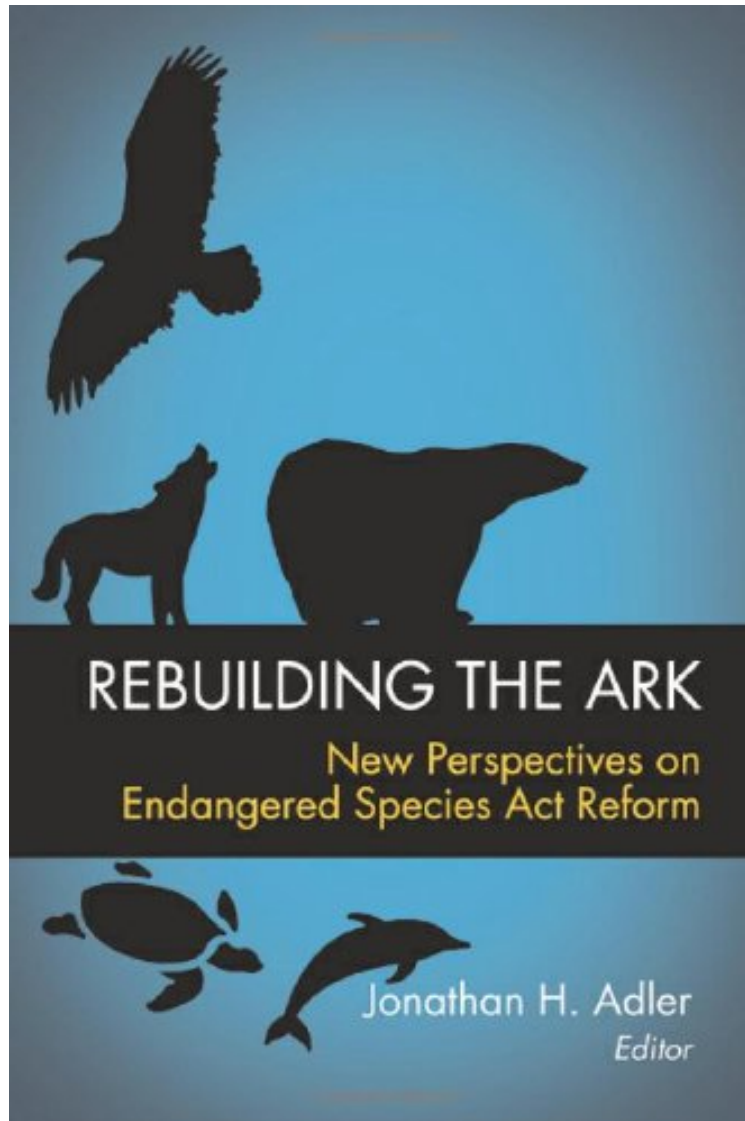


[Download] Rebuilding the Ark: New Perspectives on Endangered Species Act Reform

Rebuilding the Ark: New Perspectives on Endangered Species Act Reform

Jonathan Adler

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Jonathan Adler : Rebuilding the Ark: New Perspectives on Endangered Species Act Reform before purchasing it in order to gauge whether or not it would be worth my time, and all praised Rebuilding the Ark: New Perspectives on Endangered Species Act Reform:

0 of 1 people found the following review helpful. somewhat informative By Michael Lewyn This book is a group of essays on the Endangered Species Act; most but not all are from a libertarian-minded, "free-market environmentalist"

