

April 27, 2009

The Honorable Ken Salazar  
Secretary, U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

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

Dear Secretary Salazar and Secretary Locke,

As scientists with expertise in biological diversity and loss of species, we urge you to overhaul actions and rule changes that weaken the scientific foundation of the Endangered Species Act (ESA). Congress has recently given you additional authority to begin to restore the scientific underpinnings of the ESA by allowing you to rescind two rules implemented in the final days of the Bush administration. These rules fundamentally undermine the ability of science and scientists to protect our nation's biodiversity.

The rules in question allow any federal agency to independently decide whether protected species would be threatened by their projects. Previously, when a federal agency considered a project such as a highway, dam, or mine, it was required to consult with the Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS). These "informal" consultations typically led to minor adjustments being made to the planned action that lessened the anticipated impact. This process also helped identify projects with particularly severe or complicated effects, which then received a thorough "formal" consultation.

Many federal agencies do not have the biological expertise to determine the consequences of federal projects on endangered species, and may have vested interests in the implementation of a project. The FWS and NMFS consultations have, for decades, served as important checks and balances to keep our nation's biodiversity safe. Consultation creates a method for informed decision-making that provides better protections for endangered species and has led to successful mitigation efforts for hundreds of species.

The rules also sharply limit the types of information federal scientists can consider when evaluating federal projects, carving out broad exemptions for impacts that "are manifested through global processes" or result in "an extremely small, insignificant impact" on protected species. This is problematic because many severe environmental problems result from sources that individually might be minor but collectively cause serious harm. Fortunately, federal scientists have a decades-long proven track record of analyzing cumulative effects.

On March 3, 2009, President Obama issued a Presidential memorandum requesting that the Departments of Commerce and Interior review recent changes to Endangered Species Act implementation. On March 11, Congress passed legislation giving you special authority to immediately rescind the rules by May 8. "For more than three decades," said the president, "The

Endangered Species Act has successfully protected our nation's most threatened wildlife, and we should be looking for ways to improve it—not weaken it.” We agree.

As you follow President Obama’s directive to find ways to strengthen the Endangered Species Act, we encourage you to ensure that the federal government is in the position to examine and regulate all challenges to endangered species. The threats our world face continue to evolve as we impact the environment in different ways. Federal government scientists must be given the ability to evaluate these emerging threats and communicate their consequences for imperiled species.

The Endangered Species Act is one of our most important environmental laws because of its reliance on robust scientific analysis. According to a May 30, 2005 article in *Science*, less than one percent of listed species have gone extinct since 1973, while 10 percent of candidate species still waiting to be listed have suffered that fate. A more recent comprehensive analysis demonstrates that listed species tended toward recovery more than not and the more thoroughly the ESA was applied the stronger their recovery.<sup>1</sup> In addition to the hundreds of species that the ESA has protected from extinction, listing has contributed to population increases or the stabilization of populations for at least 35 percent of listed species, and perhaps significantly more, as well as the recovery of such signature species as the peregrine falcon.

Congress has recognized that recently enacted regulations should be rolled back and has given you the power to do so within a limited time that is fast expiring. Because the new rules compromise the quality and independence of scientific review and thereby undermine effective protections for wildlife and their habitats, we urge you to take swift action to rescind the rules.

Sincerely,

*(signers listed alphabetically by state)*

cc:

The Honorable Jane Lubchenco  
Administrator, National Oceanic and Atmospheric Administration  
Room 5128  
1401 Constitution Avenue, NW  
Washington, DC 20230

The Honorable John Holdren  
Director, Office of Science and Technology Policy  
Executive Office of the President  
725 17th Street Room 5228  
Washington, DC 20502

---

<sup>1</sup> Performance of the Endangered Species Act, Mark W. Schwartz, *Annu. Rev. Ecol. Evol. Syst.* 2008. 39:279–99

## ARIZONA

**Joseph Barnett, B.S.**

Wildlife Biologist  
U.S. Fish & Wildlife Service  
Cibola, AZ

**Paul Beier, Ph.D.**

Professor  
School of Forestry  
Northern Arizona University  
Flagstaff, AZ

**Rex Bergamini, Ph.D. candidate**

Principal Ecologist  
EcoRx LLC  
Sedona, AZ

**Clait Braun, Ph.D.**

Director  
Grouse Inc.  
Tucson, AZ

**Matthew Clark, M.S.**

Conservation Ecologist  
Tucson, AZ

**Mark Daniels, M.S.**

Research Specialist  
Ecological Restoration Institute  
Flagstaff, AZ

**Thomas Fleischner, Ph.D.**

Professor of Environmental Studies  
Environmental Studies  
Prescott College  
Prescott, AZ

