

L. MICHAEL BOGERT

Shareholder

BIOGRAPHY

Michael Bogert works in Parsons Behle & Latimer's Boise and Washington, D.C. offices. He is the former counselor to Interior Secretary Dirk Kempthorne, a position he held for two and a half years following his appointment by President George W. Bush on July 10, 2006. He is also the former regional administrator of the U.S. Environmental Protection Agency's Region 10 office in Seattle, a position he was appointed to by President Bush in 2005. As counselor to the secretary under Dirk Kempthorne, he advised the secretary on various policy issues in the areas of endangered species and served as the secretary's lead policy negotiator on Tribal water rights settlements, including the landmark Klamath Basin Restoration Agreement, among others. As the regional administrator for EPA Region 10, he was responsible for leading EPA's partnerships with the states of Washington, Oregon, Idaho, and Alaska, as well as the 271 federally recognized Tribes in the Region.

Mr. Bogert also served as the principal legal advisor to Governor Dirk Kempthorne of Idaho for over five years (1999-2004). In that capacity, he advised the executive office and agencies on legal implications of state policy and legislation, with an emphasis on environmental issues and matters within the jurisdiction of the Idaho Department of Environmental Quality and the Idaho Department of Water Resources. Mr. Bogert has also worked as counsel to the office of Governor-Elect Arnold Schwarzenegger of California (2003), and was chief deputy legal affairs secretary to Governor Pete Wilson of California (1995-1998).

Mr. Bogert attended The George Washington University, L.L.M. Program, Environmental Law, 1994-1995, and received degrees from the University of Idaho College of Law, J.D., 1985, and the University of Santa Clara, B.A. (History), 1979.

ACCOMPLISHMENTS

Academic

University of Idaho College of Law (J.D., 1985)



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PRACTICE AREAS

Environmental & Natural Resources
Government Relations & Lobbying
Mining
Federal Lobbying
Water
Water Rights

LICENSED/ADMITTED

California
District of Columbia
Idaho

The National Law Center
 George Washington University Law School
 Enrolled in LL.M., Environmental Law (1994-1995)
 University of Santa Clara (B.A., 1979)

Major: History

Professional

Recognized in *Chambers USA* (2014 - 2016)
 Counselor to the Secretary, Department of the Interior (2006 - 2009)
 Region 10 Administrator, U.S. Environmental Protection Agency (2005 - 2006)
 Counsel to the Governor, Governor Dirk Kempthorne of Idaho (1999 - 2004)
 Counsel, Office of Governor-Elect Arnold Schwarzenegger of California (2003)
 Chief Deputy Legal Affairs Secretary, Governor Pete Wilson of California (1995 - 1998)

PUBLICATIONS

"In Mining, Sustainable Practices are Good Business," *Business Insider (Idaho Statesman)*, October 24, 2012

REPRESENTATIVE MATTERS

The Wilderness Society et al. v. United States Forest Service et al., No. 09-35200 (9th Cir. 2010). Co-counsel on a brief *amici curiae* for Idaho Governor C.L. "Butch" Otter and the Idaho Office of Species Conservation arguing for abandonment or modification of the "Federal Defendant" rule in the Ninth Circuit. The judicial doctrine prohibits non-Federal parties from intervening in the merits phase of NEPA litigation.

Otter, et al. v. Salazar et al., No. 09-CV—2156-RJL (D. D.C. 2009). Co-Counsel to Idaho Governor Otter in a challenge to the final rule listing *Lepidium papilliferum* (Slickspot peppergrass) as a threatened species under the Endangered Species Act (ESA) by the Department of the Interior, 74 Fed. Reg. 52,014 (Oct. 8, 2009). The case raised claims under the Federal Administrative Procedure Act and the ESA testing the final determination to list the plant species after significant commitments were made to proactive habitat protection under a broad Candidate Conservation Agreement.

Western Watersheds Project v. Matejko, 468 F.3d 1099 (9th Cir. 2006). Counsel of record for Western Urban Water Coalition, Denver Water Board, Metropolitan Water District of Southern California, and City of Tucson Water Department. Authored brief *amici curiae* arguing for reversal of District Court decision requiring Endangered Species Act consultation by the United States Bureau of Land Management under Section 7(a)(2) where BLM took no appreciable Federal "action" under the ESA related to vested rights-of-way under the Mining Law.

Western Watersheds Project v. Foss, et al., No. CV 04-168-EJL (D. Id. filed April 5, 2004). Counsel of record for Defendant-Intervenors Idaho Governor Dirk Kempthorne, the Governor's Office of Species Conservation and Administrator James L. Caswell in an action challenging the January 2004 decision by the Department of Interior to withdraw the proposed rule to list *Lepidium papilliferum* (Slickspot peppergrass) as an endangered plant under the Federal Endangered Species Act.

Defenders of Wildlife et al. v. Secretary, United States Department of the Interior, et al., No. CV 03-1348-BR (D. Or. filed Oct. 1, 2003). Counsel of record for Defendant-Intervenors Idaho Governor Dirk Kempthorne and the Governor's Office of Species Conservation in an action challenging the April 2003 decision by the Department of Interior to downlist to threatened from endangered status a portion of the distinct population segment of Canadian gray wolves under the Federal Endangered Species Act.