

Bay water quality compromise hailed

Federal government will cover cost of water to preserve habitats of endangered species

By Jane Kay
and Tupper Hull
OF THE EXAMINER STAFF

California's historic agreement to guarantee the quality of water in San Francisco Bay and the Delta could be the salvation of the federal Endangered Species Act, the most vulnerable environmental law in Congress, Clinton administration officials say.

The agreement, announced Thursday in Sacramento by Gov. Wilson, U.S. Interior Secretary Bruce Babbitt and Environmental Protection Agency Administrator Carol Browner, takes some of the Sacramento and San Joaquin river water from farms and cities to ensure healthy habitats for fish and wildlife.

Negotiations were so feverish leading up to Thursday's court-ordered deadline for Bay/Delta protections that representatives of growers, cities and environmental groups weren't sure what was in the pact until it was announced.

The agreement finally won broad support because it offered reliable amounts of water both for the environment and for cities and farms.

Because many water users throughout the state will give up some water under the plan, it's too soon to know the financial impact on urban or rural customers, experts say.

In an unusual twist, the agree-

ment limits the effects of the Endangered Species Act, which is facing a tough opposition in the new Republican-dominated Congress.

Feds will buy the water

If any troubled species need to be listed under the act during the three-year life of the agreement, the federal government would provide for the species' recovery — by buying water from willing sellers, for example — instead of simply taking it from users' supplies.

"Any additional water necessary under any change of circumstance will be bought and paid for by the federal government," Babbitt said at a news conference.

"A deal is a deal, and if it turns out there is a need for additional water, it will come at the expense of the federal government."

Babbitt said he would use the agreement as "a demonstration that the Endangered Species Act is workable and that it can play an important role in finding a balance between economic and environmental issues."

"This agreement represents a

powerful case study that I intend to take to the U.S. Congress," he said.

"This does not compromise any species' ability to receive protection under the Endangered Species Act. It just transfers some of the risks to federal agencies. If we find inadequacies in this, it is up to us to find the water.

"The key is money. Anything is available for a price."

Embattled law

Many members of Congress have targeted the Endangered Species Act as one federal environmental law in need of gutting.

At Thursday's news conference Wilson called the act "a law badly in need of reform."

Nationwide, the law has enraged developers, miners, ranchers and other business groups that feel hampered by its protections for mammals, fish, birds, insects and plants that have been listed as threatened or endangered.

"We knew the agreement could be the poster child of the success of

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the Endangered Species Act or the poster child of the failure of the act," said Elizabeth Rieke, assistant Interior secretary for science and water.

She led the Interior Department's effort to forge an agreement with the state regarding Bay and Delta protections.

"We're looking down the road to show that the act can work and

protect economic and environmental certainty," Rieke said. "Our challenge is taking the lesson we learned today and applying it over and over. That's a huge challenge."

Discouraging effect?

President Clinton said the agreement "demonstrates that, with strong leadership and a cooperative spirit, environmental laws

can be properly and productively enforced."

But the agreement has spawned controversy about whether the federal pledge would discourage government scientists from reviewing imperiled species for new listings, EPA fish biologist Bruce Herbold said.

Herbold doesn't think that will happen.

"The (Fish and Wildlife Services) people who are working on the Endangered Species Act are good, committed people, and they rely on the science they've got," he said.