TESTIMONY OF JAMIE RAPPAPORT CLARK
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BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING
HEARING ON
INVESTIGATING LAST-MINUTE BUSH ENERGY AND ENVIRONMENT RULEMAKINGS
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Mr. Chairman and members of the Committee, I am Jamie Rappaport Clark, Executive Vice President of Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has over 1.1 million members and supporters across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

I appreciate this opportunity to shed greater light on efforts by the Bush administration's Interior Department to dismantle long-standing regulations and policies that protect endangered species and public lands. The Bush administration is in the midst of carrying out a calculated strategy of using its waning days as a shield against Congressional and public challenges so that it can undo decades of commitment to natural resources conservation.

Given the magnitude of unprecedented challenges that the incoming administration of President-elect Obama and the Congress will face on the economy and foreign policy, this hearing is an important means of ensuring that we do not lose track of the pressing needs created by the Bush administration's assault on key rules that have guided this nation's stewardship of our endangered species and public lands.

Breaking Faith With A 35-Year Bipartisan Legacy Of Endangered Species Protection

Thirty-five years ago, Congress enacted the current Endangered Species Act, and this nation put in place the world's most farsighted and important protection for imperiled wildlife and plant species and the ecosystems on which they depend. This protection has everyday value for humans because these plants and animals, many seemingly insignificant, play crucial roles in their ecosystems that help sustain all life on Earth.

The Endangered Species Act has helped rescue hundreds of species from extinction. But the even greater achievement of the Act has been the efforts it has prompted to recover species to the point at which they no longer need special protections. It is because of the Act that we have wolves in Yellowstone, manatees in Florida and sea otters in California. We can

marvel at the sight of bald eagles in the lower 48 states and other magnificent creatures like the whooping crane, the American alligator and California condors, largely because of the ESA.

1. Section 7 Interagency Consultation Regulations: Striking at the heart of the Endangered Species Act

During the last eight years the Bush administration has taken many actions and proposed budgets that abandoned or actively undermined our longstanding bipartisan commitment to protect imperiled species, but none has had the potential to do as much harm as the re-write of the interagency consultation requirements under Section 7 of the Endangered Species Act, which was proposed on August 15, 2008.

The Section 7 consultation requirements are the heart of the protections of the Endangered Species Act. By requiring federal agencies to work with the Fish and Wildlife Service or National Marine Fisheries Service to insure that an agency's actions do not jeopardize the existence of a species or adversely change or destroy habitat critical to a species, the Act's consultation requirement establishes a system of checks and balances that provides an essential safety net for imperiled plants and animals.

Consultation under Section 7 may be either "informal" or "formal." For actions that "may affect" listed species or designated critical habitat, informal consultation allows federal agencies sponsoring the actions to assess, in conjunction with one of the Services, whether formal consultation is required. In those cases in which one of the Services is unable to agree with a federal agency that an activity is not likely to adversely affect listed species, the Service and the action agency may use the informal consultation process to work together to gather further information or to identify modifications to the activity that will avoid adverse effects.

Over the years, the Section 7 process of informal consultation between the Fish and Wildlife Service or National Marine Fisheries Service and other federal agencies has been one of the Endangered Species Act's most successful provisions in reconciling species conservation needs with other objectives. For example, progress towards the conservation of species such as the grizzly bear and piping plover would have been virtually inconceivable without the beneficial influence of Section 7. Yet, the net effect of the Bush administration's proposed changes will almost certainly be to make species recovery less likely rather than more likely.

Eliminating important checks and balances protecting endangered species.—The Bush administration's August 15th proposal dismantles a key Section 7 safety net by limiting the ability of wildlife experts in the Fish and Wildlife Service or National Marine Fisheries Service to protect threatened and endangered species and categorically excludes numerous federal projects from consultation regardless of their impacts on listed species or critical habitat. The proposal allows a federal agency to avoid Section 7 consultation if the agency unilaterally decides that an action it sponsors is not anticipated to result in death, harm or other "take" of a threatened or endangered species, and that the action has inconsequential, uncertain, unlikely or beneficial effects. The determination of whether take or other effects will occur often is not readily apparent, and requires in-depth knowledge of the affected species' "essential behavioral patterns, including breeding, feeding or sheltering."

