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ENDANGERED AND THREATENED SPECIES EXPERIENCE

- Mr. Everett has advised clients with respect to all aspects of New York State's Endangered and Threatened Species Law and related NYSDEC regulations - 6 NYCRR Part 182 - and the Federal Endangered Species Act and related U.S. Fish and Wildlife Service ("USFWS") regulations. He has represented residential builders, energy companies, religious institutions, private individuals and commercial developers, among others, in connection with these regulations.
- Mr. Everett was the lead counsel in developing and implementing one of the largest timber rattlesnake studies in the lower Hudson River Valley. The study area covered two thousand acres in portions of New York State and portions of New Jersey. The study identified previously unknown snake habitat and was instrumental in its preservation.
- Mr. Everett was lead counsel in developing and implementing a large timber rattle snake study in Rockland County which identified previously unknown snake habitat. The study was instrumental in selling the land to New York State for critical habitat protection as a new addition to Harriman State Park.
- Mr. Everett was retained by the largest developer of utility-scale wind farms in New York State to assist in developing the parameters of post-construction avian studies for wind farms.
- Mr. Everett represented the largest utility in New York State in developing and adopting corporate environmental procedures for protecting and addressing threatened and endangered species and other wildlife during utility operations.
- Mr. Everett has worked with clients to develop and implement project mitigation measures to avoid adverse impacts to endangered species and to avoid the need for incidental taking permits. The mitigation measures included, among others, land set asides, conservation easements, educational programs, operational and seasonal restrictions, etc.
- He has also assisted clients in applying for "incidental take permits" from both NYSDEC and USFWS and developing habitat conservation plans.

- Mr. Everett has negotiated non-disclosure and confidentiality agreements with NYSDEC and private parties related to information sharing on the location of threatened and endangered species and their critical habitat.
- Mr. Everett has represented clients in obtaining information on threatened and endangered species from the NYSDEC's Natural Heritage Program.
- Mr. Everett has developed strategies for commercial developers to maximize the development potential of their land under both the State and Federal endangered species laws.
- Mr. Everett has experience with the following endangered or threatened species, among others: Indiana Bats, Bog Turtles, Blandings Turtles, Timber Rattle Snakes, Northern Cricket Frogs, Bald Eagles, Karner Blue Butterflies, Banded Sunfish and Mud Sunfish. Mr. Everett also has experience with a variety of "species of special concern" under NYSDEC's regulations.
- Mr. Everett has assisted clients in preparing Draft and Final Environmental Impacts Statements under SEQRA to review the potential impacts from large real estate development projects on threatened and endangered species and their critical habitat. He has successfully defended lawsuits brought to challenge these reviews.
- Mr. Everett has represented herpetologists in issues related to their NYSDEC Collector's Licenses.