

# ASSISTING BUSINESSES WITH ENDANGERED SPECIES ISSUES

With over twenty-five years of environmental law experience, the lawyers at Bick Law are recognized throughout California and across the nation for delivering first-tier legal services to companies facing complex and sophisticated environmental issues. Our legal team handles a full range of environmental matters from guiding businesses through ever-changing environmental laws, to defending clients in state and federal government enforcement actions. We have a vast understanding of the myriad of laws and regulations that impact companies on a daily and long-term basis, including the federal Endangered Species Act. Our firm helps clients comply with these important environmental laws while advancing their commercial activities and operations.

## The Endangered Species Act

The Endangered Species Act (ESA) is often recognized as one of the most comprehensive and stringent environmental statutes. The ESA was passed by Congress in 1973 with the purpose of protecting and recovering the nation's native animals and plants in jeopardy of becoming extinct. The ESA is administered by the U.S. Interior Department's Fish and Wildlife Service (FWS) and the U.S. Commerce Department's National Oceanic and Atmospheric Administration (NOAA).

The ESA protects endangered and threatened species by prohibiting the "taking" of listed animals and restricting the interstate or international trading of certain listed plants and animals without a federal permit. Under the ESA, a "take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in any such conduct." Additionally, any species of a plant or animal, with the exception of pest insects, are eligible to be listed as an endangered or threatened species.

The ESA makes it unlawful to engage in any commercial activity involving an endangered species. Once a species is listed as endangered or threatened, any proposed federal action that would

jeopardize the species' continued existence is prohibited. Over the years the ESA has been used to prevent both federal and private projects from moving forward. Environmental groups and other organizations have found the ESA to serve as a powerful tool in their efforts to halt construction projects and other commercial activities in California and across the nation.

## Providing Strategic Guidance and Counsel in ESA Matters

Bick Law assists businesses with a full range of endangered species issues. Our attorneys are familiar with all aspects of the ESA and work with clients to identify the best solution to the conflicts they are facing. We regularly counsel companies with respect to "critical habitat" implications of the ESA and work to obtain the "Section 10(a)" incidental take permits necessary to move their business projects forward. Our attorneys also have extensive experience representing business clients in a variety of endangered species-related litigation and land use rights actions. Our California environmental attorneys pride themselves on their ability to help companies resolve ESA and other high-stakes environmental related disputes in the most efficient and cost-effective manner possible.