



Environment Conservation con game

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T A WHITE HOUSE conference in St. Louis last month, administration officials trumpeted a new approach to environmental regulation. The "era of confrontational conservation" has been replaced by an era of "cooperative conservation," announced Agriculture Secretary Mike Johanns.

The most concrete example of that paradigm shift appeared in Congress this week in a bill that would revise the landmark Endangered Species Act. The bill had been eagerly anticipated by administration officials like Interior Secretary Gale Norton, who spoke at the conference.

Rep. Richard Pombo, R-Calif., the bill's sponsor, argues that the 32-year-old federal law designed to protect endangered species from extinction has failed. He points to the small number of species that have recovered from the brink and the relatively large number of protected species whose current population sizes are unknown.

An independent study published in 1999 suggested another way to frame the issue. Instead of losing seven species to extinction since 1973, the authors calculated that 172 would have disappeared forever without the law. Many on the list have been declining for a century or more.

Mr. Pombo would remedy the act's perceived ineffectiveness by providing greater financial incentives for private landowners to protect the habitats of endangered animals and plants. To the extent it's possible to incentivize private landowners, cooperation is an excellent approach. What's missing is a remedy for lack of cooperation.

Mr. Pombo's bill would make it more difficult to provide federal protection for land critical to the health of endangered species. It would also impose an unrealistically quick 90-day limit for the government to object to development plans. And it requires the government to pay "fair market value" for critical habitat if it steps in and blocks development on environmental grounds. That would protect the profits of developers and speculators and probably would be too costly for money-strapped federal agencies.

The U.S. Fish and Wildlife Service estimates that 85 percent of endangered species on the list are there at least in part because of the loss or degradation of critical habitat. That's why, when the stakes are as high as extinction, any law to protect endangered species must have teeth. But Mr. Pombo's defanged protection bill reads as if he brought everyone to the table to help draft it - except environmentalists. In fact, that's precisely what he did. That would come as no surprise to those who attended the White House Conference on Cooperative Conservation at America's Center last month.

It was an environmental conference like few others, where those wearing expensive suits and clutching the latest cell phones far outnumbered the few grizzled veterans with outdoor work experience. The keynote speaker, by the way, was that noted tree-hugger, Defense Secretary Donald Rumsfeld. Mr. Rumsfeld opined that endangered birds could learn to peacefully coexist with anti-terrorist military training exercises - e.g. bombing the beejeezus out of the place - in disputed critical habitat on both coasts. What truly patriotic bird would do less?

Like Mr. Pombo's new bill, the conference was perfect for those who believe the only thing wrong with nature is the people trying to protect it.

The bill is on a fast track to approval in the House. That leaves the Senate to either add regulatory teeth or send this bad idea back where it came from.