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House Votes for New Limits on Endangered Species Act

By [FELICITY BARRINGER](#)

WASHINGTON, Sept. 29 - By a vote of 229 to 193, the House of Representatives moved Thursday to undo some of the central provisions of the 32-year-old Endangered Species Act and to require that agencies enforcing the law reimburse property owners if the law's impact reduces the value of their land.

Environmental groups expressed dismay at the measure, which, if enacted, would represent one of the most far-reaching reversals of environmental policy in more than a decade. Leading House Democrats also said it created an unlimited financial entitlement for landowners.

The prospects for Senate passage are cloudy at best; even the bill's sponsor, Representative Richard W. Pombo of [California](#), the chairman of the House Resources committee, said he did not expect quick action in the Senate.

The vote, which came after the defeat of a rival measure that reworked the law but required enforceable protections for animals and plants in danger of extinction, was the culmination of a 12-year legislative mission by Mr. Pombo. The Bush administration gave its formal support to the measure a few hours before the vote.

A former rancher and City Council member from Tracy, Calif., Mr. Pombo has made property rights and opposition to the Endangered Species Act the lodestar of his political career. "I'm really happy," he said after Thursday's vote.

Under his bill, the process of putting a species on the federal list of threatened or endangered species would become more difficult, with a new requirement for economic analyses of such decisions.

But its core provision - one that was, in some respects, mimicked in the rival bill - eliminates the current system of designating "critical habitat," territory deemed critical to a species' survival. Such a designation can open the door to significant land-use restrictions. But environmental groups argue that the designation of habitat is a crucial prerequisite to the survival and eventual recovery of an endangered species.

The Pombo measure would create "recovery teams" that prepare "recovery plans" based on "the best available scientific data." The teams could delineate lands that would help a species. But as compared with the current system of critical habitat, federal agencies would have less obligation to take a species' needs into account in making land-use decisions. And such teams would not always be required; the law also allows the political leadership of the Interior Department to undertake this function.

The legislation also has provisions for the reimbursement of property owners whose land values are reduced by the law and financial incentives for those who work for species conservation, which several Democrats derided as federal payments for obeying the law.

Mr. Pombo argued that under current law, federal wildlife management agencies had little incentive to negotiate.

"With this bill, there is a cost," he said in an interview on Thursday. "So the incentive is there not just for the property owner but for the Fish and Wildlife Service to work out a deal."

But Jamie Rappoport Clark, the executive vice president of Defenders of Wildlife and the director of the Fish and Wildlife Service in the Clinton administration, said the Pombo measure was "a deadly blow to the protections of the Endangered Species Act."

"This is an irresponsible developer's dream," Ms. Clark said, and she noted that the bill "makes it easier to use deadly pesticides" of the sort that were implicated in the previous declines of the bald eagle and peregrine falcon.

The decline in such species - a focus of Rachel Carson's book "Silent Spring," one of the first major tracts of the environmental movement - has long since been reversed.

The debate on the House floor between supporters of the Pombo bill and those backing its rival, a measure sponsored by Representatives Sherwood Boehlert, Republican of New York and chairman of the House Science Committee, and George Miller, Democrat of California, provided competing views of the act's effectiveness.

Those supporting the rival measure, which gave federal agencies more power to manage land use to benefit species than Mr. Pombo's bill did, argued that species like the bald eagle, the manatee, the sea otter and the grizzly bear were saved from extinction by the act. Those in the Pombo camp argued that barely 1 percent of the more than 1,200 listed species had recovered to the extent that they could be removed from the endangered species list.

The 1973 law allows federal wildlife agencies to regulate directly only federal lands, but it also requires these agencies to sign off on federal permits - like Army Corps of Engineers permits for development in wetlands - that govern private property.

The act has been a particular lightning rod in California, where farmers, ranchers, developers and advocates for endangered aquatic species, like the fairy shrimp, are in bitter competition over scarce water resources.

Representative Nick J. Rahall II, a [West Virginia](#) Democrat who is the ranking minority member on the House Resources Committee, said in an interview that the \$10 million estimate on the cost of the bill's provisions for compensating property owners would prove to be a significant underestimate.

"Who knows how high it will reach?" Mr. Rahall said.

Chuck Cushman, founder and director of the American Land Rights Association, a property rights group in [Washington State](#), said in an interview: "We're excited that they've taken the first step toward updating and modernizing the Endangered Species Act so that for a change it will actually recover species and be less threatening to landowners. It goes a long way to make landowners allies in recovering species."

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