

JOHN C. RUPLE

PROFESSOR OF LAW (RESEARCH) & WALLACE STEGNER CENTER FELLOW

S.J. QUINNEY COLLEGE OF LAW AT THE UNIVERSITY OF UTAH

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RELEVANT EMPLOYMENT & VOLUNTEER EXPERIENCE:

- 2022 – **SENIOR COUNSEL, EXECUTIVE OFFICE OF THE PRESIDENT, WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY**, Washington, D.C.
- Provide legal and policy advice on federal land management, mining, climate change, and federal permitting issues. Coordinate environmental, natural resource, and climate policy development and implementation across multiple federal agencies. On leave from the University of Utah.
- 2018 – **Professor of Law (Research), UNIVERSITY OF UTAH’S S.J. QUINNEY COLLEGE OF LAW**, Salt Lake City, Utah; **Law & Policy Program Director: Wallace Stegner Center for Land, Resources & the Environment.**
Faculty Affiliate: UNIVERSITY OF UTAH’S GLOBAL CHANGE & SUSTAINABILITY CENTER, and the **INSTITUTE FOR CLEAN & SECURE ENERGY. Associate Professor of Law (Research) (2015-18); Research Associate (2014-15).**
- Direct the Stegner Center’s Law and Policy Program, including fundraising faculty, staff, and graduate student oversight. Design and manage complex research programs addressing public lands, natural resources, and development permitting. Efforts involve integrating law and policy, science, and empirical data to inform development of federal land, energy, and environmental policies. Teach in the Master of Legal Studies, and the Diversity Pipeline Intervention programs, and serve on multiple University and College committees.
- 2006 – 08 **POLICY ANALYST, GOVERNOR’S PUBLIC LANDS POLICY COORDINATION OFFICE**, Salt Lake City, Utah.
- Advised the state of Utah on public land management issues and coordinated state agency input on federal land management planning; represented the state in negotiations with federal, state, and private partners on projects such as the Western Governors’ Association Wildlife Corridor Initiative Oil and Gas Working Group, a proposed 91,000-acre expansion of evaporation ponds in the Great Salt Lake, and oil and gas leasing proposals; provided legal, policy, and consistency review for state archaeological permitting; drafted cultural resource management administrative rule amendments, policy guidance, intergovernmental agreements, and contract amendments.
- 2004 – 06 **ASSOCIATE / ATTORNEY, MENTOR LAW GROUP**, Seattle, Washington.
- Represented municipal and private sector clients in rulemaking, water quality, water rights, and real property disputes. Representative matters included: defense of ordinances allegedly violating intergovernmental agreements, state instream flow

requirements, harming federally protected species, and impairing Indian fishing rights; challenges to stormwater injection and National Pollution Discharge Elimination System permitting; and quiet title and adverse possession actions.

2003 **RULE 9 LEGAL INTERN, WASHINGTON STATE ATTORNEY GENERAL, ECOLOGY DIVISION, Olympia, Washington.**

Drafted pleadings for enforcement actions in shoreline management and air pollution cases; provided litigation support for case involving water rights and the Model Toxics Control Act.

2002 – 03 **DEWSNUP FELLOW / LAW CLERK, UTAH ATTORNEY GENERAL, NATURAL RESOURCES DIVISION, Salt Lake City, Utah.**

Provided research support on natural resource law issues involving water resource allocation and permitting, the Colorado River Compact and the “Law of the River,” and on public land access.

1997 – 01 **ASSOCIATE / PROJECT MANAGER, the SE GROUP, Frisco, Colorado.**

Managed or participated in National Environmental Policy Act, Endangered Species Act, and Clean Water Act permitting projects for 19 ski areas in 5 western states; developed study plans, hired and managed subcontractors, prepared technical analyses, coordinated with state and federal regulators, and managed NEPA public involvement.

