Saving the Endangered Species Act – from Friend and Foe Alike

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WASHINGTON--The last time Congress renewed the Endangered Species Act, Ronald Reagan was president, CDs outsold vinyl records for the first time and candidate George H. Bush was telling Americans to read his lips. The year was 1988 and the nation's most controversial conservation law was 15 years old.

Last month marked the 30th anniversary of the ESA and the controversy, if anything, has only escalated in spite of a legislative stalemate thwarting congressional action over the past 15 years.

Conservationists praise the ESA for saving creatures like the gray wolf, the California condor and the very symbol of our national pride, the bald eagle--all of which survive in the wild because of its protections. ESA critics decry what they see as an infringement of private property rights and burdensome federal regulations. Neither side concedes merit in the other's position, but neither has the political muscle to impose its will.

Unable to break the stalemate, both sides have gone to court, forcing the US Fish and Wildlife Service to spend its scant resources on defending itself from lawsuits. Conservation, in the process, has suffered.

It's time for both sides to admit this situation serves no one and that, heretical as it may sound, something more may be gained through compromise. It's time to de-polarize the debate and save the ESA--from friend and foe alike.

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Herewith a modest proposal for doing so:

Create a national commission on endangered species conservation reform. Given adequate funding and a year to work, the commission should identify the scope of the conservation challenge facing the nation and then develop consensus proposals to meet that challenge in ways that work for both conservation and the regulated community. The chair should be a leader of national stature with credibility in both the environmental and regulated communities and members should represent a bipartisan cross-section of concerned interests--scientists, environmentalists, state and Federal agency officials, business representatives and landowners.

Both sides should begin by checking their preconceptions at the door. Environmentalists must acknowledge what many landowners and businesses already know: Those whose actions can most help wildlife might do more if they had greater certainty about the scope of their obligations under the ESA. Businesses and landowners, for their part, must accept a shared responsibility to protect species and the ecosystems upon which they depend. Simply put, the extinction of species cannot be an acceptable cost of doing business.

Once we've shifted the debate from finger pointing to a search for solutions, new approaches may become feasible. Instead of focusing ESA regulations on the preservation of individual species, for instance, we might consider a broader effort aimed at the conservation of threatened

habitats. Such an approach could have significant advantages from both sides' perspective.

As it stands, the ESA is reactive, when it needs to be proactive. Its protections apply only when a species has been pushed to the brink and becomes listed as threatened or endangered. Like a crowded emergency room, the ESA treats patients only after their condition becomes critical, even though an ounce of prevention would yield better results at a fraction of the cost. An eco-regional approach—the conservation equivalent of preventive medicine--could enhance the act's effectiveness and streamline a confusing regulatory process.

After 30 years, the ESA is at a crossroads. The congressional committees overseeing the act are chaired by those most hostile to it, while the federal agencies implementing it are led by political appointees who smugly declare the law is "broken." It is not--in spite of their best efforts to break it. But it is undeniably bruised and battered. It's time to elevate this debate above the rhetorical gutters into which it has fallen. It's time to save the Endangered Species Act so that it may save the wildlife it was meant to protect.