases. Then Interior Deputy Secretary David Hayes directed the BLM to assemble a team to investigate further: To assess air quality near the lease parcels and determine how energy development would degrade it, and to visit each site, on foot if necessary, to determine first-hand whether it was an appropriate place to drill.

In July 2009, 11 biologists, geologists, archaeologists and land managers set out to investigate the 77 leases. When they returned 10 days later, the team filed a report recommending that 52 leases be deferred for further study and eight be rescinded. A collection of parcels near Hatch Point east of Canyonlands National Park was pulled simply because drilling there would wreck the scenery.

Last May, BLM Director Bob Abbey issued a memorandum directing BLM field representatives to make a habit of scrutinizing potentially lease-worthy land for themselves. It also ordered states to develop their own management plans and submit them for Interior's approval -- plans whose effects will be actively monitored to make sure federal land is preserved for uses other than energy production. The new guidance explicitly recognizes that "in some cases, leasing of oil and gas resources may not be consistent with protection of other important resources and values."

The effects of these changes have begun to trickle in. In October, the BLM's White River field office in Colorado deferred six parcels in the proposed Big Ridge Wilderness from an upcoming lease auction pending a more thorough review of their wilderness characteristics; another four parcels were pulled for good. It also deferred another northwest Colorado parcel, in Indian Valley, on the grounds that it's "capable of contributing to the stabilization and long term recovery of sage-grouse populations." The Casper field office in Wyoming made similar decisions to defer several leases for the sake of sage grouse.

This is all new, says Nada Culver, a senior analyst with The Wilderness Society's Central Rockies office. It's all part of Salazar's directive, "and it all happened before we'd even got a chance to protest. It was kind of amazing, actually," she says. Some of the recent environmental assessments "even use the 'W' word" -- wilderness.

"There's a lot in what Interior has put forward that makes us extremely hopeful," Culver says. "A lot of us in the environmental movement are impatiently waiting to see whether it succeeds."

A lot of people in the oil and gas industry, however, are not. The Western Energy Alliance, formerly the Independent Petroleum Association of Mountain States, blames the BLM's new decision-making process for a 79 percent decrease in new acreage offered and leased for oil and gas production. The alliance has filed two lawsuits against Interior, one contesting deferred leases and another challenging Salazar's new rules. "BLM seems unwilling to offer any parcel with any controversy, no matter how unfounded," says Kathleen Sgamma, the alliance's director of government and public affairs.

Meanwhile, renewable energy development speeds ahead on Western federal land. In the last three months of 2010, Interior green-lighted nine solar projects in California and Nevada. All were industrial-scale projects BLM identified as far enough along in the permitting process

to begin construction by the end of 2010, thus meeting a deadline to apply for American Recovery and Reinvestment Act (ARRA) funds that could reimburse developers for up to 30 percent of each project's costs. (Congress has extended that deadline for another year.)

ARRA, or stimulus, funds also allowed the BLM to expand the scope of a draft environmental impact study designating 24 preferred solar development zones in six Western states. That study began in mid-2008, but picked up momentum in March 2009, when Salazar issued a secretarial order prioritizing renewable energy. Its completion in late December 2010 represents a milestone in the Obama administration's explicit renewable energy ambitions.

Ray Brady, BLM energy team manager, says morale in his corner of the agency "is higher than it has been in a long time."

That's no comfort to Mojave Desert conservationists, many of whom object to the siting of the fast-tracked projects. Solar Millennium's 1,000-megawatt Blythe Project on California's border with Arizona sits partially on microphyll woodlands, small-leaved tree communities that provide food and shade for Colorado Desert birds like phainopepla and the loggerhead shrike. BrightSource Energy's Ivanpah Solar Project -- a 400-megawatt array of mirrors that focus the sun's heat on "power tower receivers" -- would cover seven square miles between two segments of the Mojave National Preserve; Suckling's group made a pact with BrightSource to relocate dozens of desert tortoise and buy up new land for habitat.