EDUCATION:

JURIS DOCTOR FROM THE UNIVERSITY OF UTAH, S.J. QUINNEY COLLEGE OF LAW (2004)

- Certificate in Environmental and Natural Resource Law
- Legal Methods T.A. for Professor Jensie Anderson
- Member: JOURNAL OF LAND, RESOURCES & ENVTL. LAW- Research Assistant for Professor Robert Adler
- Dewsnap Fellow in Natural Resource Law
- CALI Award winner

MASTER OF SCIENCE FROM MICHIGAN STATE UNIVERSITY, COLLEGE OF AGRICULTURE & NATURAL RESOURCES (1997)

- M.S. Thesis: *Treaty Implied Rights to Habitat Protection - Impacts on the Elwha River Controversy*

BACHELOR OF ARTS FROM WESTERN WASHINGTON UNIVERSITY, COLLEGE OF ARTS AND SCIENCES (1992)

- Senior Paper: *The 1990 Census and Congressional Apportionment: Implications on the Congressional Balance of Power* (Presented at the 1991 Santa Clara University Sociology and Anthropology Research Conference)

RECENT HONORS AND AWARDS:

- Environmental Law Reporter’s top article of 2020 for [A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands](#), 50 ENVTL. L. REPORTER NEWS & ANALYSIS 10734 (Sept. 2020) (with Jamie Pleune and Nada Culver).

- Environmental Law Institute and Vanderbilt University Law School's top 20 articles of 2020 for [Measuring the NEPA Litigation Burden: A Review of 1,499 Federal Court Cases](#), 50 ENVTL. L. 479 (2020) (with Kayla Race).
- Land Use & Environment Law Review's top articles of 2019 for [The Trump Administration and Lessons Not Learned from Prior National Monument Modifications](#), 43 HARVARD ENVTL. L. REV. 1 (2019).
- "Celebrate U Researcher" for 2017 by the University of Utah.

SELECTED PUBLICATIONS:

- * [Bears Ears National Monument: Advocating to Protect Heritage on a Landscape Scale](#), in [PUSHING BOUNDARIES IN SOUTHWESTERN ARCHAEOLOGY: CHRONOMETRY, COLLECTIONS, AND CONTEXTS](#) (Univ. Press of Colo., 2023) (with multiple co-authors).
- * [A Big Step Forward for the National Environmental Policy Act](#), THE HILL (May 2, 2022) (with Jamie Pleune).
- * [Evidence-Based Recommendations for National Environmental Policy Act Implementation](#), 46 COLUMB. J. ENVTL. L. 273 (2022) (with Jamie Pleune and Erik Heiny).
- * [Charting A "Substantially Different" Approach to Land Management Planning Following a Congressional Review Act Joint Resolution of Disapproval](#), 12 ARIZ. J. ENVTL. L & POLICY 84 (Fall 2021) (with Devin Stelter).
- * [Synching Science and Policy to Address Climate Change in Tribal Communities](#), 36:2 NATURAL RES. & ENV'T 37 (2021) (with Heather Tanana).
- * [The BLM's Duty to Incorporate Climate Science into Permitting Practices and a Proposal for Implementing a Net Zero Requirement into Oil and Gas Permitting](#), 32 COLO. NAT. RES., ENERGY & ENVTL. L. REV. 253 (2021) (with Jamie Pleune and Nada Culver).
- * [Using Current Legal Tools to Achieve Net Zero Greenhouse Gas Emissions from New and Existing Federal Oil and Gas Leases](#), Stegner Center White Paper No. 2021-01 (2021) (with Jamie Pleune and Nada Culver).
- * [A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands](#), 50 ENVTL. L. REPORTER NEWS & ANALYSIS 10734 (Sept. 2020) (with Jamie Pleune and Nada Culver); republished as *Net Zero on Public Lands*, in 38 THE ENVIRONMENTAL FORUM 26 (July/Aug. 2021).
- * [NEPA at 50—An Analysis of the Data in the Courts](#), 66 ROCKY MTN. MIN. L. INST. 10 (2020) (with Heather Tanana).
- * [Debunking the Myths Behind the NEPA Review Process](#), 35:1 NATURAL RES. & ENV'T 14 (2020) (with Heather Tanana).
- * [Measuring the NEPA Litigation Burden: A Review of 1,499 Federal Court Cases](#), 50 ENVTL. L. 479 (2020) (with Kayla Race).

