Proposal changes could kill Endangered Species Act

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A version of a proposed change to the Endangered Species Act pushed by Rep. Richard Pombo, R-Tracy, contains a sunset clause that would end the landmark environmental law in 10 years.

While such clauses are common in many Congressional bills, environmental groups have called this clause an attempt to repeal the act.

Brian Kennedy, press secretary on Pombo’s staff at the House Resources Committee, said that the 73-page “Threatened and Endangered Species Recovery Act of 2005” came out of their office. He said that a version of the document circulated by environmental groups is a month-old draft that both parties have debated within the committee.

Page 70 of the document contains a line that says, “All provisions of this Act shall cease to have any force and effect on October 1, 2015.”

“We can’t comment on the bill because we haven’t read it, and Chairman Pombo’s spokesman has said that this bill is not necessarily the legislation that will be introduced,” said Glen Loveland, press secretary for Rep. Tom Udall, D-N.M., who sits on the Resources Committee.

Such sunset clauses are a common feature of many bills, Kennedy said. He noted that the act has not been reauthorized in well over a decade.

“It lives on through the appropriations process,” Kennedy said. “The only real debate on the Endangered Species Act is how much money.”

According to Jamie Clark, executive vice president of Defenders of Wildlife, Republicans’ past successes in preventing reauthorization of the act shows that they plan to repeal it.

“Where is the incentive to negotiate if all you have to do is stall until 2015?” she said.

The act was last reauthorized in 1988, Clark said, and it was scheduled to be reauthorized again in 1992 but has been repeatedly blocked by Republicans. Clark said that as a former director of the Fish and Wildlife Department who has testified before Pombo on multiple occasions, she has had a ringside seat for what she calls his “obstructions.”

Clark said that the popularity of the Act — recent polls have shown that more than 80 percent of the public supports the bill, she said — have made it difficult for Republicans to fight for an outright repeal. Instead, she said, they plan to let gridlock do the job for them.

The clause is written in such a way that an expiration of the act would undo all the work that came before, according to Kieran Suckling of the Center of Biological Diversity, a frequent and vehement opponent of Pombo.

“All past protections and agreements will be null and void,” Suckling said. “It’s pretty extreme.”

Defenders of Wildlife, the Center for Biological Diversity and other groups have issued press releases that criticize changes to the law.

Opponents charge that Pombo’s draft bill would hamstring scientists, bury Fish and Wildlife staff in paperwork and provide massive loopholes for oil, gas and mining industries. They also say it could create a new entitlement program that would divert conservation funds to landowners, some of whom may have been only slightly affected by having wildlife on their property.

Property-rights groups, which have
shown some skepticism towards Pombo’s recent efforts on the act, have responded with a good deal more enthusiasm.

In fact, a group of them are meeting in Washington from July 18 to 22, in a series of events designed to coincide with hearings and debate about the bill.

Chuck Cushman, executive director of the American Land Rights Association, said that the bill doesn’t have everything in it he would like to see. But, unlike some purists in the property-rights movement, he said he is willing to take some progress over no progress. He applauded the efforts to compensate landowners and place more oversight on enforcement of the act.

“My work is saving landowners from the government,” Cushman said. “Think if Schindler had decided, ‘I can’t save all of the Jews, so let’s not save any of them.’”