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April 3, 2009

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Gary Locke
Secretary
Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Salazar and Secretary Locke:

We are writing to urge you to make prompt use of the authority provided in the Fiscal Year 2009 Omnibus Appropriations Bill and withdraw the regulations implementing the Endangered Species Act (ESA) section 7 interagency consultation process, which were promulgated by the Bush Administration and went into effect January 15, 2009.

As we wrote then-Secretaries Kempthorne and Gutierrez in September 2008, we strongly oppose these regulations because they cut at the heart of the law that has protected and recovered endangered fish, wildlife, and plants for the past 35 years. They contradict the letter and spirit of the ESA, conflict with a wide body of established judicial precedent, and will result in reduced protections for imperiled fish and wildlife and more litigation.

We welcome and applaud the memorandum signed by President Obama on March 3rd, requiring federal agencies to immediately return to their prior practice of consulting with, and obtaining the written concurrence of, the scientific experts at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding impacts of their actions on threatened or endangered species.

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However, while the memorandum is crucial in limiting harm to these species during what could have been a potentially lengthy rulemaking process to withdraw or revise the Bush administration regulations, it cannot undo all of the damage that these rules may inflict.

With passage of the omnibus bill, however, the Congress has given you the authority during the 60 days following its enactment on March 11, 2009 to immediately withdraw the Bush administration regulations without the need to comply with normal rulemaking procedures.

The Congress chose to grant you this expedited authority because the effect of exercising it under the legislation would be to simply restore the original rules that governed Section 7 consultation successfully for more than 20 years.

Quick withdrawal of these flawed rules is essential. Every day they remain in effect places endangered wildlife at greater risk of extinction. In addition, they are clearly not consistent with the intent of the President as laid out in his memorandum. For all of these reasons, we urge you to use the authority provided by the Congress and act expeditiously to withdraw the Bush administration regulations.

Please advise us as soon as possible regarding your intentions. Thank you for your consideration of this very important matter.

Sincerely,

Nick J. Rahall, II

Norman D. Dicks

George Miller

Edward J. Markey

John D. Dingell

Henry A. Waxman

Ellen O. Tauscher

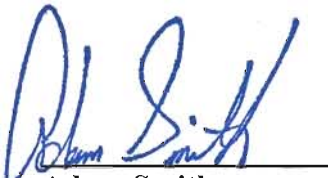
Adam B. Schiff

Maurice D. Hinchey

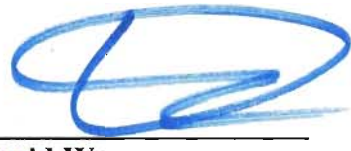

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Diane E. Watson


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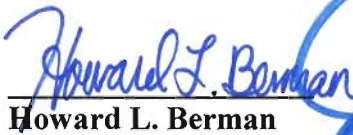

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Donald M. Payne


Earl Blumenauer


Lynn C. Woolsey


Howard L. Berman



Dennis Moore


Michael H. Michaud


Niki Tsongas


Mazie K. Hirono


Carol Shea-Porter


Paul W. Hodes



Gwen Moore

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Sander M. Levin


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