perspective. Most of the essays focus on Sec. 9 of the Act, which prohibits private individuals from harming endangered species or their habitat unless they get a permit from the government and create a "habitat conservation plan" (HCP) to mitigate the effects of their activity. The most common free-market critique of Sec. 9 (enunciated by several of the essays) is that a landowner has a pretty strong incentive to prevent government from listing their premises as endangered species habitat, because if their land is so classified they can't do very much with it. So for example, a landowner has a strong incentive not to let biologists on his land to ascertain the presence or absence of endangered species, because if such species are present the land might be classified as habitat, thus restricting development rights. Or landowners may put political pressure on agencies not to classify their land as habitat. (However, I wish the essays had noted how landowners even know whether endangered species are on their land, since an ignorant landowner can't do much to obstruct government). From the Left, another essay critiques the HCP process, asserting that it is unclear whether HCPs in fact preserve habitat, and that government doesn't do much to monitor either the success of or landowner compliance with HCPs. The essays propose a variety of worthy-sounding, mostly fairly technical reforms. I wish, however, that this book had included some form of interaction between the authors, so that the nonexpert reader could learn which reforms were truly controversial (and why).

The Endangered Species Act (ESA) may be the most powerful environmental law in the United States. Enacted in 1973, the ESA prohibits any actions that may cause harm to endangered plants and animals or the ecosystems upon which they depend. But although more than 1,200 species are protected under the Act, most remain in peril. The ESA may have saved some species from the brink of extinction, but there is little evidence it is working as intended to recover endangered and threatened species. In some cases, the Act's extensive regulatory requirements may actually discourage conservation efforts. In *Rebuilding the Ark: New Perspectives on Endangered Species Act Reform*, Jonathan H. Adler leads a group of environmental law experts in evaluating the ESA's successes and failures and exploring multiple avenues for reform. The authors examine methods for incentivizing conservation on private land and water, for revising and standardizing the ESA's regulatory framework, and for increasing transparency, accountability, and public participation in the Fish and Wildlife Service and other conservation agencies. *Rebuilding the Ark* also considers how the Act should be reformed to address the threat of climate change, and how ESA reform in the United States may affect species conservation overseas. The Endangered Species Act has not been altered for over twenty-five years. Debates over ESA reform are often contentious and hampered by partisan infighting and pressure from interest groups. But reform is crucial if we are to achieve the ESA's ambitious goals and conserve the world's endangered plants and animals. *Rebuilding the Ark* is a valuable resource for policymakers, conservationists, business owners, and concerned citizens alike.

Rebuilding the Ark joins the decades-long Endangered Species Act dialogue with a fresh look at longstanding issues pertaining to landowner incentives, costs, and effectiveness. Its authors reveal the ESA and its implementation as dynamic, with its evolution moving toward strengthening incentives for private stewardship. Yet tough issues persist, and this collection of essays hits most of the big ones—climate change, water issues, pesticides, the sheer scope of the perils species face, and the delicate interface of science and the law. The book offers us a serious look at critical challenges of species protection and how the ESA both advances and limits achieving that goal. (Lynn Scarlett, Former Deputy Secretary, U.S. Department of the Interior) In *Rebuilding the Ark*, Jonathan H. Adler and an array of distinguished legal authorities and conservation practitioners argue that Endangered Species Act reform must 'recognize the fundamental importance of protecting whole habitats and ecosystems rather than single species.' Indeed, this is the challenge before us. A workable plan for a twenty-first century rare species ark for any nation, or any living system on the planet, must at least identify, support, and show how to pay for essential 'construction' materials. Instead of the 'gopher wood' used in Noah's ark, our twenty-first century ark requires landowner commitment, resource user awareness, sound and objective data shared among significant parties, supportive and encouraging technical service providers, meaningful incentives, and actual willingness to share burdens of retaining species in habitats. *Rebuilding the Ark* illustrates how the ESA has been generally ineffectively deployed, how its maladroit application can leave many landowners feeling aggrieved and bitter, and, despite lofty goals based on obviously dwindling numbers of some species, why mandates the Act imposes deserve improvement or replacement. I recommend this book to the active conservationist and serious policymaker for its principled, practical approaches that could help stop the loss of many U.S. species and threatened species across the globe. (Brent M. Haglund, president, Sand County Foundation) About the Author Jonathan H. Adler is a professor of law at Case Western Reserve University School of Law.