

# Preserve species act

## A Register-Guard Editorial

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**H**urricane Katrina has served as a painful reminder to humans of how essential habitat is to their own survival.

That lesson seems to have been lost on Rep. Richard Pombo, the Republican chairman of the House committee overseeing natural resources. On Monday, Pombo introduced a bill that would make it more difficult for the federal government to set aside land deemed vital to the recovery of endangered species.

Pombo, a California rancher and longtime property rights activist, says his proposal is needed to fix a broken law that has helped only 10 of 1,300 species recover since it was signed by President Nixon more than three decades ago.

Don't be fooled. Pombo's proposal would fix the landmark federal law in the same way that a chop shop fine-tunes a stolen car. If Congress approves this bill, protections for endangered wildlife, fish and plants would be stripped away like the engine, transmission, chrome and stereo from a heisted Beemer.

Under current law, the U.S. Fish and Wildlife Service is required to designate critical habitat for endangered animals and plants in order to ensure their survival and recovery. By contrast, Pombo's bill would eliminate critical habitat designations. Instead, the agency would be required to craft recovery plans that simply identify certain areas regarded as important to a species' recovery. Binding recovery plans would largely be replaced by what Pombo's bill terms "nonbinding guidance."

Pombo's proposal also would require the government to compensate property owners at fair market value for losses that result from protecting endangered species. If the government doesn't pay compensation, then it cannot enforce the act.

If that sounds familiar to Oregonians, it's for good reason. The bill, like this state's Measure 37, seizes on the specter of threats to individual property rights to justify retrograde provisions that hamstring government's ability to enforce the law. Like Measure 37, Pombo's bill ensures that enforcement will be so expensive that the law would largely be rendered useless.

While the Endangered Species Act needs updating, this draconian bill is not the answer. Pombo insists the current law is "not working" because less than 1 percent of protected species have fully recovered. That overlooks the length of time that species require for recovery. Pombo and his property-rights posse also overlook that the law has prevented the extinction of hundreds of animals, insects and plants. More than two thirds of listed species, ranging from the brown pelican to the whooping crane, are now regarded as stable or improving. Pombo's bill would reverse that progress by reducing oversight, critical habitat and other vital protections.

Pombo has scheduled a hearing on his bill for today, and a floor vote is possible as early as next week. Congress should make sure that this fast track lands this sorry bill on the legislative trash heap where it belongs.