- * [Western Public Land Law and the Evolving Management Landscape](#), in THE ENVIRONMENTAL POLITICS AND POLICY OF WESTERN PUBLIC LANDS (Ore. State Univ. Press 2020).
- * [Wild Places and Irreplaceable Resources: Protecting Wilderness and National Monuments](#), in THE ENVIRONMENTAL POLITICS AND POLICY OF WESTERN PUBLIC LANDS (Ore. State Univ. Press 2020).
- * [Beyond the Antiquities Act: Can the BLM Reconcile Energy Dominance and National Monument Protection?](#), 34:3 NATURAL RES. & ENV'T 8 (2020) (with Heather Tanana).
- * [Does NEPA Help or Harm ESA Critical Habitat Designations? An Assessment of Over 600 Critical Habitat Rules](#), 46 ECOLOGY L. Q. 829 (2020) (with Michael Tanana and Merrill Williams).
- * [What Atticus Finch and Charles Wilkinson Taught Me About Sagebrush Rebels](#), 36 J. ASS'N OF NAT'L PARK RANGERS 8 (2020).
- * [The Trump Administration and Lessons Not Learned from Prior National Monument Modifications](#), 43 HARVARD ENVTL. L. REV. 1 (2019).
- * [A Response to "Dismantling Monuments,"](#) 70 FLORIDA L. REV. FORUM 1 (2019).
- * [Protected Area Conservation](#), in THE YEAR IN REVIEW for 2017 and 2018, (Am. Bar Ass'n, Section on Env't, Energy, and Res. 2018 and 2019).
- * [Up for Grabs—The State of Fossil Protection in \(Recently\) Unprotected National Monuments](#), GEO. ENVTL. L. REV. ONLINE (Oct. 5, 2018) (with Michael Henderson and Caitlin Ceci).
- * [The Transfer of Public Lands Movement: The Battle to Take "Back" Lands that Were Never Theirs](#), 28 COLO. NAT. RES., ENERGY & ENVTL. L. REV. 101 (2018).
- * [Can Trump Redevelop America's Monumental Legacy?](#) 15 AM. BAR ASS'N PUBLIC LAND AND RESOURCE COMMITTEE NEWSLETTER 1 (2017).
- * [The Rise and Fall of Planning 2.0 and Other Developments in BLM Land Management Planning](#), 63 ROCKY MTN. MIN. L. INST. 22-1 (2017).
- * [NEPA and the Energy Policy Act of 2005 Statutory Categorical Exclusions: What are the Environmental Costs of Expedited Oil and Gas Development?](#), 18 VT. J. ENVTL. L. 371 (2017) (with Mark Capone).
- * [NEPA: Studies in Effectiveness](#), 14 AM. BAR ASS'N PUBLIC LAND AND RESOURCE COMMITTEE NEWSLETTER 7 (2017) (with Mark Capone).
- * [NEPA, FLPMA, and Impact Reduction: An Empirical Assessment of BLM Resource Management Planning in the Mountain West](#), 46 ENVTL. L. 101 (2016) (co-authored with Mark Capone).
- * [National Monuments and National Conservation Areas: A Comparison in Light of the Bears Ears Proposal](#), STEGNER CENTER WHITE PAPER NO. 2016-02 (2016) (with Robert Keiter and Andrew Ognibene).
- * [Shooting the Albatross: Why a State Takeover of Federal Public Lands Would Make Endangered Species Act Compliance More Difficult](#), 39 ENVIRONS ENVTL. L. & POLICY J. 115 (2016) (with Mark Capone, Allison Jones and Emanuel Vasquez).

