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Bush Appointee Said to Reject Advice on Endangered Species

By Juliet Eilperin
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A senior Bush political appointee at the Interior Department has rejected staff scientists' recommendations to protect imperiled animals and plants under the Endangered Species Act at least six times in the past three years, documents show.

In addition, staff complaints that their scientific findings were frequently overruled or disparaged at the behest of landowners or industry have led the agency's inspector general to look into the role of Julie MacDonald, who has been deputy assistant secretary of the interior for fish and wildlife and parks since 2004, in decisions on protecting endangered species.

The documents show that MacDonald has repeatedly refused to go along with staff reports concluding that species such as the white-tailed prairie dog and the Gunnison sage grouse are at risk of extinction. Career officials and scientists urged the department to identify the species as either threatened or endangered.

Overall, President Bush's appointees have added far fewer species to the protected list than did the administrations of either Bill Clinton or George H.W. Bush, according to the advocacy group Center for Biological Diversity. As of now, the administration has listed 56 species under the Endangered Species Act, for a rate of about 10 a year. Under Clinton, officials listed 512 species, or 64 a year, and under George H.W. Bush, the department listed 234, or 59 a year.

The dispute is the latest in a series of controversies in which government officials and outside scientists have accused the Bush administration of overriding or setting aside scientific findings that clashed with its political agenda on such issues as global warming, the Plan B emergency contraceptive and stem cell research.

Interior spokesman Hugh Vickery said the agency has added fewer plants and animals to the list because it has been mired in lawsuits over existing listings and was more focused on ensuring their recovery than in identifying new ones.

MacDonald said she does not make the decision on whether to federally protect a species, because the head of the Fish and Wildlife Service has that responsibility. But she said she had made her feelings clear in an array of documents; overruled scientists' conclusions in areas where she has authority, such as designating critical habitat; and mocked rank-and-file employees' recommendations.

MacDonald said she sees her job as protecting "the public face of the Fish and Wildlife Service" by carefully scrutinizing listing documents that often seem vague or unsupported by evidence.

"A lot of times when I first read a document I think, 'This is a joke, this is just not right.' So I'll ask questions," said MacDonald, a civil engineer by training who worked at the California Resources Agency before joining the Interior Department in 2002. "These documents have tremendous economic and social implications for people."

Since the act's inception in 1973, the government has identified 1,337 domestic species as threatened or endangered, of which 1,311 remain on the list. At any given time the government is evaluating hundreds of candidate species: Officials and scientists review all the available scientific literature on a plant or animal before awarding it protection.

The process can take several years, even though under law it should take no more than two years and three months.

Hundreds of pages of records, obtained by environmental groups through the Freedom of Information Act, chronicle the long-running battle between MacDonald and Fish and Wildlife Service employees over decisions whether to safeguard plants and animals from oil and gas drilling, power lines, and real estate development, spiced by her mocking comments on their work and their frequently expressed resentment.

Two advocacy groups, the Union of Concerned Scientists and the Center for Biological Diversity, provided the documents to The Washington Post. Francesca Grifo, who directs the union's scientific integrity program, said MacDonald's actions are "not business as usual but a systemic problem of tampering with science that is putting our environment at risk."

In a few instances, federal judges have overturned decisions that MacDonald had influenced. After she declared that the endangered Santa Barbara and Sonoma salamanders were no longer "distinct populations" entitled to protection, William Alsup, a judge on the U.S. District Court for Northern California, ruled that MacDonald had arbitrarily instructed Fish and Wildlife scientists to downgrade the two species even though an agency scientist concluded that "genetics state otherwise."

"This is not to suggest that the Secretary of Interior has no role in the ultimate decision," Alsup wrote. "If the Secretary wants to re-assess the evidence, he may choose to do so, but, in doing so, he must set forth a discernible rationale."

In several instances, MacDonald wrote sarcastic comments in the margins of the documents, questioning why scientists were portraying a species' condition as so bleak. When scientists raised the possibility that a proposed road might degrade the greater sage grouse's habitat, which is scattered through 11 Western states, MacDonald wrote: "Has nothing to do with sage grouse. This belongs in a treatise on 'Why roads are bad?'"

MacDonald acknowledged that her comments appeared harsh at times.

"Mea culpa," she said of the roads comment. "I read so many of these I get frustrated sometimes. I shouldn't be flippant. I shouldn't be sarcastic."

MacDonald has repeatedly urged employees to consider the position of industry officials more seriously when weighing whether to declare a species threatened or endangered. During a discussion of greater sage grouse populations in the first half of the 1800s, she wrote, "This paragraph completely ignores the comments received by the Owyhee Cattlemen's Association and the Idaho Cattle Association." The organization opposed the listing on the grounds that it would limit their use of land where the birds live.

During a separate rulemaking concerning the threatened bull trout's habitat on the Klamath River, Fish and Wildlife officials debated via e-mail on how to respond to MacDonald. Her questions, they believed, reflected the concerns of Ronald Yockim, a lawyer representing three Idaho counties opposing a pending decision to protect nearly 300 miles of the river. After MacDonald's intervention, Fish and Wildlife officials opted to protect 42 miles instead.

John Young, a Fish and Wildlife biologist, wrote to several colleagues: "Yockim is an attorney representing various interest groups. It appears that Julie has shared our responses to her comments with Yockim, which have generated additional comments from Yockim. It seems to me it would be inappropriate to essentially continue the public comment period (it is closed) by contacting and responding to his follow-up questions/comments that he did not provide during the comment period."

MacDonald said that she was following up on a letter Yockim had sent and that the solicitor's office had approved such contacts.

MacDonald said that on occasion she told officials they did not have to heed her advice. In documents concerning the white-tailed prairie dog, an e-mail from her on Oct. 25, 2004, stated, "None of these changes are final or a directive."

But on Nov. 1, an official in the Denver regional office, Seth Wiley, sent a follow-up e-mail that said: "Just spoke with Chris Nolan and Kurt Johnson. Julie McD and the Department want to go with a not-warranted listing."

Before issuing that memo, MacDonald changed how the agency characterized the threats facing the species. Staff scientists wrote in a summary that "both documents clearly identify current and projected threats to the species, including mortality and habitat loss, fragmentation and degradation. We believe further evaluation of the extent of leasing and current and projected oil and gas development is necessary."

MacDonald eliminated the reference to energy leases and added: "The identified threats are speculative, and neither document provides substantial scientific information supporting the speculation."

Amid the complaints, Interior officials have privately contacted the ranking Democrat on the House Resources Committee, Rep. Nick J. Rahall II (W.Va.), who plans to hold oversight hearings into the matter if his party retakes the majority in next month's elections.