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EDITORIAL

Science can't win in Washington

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THERE'S NO EASIER federal law to ridicule than the Endangered Species Act. Snail darters, fairy shrimp or tiger salamanders can stall building plans in the name of environmental preservation, property owners complain. Why should these puny creatures rule?

But since 1973, this law has done its job to prevent the eradication of wildlife at the hands of human activity. Salmon, seals and sandhill cranes are among roughly 1,300 species on the protected list. Though only a handful have recovered sufficiently to be removed from the endangered list, the law has kept hundreds of insects, animals and plants from extinction. It has worked at saving nature.

After more than 30 years on the books, there are changes that could make the law work better. Landowners complain the law is so inflexible and financially painful that there's the urge to "shoot, shovel and shut up" to remove any trace of a threatened species before the feds can step in.

What's needed is a healthy review that takes in all sides. Though environmentalists don't like the notion, compensating property owners when land can't be developed is an idea worth considering. But the loss should be fairly established and the money found in a hurricane-battered budget. It's worth a balanced debate.

But moderate, consensus-driven tweaks aren't on the table this week. Instead, a wholesale gutting, courtesy of a longtime foe of conservation, could undo the success of the law.

Rep. Richard Pombo, R-Tracy, who chairs the House Resources Committee, is lining up the votes to weaken the law. He pushed a plan through his committee last week, and it appears likely to pass the full House.

Pombo hatchets the heart of the present rules. Scientific evidence for declaring a species at risk of extinction is dumbed down via a change that puts decision-making on biological evidence in the hands of the politically appointed secretary of the interior, not a panel of experts.

Pombo's measure also takes away a requirement that habitat be set aside to preserve the dwindling wildlife, even if it disrupts development, timber cuts or cattle grazing. In its place are weaker, voluntary controls on such activities. It's a gift to landowners.

There would also be compensation to property owners who are unable to develop their land because of endangered species needs. What's missing is how the number will be fixed and at what predicted cost. This gambit could lead to a run on the budget for the program, sinking its chances to work.

Pombo has failed twice before to undermine the law. A similar attack went nowhere in the Senate. But his political fortunes may be different this time.

Joining him in backing the bill is Rep. Dennis Cardoza, a Democrat from a next-door district in Merced County, where tiny fairy shrimp in seasonal pools qualify for protection. In his district, changing the rules could have a big effect on development, dairy farming and even water allocations that go with agriculture. Home-building on the northern edge of the San Joaquin Valley, which both men represent, would likely increase if the rules were weakened.

The retail politics are one matter, but they pale against a larger background setting: A Washington atmosphere that sees science as nothing more than a grab bag of diverse opinions or impediment to ideological views.

The Bush administration, which is supportive of Pombo's bill, has ignored global warming. It has tried to water down pollution rules, restricted stem-cell research and catered to so-called "intelligent design" at the expense

of evolution. It gets away with these obtuse positions by shrugging off contrary evidence as arguable alternatives that carry no special weight.

This tone is profoundly anti-science. It's made all the worse this time because the environment stands to suffer if endangered species are run off the ranch by Pombo and his cohorts. The law could stand some changing, but not at the hands of its worst enemies.