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### **ENDANGERED SPECIES: Oversight, not rewrite, in store for ESA**

Allison A. Freeman, *E&E Daily* reporter

Congressional work on endangered species issues next year is more likely to focus on oversight than any changes to the act, lobbyists said yesterday in the wake of the election results.

Attempts at an ESA rewrite sunk in large part with the defeat of House Resources Committee Chairman Richard Pombo (R-Calif.), who made revising the law one of his panel's top priorities the past two years. No senators on either side of the aisle have made as strong a push to change the act.

"I think there will be very little appetite to take up the Endangered Species Act now," said David Hayes, former Interior Department deputy secretary during the Clinton administration. "As a practical matter, ESA is off the table, at least for the short term."

Instead, activists predicted Democrats would press the administration on how it implements the law.

"What is dead is the extreme approach to ESA championed by Pombo," said Bob Irvin, senior vice president for conservation programs at Defenders of Wildlife. "But Rahall has worked hard on this issue, and I think we're likely to see a fresh approach on ESA, certainly greater oversight of how the administration is implementing the law."

Democratic Rep. Nick Rahall (W.Va.), the odds-on favorite to head the next Resources Committee, has said that if his party took the majority, he would hold oversight hearings on the administration's apparent scientific meddling with the act. His comments came in response to reports last month that showed Interior Deputy Secretary Julie MacDonald had overruled scientific findings on behalf of affected landowners.

"There is certainly going to be a lot more checks and balances," said Jaime Rappaport Clark, former head of the Fish and Wildlife Service in the Clinton administration. "It will be nice to have people on the Hill in a position to stop the madness."

Republicans in Congress have largely accepted the Bush administration's approach to ESA, but Clark predicted that with the branches of government divided, there would be more fireworks on the act -- especially given the administration's approach to lawsuits and budget questions.

Clark said she might expect to see back-and-forth similar to that in her tenure as the Clinton-era FWS chief, when the Republican Congress would frequently grill her. "Pombo drove me crazy then too," she said.

On the Senate side, environmentalists lost Sen. Lincoln Chafee (R-R.I.), who was open to their concerns and key in blocking Pombo's ESA bill in the Senate last year. But with a Democratic Senate majority within reach, aggressive reform proposals would likely face an even harder road next year.

Property rights lobbyists have by no means thrown in the towel. Mike Hardiman, a lobbyist for property rights groups, said the loss of Chafee may open some more doors for ESA alterations.

"It is much easier to negotiate with liberal Democrats than liberal Republicans," Hardiman said, "at least you can make a deal with them."