



## Sarah Bordelon

Partner

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**Sarah helps clients to obtain environmental permits for natural resource and development projects and defends the permits for those projects when challenged.**

She also litigates environmental and natural resource matters, participates in proposed state and federal rulemakings, advises clients on environmental compliance and enforcement matters, and conducts environmental due diligence on conventional and renewable energy projects.

Before joining Holland & Hart, Sarah worked as an attorney-advisor on the Department of Interior's Board of Land Appeals where she reviewed a variety of appeals from land use decisions made by the Bureau of Land Management, the Minerals Management Service, and the Office of Surface Mining. Sarah also clerked for the Honorable Procter Hug, Jr., on the U.S. Court of Appeals for the Ninth Circuit.

Sarah frequently works with John Martin, Kyle Parker, and Jon Katchen.

### PRACTICES

Environmental  
Environmental Litigation  
Wildlife and Protected Species  
Climate Change  
Environmental Health and Safety  
Federal Lands Permitting

### INDUSTRIES

Energy and Resources  
Oil and Gas  
Conventional Power  
Oil and Gas Litigation  
Oil and Gas Regulatory  
Renewable Energy and Storage  
Mining

### EDUCATION

Duke University School of Law, J.D.,  
2003  
With Honors

Stanford University, B.A.S., 2000

### BAR ADMISSIONS

Nevada  
District of Columbia

### COURT ADMISSIONS

U.S. Court of Appeals for the Ninth  
Circuit

### EXPERIENCE

Sarah has worked on matters involving most federal environmental statutes, including:

- National Environmental Policy Act
- Clean Air Act, Clean Water Act
- Outer Continental Shelf Lands Act
- National Historic Preservation Act, Endangered Species Act
- Marine Mammal Protection Act
- Migratory Bird Treaty Act
- Federal Land Policy and Management Act

### CLIENT RESULTS

Before joining Holland & Hart, Sarah worked on the following matters:

- Alaska Outer Continental Shelf: provided legal advice in permitting Arctic Alaska exploration projects under the Outer Continental Shelf Lands Act, the Clean Air Act, the Clean Water Act, the Marine Mammal Protection Act, and the Endangered Species Act; successfully defended multiple permit challenges in the U.S. Court of Appeals for the Ninth Circuit, federal district court, and EPA's

Environmental Appeals Board.

- Cook Inlet Basin: provided legal advice in permitting several exploration projects on Alaska state lands in the Cook Inlet Basin under the Clean Air Act, the Clean Water Act, the Marine Mammal Protection Act, and the Endangered Species Act.
- Represented a coal company before the Department of Interior's Office of Hearings and Appeals; successfully obtained prompt "temporary relief" from a Cessation Order issued by the Office of Surface Mining and ultimate dismissal of the Order.

### Published Cases

- *Alaska Wilderness League v. Jewell*, 788 F.3d 1212 (9th Cir. 2015) (defended approval of oil spill response plans)
- *Alaska Eskimo Whaling Comm'n v. USEPA*, 791 F.3d 1088 (9th Cir. 2015) (defended Beaufort Sea General NPDES permit)
- *Native Village of Point Hope v. Salazar*, 680 F.3d 1123 (9th Cir. 2015) (defended Lease Sale 193 over multiple rounds of litigation)
- *Native Village of Point Hope v. Salazar*, 680 F.3d 1123 (9th Cir. 2012) (defended exploration plan approvals)
- *REDOIL v. USEPA*, 716 F.3d 1155 (9th Cir. 2012) (defended EPA approval of PSD permit for exploration air emissions)
- *Alaska Wilderness League v. USEPA*, 727 F.3d 934 (9th Cir. 2013) (defended EPA approval of Title V permit for exploration air emissions)
- Defended a SMCRA case in which adverse lower court decision was vacated by the Court of Appeals for the Sixth Circuit. *M.L. Johnson Family Properties, LLC et al. v. Premier Elkhorn Coal Co.*, No. 14-5867 (Oct. 31, 2014), and in parallel proceedings before the Interior Board of Land Appeals.
- *United States v. Brigham Oil & Gas L.P.*, 840 F. Supp. 2d 1202 (D.N.D. 2012): won dismissal of criminal action under the Migratory Bird Treaty act in a far-reaching decision which rejected strict liability enforcement of the Migratory Bird Treaty Act for oil and gas operations.
- *Pennaco Energy Inc. v. U.S. EPA*, 692 F. Supp. 2d 1297 (D. Wyo. 2009): represented a group of oil and gas companies in a successful challenge to state water quality standards approved by EPA under the Clean Water Act.

### PUBLICATIONS

"Federal Oil and Gas Leases: Where Are We Now and What's Next?," *Holland & Hart News Update*, 04/29/2021

"Assessing Climate Costs in Policy Decisions," *Holland & Hart News Update*, 03/22/2021

"Agency Works to Streamline Surface Coal Mine Regulation," *Bloomberg*

Law, 06/10/2020

"Surface Management and Reclamation: Coal Mining," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 172*, 2018 and 2020

"Axing Access: Emergent Limits on Public Lands Development," *57th Annual Rocky Mountain Mineral Law Institute, Chapter 27*, July 2011

### **SPEAKING ENGAGEMENTS**

"The Reach of Indirect and Cumulative Effects – Climate Change and Beyond," *The Foundation for Natural Resources and Energy Law, Special Institute on the National Environmental Policy Act*, Washington, D.C., March 2023

### **RECOGNITION**

- Washoe Legal Services, Child Advocacy Program Pro Bono Award, 2022