

August 3, 2009

Public Comments Processing, Attn: 1018-AT50
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

Re: Final Rule, Interagency Cooperation Under the Endangered Species Act
Docket ID: FWS-R9-ES-2009-0031, Document ID FWS-R9-ES-2009-0031-0001

To Whom It May Concern:

Thank you for the opportunity to comment on the need to maintain strong interagency consultation rules under Section 7 of the Endangered Species Act (ESA). On behalf of the undersigned organizations, we ask you to support the scientific underpinnings of consultations under the Act and maintain strong endangered species protections for our nation's wildlife, fish and plants currently on the brink of extinction.

Section 7 consultations are a vital part of ensuring that sound science is used in the ESA process, as they require federal agencies to consult with experts at the U.S. Fish and Wildlife Service or National Marine Fisheries Service (the Services) when evaluating federal actions, permits or funding decisions. Therefore, Section 7 consultations are the keystone to implementing and enforcing the Endangered Species Act and must remain robust.

We greatly appreciate Secretaries Locke and Salazar repealing the last-minute Bush Administration rule changes for consultations. Those proposed changes undermined the scientific integrity of this critical law and jeopardized species in need of conservation measures. As you know, those changes would have eliminated an important checks and balances system, relinquished biological decisions to agencies that may have no staff with relevant scientific training, imposed arbitrary deadlines and attempted to ignore the impacts of climate change on some of our nation's species most vulnerable to its effects.

The Section 7 consultation process has worked quite successfully since its implementation by the Reagan Administration in 1986. There is little evidence that the current system needs overhauling or is inadequate to address today's threats. As such, we urge you to resist the inevitable calls that would weaken the Services' ability to protect endangered species. The current system has proven itself to be timely and is a major reason that 99 percent of listed species have successfully avoided extinction. Therefore, the federal government must maintain a strong oversight and a system of checks and balances to review federal projects that may have any negative impact on a protected species. We believe policies that improve critical habitat designations, cumulative impacts assessments and recovery plan coordination could make the Section 7 process work even better.

Global climate change is today's largest single threat to endangered species. The Bush Administration attempted to handle the issue by broadly exempting its consideration from consultations, which could have been disastrous. Congress instructed the use of the best available science for protecting endangered species and this should be no different when it comes to

addressing global warming pollution and its sources. Science should guide the Services' evaluations of an action's global warming and species impact.

As you know, the main purpose of the ESA is to recover species to a point they no longer need protection. While we have been greatly successful in preventing extinction, more must be done to aide in recovery. Section 7 consultations should evaluate impacts to recovery as well as survival in considering federal agency actions that may affect species and critical habitats. In addition, there are over 500 species listed by the U.S. that occur mostly beyond our nation's borders but can be harmed by actions funded or permitted by the federal government. The regulatory protection against federal actions that might jeopardize the recovery or survival of these species should be restored.

For 35 years, the Endangered Species Act has been a safety net for our nation's wildlife, fish and plants on the brink of extinction. Section 7 consultations have served the American people and our nation's endangered species in an efficient and effective manner for more than two decades. The science-based consultations are the backbone for implementing the Act. Please dismiss all calls to weaken these provisions and work to maintain this effective system of endangered species protections.

Thank you for considering our views.

Sincerely,

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