

The Oregonian

Threatened and endangered

A House bill to reform the Endangered Species Act

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cuts too deeply into protections for rare fish and wildlife

After 30 tumultuous years, the Endangered Species Act sorely needs a thoughtful, rational rewrite to ensure that the law treats property owners more fairly while doing more, not less, to speed recovery of threatened wildlife.

Instead, the U.S. House is bulling ahead on an ill-considered reform plan, rushing to a vote Thursday on a bill crafted largely by Rep. Richard Pombo, R-Calif., the leading critic in Congress of the Endangered Species Act.

The act is "broken," Pombo says, noting that only 10 of roughly 1,300 species have recovered enough to be removed from federal protections. But if the act has not made the remaining species a common sight, at least all but a handful of them still exist. Only nine species have gone extinct since the act was adopted in 1973.

Either way, Pombo's bill is not ultimately concerned with helping species recover faster. It is about reducing the power of federal wildlife agencies and lifting the burden of species protections from private landowners and those who log, mine and drill in public lands.

Pombo and other co-sponsors of the House bill, including Rep. Greg Walden, R-Ore., look at the existing law and see red tape, disputed science, unfair burdens on landowners and slow, imperious federal wildlife agencies. Those are all real problems with the existing law. Yet the House bill seeks to fix them by cutting into the heart of the act.

Instead of targeted incentives to fairly compensate landowners who protect wildlife, the House bill would allow landowners to demand massive payments for lost profits from forgone uses of their land. Such a law would encourage developers to go looking for environmentally sensitive areas to propose projects and seek compensation.

The bill also would ban wildlife agencies from designating "critical habitat," lands considered crucial to the recovery of the species. At least one major study has shown that endangered species with protected habitat are more than twice as likely to be recovering as species without it.

Walden's views toward the Endangered Species Act understandably hardened during the Klamath crisis in 2000, when irrigation water was abruptly cut off to protect endangered suckers. Anger from the Klamath incident is still driving debate over the act, even though it is hard to look at the Klamath Basin today and see a triumph of species protection over property rights.

The rest of the Oregon delegation should oppose the Pombo bill, even though it is certain to pass in the Republican-controlled House. It will then fall to the Senate to negotiate a more careful reform of the Endangered Species Act, one that holds true to the act's original intent, preventing human development from jeopardizing species.