

**A House assault on endangered species****Lynchburg News & Advance**    October 11, 2005

When the Endangered Species Act was signed into law by President Nixon in 1973, it provided protection for 1,268 plants and animals considered "endangered" or "threatened" by extinction. Among the courses of action provided for the government were setting aside habitat for dwindling species that needed protected areas to survive and recover.

Currently, critical habitat has been designated for 466 species in the United States.

The law has helped 16 species - including alligators, deer, falcon and gray whales - to recover sufficiently to be removed from the government's watch list, according to the U.S. Fish and Wildlife Service. Fifteen were removed from the list because the data used to justify government protections were later found faulty. Nine were taken off the list because they did become extinct.

Nonetheless, the act that has been credited with saving a number of species, including the American bald eagle, has come under assault in the House of Representatives.

In what has been described as a major revision of the act, the House approved late last month a measure that would give landowners significant new rights and the government a smaller role in protecting plant and animal habitat. The vote was 229-193.

The bill would require payments to property owners if species protection measures thwart their development plans.

It would put political appointees in charge of making some scientific determinations and stop the government from designating "critical habitat" for species where development is limited.

The bill's author, House Resources Committee Chairman Richard Pombo, R-Calif., said the current act "has been a failure at recovering species. We have to respond to that and step in and reauthorize the bill, put the focus on recovery and protect private property owners."

Susan Holmes, a senior legislative representative at Earthjustice environment law firm, had a different view of the legislation. She said the bill amounted to "the death warrant for treasured American wildlife."

Pombo is considered the biggest critic in Congress of the Endangered Species Act, so it came as no surprise that he introduced the measure to weaken it.

What did come as a surprise is the speed with which he pushed the measure through. As the Los Angeles Times reported, Pombo introduced the bill on a Monday and by Thursday it had been modified by the House Resources Committee. He got it to a floor vote by the following Thursday.

There is some good news about the possible future of endangered species in Washington. The measure passed by the House faces an uncertain future in the Senate. That's because Senator Lincoln Chaffee, R-R.I., head of the subcommittee that oversees the law, has expressed concerns about the House bill.

In contrast to Pombo's charge that the law has failed, Chaffee described it as "successful from the animal and plant perspective, certainly. It's generated a great deal of controversy on the human side, and for that reason we'd like to see it improved," he said.

Another critic of the bill says that most disturbing provision is that it invites abuse. That would be paying developers for not developing and basing the payout on the hypothetical profit they say they would have made. The federal government has had a taste of that with the farm subsidy program whereby farmers were paid for not growing crops.

The best result for the truly endangered species - and for the taxpayers - would be for the Senate to reject this shortsighted bill that passed the House.