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- Environment & Natural Resources
- Legislation
- Life Sciences
- Trade Associations
- Renewable Energy

Steve Quarles is a partner and former chair of the Environment & Natural Resources Group of the Washington, DC law firm of Crowell & Moring LLP. His practice includes counseling, litigation and legislative representation for a wide range of energy, forest products, mining, agricultural and land development associations and companies, state and local governments, and land conservation trusts. He addresses issues concerning wildlife and endangered species, federal lands (including mineral, forestry, land exchange, siting and access law), and water pollution (including matters involving nonpoint source controls and point source permitting, impaired waters and Total Maximum Daily Loads, and wetlands regulation). Steve serves on the 6-member U.S. delegation to the Bi-National Softwood Lumber Council, established in accordance with Article XIII and Annex 13 of the 2006 Canada-United States Softwood Lumber Agreement. He is also a member of the Secretary of the Interior's Federal Wind Turbine Guidelines Advisory Committee and the Secretary of Agriculture's National Agricultural Research, Extension, Education, and Economics Advisory Board.

Litigation Practice: Steve represents clients in federal courts in all the federal circuits and the Supreme Court. He litigates on behalf of American Forest & Paper Association, CropLife America, Edison Electric Institute, National Pork Producers Council, National Association of Homebuilders, American Farm Bureau Federation, and a coalition of silvicultural, agricultural, and other interests on Clean Water Act and Endangered Species Act issues. Steve defends a variety of companies in citizen suits involving the same issues. He also represents several states as both plaintiffs and defendants in ESA matters. Steve 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.

Administrative Practice: Steve 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 projects throughout the country (habitat conservation plans, environmental impact statements, historic preservation reviews, etc.). Steve counseled the pork industry representatives in the National Environmental Dialogue on Pork Production (with representatives from the U.S. Department of Agriculture, U.S. Environmental Protection Agency, and the States) and was principal author 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 (pork industry) environmental auditing program.

Legislative Practice: Steve's legislative practice is similarly diverse. For example, he served as general counsel to the Endangered Species Coordinating Council, a coalition of numerous trade associations, companies, and labor unions seeking to reform the Endangered Species Act. Steve has represented several forest products trade associations on multiple legislative initiatives, including the Healthy Forests Restoration Act of 2003. He represents a coalition of agricultural associations and companies concerned with Clean Air Act and CERCLA compliance by Concentrated Animal Feeding Operations. Steve has counseled a coalition of gold companies in the efforts to amend the General Mining Law of 1872 and a coalition of coal companies seeking legislation to resolve disputes between coal developers and oil and gas producers in the Powder River Basin, Wyoming and Montana. Steve also has worked with land conservation trusts and landowners to secure statutory direction for federal land exchanges and appropriations for federal land acquisitions to add lands to the National Park, Forest, and Wildlife Refuge Systems.

Governmental and Other Positions: Steve held several Executive Branch and Congressional positions before entering private practice. During the Carter Administration, he served as Deputy Under Secretary of the Department of the Interior, advising Interior Secretary Cecil Andrus on a wide range of environmental and natural resource issues, and Director of the Department's Office of Coal Leasing, Planning, and Coordination, developing the current coal leasing program. He also was special counsel to the Committee on Energy and Natural Resources of the United States Senate, under Chairman Henry M. Jackson, and chief counsel for its Public Lands and Resources Subcommittee, under Chairmen Lee Metcalf and Dale Bumpers. He was the principal Senate staffer responsible for drafting and shepherding landmark natural resource laws (e.g., National Forest Management Act, Federal Land Policy and Management Act, and Deep Seabed Hard Mineral Resources Act), and major conservation laws (e.g., Alaska National Interests Land Conservation Act, Eastern Wilderness Areas Act, Montana Wilderness Areas Act, Omnibus Wild and Scenic Rivers Act Amendments, and over two dozen individual wilderness and wild and scenic river acts). He also assisted in the

enactment of ground-breaking Native American laws (e.g., Indian Health Care Improvement Act and Indian Self-Determination and Education Assistance Act). Very early in his position on the Committee, Steve had the dubious distinction of drafting legislation -- 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 Steve's career).

