

White House seeks limits to species act

by Mike Lee

Behind closed doors, the Bush administration is moving ahead with its long-held goal to overhaul the nation's landmark law for wildlife protection, something several politicians have tried for years without success.

A leaked document shows potential revisions to the Endangered Species Act that could give states more authority over imperiled species, limit the use of some federal safeguards and curb the autonomy of the U.S. Fish and Wildlife Service.

The 114-page document was made public Tuesday by two environmental organizations, the Center for Biological Diversity and Public Employees for Environmental Responsibility, which consists of government officials who deal with natural resources.

"Draft regulations ... undermine every aspect of (the) law. Recovery, listing, preventing extinction, critical habitat, federal oversight, habitat conservation plans - all of it is gutted," said Kieran Suckling at the Center for Biological Diversity in Tucson.

The leak gave the public its first glimpse into the administration's process. The draft's online publication caught officials at the U.S. Fish and Wildlife Service off-guard and heartened groups interested in removing some of the species act's protections, which they say trample private-property rights.

A Fish and Wildlife spokesman said the proposal doesn't represent the administration's most current views.

"We haven't made any secret about our desire to make some improvements," said Chris Tollefson at the Fish and Wildlife Service in Washington, D.C. "What we tried to do in the last couple of months was get our senior staff to ... look at what we could do as an agency ... to really move forward and make progress."

He linked the current revisions to Interior Secretary Dirk Kempthorne, who was confirmed in May. The former Idaho governor and U.S. senator has advocated changes to the species act for years.

Tollefson said any recommended revisions would be subject to public review.

"We are not going to try to sneak anything under the radar," he said.

The administration's efforts follow the failed strategy of Richard Pombo, a former Republican congressman from California and a property-rights advocate who championed major modifications to the species act before he was voted out of office in November.

Changes to the law could ripple through San Diego County, which is home to more than 40 threatened and endangered species, one of the highest counts in the nation. Elsewhere, it might complicate efforts to protect species such as the polar bear, whose habitat is jeopardized by greater melting of sea ice. In December, the Fish and Wildlife Service proposed giving the bear threatened status.

The species law is widely viewed as flawed for various reasons, such as the litigation that it generates and the small number of species that have fully recovered as a result of its protections.

In February, a study by the Fish and Wildlife Service said 6 percent of federally protected species were improving and 27 percent were stable as of late 2004. Twenty-two percent were declining, and the agency couldn't determine the status of 42 percent of imperiled plants and animals.

Still, there has been some good news. Last week, for instance, the Fish and Wildlife Service said Yellowstone grizzly bears were thriving and no longer needed federal protection. In addition, the agency is expected to officially remove the bald eagle from the list by July.

Despite all the discussion about the law, there's little agreement between conservationists and property-rights groups about how to change it.

The draft revisions made public Tuesday range from altering phrases to deleting paragraphs in the species law. The implications are likely to be debated by lawyers, legislators and interest groups as the document is reviewed more widely.

An analysis by environmentalists who released the proposal said the overhaul would permit development projects to proceed even if they threaten a species with extinction.

Conservationists also said the proposal would narrow the number of species that qualify for protection and allow more habitat destruction.

Other changes would give states a much larger role in species protections. One clause, for example, allows governors to block some federal efforts to reintroduce species in their states.

While the Fish and Wildlife Service downplayed the significance of the document, Daniel Patterson at the public employees group said it was a "fresh" proposal that was given to his outfit when it was "well along" in the internal review process.

He wasn't shocked to learn that the Bush administration was tinkering with the law, but he said "the radical nature of the changes is a surprise."

"The administration (is) trying to use what they see as unlimited executive authority to do what they want," Patterson said.

Other environmentalists criticized the proposal.

"Any notion that you could transfer authority for implementing the act to the states is bound to be controversial," said Bob Irvin, senior vice president for conservation programs at Defenders of Wildlife in Washington, D.C. "Given the nature of the changes they are considering, I think they can expect some pretty significant opposition."

Don Amador, western representative for the BlueRibbon Coalition Inc., a national group that champions access to public land, said environmentalists were "crisis mongering" without generating solutions.

"For many years, politicians from both sides ... have said the (Endangered Species Act) is broken and should be fixed," he said. "The BlueRibbon Coalition looks forward to reviewing this proposal when it goes out for formal public comment." It's not clear if or when that will happen, particularly because the Fish and Wildlife Service is likely to reassess its efforts in light of Tuesday's release of information.

In the meantime, Congress doesn't appear to be in a hurry to reshape the law, which generated intense national interest in recent years when Pombo pushed an overhaul as chairman of the House Resources Committee. These days, global warming is the major environmental topic in Washington, D.C.

However, Democrats are likely to keep an eye on the Interior Department, which is supposed to align any administrative changes with the intent of Congress when the 1973 law was written.

"I will vigorously oppose any weakening of the Endangered Species Act, which has saved the American bald eagle and which is now playing a role in saving the polar bear," said Sen. Barbara Boxer, D-Calif., head of the Senate's environment committee.

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