Holland & Hart

PRACTICES

Environmental
Appellate
Environmental Litigation
Federal Lands Permitting

INDUSTRIES

Energy and Resources
Renewable Energy and Storage
Oil and Gas

EDUCATION

University of Michigan Law School, J.D., 2003
summa cum laude

Allegheny College, B.A., 2000
summa cum laude

BAR ADMISSIONS

Pennsylvania
District of Columbia

COURT ADMISSIONS

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

Jennifer Scheller Neumann

Of Counsel

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Leveraging two decades of high-level Department of Justice appellate experience, Jennifer provides clients with sophisticated strategic counsel to navigate complex environmental litigation and position projects for success in an evolving regulatory landscape.

A seasoned appellate strategist who has served across multiple presidential administrations, Jennifer has directed litigation and appeals on cutting-edge issues involving nearly every major environmental and natural resources law statute, including the Clean Water Act, CERCLA, RCRA, NEPA, and the Endangered Species Act. She has overseen appeals and petitions for review for agencies including the Environmental Protection Agency, Department of the Interior, Bureau of Land Management, Department of Agriculture, United States Forest Service, Department of Commerce, National Marine Fisheries Service, Department of Energy, Department of Transportation, the Federal Aviation Administration, US Army Corps of Engineers, and Nuclear Regulatory Commission.

She has managed appeals in almost every circuit of the US Court of Appeals, with particular depth of experience at the US Courts of Appeals for the Ninth, Tenth, and DC Circuits. She has also worked closely with the Office of the Solicitor General on petitions for certiorari and merits cases in the United States Supreme Court.

As former Chief of the Department of Justice's Environmental and Natural Resources Division's Appellate Section, Jennifer brings valuable insight into federal agency decision-making processes, enforcement priorities, and litigation approaches. She also understands how government regulatory priorities shift and can guide clients to adapt their legal positions to navigate changing regulatory frameworks.

Throughout her DOJ career, Jennifer primarily defended the federal government's position on critical development projects across the energy spectrum—including oil and gas pipelines, mining operations, renewable energy installations, nuclear power facilities, and other major infrastructure projects. Her extensive experience with the regulatory hurdles project developers face enables her to anticipate potential legal vulnerabilities before they arise and develop powerful defensive strategies when projects face legal challenges through trial and appeals.

Before joining Holland & Hart, Jennifer served as Chief, Deputy Chief, Assistant Chief, and as an attorney of the Appellate Section of the Environment and Natural Resources Division at the U.S. Department of Justice. She served as a judicial law clerk to Judge M. Blane Michael of

the US Court of Appeals for the Fourth Circuit.

EXPERIENCE

Environmental & Natural Resources Litigation and Appeals

- Administrative Procedure Act (APA)
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- Endangered Species Act
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Natural Gas Act (NGA)
- Natural resources cases involving federal land management agencies
- Fifth Amendment takings litigation
- Indian law matters

Appellate Strategy & Advocacy

- Briefed and argued dozens of cases in the US Courts of Appeals for the Second, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, Federal, and the District of Columbia Circuits
- Developed litigation strategies for appeals and petitions for review of agency actions
- Provided strategic counsel on whether to appeal adverse decisions or petition for certiorari in the US Supreme Court
- Managed preparation of briefs for the US Supreme Court and participated in oral argument preparation and moot courts for the Office of the Solicitor General

Regulatory & Administrative Law

- Administrative record development and review
- Litigation risk assessment for agency decisions
- Strategic guidance on regulatory compliance

CLIENT RESULTS

Cases Supervised

Nuclear Regulatory Commission v. Texas, 605 U.S. 665 (2025)

Helped develop successful government petition for certiorari, which was granted on two questions: whether courts can review an issue not raised before the Commission and whether the Commission may authorize temporary storage of spent nuclear fuel away from the reactor site where it was generated.

Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024)

Supervised litigation that resulted in landmark administrative law decision that overruled 40-year-old precedent (*Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc*., 467 U.S. 837 (1984)). Under *Loper Bright*, courts no longer defer to an agency's interpretation of an ambiguous statute, but do defer to agency fact-finding and policy judgments and afford limited respect to certain agency legal interpretations.