Prior to his government service, Steve was a program coordinator for the Ford Foundation in Rio de Janeiro, Brazil. Steve has been a member of the Board of Mineral and Energy Resources of the National Academy of Sciences. He served on the National Research Council's Committee on Onshore Oil and Gas Leasing, established by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, and Committee on Abandoned Mine Lands. Steve was an invited participant in the Endangered Species Act at Thirty project of the University of California, Santa Barbara, Columbia University and University of Idaho (2002-2003), the Stanford University Forum on the Endangered Species Act and Federalism (2005), and the Endangered Species Act Working Group on Habitat Issues sponsored by The Keystone Center (2005-2006). He has been Vice-Chairman of the Endangered Species Committee, the Alternative Energy Committee, and the Public Lands and Land Use Committee of the Environment, Energy and Resources Section of the American Bar Association.

Steve currently sits on the boards of the American Forest Foundation, Henry M. Jackson Foundation, Maryland Environmental Trust, Catoctin Land Trust, and Bat Conservation International.

Education: Steve graduated from Princeton University, where he was awarded the Herrick Prize of the Woodrow Wilson School of Public and International Affairs, and Yale Law School. He received a Fulbright Scholarship to Aligarh Muslim University, India.

Professional Memberships and Recognition: Steve is a member of the bar of the state of New York, the District of Columbia, and various federal courts. Steve is listed in *The Best Lawyers in America* (in Administrative Law, Environmental Law, Natural Resources Law, and Mining Law categories); *Marquis Who's Who in America*; *Marquis Who's Who in American Law*; *Marquis Who's Who in the World*; and *Marquis Who's Who in Finance and Business*.

Personal: Steve and his spouse, Suzanne, own Some Day Soon Farm, one of the largest horse breeding farms in Maryland.

Publications: Steve publishes frequently on issues related to Endangered Species Act, Clean Water Act, National Environmental Policy Act, Mineral Leasing Act and other environmental and public land laws. He is a co-author of numerous book chapters, including: *Have You Got a License for That Tree? (And Can You Afford to Use It?)*, *THE BIOENGINEERED FOREST: CHALLENGES FOR*

SCIENCE AND SOCIETY, Resources For The Future (2004); the chapters on the law of wildlife "take" and nanotechnology in THE ENDANGERED SPECIES ACT: LAW, POLICY AND PERSPECTIVES, American Bar Association (2d ed., 2010); the chapter on "Nanotechnology and Endangered Species Act" in NANOTECHNOLOGY: ENVIRONMENTAL LAW, POLICY, AND BUSINESS CONSIDERATIONS, American Bar Association (2010); two chapters on forestry on, and access to, public lands in THE NATURAL RESOURCES LAW MANUAL, American Bar Association (1995); the chapter on *The Endangered Species Act and Greenhouse Gas Emissions -- Species, Projects, and Statute At Risk*, in 55TH ANNUAL INSTITUTE PROCEEDINGS, Rocky Mountain Mineral Law Institute (2009); the chapter on *The Endangered Species Act: Protecting Species at Risk, Risking Land Uses*, in 27TH ANNUAL INSTITUTE PROCEEDINGS, Energy and Mineral Law Institute (2007); the chapter on *Critical Habitat: Current Centerpiece of Endangered Species Act Litigation and Policymaking* in 48TH ANNUAL INSTITUTE PROCEEDINGS, Rocky Mountain Mineral Law Foundation (2002); the chapter on *Wetlands Protections Law and the Forest Industry* in the 14TH ANNUAL INSTITUTE PROCEEDINGS, Eastern Mineral Law Foundation (1995); and the chapter on the *National Forests and Forestry*, NATURAL RESOURCES LAW HANDBOOK, Government Institutes, Inc. (1991). Among the articles he has published are: *An Endangered Species Called Respect (Rara Avis Civilitatis): The Descent from Responsible Environmental Policymaking*, ENDANGERED SPECIES & WETLANDS REPORT (Aug. 2007); *Why the ESA Is Different: Eight Reasons*, 21 THE ENVIRONMENTAL FORUM 50, Environmental Law Institute (2004); *Sweet Home and The Narrowing of Wildlife "Take" Under Section 9 of the Endangered Species Act*, 26 ENV. L. REP. 10003 (Jan. 1996); *The Supreme Court Restricts the Availability of Forest-Wide Judicial Review in Ohio Forestry Ass'n v. Sierra Club*, 28 ENV. L. REP. 10621 (Nov. 1998); *Encouraging Self-Auditing Within the Pork Industry: The Nationwide Clean Water Act Enforcement Agreement for Agriculture's First Industry-Wide Environmental Auditing Program*, 29 ENV. L. REP. 10393 (July 1999); and *The Pronounced Presence and Insistent Issues of the ESA*, 16 NAT. RES. & ENV'T. 59 (Fall 2001).

