

## PRACTICES

Environmental Litigation
Wildlife and Protected Species
Environmental
State Government Affairs
Environmental Health and Safety
Federal Lands Permitting
Environmental Transactions

## INDUSTRIES

Mining
Oil and Gas
Energy and Resources
Oil and Gas Litigation
Oil and Gas Regulatory

## EDUCATION

Thomas Aquinas College, B.A., 1993
Classical Liberal Arts

University of Wyoming College of Law, J.D., 1996
Order of Barristers
Moot Court Board

## BAR ADMISSIONS

Colorado
Wyoming
District of Columbia

## COURT ADMISSIONS

U.S. District Courts for Colorado, Wyoming, District of Columbia, and North Dakota
United States Supreme Court
United State Courts of Appeal for the District of Columbia, Fifth, Eighth, Ninth, and Tenth Circuits

# Andrew Emrich

Partner

555 17th Street, Suite 3200, Denver, CO 80202

P 303.290.1621

acemrich@hollandhart.com

**Andrew helps clients develop their energy and natural resources projects through a multi-faceted strategy involving litigation, permitting, and regulatory compliance.**

Andrew has represented clients in significant litigation in the areas of oil and gas, mining, and renewable energy projects. On the permitting side, Andrew advances his clients' projects through focused strategies to obtain expeditious and defensible permitting and regulatory approvals. When necessary, he helps clients challenge agency regulations and permitting decisions that obstruct energy development.

He has extensive knowledge of federal environmental and natural resources litigation and federal agencies' administrative and regulatory processes. Andrew effectively advances his clients' interests in litigation and guides clients through the labyrinth of regulatory compliance necessary to authorize their energy and natural resources projects on state, federal, tribal, or private lands. He has successfully assisted clients in negotiating business agreements with federal agencies, Native American Tribes, and state and local governments.

Before joining Holland & Hart, Andrew served as Counsel to the Assistant Attorney General at the Environment and Natural Resources Division of the U.S. Department of Justice, where he both litigated significant environmental and natural resources cases and helped develop and implement litigation strategy for federal agencies in courts throughout the country.

## EXPERIENCE

Effective representation of clients in the energy and public land use sectors in:

- Litigation
- Administrative Appeals
- Permitting and Regulatory compliance
- Administrative and Legislative advocacy

## CLIENT RESULTS

- Assisted coal, trona, gold, and rare earth mining companies, as well as a variety of oil and gas exploration and production and midstream companies, in successfully navigating federal and state

permitting processes.

- Represented variety of oil and gas, coal, trona, geothermal, and hard rock mining companies in numerous federal administrative appeals to the Interior Board of Land Appeals, the Interior Board of Indian Appeals, the U.S. Forest Service, the Office of Natural Resources Revenue, and the Bureau of Indian Affairs, and the Environmental Protection Agency's Environmental Appeals Board.

### Mining

- Represented coal producers in federal administrative appeals, and subsequent federal court litigation, involving challenges to federal agencies' leasing and environmental decisions.
- Successfully represented gold mining company in administrative challenge to federal agency's cancellation of mining claims.
- Represented gold mining company in national challenge to EPA's overhaul of Clean Air Act regulations for electricity sector.
- Successfully represented coal producers against challenge by environmental groups to a state's federally-approved coal regulatory program.
- Represented mining company in appeal of royalty assessment for operations on Indian lands.
- Represented coal producers in federal administrative appeals, and subsequent federal court litigation, involving challenges to federal agencies' leasing and environmental approvals.
- Represented coal producers in challenge brought by environmental groups to a state's federally-approved coal regulatory program.
- Represented trona producer in challenge to rejection of federal lease extension.

### Oil and Gas

- Successfully represented midstream oil and gas company in federal court litigation and administrative appeals against attempt by Indian Tribe to prevent company from constructing oil and gas pipelines across federal property. Successfully represented variety of oil and gas producers in federal court litigation involving the sufficiency of BLM's leasing approvals.
- Successfully represented oil and gas exploration company in administrative appeal challenging federal agency's decision to rescind federal leases.
- Successfully represented oil and gas exploration companies in federal court challenges by non-governmental organizations to federal agencies' leasing decisions.
- Represented national oil and gas association in case challenging BLM's delay in issuing federal mineral leases. Represented oil and gas producers in federal court litigation involving the sufficiency of BLM's leasing approvals.
- Represented oil shale company in challenge by environmental

organizations to BLM's oil shale regulatory program.