Current rules allow federal agencies to make such determinations, but the agencies must obtain the concurrence of the Fish and Wildlife Service or National Marine Fisheries Service. Frequently, this requirement for concurrence by one of the Services has led to a better understanding of an activity's effects, through the collection and analysis of additional information to assess whether take is likely. Under the administration's proposal, however, independent species experts at one of the Services would no longer review federal agency judgments about the effects of actions that it sponsors.

The administration's proposed framework lets the fox guard the chicken coop. Action agencies often have their own institutional biases and priorities that may not be consistent with conservation of threatened and endangered species. Indeed, many federal agencies lack expertise in species conservation and may not even have biologists or botanists on staff. There is no evidence provided in the proposed rule to support the claim that other federal agencies are willing and able to effectively review species impacts without input from the Fish and Wildlife Service or National Marine Fisheries Service.

Although the Bush administration's August 15th proposed rule allows an agency voluntarily to request the concurrence of the Fish and Wildlife Service or National Marine Fisheries Service on determinations of the effects of projects it sponsors, the proposal ties the hands of the Services in the process by imposing an arbitrary 60-day limit (subject to a possible extension of 60 days) on completion of the informal consultation; otherwise, the project can move forward regardless of the impacts on listed species.

The Bush administration's dismantling of informal consultation under Section 7 of the Endangered Species Act is an open invitation for agencies to cut corners and take advantage of the changes to push through damaging projects. Without any reporting requirement or ability to know what is happening across the geographic range of a species, it will be almost impossible to monitor species condition over time. Allowing federal agencies to decide for themselves, without checking with wildlife biologists at the Fish and Wildlife Service or National Marine Fisheries Service, whether their projects will harm endangered species represents a step backwards not only for endangered wildlife conservation, but also for federal agencies trying to move their projects forward. In the past, requiring such consultations provided both a safeguard for endangered species and also helped assure federal agencies that their projects would not be delayed by legal challenges.

Barring consideration of the impacts on endangered species from actions that contribute to global warming.—The Bush administration August 15th proposed changes to the Section 7 Endangered Species Act regulations also propose drastically narrowing consideration of impacts of federal actions even when consultation occurs. The proposed rule limits application of section 7 consultation to those federal agency actions that are an "essential cause" of the effects and for which there is "clear and substantial information" that they "are reasonably certain to occur." The proposal's new concept of essential causation would eliminate consultation for federal actions that contribute to an effect on a species, perhaps even substantially, if the effect would otherwise occur to some extent without the federal action.

Actions that contribute to the extent, duration or severity of global warming would escape review entirely under the Endangered Species Act as long as global warming would

otherwise occur to some extent. Interior Secretary Kempthorne has made clear that the revisions were intended to put off limits any consideration of the impacts of greenhouse gas emissions on polar bears or other wildlife affected by global warming. In the words of the proposal: "This regulation would enforce the Services' current view that there is no requirement to consult on greenhouse gas (GHG) emissions' contribution to global warming and its associated impacts on listed species (e.g., polar bears)."

The Bush administration's proposed changes in the Endangered Species Act rules, however, go well beyond global warming. They have proposed this sweeping change in a way that will potentially harm all listed species today. The change would make it far more difficult to address all types of cumulative impacts on wildlife. It would allow endangered species and their habitat to be quietly destroyed a little bit at a time, even if the destruction eventually adds up to losing the species altogether. In effect, the Bush administration proposes to address the "problem" of consultation on global warming impacts to species by illegally sweeping this very real threat under a rug that bars evaluation of cumulative impacts and possible solutions across the board.

Thwarting the Bush administration attack.—As the front line of defense, the Congress should act promptly to stop the regulations dismantling Section 7 consultation that were proposed on August 15, 2008. If legislation is not successful in stopping the proposed rule, the incoming administration of President-elect Obama should prevent it from going into effect, if possible, or take steps to minimize its effect while proposing regulations that would undo the changes proposed on August 15.

2. Regulatory Lists of Endangered and Threatened Species: Cementing in place a radical new interpretation of the Endangered Species Act

On August 5, 2008, the Bush administration unleashed an attack on the Endangered Species Act that is nearly as harmful as the changes proposed to the Section 7 regulations just ten days later. By very quietly proposing changes to column headings and descriptions in the official "Lists of Endangered and Threatened Wildlife and Plants" found in the regulations implementing the Endangered Species Act, the administration is trying to disguise a radical new interpretation of the law as minor clerical edits.

