



BEATTY & WOZNIAK, P.C.

ENERGY IN THE LAW

FEDERAL LANDS & ENVIRONMENTAL

REPRESENTATIVE MATTERS

U.S. DISTRICT COURT

Southern Utah Wilderness Alliance v. Burke, Case No. 12-cv-257, U.S. District Court, District of Utah. Representing oil and gas company as defendant-intervenor in a legal challenge to three 2008 Utah BLM Resource Management Plans brought by a coalition of environmental groups. Plaintiffs allege violations of NEPA and FLPMA regarding RMP management prescriptions for citizen wilderness proposals, wildlife and air quality issues such as ozone.

Colorado Environmental Coalition v. Salazar, Case No. 08-cv-1460, U.S. District Court, District of Colorado. Represented large independent oil and gas company as defendant-intervenor in challenge to federal land use plan and BLM decision to lease certain oil and gas parcels on the Roan Plateau. This case involved air quality issues, including ozone.

Environmental Preservation Foundation, Habitat for Wildlife v. Bureau of Land Management, Case No. 07-cv-165J, U.S. District Court, District of Wyoming. Represented two large independent oil and gas companies and an affiliate gathering company as defendant-intervenors in a challenge to BLM's authorization of oil and gas development in Pinedale Resource Area in Wyoming. Successfully obtained dismissal of the lawsuit.

San Juan Citizens Alliance, Colorado Environmental Coalition v. Rick Cables, United States Forest Service, Case No. 08-cv-144, U.S. District Court, District of Colorado. Represented large independent and two other companies in successful defense against a challenge to the Northern San Juan Basin project-level Environmental Impact Statement and Record of Decision, issued jointly by BLM and Forest Service. The case involved issues related to implementation of the Forest Service's Land and Resource Management Plan applicable to the project area and development on federal oil and gas leases, including air quality issues.

Nine Mile Canyon Coalition v. Stiewig, Case No. 08-cv-586, U.S. District Court, District of Utah. Represented large independent oil and gas company in defending against a legal challenge against BLM's authorization of 30 applications for permits to drill approved using categorical exclusions included in the 2005 Energy Policy Act. Successful in allowing company to drill all wells at issue prior to dismissal of case due to bilateral settlement agreement reached between the Department of the Interior and environmental plaintiffs.

Southern Utah Wilderness Alliance v. Kempthorne, Case No. 06-cv-342, U.S. District Court, District of Utah. Represented three companies as defendant-intervenors in challenge to BLM's offering of oil and gas leases. Case successfully dismissed.



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ENERGY IN THE LAW

Southern Utah Wilderness Alliance v. Bankert, Case No. 07-cv-292, U.S. District Court, District of Utah; Tenth Circuit Court of Appeals (06-4214). Successfully represented company as defendant-intervenor in defending BLM decision to authorize a seismic survey on federal lands in Utah. Successfully defended attempt by SUWA to seek injunction pending appeal in the district court. Successfully defended attempt by SUWA to seek injunction pending appeal in the Tenth Circuit. SUWA dropped appeal after it was unsuccessful on both injunctions.

Center for Native Ecosystems v. U.S. Fish and Wildlife Service, Case No. 05-cv-1966, U.S. District Court, District of Colorado. Represented large independent as defendant-intervenor in case involving environmental group challenge to a U.S. Fish and Wildlife Service decision not to list the Pariette Cactus as an endangered species. Center for Native Ecosystems' argument was based the potential harm of oil and gas project. Case was dismissed after settlement. Oil and gas project continued as planned.

Strata Production Company v. Sally Jewell, Case No. 13-cv-205, U.S. District Court for the District of New Mexico. Representing independent oil and gas companies on challenge to Secretarial Order regarding co-development of oil and gas and potash in southeastern New Mexico.

Impact Energy Resources v. Ken Salazar, Case Nos. 09-cv-435 and 09-cv-440, U.S. District Court for the District of Utah, Central Division. Represented independent oil and gas companies in appeal challenging Secretary Salazar's decision to withdraw parcels from a BLM oil and gas lease sale.

Waterkeeper Alliance v. United States Coast Guard and Taylor Energy Company LLC, Case No. 13-cv-00289, United States District Court for the District of Columbia. Representing independent oil and gas company as intervenor-defendant in Freedom of Information Act case.

Apalachicola Riverkeeper v. Taylor Energy Company LLC, Case No. 12-0337, United States District Court for the Eastern District of Louisiana. Representing independent oil and gas company in citizen's suit regarding alleged violations of the Clean Water Act and Resource Conservation and Recovery Act in the Gulf of New Mexico.

U.S. COURT OF APPEALS

San Juan Citizens Alliance, Colorado Environmental Coalition v. Rick Cables, United States Forest Service, et al, 10th Circuit Case No. 10-1259 (2011). On appeal from the U.S. District Court for the District of Colorado, before the Honorable Richard Matsch. Represented three independent oil and gas companies as Appellees in a case involving a legal challenge filed by a coalition of environmental plaintiff organizations challenging authorization of a coal bed methane project on federal leases in southwestern Colorado by the Bureau of Land Management and U.S. Forest Service. Successfully defended project before the U.S. District Court; 10th Circuit appeal is on-going.

