



## James M. Auslander

Principal

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### **Jamie's legal practice focuses on project development, natural resources, and administrative law and litigation.**

Jamie co-chairs Beveridge & Diamond's Natural Resources and Project Development Practice Group, including its Energy Practice. He focuses on complex legal issues surrounding the development of oil and gas, hard rock minerals, renewable energy, and other natural resources on public lands onshore and on the Outer Continental Shelf. He frequently litigates appeals before federal courts and administrative bodies regarding rulemakings, permits, and other issues. He represents major and small businesses, leading industry trade associations, and state and local agencies in a wide range of environmental matters, both national and local in scope. He serves clients in all phases of a case, including internal compliance, administrative proceedings and negotiations, and litigation when necessary.

Jamie devotes a significant part of his practice to counseling and litigation under the National Environmental Policy Act (NEPA) and similar state laws. He has represented public and private clients in building strong administrative records and robust NEPA analyses to support complex projects and proposals. For example, Jamie was integral in crafting and implementing a successful strategy to construct a major new highway in the Washington, DC area that presented NEPA and other environmental issues that many felt were impossible to resolve. He also advises a biotechnology company regarding the NEPA sufficiency of petitions to commercialize genetically modified crop seeds. Further, Jamie represents an industry association in a NEPA matter involving modes of recreation in national parks.

Another cornerstone of Jamie's practice assists multinational corporations, domestic companies, and leading industry trade associations in protecting valuable lease rights and navigating the ever-changing environmental requirements to develop those leases. He frequently works with the Bureau of Ocean Energy Management (the former Minerals Management Service) and prosecutes appeals before the Interior Board of Land Appeals regarding royalty, suspension, decommissioning, regulatory departures, and other issues. Jamie has also drafted proposed mineral leasing reform legislation, analyzed the constitutionality of proposed new royalty obligations, submitted comments on proposed wind leasing regulations, and updated clients' corporate reporting policies.

Jamie also represents municipalities and local businesses in challenging parochial bans on biosolids and solid waste. In one case, representing a coalition of biosolids generators, haulers, and farmers, he helped successfully preliminary enjoin enforcement of a local ban on recycling of biosolids as

fertilizer to farmland. Jamie serves as Common Counsel to a large group of Potentially Responsible Parties (PRPs) at one of the biggest Superfund sites in the United States. He has also provided advice on the proper handling and disposal of products and waste containing PCBs and other contaminants.

In his environmental litigation practice, Jamie has brought and defended cases in federal and state courts across the country, including authoring multiple briefs before the U.S. Supreme Court. He has fashioned and pursued claims based on the U.S. and State Constitutions to challenge discriminatory and burdensome measures, including on federal and state preemption, Commerce Clause, Equal Protection, Due Process, takings, police power, and other theories. He has also extensively briefed important and recurring threshold matters of jurisdiction and standing. In a toxic tort case, Jamie secured a favorable court ruling excluding proffered expert testimony under the Daubert doctrine. Jamie also has considerable Freedom of Information Act (FOIA) experience, including a successful "reverse-FOIA" lawsuit in federal court to prevent an agency from disclosing a client's confidential proprietary information.

Jamie is well-versed in various issues arising under the Administrative Procedure Act, Clean Water Act, Endangered Species Act, Clean Air Act, National Historic Preservation Act, Plant Protection Act, Surface Mining Control and Reclamation Act, as well as a range of international laws and treaties.

Jamie previously worked as a law clerk in the Environmental and Natural Resources Division, Law and Policy Section, of the U.S. Department of Justice, and as a policy intern in the Director's office of the U.S. Export-Import Bank, focusing on international environmental policy.

## **Education**

- Duke University (B.A., *magna cum laude*, 2002)
  - Public Policy Studies, Economics, Health Policy Certificate
- Harvard University (J.D., 2005)
  - President, Harvard Environmental Law Society; Line Editor, Harvard Environmental Law Review

## **Bar Admissions**

- District of Columbia
- New Jersey
- New York

## **Professional Affiliations**

- DC Bar; Environmental, Energy, and Natural Resources Community; Steering Committee Co-Chair; 2017-Present
- Rocky Mountain Mineral Law Foundation

- Green Committee, Greater Washington Board of Trade
- American Bar Association, Section of Environment, Energy and Resources
- New York State Bar Association, Environmental Law Section

### **Community Involvement**

Jamie maintains a steady pro bono practice involving immigration, estate planning, and teaching environmental law to elementary schoolchildren.

### **Honors & Awards**

- *Super Lawyers, part of Thomson Reuters, Washington, DC, Rising Star (2014-2020)*