- * *Legal and Policy Considerations Involving Oil Shale Bearing Lands and the Resources They Contain*, in [UTAH OIL SHALE: SCIENCE, TECHNOLOGY, AND POLICY PERSPECTIVES](#) (CRC Press 2016).
- * *Legal and Policy Considerations Involving Water for Oil Shale Development*, in [UTAH OIL SHALE: SCIENCE, TECHNOLOGY, AND POLICY PERSPECTIVES](#) (CRC Press 2016).
- * *Oil Shale Development, Air Quality, and Carbon Emission Management*, in [UTAH OIL SHALE: SCIENCE, TECHNOLOGY, AND POLICY PERSPECTIVES](#) (CRC Press 2016) (with Kerry E. Kelly and Jon Wilkey).
- * [NEPA—Substantive Effectiveness Under a Procedural Mandate: Assessment of Oil and Gas EISs in the Mountain West](#), 7 GEO. WASH. J. ENERGY & ENVTL. L. 39 (2016) (with Mark Capone).
- * [Alternatives to the Transfer of Public Lands Act](#), STEGNER CENTER WHITE PAPER NO. 2016-01 (2016) (with Robert Keiter).
- * [When Winning Means Losing: Why a State Takeover of Public Lands May Leave States Without the Minerals They Covet](#), STEGNER CENTER WHITE PAPER NO. 2015-02 (2015) (with Robert Keiter).
- * [The Transfer of Public Lands Movement: Taking the ‘Public’ Out of Public Lands](#), STEGNER CENTER WHITE PAPER NO. 2015-01 (2015) (with Robert Keiter).
- * [A Legal Analysis of the Transfer of Public Lands Movement](#), STEGNER CENTER WHITE PAPER NO. 2014-2 (2014) (with Robert Keiter).
- * [The Future of Federal-State Land Exchanges](#), STEGNER CENTER WHITE PAPER NO. 2014-1 (2014) (with Robert Keiter).
- * *Water Resources*, in [GLOBAL CLIMATE CHANGE AND U.S. LAW](#) (American Bar Ass’n 2014) (with Robert Adler).
- * [Understanding Barriers to Commercial-Scale Carbon Capture and Sequestration in the United States: An Empirical Assessment](#), 59 ENERGY POLICY J. 745–61 (2013) (with Lincoln Davies and Kirsten Uchitel).
- * *Water for Power in the Twenty-First Century: What a Growing Population, Changing Climate, and Energy Development Mean for Utah’s Water Resources*, 32 UTAH ENV’T L. REV. 363 (2012).
- * *Energy Development Within Indian Country: Working Within the Realm of Indian Law and Working Towards Collaboration*, 32 UTAH ENV’T L. REV. 1 (2012) (with Heather Tanana).
- * *Clear law and Murky Facts: Utah’s Approach to Conjunctive Surface and Groundwater Management*, 47 IDAHO L. REV. 217 (2011).
- * *Water for Commercial Oil Shale Development in Utah: Allocating Scarce Resources and the Search for New Sources of Supply*, 30 J. LAND, RES., & ENV’T L. 95 (2010) (with Robert Keiter).
- * *Water for Commercial Oil Shale Development in Utah: Clarifying How Much Water is Needed and Available*, 28 J. ENERGY & NATURAL RES. L. 49 (2010) (with Robert Keiter).
- * [Oil Shale: A Solution to the Liquid Fuel Dilemma](#), in [RESOURCE MANAGEMENT CHALLENGES IN THE](#)

[CONTEXT OF POTENTIAL OIL SHALE DEVELOPMENT](#) (American Chemical Society 2010) (with Robert Keiter and Kirsten Uchitel).

