Matt Kenna
Public Interest Environmental Law
679 E. 2nd Ave., Suite 11B
Durango, CO 81301
(970) 749-9149 matt@kenna.net
www.mattkenna.com

LEGAL EXPERIENCE

Attorney in Private Practice, Durango, Colorado, October 1992 to March 2005 and October 2009 to present. Represent citizen groups and individuals throughout the country in suits and appeals seeking to enforce public-interest environmental laws, including the Endangered Species Act, National Environmental Policy Act, Freedom of Information Act, and Clean Water Act. See list of published opinions, below.

Staff Attorney, Western Environmental Law Center, Durango, Colorado, April 2005 to September 2009. Practice involved the same kinds of clients and cases as above. Was lead counsel and argued *Summers v. Earth Island Institute*,555 U.S. 488 (2009) to the U.S. Supreme Court (for plaintiffs/respondents). I remain "Of Counsel" with WELC.

Conferences, Publications & Awards

Received the 2003 Kerry L. Rydberg Award for excellence in public-interest environmental litigation, presented at the annual Public Interest Environmental Law Conference sponsored by the organization Land, Air & Water, at the University of Oregon School of Law

Panelist, Annual Public Interest Environmental Law Conference, Eugene, Oregon, annually 1993-2016 (except 2001). Have presented panels on various topics, including 'The Record and Discovery in Administrative Procedure Act Suits," "Forest Service Appeals and Categorical Exclusions," "Ethics in Environmental Litigation," "Forest Litigation in the Twenty-First Century," "Attorney Fees in Environmental Litigation," "Starting and Running an Environmental Law Practice," "The Effect of FWS's Candidate Species Program on Listing Species under the ESA," and "Developments in Supreme Court and 9th Circuit Environmental Law."

Authored *Chevron Deference to Agencies: A Two-Way Street*, 15 Southeastern Envtl. L.J. 395 (2007).

Author of quarterly "On the Law" column for the Durango Herald.

Authored Chapter Two of the 2011 textbook "Cumulative Effects in Wildlife Management" (CRC Press), "*The NEPA Process: What the Law Says*."

Admitted to Practice in the Following Courts: State of Colorado; U.S. Supreme Court; U.S. Courts of Appeals for the Sixth, Seventh, Eighth, Ninth, Tenth, and District of Columbia Circuits; U.S. District Courts for the District of Colorado and District of Columbia; previous and/or current *pro hac vice* practice in Arizona, California, Illinois, Nevada, New Mexico, Oregon, Texas, and Utah.

EDUCATION

University of Oregon, Eugene, Oregon. J.D., 1992.
Order of the Coif (top 10% of class).
Articles Editor, Journal of Environmental Law and Litigation.
Certificate of Completion, Environmental and Natural Resources Law Program.
Founding Co-Chair, Oregon Law Students' Public Interest Fund.

University of Vermont, Burlington, Vermont. B.A. in Environmental Studies, 1988.

COMMUNITY INVOLVEMENT

La Plata County United Way Allocations Committee member
Southwest Colorado Bar Association Grant Committee member
Volunteer, Southwest Colorado Bar Small Claims Mediation Program
Former Colorado Backcountry Hunters & Anglers Vice-Chair for Finance
Former board member, Energy Minerals Law Center
Former board member, Durango Early Learning Center

REPORTED CASES (through August, 2018)
(Counsel for plaintiffs unless otherwise indicated)

Summers v. Earth Island Institute, 555 U.S. 488 (2009)

Wild Equity Inst. v. EPA, 696 Fed. Appx. 843, 705 Fed. Appx. 572 (9th Cir. 2017)

AquAlliance v. U.S. Bureau of Reclamation, 856 F.3d 101 (D.C. Cir. 2017)

Cottonwood Environmental Law Center v. U.S. Forest Service, 789 F.3d 1075 (9th Cir. 2015)

Black Mesa Water Coalition v. Jewell, 776 F.3d 1055 (9th Cir. 2015)

