

## **Can The God Squad Resurrect The State Water Project?**

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Joel D. Kuperberg  
Rutan & Tucker, LLP

## **Endangered Species Act, 16 U.S.C. § 1531, *et seq.* (ESA)**

- **§4: Duty to list threatened and endangered species**
- **§7: Consultation on proposed Federal action that may affect a listed species**
- **§9: Prohibition against “taking” threatened or endangered species**

## **ESA § 7: Consultation Process**

- **Triggered by Proposed Federal Action**
- **US Fish and Wildlife Services prepares Biological Opinion**
  - **Jeopardy Opinion: Continued existence of listed species jeopardized**
  - **If no “reasonable and productive alternatives,” project blocked**
  - **Only exception: God Squad**

## **ESA, § 7(e): Endangered Species Committee (aka “God Squad”)**

### **Composed of Seven Members**

- **Secretaries of Agriculture, Army and Interior**
- **Administrators of EPA, NOAA**
- **Chair, Council of Economic Advisors**
- **Representative from affected State (appointed by President)**

## **ESA § 7(g): The Power of the God Squad**

- **Authority to functionally exempt Federal Agency Action from ESA despite possible extinction of listed species**
  - Requires vote of 5 of 7 members
  - **Must find**
    - No reasonable and prudent alternatives to proposed actions
    - Benefits of proposed project clearly outweigh benefits of protecting species
    - Regional or national significance

## **Will the God Squad be the SWP's Savior?**

- **Convenes very infrequently**
- **Grants ESA exemptions even more rarely**