**Conor Flynn, B.S.**

Wetland Ecologist  
Tucson, AZ

**Howard Frederick, Ph.D.**

Wildlife Awareness Foundation  
Tucson, AZ

**Christine Hass, Ph.D.**

Assistant Director  
Appleton-Whittell Research Ranch  
National Audubon Society  
Elgin, AZ

**Phil Hedrick, Ph.D.**

Professor  
Arizona State University  
Tempe, AZ

**Holly Hicks, B.S.**

Small Mammals Biologist  
Arizona Game and Fish Department  
Chandler, AZ

**Linda Kennedy, Ph.D.**

Director  
Appleton-Whittell Research Ranch  
National Audubon Society  
Elgin, AZ

**Robert Luce, B.S.**

Wildlife Biologist, Retired  
University of Wyoming  
Sierra Vista, AZ

**Chris McDonald, Ph.D. candidate**

School of Natural Resources  
University of Arizona  
Tucson, AZ

**Angela Moline, Ph.D.**

Faculty  
Environmental Studies Program  
Prescott College  
Prescott, AZ

**Michael Moore, Ph.D.**

Professor of Life Sciences  
School of Life Sciences  
Arizona State University  
Tempe, AZ

**Axhel Munoz, M.S.**

Pima County Natural Resources  
Tucson, AZ

**Kerry Oliver, Ph.D.**

Assistant Professor  
Department of Entomology  
University of Georgia  
Tucson, AZ

**Tracy Scheinkman, M.S.**  
Adjunct Faculty  
Department of Biology  
Pima Community College  
Tucson, AZ

**David Smith, Ph.D.**  
Department of Biology  
Northland Pioneer College  
Show Low, AZ

**Richard Zweifel, Ph.D.**  
Curator Emeritus  
Herpetology  
American Museum of Natural History  
Portal, AZ

## **NEW MEXICO**

**Ayesha Burdett, Ph.D.**  
Postdoctoral Research Associate  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Stephanie Carman, M.S.**  
Aquatic Ecologist  
New Mexico Department of Game and Fish  
Santa Fe, NM

**Peter David, M.S.**  
Senior Ecologist  
SWCA, Inc  
Albuquerque, NM

**Sophia Engel, Ph.D.**  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Kim Freeman, D.V.M.**  
Santa Fe, NM

**Jennifer Frey, Ph.D.**  
Associate Professor  
Dept Fish, Wildlife, Conservation Ecology  
New Mexico State University  
Las Cruces, NM

**Patricia Griffin, M.S.**  
The Wildlife Society  
Las Cruces, NM

**David Hanson, Ph.D.**  
Associate Professor  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**C Hayes, M.S.**  
Wildlife Biologist  
Conservation Services Division  
New Mexico Department of Game and Fish  
Rio Rancho, NM

**M. Holzwarth, Ph.D.**  
Professor  
Department of Biology  
New Mexico State University  
Hillsboro, NM

**Julie Kutz, B.S.**  
Biologist  
Albuquerque, NM

**Kenneth Letendre, Ph.D. candidate**  
Research Fellow  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Tim Lowrey, Ph.D.**  
Professor  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Michelle McCaulley, B.S.**  
Biologist  
Rio Grande Basin Bat Project  
Corrales, NM

**Julie McIntyre, Ph.D. candidate**  
Conservation Biologist  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Brian Miller, Ph.D.**  
Executive Director  
Wind River Ranch Foundation  
Watrous, NM

**Sierra Netz, M.S. candidate**  
University of New Mexico  
Albuquerque, NM

**David Parsons, M.S.**  
Wildlife Biologist  
Carnivore Conservation  
The Rewilding Institute  
Albuquerque, NM

**Roger Peterson, Ph.D.**  
Professor  
St. John's College  
Santa Fe, NM

**Reese Phillips, Ph.D. candidate**  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Jennifer Plaut, Ph.D. candidate**  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Deborah Risberg, B.S.**  
President  
New Mexico Riparian Council  
Albuquerque, NM

**Gary Roemer, Ph.D.**  
Associate Professor  
Fish, Wildlife and Conservation Ecology  
New Mexico State University  
Las Cruces, NM

**Mason Ryan, Ph.D. candidate**  
Department of Biology  
Albuquerque, NM

**Howard Snell, Ph.D.**  
Professor  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Peter Stacey, Ph.D.**  
Research Professor  
Department of Biology  
University of New Mexico  
Santa Fe, NM

**Robert Tafanelli, Ph.D.**  
New Mexico State University, retired  
Las Cruces, NM

**Philip Tonne, M.S.**  
Botanist  
University of New Mexico  
Albuquerque, NM

**Paul Watson, Ph.D.**  
Research Assistant Professor  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Shawn Whiteman, Ph.D. candidate**  
Department of Biology  
University of New Mexico  
Albuquerque, NM

