

Editorial

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Spare habitat

U.S. House bill ignored the compromises needed to protect endangered species. The Senate should craft a sounder law

The 1973 Endangered Species Act has been a success story, the bald eagle providing the most telling example, the number of pairs increasing from a few hundred to more than 8,000 across the country. That isn't to say environmentalists, developers and others lack for ways to improve the law. Unfortunately, the U.S. House paid little heed to the sound suggestions, approving legislation last week that would substantially harm the act.

Part of the trouble was haste. The Republican majority, led by Richard Pombo of California, put the bill on a fast track. In a matter of two weeks, the bill was introduced, examined at a single hearing and sent to the floor for action.

The legislation would make the process more difficult for placing a species on the endangered or threatened list. It would eliminate the system for designating "critical habitat," an essential element of the law, reflecting the comprehensive approach necessary to achieve the recovery of species. The bill calls for unrealistic deadlines, giving the feds little time for an intelligent assessment.

If the U.S. Fish and Wildlife Service does not act quickly enough (within 90 days), a development would be permitted to proceed. If the deadline is met and the agency says a project would harm a species, the developer would be compensated. Often the feds must take as long as a year to make their evaluation.

No wonder landowners have applauded the House bill. The act has been the source of much controversy among their ranks. In California, ranchers and developers reject the notion that the fate of the fairy shrimp should block their access to scarce water resources. What the House neglects is that far better ways exist to forge consensus among the competing interests. Bruce Babbitt set a smart example during his tenure as secretary of the interior in the 1990s, seeking to bridge differences on these issues.

Environmental Defense has proposed a package of practical improvements, including conservation incentives for landowners and reductions in the red tape that prevents landowners from aiding species. That is the direction the Senate should follow, moving cautiously and thoughtfully, looking to enhance the act through enlightened partnerships.

Many critics argue the act has been ineffective, citing the few species that have fully recovered the past 32 years. They overlook the length of time and attention required, not to mention the accomplishments, from the California condors in the Grand Canyon to the black-footed ferrets of the Great Plains. Protecting species strengthens the web of life, ensuring indispensable diversity and complexity.

Those same values should drive the debate on Capitol Hill. Rather than pursue legislation narrowly tailored to suit one set of interests, the Senate should attempt to build a stronger law, crafting compromises based on shared interests, advancing an act that has been a landmark achievement in protecting the environment and our way of life.