Appalachian Voices v. U.S. Department of the Interior, 78 F.4th 71 (4th Cir. 2023)

Received favorable decision in complex set of petitions for review challenging federal authorizations for the Mountain Valley Pipeline; court of appeals ultimately upheld a statute that took away the power of the courts to review the authorizations

Driftless Area Land Conservancy v. Rural Utilities Service, 74 F.4th 489 (7th Cir. 2023)

Seventh Circuit agreed with the government that the district court had improperly opined on the lawfulness of a potential land exchange that the agency had not yet approved for an electric transmission line to support renewable energy generation.

Sackett v. EPA, 598 U.S. 651, (2023)

Managed the government's litigation in the Ninth Circuit and was part of the litigation strategy team in the Supreme Court. The resulting decision fundamentally changed the scope of the Clean Water Act's applicability to wetlands.

Blackstone Headwaters Coalition, Inc. v. Gallo Builders, Inc., 32 F.4th 99 (1st Cir. 2022)

En banc court agreed with U.S. amicus brief that longstanding circuit precedent improperly limited Clean Water Act citizen suits.

County of Maui v. Hawaii Wildlife Fund, 590 U.S. 165 (2020)

Part of the briefing and strategy team that filed petition- and merits-stage

amicus briefs in the Supreme Court addressing whether discharges to groundwater that reach a water of the United States should be regulated under the Clean Water Act. The Court ruled that the Clean Water Act covers an indirect discharge to a covered waterbody, but only if the discharge is the “functional equivalent” of a direct discharge.

Cases Briefed and Argued

United States v. P.H. Glatfelter Co., 768 F.3d 662 (7th Cir. 2014) (briefing team only)

Obtained decision affirming EPA's selected remedy at the complex Fox River Superfund Site in Wisconsin and affirming the liability and lack of divisibility defense of one appellant; court of appeals remanded for additional consideration of another appellant's divisibility defense and vacated permanent injunction.

Center for Biological Diversity v. U.S. Bureau of Land Management, 698 F.3d 1101 (9th Cir. 2012)

Obtained denials of three emergency requests for stay pending review and responded to five petitions for review raising multiple challenges under the Natural Gas Act, National Environmental Policy Act, Endangered Species Act, Clean Water Act, and National Historic Preservation Act to the Ruby Pipeline Project; obtained a favorable result on all but the Endangered Species Act arguments.

Sierra Forest Legacy v. United States Forest Service 646 F.3d 1161 (9th Cir. 2011) (and related cases)

Obtained partially favorable appellate decisions in cases challenging comprehensive amendments to the forest plans for 11 National Forests in the Sierra Nevada region. Negotiated favorable settlement with environmental groups after decision, ending a decade of litigation over the amendments.

O'Reilly v. U.S. Army Corps of Engineers, 477 F.3d 225 (5th Cir. 2007)

Successfully obtained reversal of order requiring the agency to prepare an Environmental Impact Statement under the National Environmental Policy Act, establishing favorable precedent on the ability of agencies to consider mitigation when deciding if a project has a significant environmental impact.

PUBLICATIONS

"New WOTUS Proposal Would Further Shrink Federal Jurisdiction Over Streams and Wetlands," *Water Law Update*, September 15, 2026

"New Army Corps Guidance Puts Wind and Solar Projects in the Slow

Lane," *Environmental Law Update*, October 28, 2025

"Supreme Court Declines to Limit Environmental Citizen Suits," *Environmental Update*, July 10, 2025

"Supreme Court Clarifies Path for Nuclear License Challenges and NRC Authority," *Environmental Update*, June 20, 2025

SPEAKING ENGAGEMENTS

"Clean Water Act Enforcement Post-Sackett," *Great Lakes Water Law Conference*, November 3, 2023

"American Bar Association's Section of Environment Energy and Resources (SEER) National Enforcement Conference," 2019

RECOGNITION

- Department of Justice, Senior Executive Service, 2022-2025
- Environmental Protection Agency Bronze Medal, 2017

PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association, Section of Environment, Energy, and Resources, Trends newsletter board 2025