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Editorial: Species rewrite

Will Pombo bill end in reform or theatrics?

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In this ultrapolarized world of environmental politics, it is as impossible as it is necessary to have a rational discussion about the Endangered Species Act. Rep. Richard Pombo, the Tracy Republican and chairman of the House Resources Committee, has just unveiled a complex rewriting of the law that tilts too far to the property rights movement that embraces him.

Pombo seeks full House approval in less than a week. The speed will surely help the rate of donations for the Sierra Club, Defenders of Wildlife, etc. But the need here is for a careful and balanced job of legislating, a job that seems to be falling to leaders unknown in the U.S. Senate.

It is a lot to ask of any law created when Richard Nixon was in the White House to be letter-perfect for today's challenges. The general goal of the act - to prevent human development from jeopardizing species - remains just as important.

Thanks to the act, industrial practices that were commonplace a generation ago are unthinkable today.

But is the act nimble enough to preserve nonhuman species while giving those landowners on two feet all the right incentives to do all the right things? Of course not. It can be too complex, for example, for a local flood control agency to dump some rock on a dangerously weak levee without triggering the need to improve habitat somewhere else on the river. In fast-growing places such as Placer County, it can be too easy to avoid efforts to preserve landscapes and too hard to come up with overall plans to protect the species while permitting some development.

Pombo has spent years pursuing changes in the Endangered Species Act. Sadly, his effort isn't the kind of balanced legislation that lends itself to being a foundation for balanced reform. For the moment, however, it is the only show in town.

With his cosponsor, Rep. Dennis Cardoza, D-Merced, Pombo has certain useful reform ideas. It makes sense, for example, to provide the right incentives, such as compensating private landowners to take steps voluntarily to protect habitat and to eliminate paperwork. And the existing process of identifying "critical habitat" is largely meaningless because the boundaries aren't deterrents for development (but produce endless lawsuits).

Other ideas, however, are downright outrageous. The worst is a proposal to waive the act altogether if the federal government takes 91 days or longer to respond to a development proposal. Another is a requirement for the government to compensate a landowner if a development proposal, no matter how hare-brained, proves infeasible because it jeopardizes a species. These huge flaws raise the prospects of nothing happening as opposed to something meaningful like, say, a compromise that preserves the act and its mission for the challenges ahead.