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ENERGY IN THE LAW

Southern Utah Wilderness Alliance v. U.S. Department of the Interior, 10th Circuit Case No. 03-4244 (2004). On Appeal from the U. S. District Court for the District of Utah, before the Honorable Paul G. Cassel, Case No. 02-cv-1118. Represented Veritas DGC Land as Appellee in case involving a lawsuit filed by a coalition of environmental plaintiff organizations challenging the BLM's authorization of a geophysical seismic survey of federal leases in Utah. Upon completion of briefing, and mandatory court-ordered mediation, Plaintiff-Appellants withdrew their appeal.

Southern Utah Wilderness Alliance v. Department of the Interior, 10th Circuit Case No. 06-4214. On Appeal from the U.S. District Court, District of Utah, before the Honorable Tena Campbell, Civil No. 07-cv-292. Represented an independent oil and gas company as Appellee in case involving a lawsuit filed by a coalition of environmental plaintiff organizations challenging BLM's authorization of a seismic survey in Utah. Successfully defended attempt by Plaintiff to seek injunction pending appeal in the Tenth Circuit. Upon completion of mandatory court-ordered mediation, Plaintiff-Appellants withdrew their appeal.

Entek GRB, LLC v. Stull Ranches, LLC, 10th Circuit Case No. 13-1204. Represented oil and gas trade association as *amicus curiae* regarding access to and development of federal oil and gas leases within federal unit.

Conservation Colorado Education Fund v. Sally Jewell, 10th Circuit Case Nos. 12-1322 and 12-1339. Represented independent oil and gas company as intervenor-defendant in appeal regarding challenge to BLM decision to lease certain parcels on the Roan Plateau.

Impact Energy Resources, LLC v. Sally Jewell, Case No. 12-1290, The United States Supreme Court. Represented independent oil and gas companies in appeal challenging Secretary Salazar's decision to withdraw parcels from a BLM oil and gas lease sale. Also filed Petition for Certiorari with United States Supreme Court.

WildEarth Guardians v. United States Environmental Protection Agency, Case No. 12-1326, United States District Court of Appeals for the District of Columbia Circuit. Representing trade association in challenge to EPA rule regarding non-attainment classification in the Uinta Basin in Utah.

ADMINISTRATIVE AND STATE CASES

Mustang Creek Holdings LLC v. Triple Crown Ranch, Case No. 13-cv-33, Elbert County District Court. Represented oil and gas company in action for surface use and access regarding geophysical seismic survey. Successfully obtained a temporary restraining order and favorable ruling on Motion for Summary Judgment.



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ENERGY IN THE LAW

IBLA Cases representing BLM Decisions related to the issuance of oil and gas leases, protests to leasing decisions, BLM decisions to terminate federal oil and gas leases:

Bill Barrett Corporation, IBLA Nos. 2007-193, 2009-1, 2009-135. Challenge to BLM oil and gas leasing decisions granting environmentalist protests to BLM Utah lease sales.

Bill Barrett Corporation, IBLA No. 2011-48.

Center for Native Ecosystems, 174 IBLA 361 (2009). Defended BLM decision to deny protest to Colorado BLM lease sales.

Colorado Environmental Coalition, 173 IBLA 362 (2008).

Dejour Energy (USA) Corp., IBLA No. 2010-175. Challenge to BLM decision to retroactively amend the terms of an existing oil and gas lease by applying a no surface occupancy lease stipulation.

Energy Equity Company, IBLA 2012-73. Challenging a BLM decision to terminate an oil and gas lease in Wyoming.

Hawkwood Energy Agent Corp. and Venture Energy, LLC, IBLA Nos. 2014-212, 2014-124. Challenging BLM Nevada decision rejecting leases.

IMC Kalium Carlsbad, Inc., 170 IBLA 25 (2006). Challenge to 1986 Secretarial Order and specific application for permit to drill in the designated area in Southeastern New Mexico for concurrent development of oil and gas and potash.

Presco Energy, Inc., 183 IBLA 154 (2013). Challenge to BLM Nevada decision terminating geothermal lease in existing geothermal unit.

Robert L. Bayless Producer, 177 IBLA 83 (2009). Challenge to BLM Utah decision withdrawing oil and gas lease parcels after the lease sale.

Southern Utah Wilderness Alliance, IBLA No. 2012-105.

Southern Utah Wilderness Alliance, IBLA No. 2011-244.

Southern Utah Wilderness Alliance, IBLA No. 2015-07. Challenge to BLM decision granting suspension of operation and production to federal oil and gas leases.

Western Energy Alliance and S. Castle Valley Holdings LLC, IBLA No. 2014-0067. Challenging BLM decision to defer lease parcels from a BLM Utah oil and gas lease sale.