

Roanoke Times

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Putting profits before species

The Endangered Species Act risks extinction in the House.

"The [Endangered Species Act] is still stuck in 1973, wearing leisure suits, mood rings and collecting pet rocks," Rep. Richard Pombo, R-Calif., said the other day while introducing a bill to gut the act. America is lucky that those things are not eligible for endangered species protection; otherwise, they would almost certainly still be around. The Endangered Species Act has been that successful.

Critics have argued for years that the act unfairly restricts what landowners can do with property that has protected habitat on it.

To remedy that alleged problem, the bill would require government officials to decide within 90 days whether to approve development proposals that would disrupt critical habitat. If the government misses the deadline, the development would be permitted by default.

When the government does manage to rule in time and limits development, it would have to pay the landowner the value of the proposed project. Moreover, nothing would prevent a developer from returning repeatedly with different speculative projects, seeking compensation for each.

Even Assistant Secretary for Fish and Wildlife and Parks Craig Manson of the Interior Department, a Bush appointee, criticized those provisions for their lack of flexibility and the cost of implementing them. Three months is insufficient time to rule on an application that requires careful analysis, and Congress has chronically underfunded species preservation projects, leaving few dollars to pay off developers lest they destroy habitat.

The bill's supporters seem to believe that there is no mechanism in place for public-private partnerships to preserve habitat. On the contrary, the Interior Department works with landowners through its Species Protection Partnership Program. In 2004 alone, the program led to partnerships that preserved 300,000 acres of habitat and 375 miles of river.

The only thing the bill comes close to getting right is a requirement that federal agencies use peer-reviewed science. Unfortunately, the bill goes too far, requiring it to be "the best scientific data available," whatever that means. The bill does not define the term, instead punting to political appointees who might or might not have any scientific background.

Pombo introduced his bill Monday, held hearings Wednesday and hopes the full House will vote on it this week. Undermining three decades of species protection in a week would be quite an accomplishment.

The Endangered Species Act has protected more than 1,800 animal and plant species. Only nine have gone extinct. Congress should not mess with a 99.5 percent success rate.