



Murray Feldman

Partner

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With more than 30 years of experience, Murray represents project developers and state and local governments in high-profile Endangered Species Act, National Environmental Policy Act, and other environmental litigation, permitting, and counseling matters.

PRACTICES

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

EDUCATION

University of California, Berkeley School
of Law, J.D., 1988
Associate Editor, Ecology Law Quarterly

University of Idaho, M.S., 1985
Wildland Recreation Management
(College of Natural Resources)

University of California - Berkeley, B.S.,
1982
Conservation of Natural Resources
With High Honors

BAR ADMISSIONS

California
Colorado
Idaho

Murray advises clients on the major laws affecting natural resources and environmental matters, including the ESA, NEPA, Federal Land Policy and Management Act, National Forest Management Act, National Park Service Organic Act, Clean Water Act, Clean Air Act, and other federal and state environmental programs.

Murray helps resolve permitting obstacles and defend project approvals and operations. He has worked on client projects and federal court cases throughout the Pacific Northwest, and in California, Colorado, Nevada, New Mexico, Texas, Wyoming, Michigan, and Alabama, including mining and oil and gas operations; highway construction projects; water, natural gas, and petroleum products pipelines; water resource development infrastructure; industrial facilities; ranch operations; residential home, resort, and subdivision development; and outfitter and guide operations and facilities.

Murray served as a law clerk to Justice George Lohr of the Colorado Supreme Court. From 2001-2003, he headed Holland & Hart's firmwide environmental practice group, and from 2009-2012 he was the Boise office administrative partner. He chaired the firm's Partner Responsibility Committee from 2011-2016.

CLIENT RESULTS

Successfully defended in federal court, state court, and agency proceedings the environmental assessment and wetlands, water quality, lake protection, and other approvals for Idaho's largest highway improvement project

Represented a state government, regional water supply entity, and private landowners in several federal district court and appellate court lawsuits on endangered species listing, critical habitat, incidental take permitting, and biological opinion issues concerning the polar bear, ribbon seal, Steller sea lion, beluga whale, bearded seal, ringed seal, Moapa dace, Snake River salmon, and Alabama beach mouse

Obtained the first-ever petitioned redesignation of critical habitat, for Snake River Chinook salmon, for Idaho's all-time record gold-producing mine.

Lead counsel in a federal court case on the environmental analyses and overflight effects considerations for military airspace designations and training on and above over 3.2 million acres of public and private land in southwestern Idaho, as chronicled in the book *Desert Wings: Controversy in the Idaho Desert* (N. Nokkentved, 2001).

Lead counsel for landowners challenging the Department of Defense's and Department of Transportation's NEPA evaluation for military training activities in west Texas, which resulted in the first U.S. Fifth Circuit Court of Appeals ruling in over 20 years to set aside an agency's environmental impact statement.

Successfully represented a group of ranchers and landowners in obtaining the withdrawal of the U.S. Air Force's application to the FAA to establish a low-level, high-speed military training route for German Air Force training in West Texas and New Mexico.

Worked with a landowner and the Fish and Wildlife Service to permit the first-ever habitat conservation plan for the Great Lakes piping plover.

Worked before Congress to amend the Wild and Scenic Rivers Act to allow the continued permitting and operation of four Idaho backcountry lodges that were to be removed under a federal court order.

Represented clients in several groundwater contamination, remediation, and cost recovery cases.

Represented clients at the administrative level before the FAA, Environmental Protection Agency, Idaho Department of Environmental Quality, Idaho Transportation Board, the Interior Board of Land Appeals, and the United States Forest Service.

PUBLICATIONS

"Ecological Succession of National Forest Planning Regulations," 33 *Natural Resources & Environment* 8, Co-Author, Winter 2019

"NEPA's Scientific and Information Standards—Taking the Harder Look," 55 *Rocky Mountain Mineral Law Foundation* 77, Co-Author, November 2018

"FWS and NMFS Propose Significant Endangered Species Regulatory Overhaul," *American Bar Association, Endangered Species Regulatory Committee Newsletter*, Co-Author, 10/25/2018

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

"The Council on Environmental Quality Solicits Comments to Update NEPA Regulations," *Holland & Hart News Update*, Co-Author, 06/20/2018

"Wildlife and Vegetation Protection," *Environmental Regulation*, excerpted from the *Second Edition of the American Law of Mining*, Chapter 175, Co-

Author, 2018

"Critical thinking: ESA critical habitat's ongoing redefinition," *Trends, ABA Section of Environment, Energy, and Resources*, Co-Author, November/December 2017

"On Behalf of Their Citizens: The State Role in Federal Environmental Litigation," *32 Natural Resources & Environment* 7, Co-Author, Fall 2017

"Federal Mitigation Policies Revoked: What Will It Mean to Developers?," *Holland & Hart News Update*, Co-Author, 4/06/2017

"Trumping Obama-Era Environmental Policy—What's Next?," *Holland & Hart News Update*, Co-Author, 03/30/2017

"Idaho Wilderness Considered," *Idaho Humanities Council*, Co-Editor, 2016

"Federal Wildlife Agencies Finalize Revisions to Critical Habitat Rules," *Holland & Hart News Update*, Co-Author, 2/11/2016

"The Role of Climate Change in ESA Decisions," *53 Rocky Mountain Mineral Law Foundation Journal* 67, Co-Author, 2016

