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Steve Quarles is a veteran attorney who focuses his practice on addressing issues concerning federal wildlife laws (Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA)), federal lands and resources (including mineral, forestry, land exchange, siting and access law), and water pollution (including matters involving nonpoint source controls, impaired waters and total maximum daily loads, and wetlands regulation). He represents a wide range of renewable and other energy, forest products, mining, agricultural and land development associations and companies; policy coalitions; state governments, local governments; and land conservation trusts.

Steve has represented companies, trade associations, and several states as both plaintiffs and defendants in litigation involving the ESA, MBTA, National Environmental Policy Act (NEPA), federal land management and mineral leasing acts, and other federal natural resource and environmental laws. He argued successfully on behalf of the petitioner before the Supreme Court in *Ohio Forestry Association v. Sierra Club*, 118 S. Ct. 1665 (1998), in which a unanimous Court ruled that federal courts do not have jurisdiction to hear most lawsuits against national forest plans. He also has a broad administrative practice that includes securing policy constructions and changes from federal agencies in Washington, DC (through rules, guidance documents, general counsel opinions, etc.) and advising on, and preparing the documentation for, the permitting of renewable and conventional energy, pipeline, mining, ski resort, forestry, and other private and public projects throughout the country (habitat conservation plans, eagle conservation plans, biological opinions, bird and bat conservation strategies, avian protection plans, environmental impact statements and assessments, historic preservation reviews, etc.).

Steve represents two groups each of approximately 15 wind energy companies working with the U.S. Fish and Wildlife Service (FWS) in the preparation of the two largest multi-species habitat conservation plans proposed to date (a 9-state plan for whooping cranes and other avian species in the Great Plains and an 8-state plan for 4 species of bats in the Midwest). For Wyoming ranch owners, he helped establish one of the largest ESA habitat conservation banks (sage grouse) and is working on the first BGEPA conservation bank (bald and golden eagles). He is advising the Environmental Defense Fund in the development of their nationwide habitat credit exchange initiative. He advised, and has prepared white papers and comments for, the Western Governors Association, Energy and Wildlife Action Coalition, Avian Power Line Interaction Committee, Edison Electric Institute, American Wind Energy Association, American Forest and Paper Association, CropLife America, American Farm Bureau Federation, Walton Family Foundation, Environmental Defense Fund, and other entities on federal natural resource, environmental, and wildlife law policies and rulemakings. He also advises owners of and investors in renewable energy projects on adherence to the ESA, MBTA, BGEPA, and NEPA. Steve counseled the pork industry representatives in the National

Environmental Dialogue on Pork Production (involving the Department of Agriculture, Environmental Protection Agency, and states) and was the coauthor of its report "Comprehensive Environmental Framework for Pork Production Operations" (December 16, 1997). He also worked with the Environmental Protection Agency on the 1997 Nationwide Clean Water Act Enforcement Agreement that honored agriculture's first industry-wide environmental auditing program.

Steve has a varied legislative practice. He has served as general counsel to a coalition of numerous trade associations, companies and labor unions seeking to reform federal wildlife laws. He also has advised, and done legislative drafting for, coalitions of clients and congressional leaders on every major legislative effort to revise the ESA. Additionally, Steve has represented several forest products trade associations on multiple legislative initiatives, including the Healthy Forests Restoration Act of 2003, relating to Bureau of Land Management and U.S. Forest Service lands. He counseled a coalition of gold companies in the efforts to amend the General Mining Law of 1872 and a coalition of coal companies drafting legislation to resolve disputes between coal developers and oil and gas producers in the Powder River Basin, Wyoming and Montana. He also worked with mining and forest products companies to secure enactment of bills mandating federal land exchanges and with land trusts to obtain appropriations for federal acquisition of lands for the National Park, Forest, and Wildlife Refuge Systems.

During the Carter Administration, Steve served as Deputy Under Secretary of the Department of the Interior, and the Director of the Department's Office of Coal Leasing, Planning, and Coordination, which developed the current federal coal leasing program. He also was special counsel to the Committee on Energy and Natural Resources of the U.S. Senate and was the principal Senate staff drafter of many federal natural resource laws, including the National Forest Management Act, Federal Land Policy and Management Act, Deep Seabed Hard Rock Minerals Act, Surface Mining Control and Reclamation Act, and Alaska National Interest Lands Conservation Act. Very early in his position on the Committee, Steve had the dubious distinction of drafting legislation – the Wild, Free-Roaming Horses and Burros Act – that, promptly after enactment, was declared unconstitutional by a federal court (before the Supreme Court reversed, thereby salvaging his career).