Lawsuits against Interior have accumulated along with the permits: The Quechan Tribe won an injunction in December to halt Tessera Solar's 709-megawatt Imperial Valley Solar, accusing Interior of skipping steps in the permitting process. Western Watersheds Project has leveled the same charge against Interior over BrightSource's Ivanpah and has sued to interrupt its construction.

But those projects began their long permitting processes back when renewable energy on public lands was still in Wild West mode, with nothing but lease applications and protests to guide it. "The Bush administration was not interested in clarifying how wind and solar was going to be developed on public lands," says Chase Huntley, The Wilderness Society's energy policy adviser in D.C. "They were single-mindedly focused on how to get more oil and gas development done as expeditiously as possible." So the solar projects that were moving through the queue "were largely the cards the (Obama) administration was dealt. They reflect the decisions that were made prior to any discussion of responsible development.

"We're optimistic that the lessons learned will be applied to future decisions that will set the rules of the road for wind and solar," he says.

Other environmentalists are less sanguine. "We've been hammering on them that they absolutely have to be more rational about where they put these solar projects, that they have to avoid sensitive resources," says Barbara Boyle, a senior analyst for the Sierra Club focused on renewable energy development. And yet two of the 24 solar energy zones designated in the environmental study sprawl across important corridors for desert tortoise and bighorn sheep. Those 24 zones would cover 670,000 scattered acres, but a "preferred alternative" in the study "also opens up 21 million acres of land for solar development," Boyle says, "which is ridiculous. An aggressive plan for utility-scale solar to provide significant renewable energy in the West between now and 2020 would likely require no more than 200,000 acres on public land."

The BLM's Brady stresses that the draft study is just that -- a draft -- and that many adjustments will be made to the solar zones as public comments come in. "We have not ignored the input, the valuable input, that we received from the environmental community," he says. "Many people would prefer to have smaller, distributed projects," such as eSolar's 5 to 10 megawatt solar thermal generators, one of which sits on private land near Lancaster, Calif., and yet "there is no way a state like California is going to meet its goal of generating 33 percent of its electricity from renewable sources without utility-scale projects. It's just not possible.

"We are, however, very interested in finding degraded land for those projects," Brady says. "And we will continue to look for it."

Interior has also signed agreements with the state of California to formalize the environmental review and permitting process for renewable energy projects. And Salazar has promised to include state and federal land managers more fully in the process of locating new transmission facilities. "There have been key structures built up for engaging the environmental community and state officials in renewable energy development," Huntley says. "This capacity was not in place before."

Just a few days before Christmas 2010, Salazar and BLM Director Abbey staged a media event to announce the end of the moratorium on designating wilderness study areas, which Gale Norton, who led Interior through Bush's first term, had imposed as part of a 2003 deal with then-Utah Gov. Mike Leavitt. Peter Metcalf, the CEO of Black Diamond Outdoor Equipment, was on hand, reminding the audience that outdoor recreation creates jobs, too.

"For years, those of us who are part of the outdoor industry have recognized that the tired old sound-bite debate of jobs versus preservation was an insult to the 6.5 million Americans whose jobs were dependent on this active outdoor recreation economy," he said. "It's as if we and the $730 billion we contribute to the economy didn't exist."

Besides, he argued, those jobs endure: "Hunting and fishing don't go away once a gas field is exhausted."

The event had echoes of this administration's America's Great Outdoors initiative, in which federal officials held "listening sessions" around the country to discuss conservation. It was hard to get a bead on the initiative's point; the memo Obama issued in April 2010 defined it only vaguely ("Reconnect Americans, especially children, to America's rivers and waterways, landscapes of national significance, ranches, farms and forests. ..."). But it made an unassailable argument -- that recreation matters, to people and the economy -- and the listening sessions allowed conservation-minded people to interact directly with high-ranking administration officials, including Salazar and Environmental Protection Agency head Lisa Jackson.