The practical effect of the proposed format revisions is to codify the legal conclusions of a Solicitor's opinion dated March 16, 2007, which changed the previously unvarying understanding of how the Endangered Species Act applies to species that have been designated as "endangered" or "threatened." The opinion departs dramatically from the text and history of the Act. It limits protection to species that are facing risk of extinction in their current range, which could significantly limit the protections available to species that formerly occupied large geographical areas. The opinion also undoes long-standing ESA administrative practice of listing a species, subspecies or distinct population segment of a vertebrate species wherever it occurs if it is threatened or endangered either in its entirety or in a significant portion of its range. For more than three decades, a species, subspecies or distinct population segment has been listed in its entirety or not listed at all.

The 2007 opinion concluded, however, that any entity eligible for listing under the Endangered Species Act (i.e., a species, subspecies, or vertebrate "distinct population

segment") may be given the protection of the Act only in some places and not in others. Prior to the Solicitor's opinion, the consistent and unvarying administrative practice for nearly 35 years was that any taxon that met the act's definition of an "endangered species" or a "threatened species" received the act's protection wherever it occurred. The opinion reversed this settled understanding.

The Bush administration's August 5th proposed rule changes attempt to effectuate the Solicitor's novel interpretation of the law by making subtle, but important changes in two sentences explaining the "historic range" column in the official species lists. Significantly, neither of the changes is explained, or even acknowledged, in the preamble to the proposed rule. Instead, they are buried in the text of the actual revised regulations, where they are easily overlooked. The practical effect for protection of any species designated as threatened or endangered in the future will be to exclude individual organisms, populations, and entire portions of a species range from protection under the Endangered Species Act.

Thwarting the Bush administration attack.— The administration of President-elect Obama should revise the March 16, 2007 Solicitor's opinion and develop policy guidance to restore the long-standing interpretation that a species determined to be endangered or threatened "throughout a significant portion of its range" should be listed in its entirety. The Congress should act promptly to stop the regulatory changes in the official "Lists of Endangered and Threatened Wildlife and Plants" that were proposed on August 5, 2008. If legislation is not successful in stopping the proposed rule, the incoming administration of President-elect Obama should prevent it from going into effect, if possible, or take steps to minimize its effect while proposing regulations that would undo the changes proposed on August 5.

3. Delisting Gray Wolves in the Northern Rocky Mountains: Repackaging a deeply flawed proposed rule

Although two separate federal court decisions have cast doubt on the Bush administration's effort to remove Endangered Species Act protections for gray wolves in the northern Rocky Mountains, the administration has demonstrated its zeal for deregulation by still trying to push a failed delisting rule out the door in its final remaining days.

In February 2008, the Bush administration finalized a proposal to establish a distinct population segment of the Northern Rocky Mountains gray wolf and simultaneously delist this population. This premature decision undermined the work over the last 35 years to reintroduce and recover the wolf in the northern Rockies. It was based on flawed assessments of the adequacy of state laws and management plans and of the importance of establishing connectivity among the largely isolated state wolf populations. Not troubled by these weaknesses in its approach, the Bush administration forged ahead with stripping Endangered Species Act protections from the northern Rocky Mountains' wolves and began to undo the hard-earned progress toward wolf recovery of recent years.

In July 2008, however, the U.S. District Court in Missoula issued a preliminary injunction against delisting, which temporarily placed wolves back under federal protection. The court determined that Defenders and 11 other conservation groups were likely to prevail on claims

that delisting was premature because of concerns regarding genetic isolation and the adequacy of state management plans.

Wolves in central Idaho, northwestern Montana, and the Greater Yellowstone area remain largely disconnected from each other and wolves in Canada. The wolves of the Greater Yellowstone area, in particular, have remained genetically isolated since 31 wolves were introduced into Yellowstone National Park more than a decade ago. Moreover, the region's population of 1,500 wolves still falls short of the numbers that independent scientists have determined to be necessary to secure the health of the species in the northern Rockies. In addition, state laws and management plans remain inadequate. While ensuring that wolves can and will be killed in defense of property or recreation, Wyoming, Idaho, and Montana have refused to make enforceable commitments to maintaining viable wolf populations within their borders. The states also have failed to keep track of recent wolf killings and have neglected to secure funding for essential monitoring and conservation efforts.