Steve has served on the Board of Energy and Minerals of the National Academy of Sciences, two committees of the National Research Council commissioned by Congress, the Secretary of the Interior's Federal Advisory Committee on Wind Turbine Guidelines, and the Secretary of Agriculture's National Agricultural Research, Extension, Education, and Economics Advisory Board. On several occasions, he has been invited by U.S. Senate and House Committees to appear as an expert witness.

EXPERIENCE

ESA and BGEPA Conservation Banks. Helped develop the largest ESA conservation bank in the country (greater sage grouse) and is developing the potentially first BGEPA conservation bank (bald and golden eagles).

Multi-State, Multi-Species Habitat Conservation Plans. Co-counsel for two groups of approximately 15 wind energy companies each in the preparation of the two largest multi-species habitat conservation plans in the country – the 8-State Midwest Wind Energy Habitat Conservation Plan (FWS Regions 2 and 6) and 9-State Great Plains Wind energy Habitat Conservation Plan (Region 3).

Various Project-Specific Habitat Conservation Plans. Assisted numerous individual energy, mining, forest products, pipeline, and development projects in preparing site-specific ESA habitat conservation plans and BGEPA eagle conservation plans and subsequent applications for ESA incidental take permits and BGEPA programmatic take permits.

Habitat Credit Exchange. Assisted the Environmental Defense Fund in pioneering a new ESA mitigation initiative - habitat credit exchanges (lesser prairie chicken and greater sage grouse).

Legislative Work. Represented a coalition of various natural resource companies, trade associations and trade unions in drafting and advocating an omnibus ESA bill and assisted a committee chairman in a second, subsequent omnibus ESA bill effort; a coalition of gold mining companies in drafting and seeking enactment of mining law reform legislation; a coalition of coal companies in drafting and seeking enactment of a bill to resolve disputes between coal operators and oil and gas companies on public lands in the Powder River Basin, Wyoming and Montana; and several companies in securing individual legislated land exchanges.

Statutory and Administrative Land Exchanges. Represented, and defended against litigation challenges, a proposed ski resort's land exchange with the U.S. Forest Service to increase the potential footprint of, and obtain road access for, the development, and a major coal company's land exchange with the Bureau of Land Management of checkerboard public and private lands to assemble consolidated private and federal mining units, and represented other clients in seeking Congressionally-mandated and administrative land exchanges.

States and Local Governments. Counseled the States of Georgia, Idaho, New Mexico and Oregon on ESA-related litigation brought by or against the States and the Western Governors Association on federal land planning and management issues. Represented the State of Wyoming in litigation over federal coal leasing. Counsel to an association of counties in four states in the Mojave and Sonoran Deserts on wildlife and federal land issues. Advised several Florida cities on ESA issues and the preparation of habitat conservation plans.

Ohio Forestry Association v. Sierra Club. Argued successfully before the Supreme Court in *Ohio Forestry Association v. Sierra Club*, in which a unanimous court ruled that federal courts do not have jurisdiction to hear most lawsuits against national forest plans.

Other Litigation. Argued on behalf of forest product companies, mining companies, and trade associations in federal district courts and the majority of federal circuit courts on varied natural resource, federal wildlife law, federal mineral leasing and exchange, and NEPA issues.

Pipeline Companies. Advised pipeline companies concerning ESA and MBTA issues in the permitting and construction of inter-state pipelines.

Wind Energy Projects. Assisted in the permitting of multiple wind energy projects in California, Montana, Michigan, Nevada, North Dakota, Ohio, Indiana, Pennsylvania, New York and Texas.

Wind Energy Project Due Diligence Reviews. Conducted federal wildlife law due diligence reviews for GE Energy Financial Services prior to its investing in many wind and solar projects.

Wind Energy Lawsuits. Opposed citizen suits challenging wind energy projects in Ohio and West Virginia.

Land Trusts and Landowners. Worked with the Trust for Public Lands, American Land Conservancy and landowners to obtain greater appropriations to the Land and Water Conservation Fund for federal acquisition of private lands.

