

POMBO STYMIED OVER SPECIES ACT: Congressman tried for years to revise a 'sacred cow' law.

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Rep. Richard Pombo, R-Tracy, has been working since 1993 to make property rights a factor in enforcement of the federal Endangered Species Act, passed in 1973. McClatchy Tribune/Chuck Kennedy.

Tracy Republican Richard Pombo took office vowing to change the Endangered Species Act.

In the 14 years since, he's delivered speeches, staged events and written bills. He's enjoyed perfect positions to pursue his signature issue, including, for the past four years, chairmanship of the House Resources Committee while his party has controlled both the House and the Senate.

The Endangered Species Act, though, remains unchanged since the day Pombo took office in January 1993. The same 22,300 words in the U.S. Code then are intact today.

Which raises the fundamental election-year question: Why is it so hard to change this 1973 law when so many people want it updated?

"It's the sacred cow," Pombo said. "It is the big environmental law; that takes precedence over everything."

Undeniably, turning an idea into law tests every talent in the political tool kit. It requires energy, stamina and flexibility. The legislation must be written, promoted and negotiated. Deals must be cut, chits called in, muscles flexed and egos soothed.

Success is tangible: A president signing a bill into law. Failure is frequent: Pombo's latest Endangered Species Act measure was one of 6,029 bills introduced in the House during the 109th Congress that began in January 2005. Through Aug. 31, only 198 House bills were enacted into law.

Waits can be long: California lawmakers needed nearly four years to win final approval in 2004 for a scaled-down, \$395 million California water bill. Learning from mistakes is paramount.

"If I knew in 1995 everything I know now, I would have done it differently," Pombo said. "There were things at the time that I thought would work, that now I don't think will."

Still, Pombo and his allies invariably cite the Senate as the current roadblock. In particular, they blame Rhode Island Republican Sen. Lincoln Chafee, a moderate who chairs a key Senate subcommittee.

The House passed an Endangered Species Act bill in September 2005 by a 229-193 vote. In the year since, Chafee never convened his subcommittee to discuss the issue. Instead, he asked a private Colorado-based group to prepare a report, which sank without a ripple.

"If (Chafee) had not been up for re-election this time, this would have been dealt with," said Rep. Dennis Cardoza, D-Atwater.

Pombo and Cardoza consider it a success that they moved their Endangered Species Act bill through the House last year with the support of 36 moderate Democrats. The unfinished House bill, Pombo believes, empowers future action.

"We have made so much progress in the last two years on this," Pombo said.

There's another view, and it's not exclusively held by Defenders of Wildlife, an environmental group trying to defeat Pombo.

Maryland Republican Wayne Gilchrest rubbed his eyes wearily when asked about the Endangered Species Act. The Marine combat veteran of Vietnam, who represents Maryland's rural Eastern Shore, was among 34 Republicans to oppose Pombo's House bill.

"It's been difficult to find consensus, but hopefully in the next Congress, we'll have the right kind of legislative process, that's congenial," Gilchrest said.

A Bee reporter asked: Has there been the right kind of congenial legislative process so far?

"Apparently not," Gilchrest said after a pause, "because we haven't passed anything yet."

Gilchrest and Pombo have clashed over the environmental law since 1995, when Pombo was given his first leadership opportunity. Evenhandedness was not always standard operating procedure.

As head of a House task force that year, Pombo convened more than a half-dozen field hearings that seemingly drove to a predestined conclusion. In Bakersfield, for instance, 10 of the 12 witnesses were critics, while two were defenders of the law. At a March 1995 hearing in rural Texas, 14 out of the 15 witnesses were critics of the law.

Buoyed by what he heard, Pombo offered legislation later that year. It stressed themes prominent in his latest bill, including paying landowners whose property values were hurt by environmental regulations. Anxious House GOP leaders wouldn't let the bill come up for a full House vote.

Another moderate House Republican, Rep. Sherwood Boehlert of New York, said that "you can't put all the burden" on Pombo for the failure to revise the Endangered Species Act.

"People don't want to come together," Boehlert said, adding that Pombo "is not a miracle worker, last time I looked."

But while Boehlert today voices sympathy for Pombo's challenge, Pombo reacted sharply when a Bee reporter cited Boehlert's assessment from the mid-1990s that attacking the Endangered Species Act hurt GOP candidates.

"He was wrong then," Pombo said of Boehlert. "He's been wrong a lot."

Nonetheless, 30 House Republicans in early 1996 warned GOP leaders in a letter that the party had "taken a beating this year over missteps in environmental policy." The Endangered Species Act debate then essentially hibernated until late 2004, when Pombo's staff members quietly began negotiating with the ranking Democrat on the House Resources Committee, Rep. Nick Rahall of West Virginia.

Democrats subsequently praised Pombo for his increased flexibility and even adopted some of his positions; for instance, eliminating the current concept of designating "critical habitat" for protected species.

"It was a fair process," Rahall declared during House debate. "I do not support the pending legislation, but I must admit that we have come a long way."