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# White House Readies New Lame-Duck Gut of Endangered Species Rules

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*The change allows agencies to duck environmental compliance reviews for projects on federal land even when there's evidence the project will harm endangered species.*

(AP Photo/Elaine Thompson, File)

(CN) — The Trump administration announced a new rule Monday that would allow the U.S. Forest Service and Bureau of Land Management to continue logging or road building projects even if they threaten endangered animals or plants.

Both agencies manage a combined 438 million acres of federal lands through actions that both protect fragile environments and administer development projects deemed economically beneficial to the nation.

Under Section 7 of the Endangered Species Act (ESA), the agencies must consult with U.S. Fish and Wildlife to review development projects to ensure they're consistent with land management plans and won't harm endangered or threatened species protected by the law.

But under the [proposed rule](#), agencies would no longer be required to ensure compliance with land management plans "if new information reveals effects of the plan on listed species or critical habitat in a manner or to an extent not previously considered, provided that any subsequent actions taken pursuant to the plan will be subject to a separate Section 7 consultation if those actions may affect listed species or critical habitat."

The change would involve cases where new information was not previously considered regarding how land management plans or development authorized under them harms a protected plant or animal, including harm tied to effects of climate change.

Section 7's review requirement has played a pivotal role in understanding how development projects may be negatively affecting plants and animals.

In 2017, new scientific studies on oil drilling projects and climate change forced the Bureau of Land Management to review how related projects were disrupting four endangered fish species living under their protection.

Details of the proposed change, which is set to be published Tuesday in the Federal Register, said the new rule aims to promote consistent and efficient interagency action.

“This proposed regulatory revision would improve the efficiency of the consultation process while ensuring consideration of new information prior to the implementation of actions that may affect listed species or critical habitat,” the proposal said.

For nearly five decades, the Endangered Species Act has been the primary U.S. policy tool for preventing a torrent of wildlife extinction and conserving both threatened and endangered plants and animals and the habitats they live in.

Under the 1973 law, federal agencies must consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that their actions don’t jeopardize the safety of plants and animals listed for protection.

The Trump administration has slowly stripped fundamental elements of the landmark legislation, including by issuing new rules in 2019 that it said would undo “unnecessary regulatory burdens” while maintaining safeguards for wildlife species.

The new rules allow economic factors to be considered when agencies are deciding whether to list species for protection under the act and also make it more difficult to protect areas where endangered wildlife is not found.

Conservationists and scientists have said the Endangered Species Act should be [bolstered further by the Biden administration](#) and that it will take more than reversing Trump’s regressive policy changes to avoid future environmental catastrophe.

Reacting to the proposed rule Monday, conservation groups said the change could bring destructive logging, drilling and road making projects to protected critical habitats. In a statement, Stephanie Kurose of the Center for Biological Diversity denounced the outgoing Trump administration’s last-ditch rulemaking.

“As the last act of the most anti-wildlife administration in history, Trump is telling agencies to stick their heads in the sand and ignore science about the threats to endangered species,” said Kurose, senior policy specialist at the center. “Our most imperiled wildlife will suffer for decades just so polluters and special interests can keep destroying our public lands.”

In a [statement](#), the center said the new rule mirrors legislation introduced in 2017 by Republican Senator Steve Daines of Montana called the Litigation Relief for Forest Management Projects Act.

The bill sought to overturn the Ninth Circuit’s decision in *Cottonwood Environmental Law Center v. U.S. Forest Service*, which held that the ESA requires the Forest Service to ensure its actions and authorized projects don’t harm protected species.

“After everything that has happened in the past week, it’s disgraceful that this administration continues to wage its destructive war on wildlife,” said Kurose.

Public comment on the proposed rule, under its docket number FWS–HQ–ES–2020–0102, will be accepted for 30 days.