INSIGHTS

PUBLICATIONS

"New Endangered Species Act Regs Could Provide Predictability for Transportation Projects," *Natural Lawyer*, 10.2019

Co-Author, "A Pendulum Seldom Stops in the Middle: Shifting Views on 'Take' of Raptors and Other Migratory Birds," *Environmental Law Reporter*, 07.01.2018

Co-Author, "Critical Habitat in Critical Condition: Can Controversial New Rules Revive It?," *Natural Resources & Environment, American Bar Association Section of Environment, Energy, and Resources, Volume 30, Number 1*, 08.01.2015

Co-Author, "Another Take on 'Take': Endangered Species Act Section 9 Prohibitions," *Institute on The Endangered Species Act: Current and Emerging Issues Affecting Resources Development, Rocky Mountain Mineral Law Foundation*, 2015

Co-Author, "Top 40 Priorities for Science to Inform US Conservation and Management Policy," *61 BioScience* 290, 04.01.2011

Co-Author, "Nanotechnology and the Endangered Species Act, Chapter 5," *Nanotechnology: Environmental Law, Policy, and Business Considerations*, American Bar Association, 2010

Co-Author, "Land Use Activities and the Section 9 Take Prohibition, Chapter 8," *Endangered Species Act: Law, Policy, and Perspectives*, Baur & Irwin eds., 2d ed., American Bar Association, 01.01.2010

Co-Author, "Nanotechnology and the Endangered Species Act, Chapter 17," *Endangered Species Act: Law, Policy, and Perspectives*, Baur & Irwin eds., 2d ed., American Bar Association, 2010

Co-Author, "The Endangered Species Act and Greenhouse Gas Emissions -- Species, Projects, and Statute at Risk," *Proceedings of the 55th Annual Rocky Mountain Mineral Law Institute*, Rocky Mountain Mineral Law Foundation, 2009

Author, "An Endangered Species Called Respect (*Rara Avis Civilitatis*): The Descent From Responsible Environmental Policymaking," *Endangered Species & Wetlands Report*, 08.21.2007

Co-Author, "The Endangered Species Act: Protecting Species at Risk, Risking Land Uses, Chapter 1," *Proceedings of the 27th Energy & Mineral Law Institute*, Energy and Mineral Law Foundation, 2007

Author, "Why the ESA Is Different: Eight Reasons," *21 The Environmental Forum* 50, Environmental Law Institute, 2004

Co-Author, "Have You Got a License for That Tree? (And Can You Afford to Use It?)," Chapter 10," *The Bioengineered Forest: Challenges for Science and Society, Resources for the Future*, 2004

Author, "Taking Stock of 'Take'," *Endangered Species & Wetlands Report*, 01.2003

Co-Author, "When Do Land Use Activities 'Take' Listed Wildlife under ESA § 9 and the 'Harm' Regulations, Chapter 12," *Endangered Species Act: Law, Policy, and Perspectives*, American Bar Association, 2002

Co-Author, "Critical Habitat: Current Centerpiece of Endangered Species Act Litigation and Policymaking," *Proceedings of the 48th Annual Rocky Mountain Mineral Law Institute*, Rocky Mountain Mineral Law Foundation, 2002

Co-Author, "The Pronounced Presence and Insistent Issues of the Endangered Species Act," *ABA journal*, *16 Natural Resources & Environment* 59, Fall 2001

Co-Author, "Encouraging Self-Auditing Within the Pork Industry: The Nationwide Clean Water Act Enforcement Agreement for Agriculture's First Industrywide Environmental Auditing Program," *29 Environmental Law Reporter* 10395, 1999

Co-Author, "The Pit Bull Goes To School: The Endangered Species Act at 25: What Works?," *15 The Environmental Forum* 55, Environmental Law Institute, 1998

Co-Author, "The Supreme Court Restricts the Availability of Forest-Wide Judicial Review in *Ohio Forestry Association v. Sierra Club*," *28 Environmental Law Reporter* 10621, 1998

Co-Author, "Sweet Home and The Narrowing of Wildlife Take Under Section 9 of the Endangered Species Act," *26 Environmental Law Reporter* 10003, 1996

Author, "The Success and Failure of Federal Land Planning," *The National Forest Management Act in a Changing Society, 1976-1996*, Natural Resources Law Center, Univ. of Colo. Law School, 1996

Author, "How the Regulated Community Views Regulation to Protect Living Resources: The Endangered Species Act, Biological Diversity, and Ecosystem Management," *Biodiversity Protection: Implementation and Reform of the Endangered Species Act*, Univ. of Colo., 1996

Co-Author, "Providing Timber Supply from National Forest Lands," *The Natural Resources Law Manual*, American Bar Association, 1995

Co-Author, "The Law of Access Across Federal Lands," *The Natural Resources Law Manual*, American Bar Association, 1995

Co-Author, "Land Exchanges with The Bureau of Land Management and the Forest Service," *Land and Permitting, Mineral Law Series, Vol. 1994, No. 1*, Rocky Mountain Mineral Law Foundation, 1994