**Anna Young, Ph.D. candidate**  
Department of Biology  
New Mexico State University  
Las Cruces, NM

## OKLAHOMA

**Brian Aucone, B.S.**

Director of Animal Management  
Animal Division  
Oklahoma City Zoo & Botanical Garden  
Oklahoma City, OK

**Charles Carpenter, Ph.D.**

Professor Emeritus  
Department of Zoology  
University of Oklahoma  
norman, OK

**Anne Cross, Ph.D.**

Instructor of Biology  
Math and Science Division  
Tulsa Community College  
Tulsa, OK

**Jennifer Dagostino, D.V.M.**

Director of Veterinary Services  
Oklahoma City, OK

**Michelle Davis, D.V.M.**

Associate Veterinarian  
Oklahoma City, OK

**Julianne Hoagland, M.S.**

Wildlife Biologist  
Environmental Programs  
Oklahoma Department of Transportation  
Norman, OK

**Daniel Hough, M.S.**

Information Technology Analyst II  
Oklahoma Biological Survey  
Norman, OK

**Dan Reinking, B.S.**

Senior Biologist  
Sutton Avian Research Center  
Bartlesville, OK

**Sharon Young, Ph.D.**

Professor Emeritus  
Department of Biology  
Southern Nazarene University  
Mustang, OK

## TEXAS

**Tom Arsuffi, Ph.D.**

Director, Llano River Field Station  
Texas Tech University  
Junction, TX

**Deborah Blackburn, B.S.**

Senior Scientist  
TRC Environmental  
Austin, TX

**Susan De Long, Ph.D. candidate**

Research Assistant  
Environmental Engineering Department  
University of Texas, Austin  
Pflugerville, TX

**Thomas deMaar, D.V.M.**

Senior Veterinarian  
Gladys Porter Zoo  
Brownsville, TX

**James Dobie, Ph.D.**

Professor Emeritus  
Department of Biology  
Auburn University  
Kerrville, TX

**Amy Dunham, Ph.D.**

Research Faculty  
Department of Ecology & Evolutionary Biology  
Rice University  
Houston, TX

**Daniel Formanowicz, Ph.D.**

Professor and Graduate Adviser  
Department of Biology  
University of Texas, Arlington  
Arlington, TX

**Barbara Gregg, Ph.D.**  
Austin, TX

**Rick Hammer, Ph.D. candidate**  
Assistant Professor  
Department of Biology  
Hardin-Simmons University  
Abilene, TX

**Don Killebrew, Ph.D.**  
Professor and Chair  
Department of Biology  
The University of Texas at Tyler  
Whitehouse, TX

**Anthony Kinyo, M.S.**  
Department of Ecology & Evolutionary Biology  
University of Akron  
Houston, TX

**Ben Liles, Ph.D.**  
Professor Emeritus of Biology  
Salado, TX

**Carol Moulton, M.S. candidate**  
Graduate Research Assistant  
Department of Biology  
University of Texas, Arlington  
Arlington, TX

**Rachael Ranft, M.S.**  
Wildlife Biologist  
Hill Country Rivers Projects  
The Nature Conservancy  
Fischer, TX

**James Reddell, B.S.**  
Curator of Invertebrate Zoology  
Texas Natural Science Center  
University of Texas, Austin  
Austin, TX

**Karen Schulze, Ph.D.**  
Howard Hughes Medical Institute  
Baylor College of Medicine  
Houston, TX

**Thomas Shirley, Ph.D.**  
Endowed Chair and Professor  
Harte Research Institute  
Texas A&M University  
Corpus Christi, TX

**R. Slack, Ph.D.**  
Regents Professor  
Wildlife and Fisheries Sciences  
Texas A&M University  
College Station, TX

**William Stasey, Ph.D. candidate**  
Graduate Research Assistant  
Feline Research Center  
Caesar Kleberg Wildlife Research Institute  
Kingsville, TX

**Ray C. Telfair II, Ph.D.**  
Wildlife Habitat Assessment Biologist, retired  
Texas Parks And Wildlife Department  
Whitehouse, TX

**Seth Tomchik, Ph.D.**  
Postdoctoral Associate  
Molecular and Cellular Biology  
Baylor College of Medicine  
Houston, TX

**Elizabeth Walsh, Ph.D.**  
Professor  
Department of Biological Science  
University of Texas, El Paso  
El Paso, TX

**Stephen Ziser, Ph.D.**  
Professor of Biology  
Department of Biology  
Austin Community College  
Austin, TX