### Renewable Energy Industry

- Successfully represented geothermal producer in challenge to federal agency's efforts to contract company's lease acreage and impose burdensome operating restrictions.
- Successfully defended geothermal producer against challenge by environmental groups trying to rescind federal operating approvals and environmental analysis.

### Prior to joining Holland & Hart,

- Andrew served as Counsel to the Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice in Washington, D.C. At the Department, he helped manage a litigating division of more than 400 lawyers and a docket of more than 8,000 active cases. Andrew assisted in the development and implementation of significant environmental, energy, natural resources, and Native American legal positions taken by the United States in courts throughout the country under a wide variety of environmental and public lands statutes, including the Clean Water Act, Clean Air Act, Endangered Species Act, National Environmental Policy Act, Federal Land Policy and Management Act, Mineral Leasing Act, National Historic Preservation Act, Surface Mining Control and Reclamation Act, Coastal Zone Management Act, the Indian Gaming Regulatory Act, and the Administrative Procedure Act.
- As a senior attorney in the Environment and Natural Resources Division, Andrew regularly coordinated with senior political and career officials at the Department's client agencies, including the Departments of Interior, Energy, Defense, Agriculture, Commerce and the Environmental Protection Agency, on significant environmental and energy cases and regulatory initiatives. He also served as lead counsel in several high-profile cases in which he briefed and argued cases before a number of federal district and appellate courts.
- Prior to his service at the Department of Justice, Andrew served as Legislative Counsel and chief legal advisor to U.S. Senator Michael Enzi of Wyoming. As Legislative Counsel to Senator Enzi, Andrew worked on a variety of federal energy, environmental, Native American, and land management legislative efforts and policy initiatives.

## PUBLICATIONS

"CCS in the Checkerboard West—Lessons on How to Move with the Federal Government on the Board," *The Foundation Journal for Natural Resources and Energy Law VOLUME 61, NUMBER 2, 2024*, Co-Author, December 2024

"Mining Laws and Regulations 2023," *The International Comparative Legal Guide to Mining Law 2023*, September 20, 2022

"Legal Storm Clouds Gather As New Climate Change Policies Are Released," *Holland & Hart News Update*, December 1, 2021

## SPEAKING ENGAGEMENTS

"CCUS in the Checkerboard West – Lessons on How to Move with the Federal Government on the Board," Presenter, *The Foundation for Natural Resources and Energy Law (FNREL)*, Houston, TX, March 8, 2024

"The Biden Administration's Public Lands Policy: Challenges Ahead," *Foundation for Natural Resources and Energy Law, Young Natural Resources and Energy Lawyers Institute, Co-presenter*, Denver, CO, April 2022

"Air Quality and Climate Change Impacts in the NEPA Process," *Special Institute on Air Quality Issues Affecting Oil, Gas, and Mining Development and Operations, Rocky Mountain Mineral Law Foundation*, Denver, CO, February 2018

"Regulatory and Legal Changes in the Extractive Resources Industries Under President Trump," *Holland & Hart Seminar on 2017 Regulatory and Enforcement Developments for Extractive Resources Industries*, December 2016

"Programmatic Coal Leasing Review and What it Means for Wyoming and the West," *University of Wyoming's School of Energy Resources Landscape Discussion on Energy Law & Policy in the Rockies*, October 2016

"Update on Powder River Basin Coal Litigation," *Wyoming Mining Association Annual Convention*, June 2014

"Coal Leasing Litigation," *University of Wyoming's School of Energy Resources Landscape Discussion on Energy Law in Wyoming*, November 2013

"Tribal Learning Session 2011: Historic Preservation and NEPA under the Federal Communications Commission ," *Tribal Learning Session in Conjunction with the FCC for THPOs and Tribal Cultural Resources Specialists*, SD, September 2011

## RECOGNITION

- Denver Business Journal, Who’s Who in Energy, 2016-2017