- * *The Navajo Gallup Project: Legality of Interstate/Interbasin Diversions Under the Colorado River Compact*, 24 J. LAND, RES., & ENV'TL. L. 475 (2004).
- * *NRDC v. Abraham: Preventing the Department of Energy from Defining Away High-Level Nuclear Waste*, 24 J. LAND, RES., & ENV'TL. L. 77 (2004) (with David Mears).
- * Co-author of 12 technical or topical reports for Federal government agencies:
 - *Pakistan Water Management—The Legal and Institutional Framework: Lessons Learned and Opportunities for Improvement* (2019) (with Robin Craig, Heather Tanana, and Connor Arrington).
 - *Digest of Select Federal Court Decisions Involving Federal Land and Resource Planning, With an Emphasis on Decisions Involving Issues Related to Data Use and Management* (2020) (with multiple co-authors).
 - *Legal, Regulatory and Liability Assessment: CarbonSAFE Rocky Mountain Phase I* (2018) (with Lincoln Davies).
 - *Clean and Secure Energy from Domestic Oil Shale and Oil Sands Resources*, Final Technical Report (2015) (contributing author).
 - [A Market Assessment of Oil Shale and Oil Sands Development Scenarios in Utah's Uinta Basin](#) (2013) (contributing author).
 - [Lands with Wilderness Characteristics, Resource Management Plan Constraints, and Land Exchanges: Cross-Jurisdictional Management and Impacts on Unconventional Fuel Development in Utah's Uinta Basin](#) (2012) (with Robert Keiter).
 - [Conjunctive Surface and Groundwater Management in Utah: Implications for Oil Shale and Oil Sands Development](#) (2012) (with Robert Keiter).
 - [Carbon Capture and Sequestration: A Regulatory Gap Assessment](#) (2011) (with Lincoln Davies, Kirsten Uchitel, and Heather Tanana).
 - [Land and Resource Management Issues Relevant to Deploying In-Situ Thermal Technologies](#) (2011) (with Robert Keiter, Heather Tanana, and Michelle Kline).
 - [Policy Analysis of Produced Water Issues Associated with In-Situ Thermal Technologies](#) (2011) (with Robert Keiter and Heather Tanana).
 - [Policy Analysis of Water Availability and Use Issues Associated for Domestic Oil Shale and Oil Sands Development](#) (2010) (with Robert Keiter).
 - [Analysis of Environmental, Legal, Socioeconomic and Policy Issues Critical to the Development of Commercial Oil Shale Leasing on the Public Lands in Colorado, Utah and Wyoming Under the Mandates of the Energy Policy Act of 2005](#) (2009) (with Robert Keiter, Michael Hogue, and Kirsten Uchitel).
- * Co-author of 15 Environmental Impact Statements and Environmental Assessments (list

available on request).

PRESENTATIONS & MEDIA APPEARANCES:

- Presented at conferences hosted by the Pakistan Supreme Court; U.S. Embassy in Addis Ababa, Ethiopia; National Association of Environmental Professionals; National Conference of State Legislators; Council of State Governments West; North American Congress for Conservation Biology; Association of National Park Rangers; Patagonia; Southwest Symposium Archaeological Conference; University of Calgary; Columbia University; University of Denver; University of Idaho; Pakistan National University of Science & Technology; Stanford University; University of Utah; Rocky Mountain Mineral Law Foundation; and Property and Environment Research Center.
- Academic representative at the White House's stakeholder meeting on mining law reform and strategic mineral supply chain improvement (May 10, 2022).
- Testified before the U.S. House of Representatives, Committee on Natural Resources, Subcommittee on Energy and Mineral Resources regarding H.R. 3565, the "Federal Land Freedom Act," (115th Cong., 2017).
- Interviewed by: Congressional Quarterly Researcher, PBS Television, National Public Radio, the Associated Press, US News & World Report, the Christian Science Monitor, The Hill, the Huffington Post, National Geographic, Outside Magazine, E&E News, and multiple local radio and TV outlets.

VOLUNTEER & COMMUNITY SERVICE:

- 2022 – 2023 **Trustee at Large, Foundation for Natural Resources & Energy Law**, Denver, Colorado.
 - 2020 – 2022 **Executive Committee Member, University of Utah Global Change & Sustainability Center**, Salt Lake City Utah.
 - 2017 – 2022 **Member, Board of Directors, Friends of Cedar Mesa**, Bluff, Utah.
 - 2012 – **Mentor, Big Brothers, Big Sisters of Utah**, Salt Lake City, Utah.
- Pro bono legal representation in federal and state courts on behalf of multiple clients.