Education

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

Affiliations

Admitted to practice: District of Columbia, New York

Publications

- "The Migratory Bird Treaty Act: An Overview," (2012). Co-Authors: Thomas R. Lundquist, Steven P. Quarles, John C. Martin, J. Michael Klise and Sarah Bordelon.
- "The Endangered Species Act: An Overview," (2010). Co-Authors: Thomas R. Lundquist, Steven P. Quarles, John C. Martin, J. Michael Klise and L. Michael Bogert.
- "Chapter 5: Nanotechnology and the Endangered Species Act," NANOTECHNOLOGY: ENVIRONMENTAL LAW, POLICY, AND BUSINESS CONSIDERATIONS, American Bar Association (2010). Co-Authors: Steven P. Quarles, J. Michael Klise and Wm. Robert Irvin.
- "Land Use Activities and the Section 9 Take Prohibition," Chapter 8 of *Endangered Species Act: Law, Policy, and Perspectives* (Baur & Irwin eds., 2d ed., American Bar Association 2010). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Chapter 17: Nanotechnology and the Endangered Species Act," *Endangered Species Act: Law, Policy, and Perspectives*, American Bar Association (2010). Co-Authors: J. Michael Klise, Steven P. Quarles, and Wm. Robert Irvin.
- "The Endangered Species Act and Greenhouse Gas Emissions -- Species, Projects, and Statute At Risk," *PROCEEDINGS OF THE 55TH ANNUAL ROCKY MOUNTAIN MINERAL LAW INSTITUTE* (2009). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "An Endangered Species Called Respect (*Rara Avis Civilitatis*): The Descent from Responsible Environmental Policymaking," *Endangered Species & Wetlands Report* (Aug. 21, 2007). Author: Steven P. Quarles.
- "Chapter 1: The Endangered Species Act: Protecting Species at Risk, Risking Land Uses," *27 ENERGY & MINERAL LAW INSTITUTE* ch. 1 (2007). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Chapter 10: Have You Got a License for That Tree? (And Can You Afford to Use It?)," Strauss and Bradshaw (eds.), *The Bioengineered Forest: Challenges for Science and Society, Resources for The Future* (2004). Co-Authors: Steven P. Quarles, Nancy Bryson and Richard Mannix.
- "Why the ESA Is Different: Eight Reasons," 21 *THE ENVIRONMENTAL FORUM* 50, Environmental Law Institute (2004). Author: Steven P. Quarles.
- "Taking Stock of 'Take'," *Endangered Species & Wetlands Report* (January 2003). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.

