

Norman D. James

Of Counsel

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Norm defends his natural resources clients against federal environmental challenges — turning high-stakes Endangered Species Act and public lands litigation into durable legal precedent that protects their operations across the West.

Norm has spent his career on the front lines of federal natural resources and environmental law, representing the industries that depend most heavily on public lands: mining companies, real estate developers, homebuilders, ranchers, and their trade associations. His practice spans the western United States and Alaska, and the cases he litigates often reach the Ninth and Tenth Circuits — and occasionally the U.S. Supreme Court.

Norm's work centers on the statutes that govern how federal land and resources can be used. He litigates and counsels clients on the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Mining Law of 1872, the National Forest Management Act (NFMA), and the Federal Land Policy and Management Act (FLPMA), and related laws and regulatory requirements.

Beyond litigation, Norm advises clients on regulatory compliance and rulemaking — helping them engage with agency proposals before they become binding obligations. That combination of courtroom experience and regulatory counsel means clients get practical guidance at every stage of a project, from initial permitting through appellate review.

Some of Norm's most consequential work involves issues arising under the ESA, where he has secured rulings that constrain the U.S. Fish and Wildlife Service's ability to list species as endangered, declare areas as critical habitat without adequate justification, and restrict land use activities to prevent “take” without sufficient evidence that “take” is likely. He also has significant experience defending clients' permits in challenges involving NEPA and Section 404 of the CWA, and in disputes over federal land

Education

- University of Utah, S. J. Quinney College of Law (J.D., 1981)
- Stanford University (B.A., English Language and Literature, 1977)

Bar Admissions

- Arizona

exchanges and mining rights under the Mining Law of 1872. His clients have included mining companies, livestock operators, real estate developers and homebuilder trade groups, and water districts.

Select Experience

- *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 664 (2007). Served as lead counsel for industry trade associations challenging EPA's approval of Arizona's application to administer the NPDES program under CWA Section 402(b); the Supreme Court reversed the Ninth Circuit and held that ESA Section 7(a)(2) applies only where there is discretionary federal involvement or control.
- *Ctr. for Bio. Diversity v. U.S. Fish & Wildlife Serv.*, 441 F. Supp. 3d 843 (D. Ariz. 2020), rev'd 67 F.4th 1027 (9th Cir. 2023). Represented Rosemont Copper Company in challenging the critical habitat designation for the jaguar over the company's mining project; the Ninth Circuit reversed the district court, holding that the designation was arbitrary and capricious because the agency failed to explain why the area was essential to jaguar conservation.
- *Ctr. for Bio. Diversity v. U.S. Fish & Wildlife Serv.*, 409 F. Supp. 3d 738 (D. Ariz. 2019), aff'd 33 F.4th 1202 (9th Cir. 2022). Represented mining company in multiple federal lawsuits challenging permits for a proposed open-pit copper mine in southern Arizona, including a Mining Law of 1872 claim that the company's use of unpatented mining claims for tailings and waste rock disposal was unlawful; the district court ruled against the company on that ground and the Ninth Circuit affirmed.
- *Ctr. for Bio. Diversity v. U.S. Dep't of Interior*, 623 F.3d 663 (9th Cir. 2010) (decision on rehearing). Represented mining company in challenge to a 10,000-acre land exchange with the Bureau of Land Management; the Ninth Circuit held that the environmental impact statement (EIS) failed to properly evaluate the effects of the exchange because the agency did not consider its authority to restrict mining under surface use regulations at 43 C.F.R. subpart 3809 and remanded to BLM for further analysis.

Court Admissions

- U.S. District Court for the District of Arizona
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the District of Columbia
- U.S. Supreme Court

Professional Affiliations

- Member, Administrative Law Section, State Bar of Arizona
- Member, Environmental & Natural Resources Law Section, State Bar of Arizona

Accolades

- *Chambers USA*, Environment, Arizona, 2023-2026
- *Best Lawyers in America*®, 2026-2027
- *Best Lawyers in America*®, *Lawyer of the Year*, Litigation – Environmental, 2013, 2020, 2024
- State Bar of Arizona, Mike Brophy Service Award, 2023
- *Best Lawyers in America*®, *Lawyer of the Year*, Energy Law, 2017, 2021

- *Best Lawyers in America*®, *Lawyer of the Year*, Natural Resources Law, 2018
- *Southwest Super Lawyers*®, 2007-2012, 2014-2021
- Martindale-Hubbell, AV® *Preeminent*™ Peer Review Rated (the highest rating available)
- *AZ Business Magazine*, "Arizona's Top Lawyers," Energy and Natural Resources, 2014

Legal Writings

- *When Can Mining Claims Be Occupied for Ancillary Uses? An Examination of the Rosemont Litigation and Its Implications for Mining Operations on Federal Lands*, 69 Nat. Resources & Energy L. Inst. 19-1 (2023)
- Co-author, *A Common-Sense Interpretation of the Phrase 'Throughout All or a Significant Portion of Its Range'*, Rocky Mountain Mineral Law Foundation Journal (2021)
- Co-author, *Critical Habitat's Limited Role Under the Endangered Species Act and Its Improper Transformation into "Recovery" Habitat*, UCLA Journal of Environmental Law & Policy (2016)
- *The Expanding Role of Critical Habitat Under the ESA*, Species Protection: Critical Legal Issues Conference, American Law Institute and Environmental Law Institute, Washington, D.C. (2015)
- *Managing to Burn – Redirecting the ESA's Focus From Land Use Regulation to Species' Recovery*, *Species Protection: Critical Legal Issues*, ALI-ABA and Environmental Law Institute, Washington, D.C. (2012)