WildEarth Guardians v. Jewell, 738 F.3d 298 (D.C. Cir 2013)

Adams v. U.S. Forest Service, 671 F.3d 1138 (9th Cir. 2012)

Ark Initiative v. U.S. Forest Service, 660 F.3d 1256 (10th Cir. 2011)

Diné Citizens Against Ruining our Environment v. Klein, 439 Fed. Appx. 679, 2011 WL 3793969 (10th Cir. 2011)

Scherer v. U.S. Forest Service, 653 F.3d 1241 (10th Cir. 2011)

Arizona Cattle Growers' Ass'n v. Salazar, 606 F.3d 1160 (9th Cir. 2010) (counsel for intervenor-defendant)

Arizona Public Service Co. v. U.S. EPA, 562 F.3d 1116 (10th Cir. 2009) (counsel for conservationist petitioners/intervenors)

Biodiversity Conservation Alliance v. Stem,519 F.3d 1226 (10th Cir. 2008)

Earth Island Institute v. Ruthenbeck, 459 F.3d 954 (9th 2006)

Kern County Farm Bureau v. Allen, 450 F.3d 1072 (9th Cir. 2006) (counsel for intervenor-defendant)

Colorado Wild v. U.S. Forest Service, 435 F.3d 1204 (10th Cir. 2006)

Heartwood v. U.S. Forest Service, 380 F.3d 428 (8th Cir. 2004)

Heartwood v. U.S. Forest Service, 316 F.3d 694 (7th Cir. 2003)

Middle Rio Grande Conservancy Dist. v. Norton, 294 F.3d 1220 (10th Cir. 2002) (counsel for intervenor-defendant)

Center for Biological Diversity v. Norton, 262 F.3d 1077 (10th Cir. 2001)

Center for Biological Diversity v. Norton, 254 F.3d 833 (9th Cir. 2001)

Heartwood v. U.S. Forest Service, 230 F.3d 947 (7th Cir. 2000)

Forest Guardians v. Babbitt, 174 F.3d 1178 (10th Cir. 1999)

Maier v. U.S. EPA, 114 F.3d 1032 (10th Cir. 1997)

Maricopa Audubon Soc. v. U.S. Forest Service, 108 F.3d 1082 (9th Cir. 1997)

Maricopa Audubon Soc. v. U.S. Forest Service, 108 F.3d 1089 (9th Cir. 1997)

Mount Graham Coalition v. U.S. Forest Service, 108 F.3d 1100 (9th Cir. 1997)

Audubon Soc. v. U.S. Forest Service, 104 F.3d 1201 (10th Cir. 1997)

Grand Canyon Trust v. Zinke, 311 F. Supp. 3d 381 (D. D.C. 2018)

Earth Island Inst. v. Elliot, ___ F. Supp. 3d ___, 2018 WL 3372759 (E.D. Cal. 2018), *see also* 290 F. Supp. 3d 1102 (2017)

Diné Citizens Against Ruining Our Environment v. Bureau of Indian Affairs, 2017 WL 4277133 (D. Ariz. 2017)

AquAlliance v. U.S. Army Corps of Engineers, 243 F. Supp. 3d 193 (D. D.C. 2017)

Center for Biological Diversity v. U.S. Forest Service, 2016 WL 5334474 (C.D. Cal. 2016)

Wild Equity Institute v. EPA, 147 F. Supp. 3d 853 (N.D. Cal. 2015)

AquAlliance v. U.S. Bureau of Reclamation, 139 F. Supp. 3d 203 (D. D.C. 2015)

Sequoia ForestKeeper v. Benson, 108 F. Supp.3 d 917 (E.D. Cal 2015), *see also* 2014 WL 4193840 (2014)

Rocky Mountain Wild v. Kornze, 2014 WL 536946 (D. Colo. 2014)

Fragosa v. Moore, 17 F. Supp. 3d 985 (E.D. Cal. 2014)

Wiechers v. Moore, 2014 WL 1922237 (E.D. Cal. 2014)

