



## John Martin

Partner

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**John litigates high-stakes environmental cases for clients in the mining, oil & gas, manufacturing and chemical industries.**

John focuses his practice on environmental and natural resource litigation. He has served as lead counsel in the successful defense of a large number of public and private companies throughout the United States. John has developed particular expertise in litigating cases under NEPA, the Clean Water Act, the Surface Mining Control & Reclamation Act, CERCLA, and the Endangered Species Act. He has argued successfully before multiple levels of federal judicial and administrative tribunals including many federal district courts and courts of appeals across the country. He has also litigated environmental cases before various state courts and administrative agencies. Early in his career, John served at the Department of the Interior and at the Department of Justice where he litigated on behalf of government agencies.

Prior to joining Holland & Hart, John was a partner at two international law firms where, among other roles, he chaired the environmental practice and co-chaired the litigation department.

John frequently works with [Sarah Bordelon](#), [Jon Katchen](#), [Susan Mathiascheck](#), [Dessa Reimer](#), [Bryson Smith](#), and [Sam Yemington](#).

### PRACTICES

Environmental and Natural Resources  
 Environmental and Natural Resources  
 Litigation  
 Endangered Species and Wildlife  
 Regulation  
 Environmental Compliance and  
 Enforcement  
 NEPA, Public Lands, and Cultural  
 Resources

### INDUSTRIES

Energy and Resources  
 Oil and Gas

### EDUCATION

Georgetown University Law Center, J.D.  
 University of Wyoming, B.S.  
 With Honors

### BAR ADMISSIONS

Montana  
 District of Columbia  
 Wyoming

### COURT ADMISSIONS

U.S. Supreme Court  
 U.S. Court of Appeals for the District of  
 Columbia  
 U.S. Court of Appeals for the Fifth Circuit  
 U.S. Court of Appeals for the Sixth Circuit  
 U.S. Court of Appeals for the Eighth  
 Circuit  
 U.S. Court of Appeals for the Ninth  
 Circuit  
 U.S. Court of Appeals for the Tenth  
 Circuit  
 U.S. District Court for the District of  
 Columbia

### EXPERIENCE

- Clean Water Act
- National Environmental Policy Act
- Endangered Species Act
- Clean Air Act
- Surface Mining Control and Reclamation Act
- Superfund and hazardous waste
- Climate change
- Hydraulic fracturing
- Federal lands

### CLIENT RESULTS

## Representative Cases

- *Gulf Restoration Network et al. v. Bernhardt et al.*, No. 18-1674 (RBW) (D.D.C. April 21, 2020); prevailed in NEPA action challenging oil & gas leasing in Gulf of Mexico.
- *350 Mont. et al. v. Bernhardt, et al.*, CV19-12-M-DWM (Molloy, J.) (D. Mont. Mar. 9, 2020); lead counsel in successful defense of mining company in NEPA litigation.
- *In re: Appeal Amendment AM4, Western Energy Co., Rosebud Mine*, No. BER-2016-03 SM (Bd. Env'tl. Rev.) ( June 6, 2019); lead counsel in defense of challenge surface mining permit giving rise to four-day trial and culminating in Board decision affirming issuance of permit.
- *In re Applications for Supplemental Environmental Impact Statement for Proposed NorthMet Project*, A-18-1312, 1524, 1608 (Minn. Ct. App. May 28, 2019); lead counsel for state agency prevailing in consolidated challenge to decision advanced under state counterpart to NEPA.
- *Mont. Env'tl. Info. Ctr. v Dep't of Env'tl. Quality*, 397 Mont. 161, 451 P.3d 493 (2019); argued on behalf of appellant mining company before the Montana Supreme Court which reversed adverse decision under Montana Water Quality Act.
- *M.L. Johnson Family Properties, LLC v. Bernhardt and Premier Elkhorn Coal LLC*, 924 F.3d 842 (6th Cir. 2019); lead counsel in successful defense of multiple claims under SMCRA before the Interior Department, the Eastern District of Kentucky, and, finally, in the Court of Appeals for the Sixth Circuit.
- *Northern Plains Resource Council, Inc. v. U.S. BLM et al.*, No. 16-35447 (9th Cir. Feb. 27, 2018); successfully argued appeal of decision under National Environmental Policy Act on behalf of Montana coal company.
- *Mont. Env'tl. Info. Ctr. v. U.S. Office of Surface Mining et al.*, CV 15-106-M-DWM (Molloy, J.) (D. Mont. Nov. 3, 2017); successfully argued to modify injunction issued under NEPA to allow continued mining during pendency of injunction.
- *Montana Env. Info. Ctr. v. Stone-Manning*, 766 F.3d 1184 (9th Cir. 2014); Successfully argued on behalf of mining company to uphold state permitting decisions in an action brought under SMCRA.<sup>1</sup>
- *M.L. Johnson Family Properties, LLC et al. v. Premier Elkhorn Coal Co.*, No. 14-5867 (6th Cir. Oct. 31, 2014); obtained vacatur of district court's preliminary injunction decision in Court of Appeals.
- *Alaska Community Action on Toxics v. Aurora Energy Services, LLC*, 940 F.Supp.2d 1005 (D. Alaska 2013), rev'd in part, 765 F.3d 1169 (9th Cir. 2014); defense of coal port concerning claims under the Clean Water Act.
- *United States v. Brigham Oil & Gas L.P.*, 840 F. Supp. 2d 1202 (D.N.D. 2012); argued and won dismissal of criminal action under the Migratory Bird Treaty Act in a far-reaching decision rejecting strict liability enforcement of the MBTA for oil and gas operations.