During that tour, Jackson came to the chronically poor and park-starved South Los Angeles County city of Compton to announce that EPA had decided the Los Angeles River would be granted full protection as a navigable river under the Clean Water Act. At the end of her talk, she waded into the rehabilitating creek with a group of students to test the water quality.

Did it mean anything? Certainly not in quantifiable policy terms, the way articulating a climate policy at Copenhagen or at Cancún this past December might have. It was no substitute for upgrading the polar bear's status on the Endangered Species List from "threatened" to "endangered," which the U.S. Fish and Wildlife Service declined to do in December -- a move NWF's Kostyack laments as a lost teachable moment: "It would have been a chance for the administration to step out and talk about sea ice," he says. "We didn't get that."

But visits from Salazar and Jackson were teachable moments, too. And while something as bold as listing the polar bear as endangered would have provoked a fury of backlash aimed at Fish and Wildlife and its new director, Dan Ashe, community outreach can't be easily undone.

You could almost accuse Obama of mounting a stealth campaign to incrementally nick away at our national environmental problems in the "bite-sized" pieces with which he has now promised to tackle national energy policy. It does not make cable news when Housing and Urban Development, the Department of Transportation and EPA band together on a program to promote sustainable communities and environmental justice; there was no celebration in the streets when Fish and Wildlife announced its Prairie Pothole Landscape Conservation Cooperative on behalf of migrating waterfowl. But such initiatives may have a more lasting salutary effect on public health and wildlife than a hundred other sexier campaigns.

Obama and his staff have "set up the potential for significant and meaningful change," says Jim McElfish, a senior attorney at the Environmental Law Institute. "We'll see in a couple of years whether it takes."

Bradley Angel, an environmental justice advocate in San Francisco, has been Tasered, locked up and even kidnapped in the course of his activism; he has physically as well as figuratively stood in the way of a nuclear waste dump on tribal lands and a hazardous waste facility in Mexico. He used to work for Greenpeace, but left when it became clear to him that the group was more interested in national issues than working in communities. In 1997, he co-founded his own group, Greenaction for Health and Environmental Justice.

And Angel is so impressed with Lisa Jackson's EPA these days that he has begun to believe that all the hope and change stuff was more than campaign strategy. "Maybe," he says, "maybe the rhetoric of Lisa Jackson and the Obama administration is true."

His cautious optimism comes from the EPA's response to the plight of Kettleman City, a small unincorporated community in south-central California, on the west side of the San Joaquin Valley. The town sits on bleak, dusty, flat land, dotted with small stucco houses surrounded by wrought-iron gates; there are gas stations and an In-and-Out Burger, but not a single supermarket. It is a place most visitors just drive through. The ones who stay, roughly 1,500 of them, work primarily in the Central Valley's agricultural fields. Half live below the poverty line; almost all of them speak Spanish as a first language, and more than half speak no English at all.

Angel first came to Kettleman City in 1987. "He came and knocked on our doors," remembers Maricela Mares-Alatorre, who now runs the environmental justice group People for Clean Air and Water. "He let us know that there was a (hazardous waste) incinerator about to go up in our back yard." Angel enlisted Mares-Alatorre's parents, Mary Lou and Ramón Mares, to mobilize residents; together they sued to halt the incinerator's construction.

Twenty years later, horror stories have started to emerge from Kettleman City about birth defects in newborn babies. Some babies were born with cleft palates, others with partial brains; still others weren't born at all. Between 2007 and 2010, 11 babies born to Kettleman City mothers had major, structural birth defects; three died in the first year of life.

Adjacent to the tiny community sits the West's largest landfill, a place where electronic components go to die. Some of those components contain polychlorinated biphenyls, or PCBs, which disrupt hormones, cause liver damage and may cause birth defects and certain cancers. Many people

in the community, including the mothers of the affected babies, suspected that chemicals from the landfill were leaching into their water somehow, or poisoning their air. They wanted the landfill investigated. But it was not investigated. And then the company that operates the landfill, Chemical Waste Management, asked EPA for a permit to expand.

