

Norman D. James

Of Counsel

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Norm is a distinguished natural resources, energy, and environmental attorney.

He assists land and natural resource users on issues arising under federal and state environmental laws. His work includes advising clients on rulemaking proposals and compliance issues, as well as litigation in the federal and state courts. As a sought-after environmental lawyer, Norm's clients include mining companies, real estate developers and homebuilders, land resource users, ranchers, and their industry trade associations. His practice stretches across the western United States and Alaska and encompasses federal laws and programs such as the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Clean Water Act, the Mining Law of 1872, the National Forest Management Act, and the Federal Land Policy and Management Act.

Select Experience

- **Nat'l Ass'n of Home Builders v. Defenders of Wildlife**, 551 U.S. 664 (2007). Lead counsel for industry trade associations in an action challenging EPA's approval of Arizona's application to administer the NPDES program under Section 402(b) of the Clean Water Act. The Supreme Court, in reversing the Ninth Circuit, held that Section 7(a)(2) of the ESA applies only in situations in which there is discretionary federal involvement or control.
- **Ctr. for Bio. Diversity v. U.S. Forest Serv.**, 80 F.4th 943 (9th Cir. 2023). Representation of the National Shooting Sports Foundation in action alleging that the Forest Service was violating the Resource Conservation and Recovery Act by failing to ban the use of lead ammunition in the Kaibab National Forest and endangering California condors and other scavengers. The court rejected the challenge, holding that the agency's failure to regulate hunting did not create RCRA liability.
- **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). Representation of Rosemont Copper Company in challenge to the designation of critical habitat for the jaguar over a substantial portion of the company's mining project. In reversing the district court, the Ninth Circuit held that the designation was arbitrary and capricious because the agency failed to explain why the area was essential to the conservation of the jaguar

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

species.

- **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). Representation of Rosemont Copper Company in multiple lawsuits challenging federal permits for its proposed open pit mine in southern Arizona. The district court ignored most of the claims being asserted, and instead ruled that the company's proposed use of unpatented mining claims for the disposal of tailings and waste rock violated the Mining Law of 1872 because there was no evidence that the claims were valid. A divided panel of the Ninth Circuit subsequently affirmed.

Court Admissions

- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Colorado
- 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
- *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

Additional Information

- "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*, January 1, 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