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In this Essay, Professor Plater presents his insight into what makes the Endangered Species Act (ESA) unique. Amidst the array of federal environmental laws enacted since 1970, the Endangered Species Act of 1973 has always been one-of-a-kind—in terms of the territory it carves out in the nation’s jurisprudence, the technical approaches it takes to regulation, and the political passions and stratagems it provokes on all sides of the species preservation debates. The Act has often become a pragmatic target of opportunity for antiregulatory forces seeking to use it as a wedge issue to roll back environmental protection laws generally. An overview analysis of the ESA’s first major appearance in court, the case of the little fish against the Tennessee Valley Authority dam, and of the Act’s continuities and changes over the past thirty years, emphasizes the Act’s remarkable role not only as a pioneering statutory foray into the interactions between biology and law, but as an unprecedented player and lightning rod in the nation’s policy and political ecosystems as well.

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decisions to confront the constitutionality of the ESA’s take provision in the wake of *Lopez* and its progeny. Although each of the decisions employed different reasoning to uphold the ESA, the Article maintains that all four demonstrated the requisite link between the statute’s take provision and interstate commerce and would be affirmed by a majority of the Supreme Court.

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<p><i>Next Thirty Years</i> <i>Daniel J. Rohlf</i></p> <p>Section 4 of the Endangered Species Act governs procedures for adding species to—and removing them from—the threatened and endangered lists, designating critical habitat, drafting and implementing recovery plans, and monitoring both listed species and certain additional species. After a brief examination of the history of this section’s formulation and implementation, this Article analyzes ten important and unresolved issues that are likely to play a significant role in shaping the future of this crucial part of the ESA.</p>	483
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