President Reagan's EPA approved the incinerator the Kettleman City residents fought to kill; under Bush, the agency ignored federal law by allowing Chem Waste to operate despite documented non-compliance with reporting requirements. In March 2007, the agency issued a draft PCB permit for the landfill, concluding that it would have no negative impacts on the community, "not even fear or apprehension," Angel says.

Little changed in Kettleman City for a while after that. Chem Waste was still in line for its permit; the environmental report claiming no negative impacts remained on the EPA's website. But then, in early 2010, Lisa Jackson appointed Jared Blumenfeld, the former director of the San Francisco Department of the Environment, as the new administrator of EPA Region 9, a division that covers California, Nevada, the Pacific Islands and Arizona, including 147 tribal nations.

Just after Blumenfeld took his post, Angel and his allies staged a rally at the entrance to EPA's Region 9 headquarters in San Francisco, calling for environmental justice to be served. Angel invited Blumenfeld -- dared him might be more accurate -- to come and speak to the crowd. And "to the dismay of EPA staffers," Angel says, "he agreed." Blumenfeld didn't just show up and speak. He also met with a busload of Kettleman City residents and promised to order an internal investigation into whether EPA had properly enforced the law. The next week, Blumenfeld ordered the permit process to stop until the investigation was complete.

EPA's investigators found that the agency had been negligent in the past, and Angel is watching closely to see what happens next. All the state and local permits Chem Waste needs to expand ride on the EPA's determining whether the landfill has been complying with the Toxic Substances Control Act, a 1976 law governing the release of chemicals into the groundwater, atmosphere or consumer goods. And for the first time in Chem Waste's cozy history with government agencies, the EPA may decide that it has not.

No one knows for sure whether PCBs, and not pesticide drift or diesel particulates, have caused the birth defects. A study released by the California Department of Public Health in November found no common cause for the deformities; in January, a study funded by Chem Waste and designed by the EPA ruled out PCBs as the cause. Last winter, a state public health official named Kevin Reilly told a local meeting that the birth-defect rate may not be higher than normal. Blumenfeld at least rejects that conclusion: "You can see from one end of the town to the other," he says. "Everyone knows each other, and knows what their history has been. And these babies' illnesses and deaths have sent shock waves through the community."

In late November, EPA fined Chem Waste $300,000 for failing to properly dispose of PCBs at its Kettleman Hills landfill. Samples from the landfill's environs revealed PCB levels up to 400 times the regulatory limit. The fine wasn't much; Chem Waste's parent company, Waste Management Inc., posted a fourth-quarter profit of $182 million in 2010. But the very fact that EPA levied the fine validated residents' concerns. "Despite all the unanswered questions," Mares-Alatorre says, "we know this polluter needs to be shut down."

When Obama appointed Jackson to head the EPA, Ruch and other environmentalists criticized her spotty track record as head

of the New Jersey Department of Environmental Protection, a post she held from February 2006 until November 2008. She allowed a daycare center to remain open while the state investigated mercury pollution there; at times New Jersey was so lax in enforcement that Bush's EPA had to intervene. In contrast, Jackson's EPA has been, by every account, a paragon of environmental justice.

"She has been pushing very hard internally to see that those words mean something," Blumenfeld says. Under her watch, the agency has begun to review whether the toxic exposure standard, which was based on a 158-pound adult, unfairly exposes women, Asians and Latinos (all of whom tend to be smaller) to more pollution. She is the first EPA administrator since 1976 to prioritize a review of the Toxic Substances Control Act, deputizing her staff to determine whether chemical manufacturers should have to prove their products' safety. (As it stands now, the public has to prove new chemicals cause harm.) And she has given regional administrators like Blumenfeld enormous autonomy to carry out her directive: to look in the poorest communities, tribal lands and Spanish-speaking enclaves for examples of public health injustice.

Blumenfeld responded to the Kettleman City crisis, he says, "because it's a textbook example of a community where the voices hadn't been heard, where they weren't getting timely and accurate data about their environment -- whether they should stay inside on a certain day because of the air, whether a sewage spill had happened in their neighborhood, what's in their water. And what they demanded was quite simple: Help us determine why we're having birth defects in our very small community."

