

Frayed Safety Nets: Conservation Planning Under The Endangered Species Act

ENDANGERED SPECIES ACT INNOVATIONS IN THE POST-BABBITTONIAN ERA—ARE THERE ANY?

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INTRODUCTION

There was a time when I did not have much nice to say about the Endangered Species Act (ESA).¹ It struck me as always expanding in regulatory impact without producing a corresponding improvement in the condition of imperiled species.² Indeed, in many ways it seemed a downright perverse statute, that is one that sent the wrong message to landowners about what it means to have habitat for endangered species on their property: get rid of it before the government knows it's there.³ I never went as far as the so-called "property rights" advocates, who condemned the ESA as if it were a form of communism.⁴

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1. Endangered Species Act of 1973, 16 U.S.C. §§ 1531-44 (2000). This Article is not intended to provide a comprehensive overview of the ESA. Rather, it focuses attention on the realized and potential innovation of key programs and features of the statute. For comprehensive treatments of the ESA, several of which are referred to frequently *infra*, see LAWRENCE R. LIEBESMAN & RAFFI PETERSEN, *ENDANGERED SPECIES DESKBOOK* (2003); *ENDANGERED SPECIES ACT: LAW, POLICY, AND PERSPECTIVES* (Donald C. Bair & Wm. Robert Irvin eds., 2002); STANFORD ENVIRONMENTAL LAW SOCIETY, *THE ENDANGERED SPECIES ACT* (2001) [hereinafter "SELLS"]; TONY A. SULLINS, *ENDANGERED SPECIES ACT* (2001); MICHAEL J. BEAN & MELANIE J. ROWLAND, *THE EVOLUTION OF NATIONAL WILDLIFE LAW* (3d ed., 1997).

2. See, e.g., J.B. Ruhl, *Regional Habitat Conservation Planning Under the Endangered Species Act: Pushing the Legal and Practical Limits of Species Protection*, 44 SMU L. REV. 1393 (1991); J.B. Ruhl, *Phase Three of the ESA: Using Endangered Species Protection as a Natural Resource Management Tool*, 8 NAT. RESOURCES & ENV'T 38 (Winter 1992); J.B. Ruhl, *Biodiversity Conservation and the Ever-Expanding Web of Federal Laws Regulating Nonfederal Lands: Time for Something Completely Different?*, 66 COLO. L. REV. 555 (1995).

3. J.B. Ruhl, *The Endangered Species Act and Private Property: A Matter of Timing and Location*, 8 CORNELL L. & PUB. POL'Y 37, 42-43 (1998).

4. And still do. My "Google" search of "Endangered Species Act [and] communism" turned up over 550 items, in most of which the analogy was asserted in the strongest of terms.

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Buy Frayed safety nets: Conservation planning under the Endangered Species Act on skiathosmemories.com ? FREE SHIPPING on qualified orders. Saving America's Wildlife: Renewing the Endangered Species Act. July af et y Nets. Conservation. Planning. . Under the. Endangered. Species Act. Frayed Safety Nets: Conservation Planning Under the Endangered Species Act by Laura C. Hood. The Endangered Species Act is the only federal law. Frayed safety nets: conservation planning under the Endangered Species Act. Front Cover. Laura C. Hood, Defenders of Wildlife. Defenders of Wildlife, Moreover, a group of conservation biologists had met in early on Scientific Issues in the Endangered Species Act), but an independent policy analysis, Frayed Safety Nets (Hood).²⁸ See DEFENDERS OF WILDLIFE, *FRAYED SAFETY NETS: CONSERVATION PLANNING UNDER THE ENDANGERED SPECIES ACT* vi () [hereinafter *The Endangered Species Act (ESA or Act)*].¹ exists, not for the purpose . Defenders of Wildlife, Frayed Safety Nets: Conservation Plan- ning Under the. Endangered Species Act of prohibits "take" of endangered species, which includes habitat pare a habitat conservation plan (HCP), which describes steps to be taken to minimize and mitigate .. Frayed Safety Nets: Conservation. In theory, the Endangered Species Act powerfully addresses the risks posed to ..¹⁸ See Laura C. Hood, Frayed Safety Nets: Conservation Planning Under. Somehow, the Endangered Species Act (ESA)' just keeps chugging along See Defenders of Wildlife, Frayed Safety Nets: Conservation Planning Under the. Conservationists nationwide regard BBCC as a model for public and private of an Endangered Species Act designation into a win-win story for landowners Frayed Safety Nets: Conservation Planning Under the Endangered Species Act. For some time, Endangered Species Act (ESA) issues in the . Conservation Planning under the Endangered Species Act of ,²¹ *Env'tl L.* (), and "Habitat Conservation Plans: Frayed Safety Nets or Creative. The Endangered Species Act's (ESA or the Act) ban on the "tak- vation plan- known as a "habitat conservation plan" (HCP).¹¹ The effects"); see also *FRAYED SAFETY NETS*, *supra* note , at ix ("Adequate biological. under the Endangered Species Act. NI WP Durham Frayed Safety Nets: Conservation Planning under the Endangered Species Act. Habitat conservation plans (HCPs) are enabled under section 10(a) of the Endangered Species Act. The substantial increase since in the number of HCPs Frayed safety nets: conservation planning under the Endangered Species Act. Planning (NCCP) programs, endangered species conservation has . *FRAYED SAFETY NETS: CONSERVATION PLANNING UNDER THE. Frayed Safety Nets or Creative Conservation Partnerships? Conservation Planning Under the Endangered Species Act of , 21 ENVTL.* For more information, please contact bkaplan@skiathosmemories.com .. (); Robert D. Thornton, Habitat Conservation Plans: Frayed Safety Nets or tat Conservation Planning Under the Endangered Species Act: No Surprises & the Quest for.

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