

ENDANGERED SPECIES DESKBOOK

by

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and

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Foreword

Understanding endangered species protection is vital for environmental practitioners in all sectors and professions. These highly complex laws to safeguard rare species often impacts on land use, natural resource, energy and real estate development, interstate commerce, international trade, and many other areas of the environment and the economy. While the Endangered Species Act (ESA) is one of the most important of the federal environmental statutes, it is difficult to survey and even more difficult to comprehend. In addition, other statutes, such as the Lacey Act, and international treaties, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), apply and must be understood in order to navigate the shoals of endangered species protection.

The *Endangered Species Deskbook* makes accessible and understandable this complex area of the law. It begins with a guide to endangered species law, offering the considerable insight and expertise of Larry Liebesman, Rafe Petersen, and many others at Holland & Knight. These individuals have extensive experience in endangered species law, and as private practitioners understand the ESA and its operation. The authors lay out for you in plain English what the Act's different sections mean and how they fit into the larger context of environmental regulation. They also describe the applicability of the Lacey Act and CITES and include a chapter on the emerging issue of climate change and the ESA. The *Deskbook* contains the full text of the ESA as well as key agency rules, guidance documents, and policies.

The *Endangered Species Deskbook* is part of Environmental Law Institute's Deskbook series, which combines the invaluable experience of the top practitioners in the field with the encyclopedic cover-

age and keen insight provided by the staff of the *Environmental Law Reporter*. Deskbooks provide practicing attorneys, students, environmental professionals, and government officials an "at-the-fingertips" resource for accessing and understanding environmental law. The series covers climate change, wetlands, NEPA, TSCA, FIFRA, and many other topics by combining in-depth analysis of the topic with necessary reference materials, such as regulations, guidance documents, and forms.

The Deskbooks are natural partners to ELI's flagship resource, the *Environmental Law Reporter*. *ELR* is an attorney-edited gateway to researching and understanding environmental law and policy, with coverage since 1971 available on-line in an easily searchable format. *ELR* couples thousands of insightful articles on environmental law and policy with the most important updates, decisions, statutes, regulations, and agency documents and a cumulative index and bibliography to help you navigate this highly complex area of law. More information about the Deskbooks, *ELR*, and ELI's many other programs is available at www.eli.org.

The Environmental Law Institute makes law work for people, places, and the planet. With its non-partisan, independent approach, ELI promotes solutions to tough environmental problems. The Institute's unparalleled research, highly respected publications, and valued policy and education seminars inform the public debate and build the institutions needed to advance sustainable development. We hope the *Endangered Species Deskbook* proves useful in increasing understanding this important area of environmental law and regulation.

Leslie Carothers
President, Environmental Law Institute

About the Authors



Lawrence R. Liebesman is a partner in Holland & Knight's Government Section. He is a nationally recognized environmental lawyer and litigator with more than 30 years of experience. His practice emphasizes wetlands, water pollution, coastal, environmental impact assessment, and endangered species law.

Mr. Liebesman counsels clients on environmental risks and strategies. He has negotiated permits for large-scale commercial, residential, public works, and mining projects and has successfully defended challenges to those permits in federal court. He has authored several amicus briefs in landmark Endangered Species Act and Clean Water Act cases before the U.S. Supreme Court and is a planning co chair for the ALI-ABA's Course of Study on Species Protection and the Law. He has also testified as an expert witness before the U.S. House of Representatives Natural Resources Committee on legislation to reform the ESA. Prior to entering private practice, Mr. Liebesman was a Senior Trial Attorney at the Justice Department's Environment and Natural Resources Division and served a special detail at the White House Council on Environmental Quality.

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Acknowledgments

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We hope and trust that this *ESA Deskbook* will be a useful tool for all who are involved with this very important and ever-changing law that will continue to have a profound impact on man's responsibilities to protect the world's natural heritage.

Lawrence R. Liebesman and Rafe Petersen