

Lecture 06, 15 Sep 2003
Legislation (Domestic, International)

Conservation Biology
ECOL 406R/506R
University of Arizona
Fall 2003

Kevin Bonine

1. Leopold Readings
2. VanDyke Ch2
3. Exam Wed of Next week

Leopold tidbits

Song of the Gavilan

- Academic institutions too reductionist

The Sand Counties

- Not favorable towards economists

Land Ethic

- Conquerer self defeating because falsely thinks s/he understands how the system works and can control it
- Economic valuation doesn't value nature enough
- Land-use subsidies?

Conversation Biology?

Van Dyke Ch.2 Laws and Regulations

Con Bio:

Regulatory Science?

Legally Empowered Discipline?

Domestic

Laws arose 1970's following concern of 1950s+

Laws reflect current social values but also persist into the future...

Advocacy

ConBio: science and empirical data + law/policy?

Does law create social values?

1872 Yellowstone NP
1891 Forest Reserve Act
1916 NPS

1964 Wilderness Act

1965 Land and Water Conservation Fund Act
-acquire lands, use resource revenues

1969/1970 NEPA (EIS)

-think about environment up front

1970 Clean Air Act

1972 Clean Water Act

1973 ESA (species focus)

endangered, threatened, critical habitat
recovery plan

1980 Superfund (1995 Brownfields)

The Wilderness Act (1964)

SEC. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

Definition of Wilderness

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Endangered Species Act (1973)

AN ACT

To provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the “Endangered Species Act of 1973”....

Endangered: “in danger of extinction throughout all or a significant portion of its range”

Threatened: “likely to become endangered within the foreseeable future throughout all or a significant portion of its range”

Anyone can petition Secretary of the Interior to list a species

SEC. 2. (a) FINDINGS. – The Congress finds and declares that –

- (1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;
- (2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;
- (3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;
- (4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to –
 - (A) migratory bird treaties with Canada and Mexico;
 - (B) the Migratory and Endangered Bird Treaty with Japan;
 - (C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;
 - (D) the International Convention for the Northwest Atlantic Fisheries;

ESA

ESA

- numbers that they are in danger of or threatened with extinction;
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- (A) migratory bird treaties with Canada and Mexico;
 - (B) the Migratory and Endangered Bird Treaty with Japan;
 - (C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;
 - (D) the International Convention for the Northwest Atlantic Fisheries;
 - (E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;
 - (F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
 - (G) other international agreements.

International justification

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish and wildlife.

(b) **PURPOSES.** – The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(c) **POLICY.** – It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

Successful Laws:

- Inspirational and radical?
- Growth in influence?
- Science and Monitoring?

Litigation

e.g., polluters liable, citizen involvement, NGOs,
public comment, transparency

EDF 1968

people have right to clean environment

1978 TVA vs. Hill (Snail darter)

God Squad (economic impact)

END