- "Critical Habitat: Current Centerpiece of Endangered Species Act Litigation and Policymaking," *PROCEEDINGS OF THE 48TH ANNUAL ROCKY MOUNTAIN MINERAL LAW INSTITUTE* (2002). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Chapter 12. When Do Land Use Activities 'Take' Listed Wildlife under ESA § 9 and the 'Harm' Regulations," *ENDANGERED SPECIES ACT: LAW, POLICY, AND PERSPECTIVES*, American Bar Association (2002). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "The Pronounced Presence and Insistent Issues of the Endangered Species Act," lead article in special wildlife law issue of the ABA journal, 16 *NATURAL RESOURCES & ENVIRONMENT* 59 (Fall 2001). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Encouraging Self-Auditing Within the Pork Industry: The Nationwide Clean Water Act Enforcement Agreement for Agriculture's First Industry-Wide Environmental Auditing Program," 29 *ENVIRONMENTAL LAW REPORTER* 10395 (1999). Co-Authors: Richard E. Schwartz, Steven P. Quarles and Ellen Steen.
- "The Supreme Court Restricts the Availability of Forest-Wide Judicial Review in *Ohio Forestry Ass'n v. Sierra Club*," 28 *ENVIRONMENTAL LAW REPORTER* 10621 (1998). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "The Pit Bull Goes To School: The Endangered Species Act at 25: What Works?," 15 *THE ENVIRONMENTAL FORUM* 55, Environmental Law Institute (1998). Author: Steven P. Quarles.
- "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). Author: Steven P. Quarles.
- "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: Steven P. Quarles.
- "Sweet Home and The Narrowing of Wildlife Take Under Section 9 of the Endangered Species Act," 26 *ENVIRONMENTAL LAW REPORTER* 10003 (1996). Co-Authors: Steven P. Quarles, John Macleod and Thomas R. Lundquist.
- "The Law of Access Across Federal Lands," *THE NATURAL RESOURCES LAW MANUAL*, American Bar Association (1995). Co-Authors: Steven P. Quarles, Thomas R. Lundquist and Rebecca Thompson.
- "Providing Timber Supply from National Forest Lands," *THE NATURAL RESOURCES LAW MANUAL*, American Bar Association (1995). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "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-Authors: Steven P. Quarles and Charles Rech.

- "Chapter 27. Wetlands Protection Law and The Forest Industry: Exemptions, Recapture, and Glancing Ducks," *PROCEEDINGS OF THE 14TH ANNUAL EASTERN MINERAL LAW INSTITUTE*, Eastern Mineral Law Foundation (1993). Co-Authors: Steven P. Quarles, Thomas Stock and William L. Anderson.
- "The Unsettled Law of ESA Takings," 8 *NATURAL RESOURCES & ENVIRONMENT* 10 (1993). Co-Authors: Steven P. Quarles, John Macleod and Thomas R. Lundquist.
- "Access Across and Trespass on Federal Lands," *PUBLIC LAND LAW*, Mineral Law Series, Vol. 1992, No. 4, Rocky Mountain Mineral Law Foundation (1992). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Chapter 6. National Forests and Forestry," *NATURAL RESOURCES LAW HANDBOOK*, Government Institutes, Inc. (1991). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "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-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "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-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "Federal Land Exchanges and Mineral Development," *PROCEEDINGS OF THE 29TH ANNUAL ROCKY MOUNTAIN MINERAL LAW INSTITUTE*, Rocky Mountain Mineral Law Foundation (1984). Co-Authors: Steven P. Quarles and Thomas R. Lundquist.
- "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: Steven P. Quarles.
- "Federal Policies and Current Legislation on Land Use and Land Use Planning," *NATIONAL CONFERENCE ON ENVIRONMENTAL LAW*, Standing Committee on Environmental Law, American Bar Association (1975). Author: Steven P. Quarles.

Alerts & Newsletters

- "Public Comment Solicited on Proposed Modifications to Endangered Species Act Consultation Process," *Environment & Natural Resources Law Alert* (August 13, 2008). Contacts: Steven P. Quarles, J. Michael Klise.
- "Controversy Over Sage-Grouse Threatens Multiple Use Development Across 11 Western States," *Environment & Natural Resources Law Alert*

(January 16, 2008). Contacts: Steven P. Quarles, R. Timothy McCrum, Thomas R. Lundquist.

- "The Supreme Court Limits The Scope Of The Endangered Species Act In *Defenders of Wildlife*," *Environment & Natural Resources Law Alert* (June 25, 2007). Contacts: Thomas R. Lundquist, Steven P. Quarles, J. Michael Klise.