"Integrating Climate Change Considerations In Endangered Species Act Processes' in The Legal Impact of Climate Change," *Thomson Reuters/Aspatore*, 2014

"Endangered Species Act," *Basic Practice Series book, American Bar Association, 2d. Edition*, Co-Author, 2012

"To Fill, Or Not To Fill: Reclamation and Closure Considerations for Hardrock Open-Pit Mines," *58 Rocky Mountain Mineral Law Institute* 15-1, Co-Author, 2012

"Environmental Law Update: Wildlife, Water, and Warming," *34 Wyoming Lawyer* No. 6, pp. 24-27, Co-Author, 2011

"Taking A Harder Look At Direct, Indirect, And Cumulative Impacts," *48 Rocky Mountain Mineral Law Foundation Journal* 319, 2011

"Endangered Species Act Law, Policy, and Perspectives (2d edition)," *ABA Section of Environment, Energy, and Resources, Peer Reviewer*, 2010

"Give PECE a Chance: Evaluating Conservation Programs to Avoid Endangered Species Act Listings," *53 Rocky Mountain Mineral Law Institute* 21-1, Co-Author, 2010

"Consideration of Climate Change in NEPA and ESA Processes," *45 Rocky Mountain Mineral Law Foundation Journal* 325, *Lead Author*, 2008

"Suggestions On How To Improve The Endangered Species Act," *The INGAA Foundation, Inc., Report No. F-2007-06*, Co-Author, November

2007

"Storm Water Enforcement Response and Settlement Strategies," 21 *Natural Resources & Environment* 17, Lead Author, Spring 2007

"Of Hard Looks, Reason, and Agency Expertise: Shifting Standards for Implementing NEPA's Scientific Analysis Requirements," 53 *Rocky Mountain Mineral Law Institute* 8-1, Lead Author, 2007

"Our National Wild and Scenic Rivers System," 20 *Natural Resources & Environment* 10, Lead Author, Fall 2005

"Environmental Law: Reflections on Representing Private Clients on Issues of Public Interest' in *The Art & Science of Environmental Law*," *Aspatore Books*, 2004

"Application of the 'Best Scientific Data Available' Standard in the Endangered Species Act," 16 *Tulane Environmental Law Journal* 387, Co-Author, 2003

"The Growing Importance of Critical Habitat for Species Conservation," 16 *Natural Resources & Environment* 88, Lead Author, Fall 2001

"Growing Recreational Conflicts on the Public Lands," *The Advocate* (*Idaho State Bar publication*) at 14-16, March 2001

"Redefining Critical Habitat for Anadromous Fish in Central Idaho," *Proceedings of High Altitude Revegetation Workshop No. 14*, Colorado State University (*Info Series No. 91*), Lead Author, August 2000

SPEAKING ENGAGEMENTS

"NEPA's Scientific and Information Standards—Taking the Harder Look," *Special Institute on The National Environmental Policy Act*, Rocky Mountain Mineral Law Foundation, Denver, CO, November 2017

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Natural Resources Law, 2020
- *The Best Lawyers in America*® Lawyer of the Year, Environmental Law – Boise, 2014, 2019
- *The Best Lawyers in America*® Lawyer of the Year, Litigation – Environmental – Boise, 2016, 2019
- *The Best Lawyers in America*® Environmental Law, Litigation – Environmental, 2001-2020, Natural Resources Law, 2020
- Mountain States Super Lawyers®, Environmental Litigation, 2007-2019
- *Chambers USA: America's Leading Lawyers for Business*, Natural Resources & Environment, 2006-2019

Murray's clients have (anonymously) reported the following about him in *Chambers USA*:

"The depth of his knowledge is a real comfort to our organization."

"Really top notch for EPA and endangered species work."

"He is encyclopedic—you take a complex issue to him, and 20 minutes later you will receive an incredibly detailed response."

He has an *"encyclopedic knowledge of environmental law,"* and *"because of his knowledge base, he is able to reply to questions quicker than almost any other attorney."*

He has a *"steady dedication over the years"* to environmental law and public land matters.

- Idaho Library Association, Idaho Book of the Year 2017 for *Idaho Wilderness Considered* (2016) (Co-Editor)
- U.S. Department of State, Office of Children's Issues, Certificate of Appreciation, for efforts as a member of the Hague Convention Attorney Network, 2014
- *Idaho Business Review*, Leaders in Law, 2014
- East Boise Youth Baseball & Softball, 2013 Hall of Fame Inductee (for dedication and service to youth of East Boise)
- Celebrating Natural Resources Award (for contributions to interdisciplinary natural resource management), University of Idaho College of Natural Resources, 2004
- Land and Water Fund of the Rockies, Volunteer Lawyer of the Year, 1992

PROFESSIONAL AND CIVIC AFFILIATIONS

- Idaho Humanities Council, Chair
- Rocky Mountain Mineral Law Foundation, Public Lands Section Chair, 65th Annual Institute, 2019
- American Bar Association, Environment, Energy, and Resources Section, Member
- East Boise Little League, Past President, 2007-2008
- Idaho State Bar, Environment and Natural Resources Law Section, Council Member, 2017-2019; Past Chair, 2008
- University of Idaho College of Natural Resources Alumni Board of Trustees, Former President, 2004-2006