Nevertheless, just a few weeks after the Montana court allowed the Fish and Wildlife Service to rescind its flawed rule on October 14, 2008, the Bush administration went forward seeking public comment on the same discredited rule. The repackaged rule does not give the Fish and Wildlife Service time to address the flaws underscored by the court when it rebuked the agency earlier this year.

Thwarting the Bush administration attack.—Although the Bush administration should withdraw its proposed delisting of the gray wolf in the Northern Rocky Mountains, the Congress should act while it still can to stop the proposal from going forward. The administration of President-elect Obama should be given the opportunity to address the inadequacies of the current rule by bringing all of the stakeholders together to devise science-based management plans that will benefit wolves, ranchers, hunters, Northern Rockies residents and all Americans who care deeply about wildlife conservation. Without the opportunity to pursue full cooperation among interested parties, we'll end up in the same ineffective tug-of-war that has dominated the wolf recovery during the Bush administration.

4. Polar Bear Section 4(d) Rule: Listing while withholding protections for the species

The listing of the polar bear as a threatened species under the Endangered Species Act on May 15, 2008, after much delay, illustrates the great lengths to which the Bush administration has been prepared to go to avoid regulation of activities that would protect the species.

Unable to avoid listing the polar bear in the face of insurmountable scientific evidence indicating that the species faces extinction in the United States by mid-century due to global warming, the Bush administration instead hastily sought to ensure that no consequences would flow from the listing by issuing an "interim final" rule under Section 4(d) of the Endangered Species Act, without prior notice or opportunity for public comment. With respect to activities in Alaska, the Section 4(d) rule declares that the "existing conservation regulatory requirements" of the Marine Mammal Protection Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are sufficient to ensure the continued survival and recovery of the polar bear. With respect to activities outside Alaska but still within the jurisdiction of the United States, the Section 4(d) rule, without explanation, withholds any protection for the polar bear from incidental take.

What is most striking about the Bush administration's Section 4(d) rule is that it effectively repudiates the very action of listing the polar bear as threatened under the Endangered Species Act. Section 4(d) of the Act imposes a mandate on the Interior Secretary to adopt all measures necessary for the conservation – that is, the survival *and recovery* – of threatened species. Yet Bush administration officials chose not to adopt *any* measure under the Endangered Species Act for the conservation of the polar bear. They made no real attempt to evaluate what measures are needed to address the immediate and long-term threats to the polar bear's existence, or what further measures are needed for the species to achieve recovery. Instead, they suggest that the protections provided for the species by the Marine Mammal Protection Act and CITES make the Endangered Species Act's protections superfluous, with no recognition of the critical differences in the protections afforded by the statutes and the international treaty and no explanation of how it can possibly benefit the conservation of the polar bear to deprive it of the additional protections afforded by the Endangered Species Act. The Bush administration simply declared that existing protections under another statute, the Marine Mammal Protection Act, suffice for actions in Alaska, and that no protections are needed for the polar bear outside of Alaska.

Essentially, the Bush administration decided that "business-as-usual" is enough for the polar bear. If that were true, of course, then the polar bear would hardly have needed listing in the first place. In framing its Section 4(d) rule in these terms to reassure development interests (particularly the oil, gas, and coal industries) that listing the bear will not affect their interests, the administration abdicated its legal duties under the Endangered Species Act.

Reversing the Bush administration attack.—The incoming administration of President-elect Obama should rescind the illegal Section 4(d) polar bear rule and promulgate in its place a rule that adopts appropriate measures to ensure the survival and recovery of the polar bear. Such measures must, at a minimum, include the full protection of the Endangered Species Act against take of the polar bear.

Abandoning Stewardship of Our Public Lands

Last-minute rulemakings and other fast-tracked decisions are occurring throughout agencies responsible for the sustainable management of U.S. public lands. At the Forest Service, Bush administration political appointees are bent on deregulating the National Forest Management Act, the primary statute governing land management planning on our national forests. As direct attempts to significantly weaken the National Forest Management Act regulations make their way through the courts, the Bush administration has used midnight regulatory efforts to erode the regulatory environment piecemeal. For example, an interim Forest Service directive (ID_1909.12-2008-1) could allow increased logging on lands once considered unsuitable for timber harvest. The Bush administration also continues to push regulatory measures that ignore abundant National Park Service science associated with the negative environmental impacts of snowmobile use in Yellowstone National Park. But the Bush administration has been the most aggressive in its use of the Department of the Interior's Bureau of Land Management (BLM) to pursue measures damaging to sound public lands management.

