

**Michael Bogert**

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Practice Areas

- Environment & Natural Resources

Michael Bogert is Senior Counsel in Crowell & Moring's Environment & Natural Resources Group. Michael 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.

Education

- University of Santa Clara, B.A. (1979) History
- University of Idaho College of Law, J.D. (1985)
- George Washington University Law School, LL.M. (1995) Environmental Law

Affiliations

Admitted to practice: District of Columbia, Idaho, California

Publications

- "Clean Water Act Jurisdiction: Navigating The Rapanos Quagmire," Crowell & Moring's *Mining Law Monitor*, Vol. 26, Issue 1 (Spring 2011). Co-Authors: Amy B. Chasanov and Michael Bogert.
- "The Endangered Species Act: An Overview," (2010). Co-Authors: Thomas R. Lundquist, Steven P. Quarles, John C. Martin, J. Michael Klise and L. Michael Bogert.
- "Better To Get Ready To Tie Up the Boat In Idaho: The Bush Administration's Endangered Species Act Regulations and Allocation of Responsibility for Greenhouse Gas Emissions and Climate Change," 38th Annual Conference on Environmental Law, Keystone, Colorado (February 2009). Author: L. Michael Bogert.
- "The Paradox of the Palatable, Will the Endangered Species Act, NEPA, and Other Environmental Laws Hinder Energy Development?," *Energy Development: Access, Siting, Permitting, and Delivery on Public Lands, Paper No. 6* (Rocky Mtn. Min. L. Fdn. 2009). Author: L. Michael Bogert.
- "Even Heroes Have the Right to Bleed: The Endangered Species Act and Categorical Statutory Commands After National Association of Home Builders v. Defenders of Wildlife," 44 *Idaho L. Rev.* 543 (2008). Author: L. Michael Bogert.
- "The Future Is No Place To Place Your Better Days: Sovereignty, Certainty, Opportunity, and Governor Kempthorne's Shaping of the Nez Perce Agreement," 42 *Idaho L. Rev.* 673 (2006). Author: L. Michael Bogert.
- "Idaho governor moves forward with roadless petition process," *Trends*, (ABA Section of Environment, Energy, and Resources Newsletter) (Sept./Oct. 2005). Author: L. Michael Bogert.
- "The Four Governors' Recommendations for Anadromous Fish Restoration in the Pacific Northwest: What's So Funny 'Bout Peace, Love and Understanding?," 38 *Idaho L. Rev.* 529 (2002). Author: L. Michael Bogert.

Alerts & Newsletters

- "Supreme Court Determines No Presumption for Injunctive Relief in Environmental Cases," *Environment & Natural Resources Law Alert* (June 21, 2010). Contacts: Michael Bogert, Thomas R. Lundquist.

Speaking Engagements

- "Tacking Big-Pictures Water Issues During a Period of Tight Budgets: What Can We Expect in the Next Fiscal Year?," Fifth Annual Idaho Water Law Conference (September 22-23, 2011). Co-Speaker: Michael Bogert.
- "What roles do advocacy and advocacy groups play in our democratic system?," Advocacy in the Natural Resources Arena, Department of Fisheries and Wildlife, Michigan State University (September 2010). Speaker: L. Michael Bogert.
- "View from the 'Other Washington:' ESA in a New Congress and Administration," and "The Continuing Saga of Consultation Regulations," 17th Annual Endangered Species Act, The Seminar Group, Seattle, Washington (January 2010). Panelist: L. Michael Bogert.
- "New Horizons on Environmental Compliance and Environmental Management Systems," Legislative Regulatory Affairs Session, Northwest Mining Association 115th Annual Meeting, Reno, Nevada (December 2009). Speaker: L. Michael Bogert.
- "Influencing Decision-Making Through Collaborative Government, Changing Times: Effective Legal Strategies to Resolve New Environmental Disputes," The Kheel Center on the Resolution of Environmental Interest Disputes Conference, New York City (November 2009). Panelist: L. Michael Bogert.
- Palouse Basin Water Summit, Pullman, Washington (October 2009). Keynote Speaker: L. Michael Bogert.
- "Property Rights and Conservation," Rebuilding the Ark: New Perspectives on ESA Reform, American Enterprise Institute, Washington, D.C. (September 2009). Panelist: L. Michael Bogert.
- "The Paradox of the Palatable: Will the Endangered Species Act, NEPA, and Other Environmental Laws Hinder Energy Development?," Rocky Mountain Mineral Law Foundation, Denver, Colorado (August 2009). Speaker: L. Michael Bogert.
- "D.C. Update: Changes To The ESA and Other Environmental Laws," Summer Water Law and Resources Seminar, Idaho Water Users Association Summer Conference, Sun Valley, Idaho (July 2009). Speaker: L. Michael Bogert.
- "Developments in Environmental Law," Idaho Association of Industry and Commerce Spring Meeting, Coeur d'Alene, Idaho (June 2009). Speaker: L. Michael Bogert.

