BARBARA BOXER, CALIFORNIA, *CHAIRMAN*

MAX BAUCUS, MONTANA
JOSEPH I. LIEBERMAN, CONNECTICUT
THOMAS R. CARPER, DELAWARE
HILLARY RODHAM CLINTON, NEW YORK
FRANK R. LAUTENBERG, NEW JERSEY
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
AMY KLOBUCHAR, MINNESOTA
SHELDON WHITEHOUSE, RHODE ISLAND

JAMES M. INHOFE, OKLAHOMA
JOHN W. WARNER, VIRGINIA
GEORGE V. VOINOVICH, OHIO
JOHNNY ISAKSON, GEORGIA
DAVID VITTER, LOUISIANA
LARRY E. CRAIG, IDAHO
LAMAR ALEXANDER, TENNESSEE
CRAIG THOMAS, WYOMING
CHRISTOPHER S. BOND, MISSOURI

BETTINA POIRIER, *MAJORITY STAFF DIRECTOR*
ANDREW WHEELER, *MINORITY STAFF DIRECTOR*

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510–6175

May 2, 2007

Honorable Dirk Kempthorne
U.S. Department of Interior
Mail Stop 6242
1849 C Street, NW
Washington, DC 20585-0001

Dear Secretary Kempthorne:

Recently some of our colleagues on the Senate Committee on Environment and Public Works sent you a letter advising the Department to stop its work toward promulgating regulations concerning the Endangered Species Act. We read their letter with great disappointment and are writing to urge you to publish the proposed regulations expeditiously and in full compliance with the law.

The Administrative Procedure Act guarantees a transparent and fair process with full opportunity for public comment and involvement. The regulated community, advocacy groups, and Members of Congress alike ought not seek to influence rulemaking before the process begins. To the contrary, interested stakeholders should and are in fact encouraged to fully engage in the public review process, ask the appropriate questions, and voice their concerns and views.

From all accounts, the draft document, to which our colleagues referred as "troubling," is an internal working document that has undergone considerable further review and thus is no longer relevant. Therefore, in order to allay continued misunderstandings and the unfortunate injection of politics into the transparent public rulemaking process regarding one of the most powerful environmental laws in the world, we strongly urge you to publish the proposed regulations in the Federal Register as promptly as possible.

Sincerely,

James M. Inhofe
Ranking Member, Committee
on Environment and Public Works

Larry E. Craig
Ranking Member, Subcommittee
on Superfund and Brownfields

Christopher S. Bond
Member, Committee on Environment
and Public Works

Craig Thomas
Member, Committee on Environment
and Public Works

PRINTED ON RECYCLED PAPER