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Comments: Major part of ESA need changing or appealing ASAP... A continuing controversy generated by ESA and related regulations is the conflict between government regulation and private property rights and water rights after a species has been listed. If a property owner has a protected species on their land, the government can limit or ban activities on that land or water source, which may harm the species. Under section 9 of the ESA, individuals are subject to criminal penalties if they "take" or "harm" a threatened or endangered species. The definition of "harm" includes any activity that could "significantly impair essential behavioral patterns, including, breeding, spawning, rearing, migrating, feeding or sheltering" of a species. the ESA penalizes people for being good stewards of their land. Landowners whose management practices create and preserve habitat for an endangered plant or animal open their land to being regulated under ESA. And contrary to what many environmental pressure groups claim, ESA regulations do not simply prevent development or changes in land use. Customary land uses and practices, such as farming, livestock grazing, and timber production have regularly been prohibited, even when such practices help to maintain the species' habitat." While the Fifth Amendment to the U.S. Constitution provides that government cannot take private property unless it provides "just compensation" to the owner, many private property rights advocates are concerned that courts have not favorably ruled on the onerous effect of ESA regulations that amount to "regulatory takings" allowing for just compensation to property owners creates a "regulatory straightjacket" and disincentive to landowners, standing in the way of good conservation work, and can actually result in harm to species. Americans who live near, work on and enjoy our lands, waters and wildlife show a tremendous commitment to conservation that is too often undermined and forgotten by the ESA's litigation-driven model. Species and people should have the right to live and prosper within a 21st century model that recognizes the values of the American people and fosters, not prohibits, a boots on-the-ground conservation philosophy that is working at many state and local levels. While well-intentioned from the beginning, must be updated and modernized to ensure its success where it matters most: outside of the courtroom and on-the-ground. A two percent recovery rate of endangered species is simply not acceptable. ESA can be modernized to more successfully assist species that are truly in danger. It can be updated so species conservation does not create conflicts with people. All the while, the ESA should promote greater transparency in the way our federal government does business. Over 1,500 U.S. domestic species and sub-species have been listed. Many species remain on the list and hundreds more could potentially be added. Current implementation of ESA is focused too much on responding to listing petitions and unattainable statutory deadlines, litigation threats and ESA regulatory mandates, rather than on defensible policies, science or data to recover and de-list species. This slows or halts a multitude of public and private activities, even those that would protect species. ESA's regulatory requirements work to hinder other much needed efforts to protect the environment, such as control of aquatic invasive species that threaten the Great Lakes and its local water bodies. Current implementation of ESA does not clearly identify what is needed to recover and delist species, resulting in a lack of incentives, for state and private conservation, costly mandates, and wasted resources even in light of increased federal funding. The ESA punishes private property owners and water rights holders and fails to properly account for huge economic and regulatory burdens that also hinder species conservation. The ESA also advances the agendas of groups seeking land and water acquisition and control. The ESA promotes a lack of data transparency and science guiding ESA-related decisions, and there are conflicts of interest and bias in "peer review" of federal ESA decisions. recommends constructive changes in the following categories: Requiring More Transparency and Accountability of ESA Data and Science. Ensuring Greater Transparency and Prioritization of ESA with a Focus on Species Recovery and De-Listing. Reducing ESA Litigation and Encouraging Settlement Reform. Empowering States, Tribes, Local Governments and Private Landowners on ESA Decisions Affecting Them and Their Property. ESA implementation and litigation continue to have tremendous negative impacts on a host of activities that could protect or improve habitat.