- Western States Collaborative Water Workshop, Western States Water Council/United States Army Corps of Engineers Spring Conference, Kansas City, Kansas (April 2009). Plenary Panelist: L. Michael Bogert.
- "The Impact of Global Climate Change In Energy: Developments on Endangered Species," 38th Annual American Bar Association Section on Environment, Energy, and Resources Conference on Environmental Law, Keystone, Colorado (March 2009). Panelist: L. Michael Bogert.
- Legislative and Regulatory Affairs Session, Northwest Mining Association's 114th Annual Meeting, Exposition and Short Courses, Reno, Nevada (December 2008). Speaker: L. Michael Bogert.
- "Proposed Changes to ESA Consultation Regulations," Winter Water Law and Resource Issues Seminar, Idaho Water Users Association, Boise, Idaho (November 2008). Panelist: L. Michael Bogert.
- "Energy, Public Lands & Endangered Species: An Insiders' Report from Washington," Idaho Environmental Forum, Boise, Idaho (September 2008). Panelist: L. Michael Bogert.
- "Managing Endowment Land in an Environmental Context," Western States Land Commissioners Association 2008 Summer Conference, Boise, Idaho (July 2008). Panelist: L. Michael Bogert.
- "Federal Dams, Water and Salmon Harvest: What Do the New Biological Opinions Mean for All of Us?," Summer Water Law and Resource Issues Seminar, Idaho Water Users Association, Sun Valley, Idaho (June 2008). Speaker: L. Michael Bogert.
- "Off-Reservation Instream Flows: Nez Perce Settlement (Columbia River Basin)," and Concluding Plenary Session, The Winters Centennial: Will Its Commitment to Justice Endure? University of New Mexico School of Law, Albuquerque, New Mexico (June 2008). Panelist: L. Michael Bogert.
- 26th Annual Water Law Conference, American Bar Association Section of Environment, Energy, and Resources, San Diego, California (February 2008). Luncheon Keynote Speaker: L. Michael Bogert.
- Legislative and Regulatory Affairs Session, Northwest Mining Association's 113th Annual Meeting and Exposition, Spokane, Washington (December 2007). Speaker: L. Michael Bogert.
- "Affect of Recent Rulings on the Columbia – A Panel Discussion," The Mighty Columbia, The Seminar Group, Seattle, Washington (November 2007). Panelist: L. Michael Bogert.
- "The Administration's Settlement Policy," Symposium on the Settlement of Indian Reserved Water Rights Claims, Western States Water Council/Native American Rights Fund, Albuquerque, New Mexico (August 2007). Speaker: L. Michael Bogert.
- "Hot Topics and Market Based Alternatives to Remediation," Recent Developments in Federal Environmental Law, Oklahoma Bar Association, Jenks, Oklahoma (June 2007). Speaker: L. Michael Bogert.

- "Salmon BiOp and Litigation (Columbia and Lower Snake River Dams)," Idaho Water Law; Policy Priorities, Management and Litigation, Law Seminars International, Boise, Idaho (May 2007). Panelist: L. Michael Bogert.
- "Last Two Years," 2007 Annual Meeting, American Forest Resource Council, Skamania, Washington (April 2007). Panelist: L. Michael Bogert.
- 2007 Annual Conference; Hydro in Motion: New Directions in Compliance and Generation Northwest Hydroelectric Association, Portland, Oregon (February 2007). Speaker: L. Michael Bogert.
- "The Changing Interface Between Law and Science," 25th Annual Water Law Conference; Changing Values-Changing Conflicts, American Bar Association Section of Environment, Energy, and Resources, San Diego, California (February 2007). Panelist: L. Michael Bogert.
- 2007 Legislative Agricultural Chairs V Legislative Ag Chairs Conference, Washington, DC (January 2007). Speaker: L. Michael Bogert.
- Lower Columbia River Estuary Partnership Annual Dinner & Auction Portland, Oregon (October 2006). Keynote Speaker: L. Michael Bogert.