It's also an example of politics so local they can't be partisan. "If you live next to a Superfund site, you want to clean it up," Blumenfeld says. "It doesn't matter what political stripe you are. On a national level, environmental issues have become unfortunately polarized. We need to bring environmental issues back to a place where people understand what the impact is on them and their families."

"Blumenfeld is the highest-ranking EPA official ever to visit Kettleman City," Angel says. "For the first time ever, under Democrats or Republicans, we seem to have an Environmental Protection Agency that wants to protect the environment."

The first two years of any presidency is seldom a time of great action and momentum. Bush's chief environmental achievement was probably the creation of several protected ocean areas, and he didn't designate his first one, a marine national monument around the Hawaiian Islands, until halfway through his second term. He was on his way out the door in 2009 when he created his last three sanctuaries, 200,000 square miles of protected waters around U.S.-controlled islands in the Marianas Trench.

Bill Clinton established his own environmental legacy in the same fashion. Although throughout his two terms his administration strengthened air quality standards and restored emphasis on public health at the EPA, the only major coup of his first two years was Sen. Dianne Feinstein's pet project, the 1994 California Desert Protection Act.

By that measure, Obama has been an activist. Interior has not yet succeeded in extracting details about the chemicals natural gas companies use in hydraulic fracturing, but over howls of protest from Rep. Doc Hastings, R-Wash., Salazar has considered restricting the practice on federal lands. Obama avoided the word "climate" in his Jan. 25 State of the Union speech, but his proposed shift toward 80 percent "clean energy" by 2035 acknowledged the threat. And while Obama includes nuclear in that mix, he has at least fulfilled his promise to

halt the $14 billion boondoggle called Yucca Mountain, a proposed national nuclear waste facility in Nevada's earthquake country.

Most ambitious of all has been the EPA, whose staff has rolled out a series of updates to the Clean Air Act, including rules to reduce emissions of carbon dioxide and other greenhouse gases from new and retrofitted power plants and factories; limits on carbon dioxide emissions from passenger cars and the first-ever greenhouse gas standards for heavy-duty trucks. And for the first time in 40 years, the EPA has tightened the rules for measuring sulfur dioxide, most of which is emitted from coal plants.

In response, the troops are massing on Capitol Hill. U.S. Chamber of Commerce President Tom Donahue has called upon the new Republican House majority to halt the EPA's "regulatory tsunami," and his allies in the House have some bipartisan support in the Senate: Jay Rockefeller, D-W. Va., has put suspending EPA climate rules on his list of 2011 priorities. Rep. Fred Upton, R-Mich., expects Jackson to spend so much time defending her policies in Congress that he jokes about saving her a parking spot.

Obama may be trying to head them off. The late January departure of his climate czar, Carol Browner (who also ran Clinton's EPA), has been interpreted as a business-friendly adjustment. In a Jan. 18 executive order, Obama also called for a government-wide review of federal regulations to find out which ones pose "unreasonable burdens" on business. But whatever shifts and concessions the president makes, and however hard Congress presses to undo what's been done, it's hard to imagine very many lawmakers, however partisan, rising up to halt an investigation into what ails Kettleman City, or ripping out a solar farm responsibly sited and newly risen in the desert.

When I talked to Jeff Ruch again in early January, he struck a more measured tone than he had last fall. He praised Interior's new proposal to bring scientific integrity back to the agency as "a major improvement" and urged EPA and NOAA to do the same. PEER had just won a signal battle in getting a whistleblower from the U.S. Park Police restored to her job; the outrage that fueled his earlier conversations had diminished. But he remained frustrated with the administration's tendency to negotiate where he thinks it ought to fight. And he still wondered whether Obama had it in him to stand his ground in difficult negotiations over laws protecting endangered species and public health.

"He's got to keep his eye on whatever greater good he's trying to achieve," Ruch said. "Nature is not a chip to be bargained away."