

# The Houston Chronicle

August 11, 2005

## AN ENDANGERED ACT

### Congressional foes put act that protects endangered wildlife in their crosshairs

#### Editorial

Since President Richard Nixon signed it in 1973, the Endangered Species Act has prevented the extinction of hundreds of species of American plants and animals, restoring many to sizable populations. In the process of designating 1,370 species eligible for protection, the act also has generated court battles by opponents who chafed at restrictions on commercial development of essential habitat.

Backed by land development and agricultural interests, as well as the Bush administration, several members of Congress are pushing legislation that would gut what some consider the most important environmental law in U.S. history. U.S. Rep. Richard Pombo, R-Calif., who chairs the House Resources Committee, has offered a draft bill that would replace the Endangered Species Act and cancel all agreements to protect threatened species.

Environmentalists charge that Pombo's bill eliminates any provision to help species recover from near extinction and effectively forbids the designation of critical habitats on virtually all federal land. The existing law requires that species be protected if they are en-

dangered in a significant portion of their range. Pombo's draft narrows that requirement to species threatened throughout their range.

This month the U.S. Fish and Wildlife Service adopted similar reasoning when it proposed the removal of the pygmy owl in Arizona from the list of threatened species because healthy populations exist in Mexico. Under President Clinton the agency had proposed designation of 1.2 million acres in the state as critical habitat. Under the Pombo standard, animals such as the grizzly bear, bald eagle and timber wolf, with large populations in Alaska, would not have qualified for protection in other parts of the United States.

Polls consistently have found that Americans strongly support the act's protections for threatened wildlife. The Supreme Court recently refused to hear a challenge to enforcement of the act brought by developers in a dispute involving the endangered Kretschmarr Cave mold beetle in Texas.

Pombo's bill would allow the secretary of the interior to determine what scientific evidence is relevant in deciding if a species is endangered and give the secretary the power to overturn decisions by federal biologists and

wildlife managers. It would saddle agencies with massive paperwork and create an appeals process that could be launched by any person affected by an agency decision or habitat conservation plan.

After 32 years of success, the Endangered Species Act may need streamlining and adjustment to the realities of the continued development of rural areas of the country. It should not be destroyed and replaced with a law that would give all the advantages to business interests and allow the secretary of the interior to play God with the nation's biodiversity.

When Congress returns from its summer recess, Texas representatives and Sens. Kay Bailey Hutchison and John Cornyn should insist that any changes to the Endangered Species Act be aimed at improving its effectiveness. Texans are justly proud of the vast array of wildlife that thrives in protected forests, mountains and marshes across the state. Let's make sure that natural treasure is preserved for the benefit of future generations.