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Rewrite of Endangered Species Act would gut it

The Star's view: A California lawmaker wants to gut the Endangered Species Act and replace it with a law that does little for threatened plants and animals.

The Endangered Species Act that has protected endangered plants and animals for more than 30 years is under assault in Congress.

Last week, the House Resources Committee voted 26-12 to move a complete rewrite of the act to the full House. The House is expected to vote as early as this week.

The bill is moving quickly and has received short shrift in the media, behind news of hurricanes, hurricane relief and wars. That may be exactly what its author, Rep. Richard Pombo, R-Calif., is hoping will happen.

While this legislation emasculates the act, Pombo is cleverly playing on overwhelming support for wildlife protection by calling his bill the Threatened and Endangered Species Recovery Act of 2005.

The more than 80 percent of Americans who support wildlife protection should know Pombo's bill is anything but protection for endangered species.

According to the Defenders of Wildlife, the bill would make it more difficult for the federal government to protect habitat, a fundamental element in saving species.

Further, plans to protect endangered species would become "nonbinding guidance," meaning that there would be no real protections. And, according to the Defenders of Wildlife, it would use public money to pay landowners who voluntarily comply with the law.

On his Web site, Pombo writes that after 30 years, the act has recovered only 10 of about 1,300 species on the endangered list. "What it has done instead is create conflict, bureaucracy and rampant litigation." And he said in The Washington Post that under his legislation, "individual property owners are not forced to shoulder the financial burden of conserving endangered species for all Americans."

His bill would require the federal government to compensate owners if it found some of their property should not be developed in order to protect designated species.

Environmentalists take a different view.

While only a handful of species have been recovered, only a handful have fallen to extinction, they say.

But they also argue, rightly so, that problems with the Endangered Species Act are mostly those created by Congress. Provisions of the current act routinely go unenforced because the U.S. Fish and Wildlife Service has pitifully few resources. It is caught between a well-intended law and politics.

Fish and Wildlife would be more effective if it received proper funding from Congress. The service estimates it needs about \$153 million over the next five to 10 years to properly administer the Endangered Species Act.

And Pombo is wrong when he blames the act for creating "rampant litigation." It is Congress that has, through its backdoor attempt to undermine the act, forced an adversarial form of government oversight through litigation. Without the lawsuits, the government would be powerless in protecting species.

And while Pombo talks of the rights of property owners, few mom-and-pop ranchers and farmers are affected by the current act. Pombo's legislation is more likely to protect megabusinesses with large landholdings than the individual property owner.

Congress should not be creating legislation that is likely to do more harm than good for endangered species. It should instead properly fund and support the agency already charged with protecting threatened species.

To learn more about this bill, visit thomas.loc.gov and enter the name - Threatened and Endangered Species Recovery Act. Let your representatives know what you think by contacting them through www.house.gov or www.senate.gov