Western Watersheds Project v. Jewell, 69 F. Supp. 3d 41 (D. D.C. 2014)

Bark v. United States Forest Service, 37 F. Supp.3d 41 (D. D.C. 2014)

Powder River Basin Resource Council v. BLM, 37 F. Supp. 3d 59 (D. D.C. 2014)

Sequoia ForestKeeper v. Tidwell, 847 F. Supp. 2d 1244 (E.D. Cal. 2012); *see also* 847 F. Supp. 2d 1217

WildEarth Guardians v. Salazar, 880 F. Supp. 2d 77 (D. D.C. 2012); *see also* 859 F. Supp.2d 83; 783 F. Supp. 2d 61; 272 F.R.D. 4

Center for Biological Diversity v. U.S. Forest Service, 820 F. Supp. 2d 1029 (D. Ariz. 2011)

Bensman v. National Park Service, 806 F. Supp. 2d 31 (D. D.C. 2011)

Center for Biological Diversity v. Wildlife Services,
649 F. Supp. 2d 974 (D. Ariz. 2009)
Defenders of Wildlife v. Tuggle, 607 F. Supp. 2d 1095 (D. Ariz. 2009)

Heartwood v. U.S. Forest Service, 431 F. Supp.2d 28 (D. D.C. 2006)

Earth Island Institute v. Pengilly, 376 F. Supp.2d 994 (E.D. Cal. Jul 02, 2005)

New Mexico Cattle Growers Ass'n v. U.S. Fish and Wildlife Service,
2004 WL 3426421 (D. N.M. Aug 31, 2004) (counsel for intervenor-defendant)

Center For Biological Diversity v. Norton, 2004 WL 1406325 (D. Or. 2004)

San Juan Audubon Society v. Wildlife Services, Animal and Plant Inspection Service, 257 F. Supp. 2d 133 (D. D.C. 2003)

Living Rivers v. U.S. Bureau of Reclamation, 272 F. Supp. 2d 1313 (D. Utah, 2003)

Center for Biological Diversity v. Norton, 240 F. Supp. 2d 1090 (D. Ariz. 2003)

Building Industry Legal Defense Foundation v. Norton, 231 F. Supp. 2d 100 (D. D.C. 2002) (counsel for intervenor-defendant)

Center for Biological Diversity v. U.S. Fish and Wildlife Service,
202 F. Supp. 2d 594 (W.D. Tex. 2002)

Center for Biological Diversity v. Norton, 163 F. Supp. 2d 1297 (D. N.M. 2001)

Center for Biological Diversity v. Badgley, 2001 WL 844399 (D. Or. 2001)

San Juan Audubon Society v. Veneman, 153 F. Supp. 2d 1297 (D. D.C. 2001)

SW Center For Biological Diversity v. Babbitt, 108 F. Supp. 2d 1209 (D. N.M. 2000)

Heartwood v. U.S. Forest Service, 73 F. Supp. 2d 962 (S.D. Ill. 1999)

SW Center for Biological Diversity v. Clark, 90 F. Supp. 2d 1300 (D. N.M. 1999)

SW Center for Biological Diversity v. Babbitt, 1997 WL 817345
(D. Ariz., Dec 11, 1997)

SW Center for Biological Diversity v. U.S. Bureau of Reclamation,
6 F. Supp. 2d 1119 (D. Ariz. 1997)

SW Center for Biological Diversity v. Babbitt, 980 F. Supp. 1080 (D. Ariz. 1997)

SW Center for Biological Diversity v. Glickman, 932 F. Supp. 1189 (D. Ariz. 1996)

SW Center for Biological Diversity v. Babbitt, 926 F. Supp. 920 (D. Ariz. 1996)

Maricopa Audubon Soc. v. U.S. Forest Service, 923 F. Supp. 1436 (D. N.M. 1995)

Greater Gila Biodiversity Project v. U.S. Forest Service,
926 F. Supp. 914 (D. Ariz. 1994)