1. Oil Shale Leasing: Failing to protect people, wildlife and treasuries

On November 16, 2008, the Bush administration issued a Record of Decision amending 12 BLM resource management plans (RMPs) to provide for oil shale leasing in Colorado, Utah and Wyoming. One day later, on November 17, 2008, the Bush administration finalized commercial oil shale leasing and development regulations.

These two rulemaking actions are flawed in numerous ways. They fail to ensure that royalty rates guarantee a fair return to state and federal treasuries. They also fail to address impacts to sensitive wildlife habitats, to the availability of water for Upper Colorado River Basin users, and to local communities that already are suffering degraded air quality because of unprecedented oil and gas drilling. Moreover, because oil shale production would generate more carbon dioxide than conventional gasoline production, impacts also would be felt nationally and globally. Yet, against the advice of the non-partisan RAND Corporation; over the concerns of the Environmental Protection Agency, Fish and Wildlife Service, and other Interior Department agencies; and despite opposition from western governors, Members of Congress, affected communities, and many others, the Bush administration is rushing development of a commercial oil shale leasing program in a manner that solely benefits industry—at the expense of taxpayers and sound policy.

A commercial leasing program cannot be properly developed until the results of the Congressionally mandated research, development and demonstration program, which is still in its infancy, are known and analyzed. This effort is expected to take more than a decade. Without knowing which oil shale technologies will prove viable and what the associated costs and impacts will be, it is impossible to develop regulations that contain appropriate protections for the environment, appropriate royalty rates to ensure a fair return to taxpayers, and a financial safety net for affected communities.

In a particularly egregious and unusual act, the Bush administration used its November 16, 2008 Record of Decision amending the 12 Resource Management Plans in Colorado, Utah and Wyoming to deny the public the right to protest and to deny governors of affected states the right to appeal summary dismissal of concerns they raised regarding inconsistencies of the amended plans with state and local laws, plans and policies.

Reversing the Bush administration attack.—The incoming administration of President-elect Obama should take immediate action to review current oil shale policy and withdraw the deficient regulation and support Congressional efforts to revise misguided statutory directives, to ensure that America's energy vision is based on efficiency and sustainable alternatives rather than dirty fuels and increased greenhouse gas emissions.

2. Utah RMP Amendments: Rolling back protections for wildlife and cultural resources

After dismissing or resolving 87 protests in less than a month, the BLM will implement five of six resource management plans that govern all aspects of management on 11 million acres of Utah's public lands, including the state's renowned canyon country, for the next 15-20 years. The Bush administration released these six Utah plans in a flurry – one plan almost every week from August 1 to September 5, 2008. While the public was given 30 days to protest each plan, the public effectively had only one week between each protest deadline to

review and digest each 1,000-page plan, and submit protest letters to the BLM detailing concerns and inadequacies of plans.

The Bush administration proposes limited protections for only 16 percent of the lands within the plan areas that it determined to have wilderness characteristics. In contrast, the vast majority of lands within the plan areas are prioritized for energy development. The new plans prescribe that 80 percent of the 11 million acres will be available to oil and gas development. Exploration, drilling, and access road construction will put at risk premier Fremont rock art sites in Nine Mile Canyon and wilderness character lands near the Green River in Desolation Canyon. Off-road vehicle use is permitted on an appalling 95 percent of wilderness-quality lands (more than 2.3 million acres). The new plans also roll back significant protections for wildlife, sensitive species and cultural resources by eliminating existing Area of Critical Environmental Concern (ACEC) protections from almost one-half million acres of land—threatening resources and places like the ancestral Puebloan ruins at Cedar Mesa. The BLM is mandated under the Federal Land Policy and Management Act to prioritize designation and protection of ACECs to protect specific resources like critical species of wildlife, archaeological resources, or fragile or unique geologic formations.