- *Biodiversity Conservation Alliance v. Clark*, 608 F.3d 709 (10th Cir. 2010); lead counsel for group of oil and gas companies in successful defense of NEPA challenge to Resource Management Plan concerning coalbed natural gas development in Wyoming's Powder River Basin.
- *Wyo. Outdoor Council v. Wyo. Dep't of Env. Quality*, 225 P.3d 1054 (Wyo. 2010); represented industry intervenors in successful defense of state decision to reject petition.
- *William F. West Ranch, LLC v. Tyrrell*, 206 P.3d 722 (Wyo. 2009); represented industry intervenors in defense of case brought against state engineer regarding water use for oil and gas operations.
- *Pennaco Energy, Inc. v. U.S. EPA*, 692 F.Supp.2d 1297 (D.Wyo. 2009); lead counsel for a group of oil and gas companies in successful challenge to state water quality standards approved by EPA under the Clean Water Act.
- *Northern Cheyenne Tribe v. Norton*, 503 F.3d 836 (9th Cir. 2007); argued on behalf of oil and gas companies in successful defense of challenge to BLM compliance with NEPA.
- *American Petroleum Inst. v. Johnson*, 541 F.Supp.2d 165 (D.D.C. 2008); argued on behalf of industry in successful challenge the extent of EPA's jurisdiction under Clean Water Act.
- *United States ex rel. Costner v. URS Consultants, Inc.*, 317 F.3d 228 (8th Cir. 2003); lead counsel for contractor in successful defense at trial and appeal of action against contractor at Superfund site.
- *United States v. Cello-Foil Products, Inc.*, 100 F.3d 1227 (6th Cir. 1996); lead counsel in successful defense of CERCLA action.
- *Marathon Oil Co. v. Lujan*, 937 F.2d 498 (10th Cir. 1991); successful litigation over oil shale claims under 1872 Mining Law.
- *City of Waukesha v. EPA*, 320 F.3d 228 (D.C. Cir. 2003); argued regulatory appeal of rulemaking under Safe Drinking Water Act.
- *State of Ohio v. EPA*, 838 F.2d 1325 (D.C. Cir. 1988); argued CERCLA regulatory matter.

### Representative Matters

- Represent major oil & gas company in Gulf of Mexico regulatory compliance and related litigation.
- Represent Minnesota state agencies in permitting decisions for mine in northern Minnesota.
- Represent Montana coal mining companies in administrative proceedings under Montana mining statute.<sup>1</sup>
- Conducted confidential investigation of purported environmental violation by Fortune 500 company.
- Represented major oil companies before federal agencies concerning environmental regulatory issues arising from BP Macondo Oil Spill in the Gulf of Mexico for offshore oil and gas operations.

- Represented Texas municipality in NEPA challenge to locating of federal wildlife refuge where it would preclude source of municipal water.
- Defended and resolved some of the most significant enforcement actions brought by EPA against mining companies for permit violations alleged under the Clean Water Act (2007-2015).
- Resolved EPA action against oil and gas concern for spills and asserted violations of spill plan requirements under Clean Water Act (2005-2008).
- Defended chemical company against major administrative enforcement action under Resource Conservation & Recovery Act and Toxic Substances Control Act; resolved in administrative settlement with EPA (2005).
- Testified before Congressional task force concerning revisions to NEPA (September 2005).
- Participated in defense of criminal investigations under federal environmental statutes (2003-present).
- Represented State of Wyoming in Clean Water Act and Endangered Species Act matters (2004-2005).
- Represent oil and gas concerns in a series of NEPA actions arising from coalbed natural gas operations in Wyoming and Montana; cases venued in Wyoming and Montana (2004-2010).
- Successful resolution of major Clean Air Act enforcement action against Ohio agricultural concern (2004).
- Defended and resolved significant Clean Water Act action brought against major municipality (2003).
- Participated in permitting major offshore Alaska exploration project and successfully defended challenges in 9th Circuit, Federal District Court, and Interior Board of Land Appeals (2002).

<sup>1</sup> John joined Holland & Hart in January 2017

## PUBLICATIONS

"Agency Works to Streamline Surface Coal Mine Regulation," *Bloomberg Law*, Co-Author, 06/10/2020

"Proposed ESA Revisions—Implications for Energy and Natural Resource Interests," *Holland & Hart News Update*, Co-Author, 07/27/2018

"Axing Access: Emergent Limits on Public Lands Development," *57th Annual Rocky Mountain Mineral Law Institute*, Co-Author, July 2011

## RECOGNITION

- Department of Justice, Special Achievement Award
- BTI Client Service All Star, 2016
- Martindale-Hubbell®, AV Preeminent® Rating
- Martindale-Hubbell®, Top Rated Lawyer

- *Who's Who Legal*, Environment, 2016

**PROFESSIONAL AND CIVIC AFFILIATIONS**

- Bar Association of the District of Columbia
- American Bar Association, Natural Resources Law Section
- Wyoming Bar Association