

SAVE SPECIES; KILL THIS BILL

House passage assured, so Senate must save Endangered Species Act

September 24, 2005

Back in the full heat of the summer, when a bill to replace the Endangered Species Act had not yet been introduced, even the previews were scary. Now that the actual bill is here, and likely to win passage in the House in the next week or two, it's even more breathtakingly bad than advertised.

The prime mover of the effort to gut the Endangered Species Act is Rep. Richard Pombo (R-Calif.), chairman of the House Committee on Resources, who has long wanted to make major changes to the landmark 1973 legislation. His background is full of clear signals of his position, such as the book he wrote on property rights, "This Land Is Our Land."

So, now that he's running a committee with some real clout on the issue, Pombo is using this bully pulpit to push for a sweeping new law that would essentially replace the 1973 act with something far friendlier to mining, lumber and other big extraction interests that find the original act annoying. They'll just love Pombo's bill.

One new feature of the bill is downright cynical: It requires the Fish and Wildlife Service to respond in an unrealistically short time to requests from property owners for rulings on whether a proposed action would harm endangered species. Pombo wanted 90 days, but during the markup of the bill, it became 180. That's still an outrageously short time for an agency without enough resources to meet deadlines now. If the agency doesn't meet this new deadline, the property owner would be entitled to go ahead with the action.

But wait. It gets worse. Pombo's bill would also sock the taxpayer by compensating property owners who say they will suffer economically if they abstain from an action that might damage a listed species. A complex appraisal process would decide the amount of compensation, but whatever it is, it will constitute a shameless gift of public money.

Critics of the 1973 act argue that only 17 species have come off the list because they have fully recovered. But the nonpartisan Congressional Research Service says that by another measure, the law must be considered a success: Fully 41 percent of listed species have stabilized or increased populations, even if not enough to get off the list.

Despite such evidence of the 1973 act's success, there's no doubt that Pombo's bill will pass the House. The only real hope is that the Senate will refuse to abandon this sensible commitment the nation made three decades ago.