



Andrew Emrich

Partner

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

He has represented clients in significant litigation in the areas of mining, oil and gas, 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. He helps clients challenge and reverse agency regulations and permitting decisions that obstruct energy development.

Before joining Holland & Hart, Andrew served in the Bush Administration 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 developed and helped develop and implement national litigation positions for federal agencies involving environmental, energy, Native American, and public lands legal positions taken by the United States in courts throughout the country.

Andrew has extensive knowledge of federal environmental and natural resources litigation and federal agencies' administrative and regulatory processes. He 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, or private lands.

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

Successfully represented midstream oil and gas company in federal litigation against Indian Tribe attempting to prevent company from constructing oil and gas pipelines across federal property.

PRACTICES

Environmental Compliance and Enforcement
 Environmental and Natural Resources Litigation
 Endangered Species and Wildlife Regulation
 American Indian Law
 Government
 Environmental and Natural Resources Government Affairs
 NEPA, Public Lands, and Cultural Resources
 Mining

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

Represented coal producers in federal administrative appeals, and subsequent federal court litigation, involving challenges to federal agencies' leasing and environmental decisions.

Successfully represented oil and gas producers in federal court litigation involving the sufficiency of BLM's leasing approvals.

Successfully represented gold mining company in administrative challenge to federal agency's cancellation of mining claims.

Successfully represented coal producers against challenge by environmental groups to a state's federally-approved coal regulatory program.

Successfully represented oil and gas exploration company in administrative appeal challenging federal agency's decision to rescind federal leases.

Represented coal producers in federal administrative appeals, and subsequent federal court litigation, involving challenges to federal agencies' leasing and environmental approvals.

Represented oil and gas exploration company in challenge to federal agencies' leasing decision.

Represented national oil and gas association in case challenging BLM's delay in issuing federal mineral leases.

Counseled variety of oil and gas exploration and production and midstream companies, as well coal, trona, and rare earth mining companies, in a number of federal and state permitting processes.

Represented oil shale company in challenge by environmental organizations to BLM's oil shale regulatory program.

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.

Represented variety of oil and gas, coal, trona, and hard rock mining companies on multiple occasions in federal administrative appeals to the Interior Board of Land Appeals, the U.S. Forest Service, the Office of Natural Resources Revenue, and the Bureau of Indian Affairs.

Prior to joining Holland & Hart LLP, Mr. Emrich served as Counselor 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. Mr. Emrich developed and helped implement 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, 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 Division, Mr. Emrich regularly coordinated with senior political and career officials at the Department's client agencies, including the Departments of Interior, 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, Mr. Emrich served as Legislative Counsel and chief legal advisor to U.S. Senator Michael B. Enzi of Wyoming. As Legislative Counsel to Senator Enzi, Mr. Emrich worked on a variety of federal energy, environmental, Native American, and land management legislative efforts and policy initiatives.

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.

Represented mining company in appeal of royalty assessment for operations on Indian lands.

Assisted variety of oil and gas exploration and production and midstream companies, as well coal, trona, and rare earth mining companies, in successfully navigating federal and state permitting processes.

Successfully defended National Park Service in challenge to winter use plan at Yellowstone and Grand Teton National Parks.

Successfully represented U.S. Department of Transportation and U.S. Fish and Wildlife Service in challenge to proposed toll road in Southern California.

Successfully represented U.S. Army Corps of Engineers in challenge to Clean Water Act sec. 404 permit for California housing development.

Represented oil and gas producers in federal court litigation involving the sufficiency of BLM's leasing approvals.

PUBLICATIONS

"Interior Department Not Obligated to Update NEPA Analysis for Coal Leasing Program," *Holland & Hart News Update*, Co-Author, 06/21/2018

"ANALYZING CLIMATE CHANGE IMPACTS IN THE NEPA PROCESS: What impact will Executive Order 13783 have on federal agencies' NEPA reviews?," *Rocky Mountain Mineral Law Foundation Special Institute on Air Quality Issues Affecting Oil and Gas and Mining Development*, Co-Author, February 2018

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

SPEAKING ENGAGEMENTS

"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

"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

"2017 Regulatory and Enforcement Developments for Extractive Resources Industries," December 2016

"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

"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

RECOGNITION

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