Reversing the Bush administration attack.— The incoming administration of President-elect Obama should review and revise the six new Utah RMPs, and take immediate steps to ensure that proposed lease tracts in areas designated as ACECs, or that have wilderness qualities, are not offered in future Utah BLM oil and gas lease sales.

3. December 19, 2008 BLM Lease Sale: Threatening Parks and Wilderness

After releasing the six revised Utah RMPs, on November 11, 2008, the Bush administration announced the auction of 360,000 acres in a December 19th lease sale, including parcels near or adjacent to national treasures such as Arches National Park, Dinosaur National Monument, and Canyonlands National Park. More than 50 percent of the lease sale includes land that has been nominated for wilderness as part of America's Redrock Wilderness Act now pending before Congress, as well as lands that the BLM has acknowledged have wilderness characteristics. This announcement was made without consulting with, or even advising, the National Park Service, an atypical move for a lease sale of parcels so close to National Park System protected areas. (The National Park Service also was denied the opportunity to act as a cooperating agency on the revision of the six RMPs that authorized the lease sales.) Following the lease sale announcement, the National Park Service formally requested that the BLM remove 93 parcels based on concerns about air and water quality, wildlife and serenity in the parks if drilling were to occur near park borders. However, BLM agreed to remove only 24 of those 93 parcels. Southern Utah Wilderness Alliance, The Wilderness Society, the Natural Resources Defense Council and the Grand Canyon Trust filed a formal protest on December 4, 2008, in an effort to get BLM to remove as many as 100 additional parcels from the list.

Reversing the Bush administration attack.— The incoming administration of President-elect Obama should either halt completion of lease transactions for the protested parcels or cancel the leases if they already have been issued. Information should be requested from BLM regarding the number of acres leased and the revenue collected for parcels not protested.

4. Emergency Land Withdrawals: Removing Congressional authority

Pursuant to Section 204(e) of the Federal Land Policy Management Act, when an emergency situation exists and when extraordinary measures are necessary to preserve values that otherwise would be lost, the House of Representatives Committee on Natural Resources or the Senate Committee on Energy and Natural Resources has the authority to call upon the Secretary of the Interior to make an immediate emergency withdrawal of land (42 U.S.C. § 1714(e)).

On June 25, 2008, the House Natural Resource Committee issued an emergency resolution, directing the Secretaries of the Interior and Agriculture to withdraw BLM and Forest Service lands adjacent to Grand Canyon National Park from uranium mining, pursuant to its authority under Federal Land Policy Management Act and its implementing regulations. Rather than withdrawing these lands, on October 10, 2008, the Bush administration announced a drastic change in policy with regard to emergency land withdrawals, providing the public only 15 days to comment. This rule, which was finalized December 5, 2008, eliminates any and all Congressional authority to make emergency land withdrawals, in contravention of Congressional intent as set forth in Federal Land Policy Management Act.

Reversing the Bush administration attack.— The incoming administration of President-elect Obama should withdraw BLM and Forest Service lands adjacent to Grand Canyon National Park from uranium mining and fully restore emergency land withdrawal regulations that affirm the authority of Congress to make emergency land withdrawals.

Conclusion

The magnitude and scope of the Bush administration's assault on key rules that have guided this nation's stewardship of our endangered species and public lands present unprecedented challenges for Congress and the incoming administration of President-elect Obama. Congress should act promptly to prevent the Endangered Species Act regulations proposed on August 5 and August 15, 2008 from being finalized and to bar completion of the pending proposal to delist the gray wolf in the northern Rocky Mountains. If these proposed regulations are successfully finalized by the Bush administration, then the incoming administration of President-elect Obama seek to minimize their effects while working to reverse them as quickly as possible.

To further erase the stained natural resources legacy of the Bush administration, the incoming administration of President-elect Obama also will need to act promptly to rescind the polar bear Section 4(d) rule, take immediate action to review current oil shale policy and withdraw the deficient commercial oil shale leasing and development regulations, review and revise the six new Utah RMPs, halt completion of lease transactions for the protested parcels or cancel the leases if they already have been issued as part of the December 19th Utah lease sale, withdraw BLM and Forest Service lands adjacent to Grand Canyon National Park from uranium mining, and fully restore emergency land withdrawal regulations that affirm the authority of Congress to make emergency land withdrawals under the Federal Land Policy Management Act.

Thank you for considering my testimony. I'll be happy to answer questions.