Co-Author, "Wetlands Protection Law and The Forest Industry: Exemptions, Recapture, and Glancing Ducks," *Chapter 27 of Proceedings of the 14th Annual Eastern Mineral Law Institute*, Eastern Mineral Law Foundation, 1993

Co-Author, "The Unsettled Law of ESA Takings," *8 Natural Resources & Environment 10*, 1993

Co-Author, "Access Across and Trespass on Federal Lands," *Public Land Law, Mineral Law Series, Vol. 1992, No. 4*, Rocky Mountain Mineral Law Foundation, 1992

Co-Author, "National Forests and Forestry," *Chapter 6 of Natural Resources Law Handbook*, Government Institutes, Inc., 1991

Co-Author, "The Alaska Lands Act's Innovations in the Law of Access Across Federal Lands: You Can Get There From Here," *4 Alaska Law Review 1*, 1987

Co-Author, "You Can Get there From Here: The Alaska Lands Act's Innovations in the Law of Access Across Federal Lands," *22 Land & Water Law Review 347*, 1987

Co-Author, "Federal Land Exchanges and Mineral Development," *Proceedings of the 29th Annual Rocky Mountain Mineral Law Institute*, Rocky Mountain Mineral Law Foundation, 1984

Author, "Capitol Hill Views Land Use Issues: A Review of the National Land Use Policy Act," *Public and Private Rights in Land: Regulation v. Taking*, Institute for Environmental Studies, University of Washington, 1978

Author, "Federal Policies and Current Legislation on Land Use and Land Use Planning," *National Conference on Environmental Law*, Standing Committee on Environmental Law, 1975

HONORS & RECOGNITIONS

AV Preeminent® Peer Review Rated by Martindale-Hubbell

Individually recognized and ranked by *Chambers USA* as a leading environmental lawyer

Named an Energy & Environmental Trailblazer by *the National Law Journal*, 2016

Chosen by his peers for inclusion in *The Best Lawyers in America*® in the fields of Administrative/Regulatory Law, Environmental Law, Litigation - Environmental, Mining Law, and Natural Resources Law

Named a Legend of Environmental Law by the D.C. Bar Association, 2014

Recognized for outstanding service and expertise in Environmental Law and Mining Law in *Who's Who Legal: Mining*

Recognized in the *Washington Post* Washington D.C. & Baltimore Best Lawyers, in the following practice areas:

- Administrative/Regulatory Law
- Mining Law
- Natural Resources Law

Selected to the Super Lawyers list

Recognized in *The Washington Post Magazine* and *Washington Lawyer* as a Washington, D.C. Super Lawyer

Named as a leader in Environmental Law and Mining Law in *Who's Who Legal: The International Who's Who of Business Lawyers*

Recognized in Marquis' *Who's Who in American Law*, *Who's Who in Finance and Business*, *Who's Who in America*, and *Who's Who in the World*

COMMUNITY & PROFESSIONAL

Member, U.S. delegation to the Bi-National Softwood Lumber Council

Member, Secretary of the Interior's Federal Wind Turbine Guidelines Advisory Committee (2008-2012)

Member, Secretary of Agriculture's National Agricultural Research, Extension, Education, and Economics Advisory Board (2009-2012)

Member, Board of Mineral and Energy Resources of the National Academy of Sciences (1985-1990)
Member, National Research Council's Committee on Onshore Oil and Gas Leasing (1988-1990)
Member, National Research Council's Committee on Abandoned Mine Lands (1985-1986)
Participant, Endangered Species Act at Thirty project of the University of California, Santa Barbara, Columbia University and University of Idaho (2002-2003)
Participant, Stanford University Forum on the Endangered Species Act and Federalism (2005)
Participant, Endangered Species Act Working Group on Habitat Issues, sponsored by The Keystone Center (2005-2006)
Former Vice-Chair of the Endangered Species, Alternative Energy, and Public Lands and Land Use Committees of the Environment, Energy and Resources Section of the American Bar Association

PRACTICES

Endangered Species & Wildlife Law
Environment & Land Use
Government Relations & Regulation

INDUSTRIES

Energy & Utilities

EDUCATION

Yale Law School, J.D., 1968
Princeton University, A.B., 1964, Woodrow Wilson School of Public and International Affairs, co-recipient of the School's Herrick Prize

ADMISSIONS

District of Columbia
New York
U.S. Supreme Court
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Eighth Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. Court of Appeals, District of Columbia Circuit