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Species saver

The Endangered Species Act itself is in danger after serving the nation long and well. It needs protection in the Senate

This country's Endangered Species Act amounts to one of its proudest environmental success stories. It may be that the 32-year-old law could be improved. But Congress needs to protect the law's core, which has put the United States in the forefront globally of saving entire species of animals and plants from biological oblivion.

Unfortunately, the U.S. House recently approved a bill sponsored by a longtime critic of the act — Richard Pombo, a California Republican — that would weaken it while also fattening developers' pockets.

The bill would replace the designation of "critical habitats" that are used to protect stressed species with "recovery plans" that have no regulatory force. It would let the secretary of interior, an administrator, decide what constitutes scientific evidence in decisions about endangered life. It would lessen protections for "threatened" but not-yet endangered species, and make it easier for landowners to secure permission to harm or kill protected species. An 11th-hour amendment would end the government's ability to protect endangered wildlife from pesticides.

A key provision would entitle landowners whose development plans were blocked because endangered species were present to be compensated for the value of their land.

Yet courts have long held that the government can regulate land use to further a public purpose without compensating owners, so long as some economically beneficial use of the property remains. The provision would dramatically and unnecessarily increase the cost of enforcing the Endangered Species Act. The Bush White House backs the bill but also admits it would further strain the already strapped federal budget. Democrats have called it what it is, a costly entitlement for developers.

The act has been effective. It has helped 16 species — including alligators, deer, falcons and gray whales — recover enough to be removed from the federal watch list. Opponents call that a failure — without mentioning the 1,290 species saved from extinction because effort was spent limiting destruction of their habitat.

Not that the act couldn't stand a little tweaking. One Pombo provision requires the government to decide within 180 days, with a possible 180-day extension, whether a development would harm protected species. Right now the law allows those determinations to drag on, resulting in a backlog of more than 400 decisions. Putting a time limit on the reviews sounds reasonable.

Even beyond the fact that mankind ought to look out for species threatened by human activity, species protection is in America's interest. Life on Earth is interconnected, with each species having a role in the ecological web. It's presumptuous to say any form of life ought to become extinct.

The Senate isn't as enamored of Pombo's bill, and senators plan to give it a long, serious look. That is proper. This is no time for a hatchet job on the Endangered Species Act.