

House GOP Targets Species Protections

Balance Would Shift To Property Rights

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House Republicans yesterday proposed overhauling the law that safeguards endangered plants and animals to shield landowners and scale back the government's ability to protect rare species' habitat.

Critics denounced the legislation as an attempt to gut one of the country's landmark environmental laws. "It would effectively repeal the Endangered Species Act," declared Interior Secretary Bruce Babbitt.

But sponsors of the bill, the product of a special task force of legislators, called the changes an overdue attempt to rein in abuses under a law that they said often protects bugs and plants at the expense of people and their livelihood.

"People have property rights. Government does not have the right to trample on those property rights," said Rep. Richard W. Pombo (R-Calif.), chairman of the task force. He maintained the law has not worked, largely because of a lack of public support.

Rep. Don Young, (R-Alaska), chairman of the House Resources Committee, said he hoped to push the legislation toward floor action as quickly as possible, but it was uncertain whether the full House would take up the bill this year. The Senate is considering similar legislation.

The House bill would require the government to compensate landowners for lost property value caused by species protection and would provide incentives for landowners to protect species voluntarily.

But it also would restrict the federal government's ability to require species protection if property owners refuse to act voluntarily, by redefining what would constitute

"harm" to a species on private land. The law would consider harm only as a result of a "direct action" against the species.

That interpretation is aimed at overcoming a Supreme Court decision in June that said the government under the current law has broad authority to require private landowners to protect not only species directly, but also their habitats.

A recent study by the National Academy of Sciences concluded that habitat protection is critical to survival of threatened or endangered species, and that the law should be enforced as vigorously on private land as on federal property.

Young said that because of its "adverse effect on landowners," the law

has become unworkable and counterproductive. The proposal would establish "realistic recovery goals" and would foster greater cooperation among landowners to protect species and better use of federal land for species protection, the bill's sponsors argued.

But environmentalists accused Young and Pombo of creating a smoke screen to disguise their real intention: to weaken the 22-year-old law that is the core of the government's attempt to halt the widespread destruction of hundreds of rare plants, animals and fish.

"This bill would cripple the stewardship program," said Jim Jontz, director of the Endangered Species Coalition, a group of environmental organizations that have campaigned to preserve the law.

Michael Bean, an endangered species expert at the Environmental Defense Fund, called the proposed changes so broad that they could hinder protection for such creatures as the sea turtle, whooping crane, bald eagle and the Rocky Mountain gray wolf.

The bill's sponsors insisted no such consequences would occur and maintained that the bill would enhance protection of endangered species by garnering wider support for the law from the public, including landowners.

"The whole idea is to bring some rationale into what we are doing," insisted Pombo, who complained about the problems that have been caused to businesses and farmers in central California over the protection of the threatened "fairy shrimp."

In the case of the shrimp, he maintained, the government declares "puddles of mud" on roadsides, near industrial parks and along railroad tracks as critical habitat that must be protected at great expense to the economy because a threatened or endangered species has been found there.

Defenders of the law argued that there is enough flexibility already to address the abuses. For example, Babbitt has exempted small landowners from prosecution under the Endangered Species Act and has sought out cooperative ventures with businesses to set aside protected species habitat.