Preface

As our world’s population continues to grow, and we place greater pressures on the environment, new species of fish, wildlife, and plants are added to the list of endangered and threatened species established by the Endangered Species Act (ESA). The ESA embodies an important and legally enforceable determination by our country to protect, conserve, and recover these species. But conflict is inevitable. The ESA, its implementing regulations, court decisions, and agency guidance collectively provide a substantial and fairly robust body of law for species protection. Anyone concerned with what can, ought, or must be done to benefit imperiled species should study and appreciate the ESA. Likewise, if for no other reason than the serious nature of the penalties associated with violations of the ESA, anyone engaging in activities that may affect a listed species should proceed with caution and understand what is prohibited, and what is not. Regardless of one’s interest in listed species protection, this book provides a basic overview of the major elements of the ESA.

While most seasoned ESA practitioners are already intimately familiar with much of the content of this book, this book may be useful for its ease of access and as a quick reference. The novice may use this book to develop a working knowledge of any common ESA issue. Unfortunately, no basic practice book can address every specific issue that might arise, and this book is no exception. Rather, this book should serve as a valuable starting point for researching most common ESA issues. Any user of this book who has a specific ESA question should consider first consulting the “Frequently Asked Questions” in Appendix A. Likewise, a listing of Key Cases (Appendix B), Glossary, Bibliography, Table of Cases, and Index are provided at the end of the book for quick reference. The main body of the book (Chapters 1 through 11) is separated into several sections and subsections, and provides a more detailed discussion of particular ESA issues, with appropriate citation to case law, statutes, regulations, and secondary authority.