

October 18, 2008**EDITORIAL**

Last-Minute Mischief

All presidents indulge in end-of-the-term environmental rule-making, partly to tie up bureaucratic loose ends but mainly to lock in policies that their successor will be hard pressed to reverse.

President Bill Clinton's midnight regulations were mostly good, including a rule protecting 60 million acres of national forests from road-building and most commercial development. Not surprisingly, most of President Bush's proposals are not.

Exhibit A is a set of six resource management plans covering 11 million acres of federal land in Utah. They would open millions of acres to oil and gas drilling and off-road vehicles, risking priceless cultural artifacts and some of the most breathtaking open spaces in America. The plans, each more than 1,000 pages, were dumped on an unsuspecting public in the last few weeks by the Bureau of Land Management.

The bureau claims that it wasn't trying to pull a fast one and that drafts were available months ago. But the final documents are what count. The public now has only a few short weeks to register objections before the secretary of the interior makes them final.

Why the rush? The agency says it had to wrap things up before it ran out of planning money. What we are really seeing, though, is the last gasp of the Cheney drill-now, drill-everywhere energy strategy; one last favor to the oil and gas drillers and the off-road vehicle enthusiasts before a more conservation-minded president (both Senators Barack Obama and John McCain have far better records than Mr. Bush) comes to town.

Environmentalists are also suspicious of the Interior Department's recent proposal to revoke a longstanding if rarely used regulation that gives Congress and the interior secretary emergency powers to protect public lands when commercial development seems to pose immediate environmental dangers.

Dirk Kempthorne, the interior secretary, decided that the rule was unnecessary after Representative Raúl Grijalva of Arizona and about 20 other members of the House Natural Resources Committee ordered him to withdraw about 1 million acres near the Grand Canyon from new uranium mining claims to give officials time to assess potential damage to the air and water.

Arguing that the committee did not have a quorum and that he had other means of guarding against damage, Mr. Kempthorne not only refused to obey the committee's order but proposed to rescind the departmental rule requiring him to obey it. The public has been given 15 days to comment, after which Mr. Kempthorne will be free to jettison the rule.

Mr. Kempthorne is also pressing ahead with plans to scale back important protections required by the Endangered Species Act by eliminating some mandatory scientific reviews by the Fish and Wildlife Service

of federal projects that could threaten imperiled animals and plants.

The new rule — which could be made final at any moment — would allow projects like roads, bridges and dams to proceed without review if the agency in charge decides they would cause no environmental harm. The National Audubon Society and other groups have compiled an extensive list of cases in which the agencies misjudged the threat and Fish and Wildlife Service scientists had to intervene to protect the species.

Some of the administration's recent regulations have been helpful — one tightening pollution controls on small engines like lawnmowers, another tightening lead emissions. But others could cause serious and lasting damage. And there are still three nerve-racking months to go before Mr. Bush leaves office.

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