

Pombo's Endangered Species Act Reform Proposal Would Do More Harm Than Good, Analysis Says

To: National Desk

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WASHINGTON, Aug. 31 /U.S. Newswire/ -- Rep. Richard Pombo's Endangered Species Act reform proposal wouldn't fix the ESA's fundamental flaws, would place endangered species at greater risk and would give federal officials even wider powers to violate property rights, says The National Center for Public Policy Research in a just-released 3,500-word analysis of the proposal.

The National Center's analysis is based on an examination of a 73-page draft of the "Threatened and Endangered Species Recovery Act of 2005" that circulated earlier this summer -- a draft widely attributed to Rep. Pombo's staff.

Rep. Pombo is chairman of the House Resources Committee.

"Chairman Pombo's proposal would likely do more harm than good. The ESA would continue to be ineffective in saving species, continue to be incredibly costly, and continue to deprive people of their land and livelihoods," said David Ridenour, vice president of The National Center for Public Policy Research and author of the analysis. "The ESA would be as effective as the Iraqi Republican Guard, as efficient as the Post Office and as compassionate as the IRS."

Ridenour's analysis points to several major problems with Rep. Pombo's draft bill.

For instance, it notes that the TESRA draft bill includes a provision that would permit regulation of so-called "invasive species" under the Endangered Species Act for the very first time. Such authority could lead to land use restrictions far and above what even the current ESA is capable of inflicting.

The Pombo ESA bill would also exempt endangered species recovery teams from sunshine requirements under the Federal Advisory Committee Act.

"There are few things more dangerous than unaccountable, unelected advisors making important public policy decisions," warned Ridenour, before adding, "But this is one: Anonymous, unaccountable, unelected advisors making such decisions."

The draft TESRA legislation also calls for compensating property owners only when ESA restrictions devalue their property by 50 percent or more.

"Many small landowners can't afford to lose 25 percent of their property value without compensation, much less 49.9 percent," notes Ridenour. "Even landowners whose losses meet the 50 percent threshold in the TESRA draft

proposal aren't likely to ever see compensation as procedural hurdles make it nearly impossible for landowners of modest means to obtain any relief."

The report also expresses concern that the TESRA reform proposal could arm the federal government with the means to acquire private lands at bargain prices and that it would give the Secretary of Interior broad new discretionary powers, including the power to treat species that aren't currently listed as either "endangered" or "threatened" under the ESA as de facto endangered species.

Ridenour also suggests that the TESRA proposal would lock in place the perverse incentive system that has led the ESA to fail in recovery species.

Today, private landowners live in fear of the ESA. Those who harbor endangered species on their property, or merely own land suitable for them, often find themselves subject to severe land use restrictions. To avoid such restrictions, many preemptively sterilize their land of its rare plant and animal life.

"The TESRA draft proposal falls far short of meaningful Endangered Species Act reform," said Ridenour. "Some property rights advocates are clinging to the hope that this is the product of bad staff work and that the Chairman Pombo might not have even read it. I sincerely hope they're right."

To obtain a copy of the analysis, National Policy Analysis No. 531: "'TESRA' Endangered Species Act Reform Proposal Would Do More Harm Than Good," visit The National Center's Web site at <http://www.nationalcenter.org/NPA531TESRA.html> or contact Peyton Knight at The National Center at 202-543-4110 ext. 20.