



John Martin

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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
 Oil and Gas

EDUCATION

Georgetown University Law Center, J.D.,
 1979

University of Wyoming, B.S., 1975
 With Honors

BAR ADMISSIONS

District of Columbia
 Wyoming
 Montana

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
 U.S. District Court for the District of
 Wyoming

John Martin has litigated high-profile cases under all of the major environmental statutes for clients in the mining, oil & gas, manufacturing, and chemical industries.

John represents clients in environmental and natural resource issues. He has served as lead counsel in the defense of many cases brought by advocacy organizations and government agencies under environmental statutes. As a trial lawyer at the Department of Justice and in the Department of the Interior's Solicitor's Office, John represented federal agencies in environmental litigation. More recently, he has represented state agencies concerning natural resources and environmental matters.

John frequently works with [Sarah Bordelon](#), [Jon Katchen](#), and [Dessa Reimer](#).

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

- *M.L. Johnson Family Properties, LLC v. Zinke*, No. 7:16-CV-6-KKC (March 21, 2018); lead counsel in successful defense of action challenging permitting decision under Surface Mining Control & Reclamation Act.
- *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. Envl. Info. Ctr. v. U.S. Office of Surface Mining et al.*, CV 15-106-M-DWM (D. Mont. Nov. 3, 2017); successfully argued to modify injunction issued by district court under NEPA.
 - *Montana Env. Info. Ctr. v. Stone-Manning*, 766 F.3d 1184 (9th Cir. 2014); Successfully argued to uphold state permitting decisions in an action brought under SMCRA.¹
 - *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 Clean Water Act case against 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 Minnesota state agencies in permitting decisions for mine in northern Minnesota.
- Represent coal mining company in administrative proceeding under state mining statute. In re: Appeal of Western Energy Co. Rosebud Mine, No. BER-2012-12-WQ (Mont. Bd. of Env. Rev.)¹
- Represented oil & gas trade associations concerning BLM and EPA efforts to regulate hydraulic fracturing (fracking).
- Currently defending mining companies in several cases brought by advocacy organizations under the Clean Water Act.
- Lead 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 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).

¹ John joined Holland & Hart in January 2017

PUBLICATIONS

"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