



**Brian P. Segee**

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## **EMPLOYMENT**

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### **Environmental Defense Center, Santa Barbara, CA**

*Staff Attorney, June 2009-present*

- Represent environmental public interest clients in Santa Barbara, San Luis Obispo, and Ventura counties; conduct federal and state litigation under a variety of laws.

### **Defenders of Wildlife, Washington, D.C.**

*Staff Attorney, 2004-March 2009*

*Associate Attorney, 2004*

- Develop, initiate, and conduct federal and state litigation under the Endangered Species Act, National Environmental Policy Act, National Wildlife Refuge Administration Act, Freedom of Information Act, state water laws, and state and federal Constitutions; Draft legislation; Lobby U.S. Congress and Executive Branch on legislative, regulatory, and policy issues; Provide legal support and advice to Field and Program staff of one of Nation's largest wildlife advocacy organizations; Conduct media outreach, write and oversee publication projects, and otherwise assist organizational programmatic and strategic advocacy efforts.

### **Center for Biological Diversity, Tucson, AZ**

*Southwest Public Lands Director, 2001-2004*

*Appeals Coordinator, 1997-2001*

- Directed the Center's public lands advocacy within interior Southwest, utilizing a wide variety of legal, media, organizing, and coalition building strategies; Coordinated administrative appeals and prepared and oversaw litigation, focusing on timber, fire, energy, and mining issues.

### **National Wildlife Federation, Natural Resources Litigation Clinic, Boulder, CO**

*Student Clerk, 1995, 1996*

- Drafted and wrote litigation documents; researched and prepared memos under various federal environmental laws.

### **County of San Diego, Solid Waste Department, Recycling Division**

*Recycling Specialist Assistant, 1992-1993*

- Helped implement and track municipal recycling programs under California law and County ordinance; Monitored, analyzed and commented on state legislation affecting or addressing recycling programs.

## **EDUCATION**

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**University of Colorado School of Law, Boulder, CO**

- Juris Doctorate, 1997
- Environmental Law Society, Environmental Action Committee, 1994-1996.
- University of Nairobi School of Law, summer 1995. Studied international environmental and constitutional law in Kenya.

### **University of California, San Diego, La Jolla, CA**

- Bachelor of Arts in Political Science, Emphasis in Biology and Spanish, 1992
- Dean's Honor List, 1988-1989, 1990-1991, 1991-1992.

### **PROFESSIONAL**

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- **Member**, California (1998) and District of Columbia (2004) bars, admitted to practice in various federal courts, including all California District Courts and Ninth Circuit Court of Appeals.
- **Board Member**, Arizona Wilderness Coalition. 2002-2009 (Vice-President, 2007-2009)
- **Member**, Environmental Advisory Committee to Congressman Raúl M. Grijalva, District 7, Arizona (Chairman, National Parks, Forests and Public Lands Subcommittee, House Committee on Natural Resources). 2003-2009.

### **REPRESNATIVE EXPERIENCE**

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- **The Otter Project v. Salazar**  
2010 U.S. Dist. LEXIS (N.D. Cal. May 5, 2010)  
APA unreasonable delay challenge to U.S. Fish and Wildlife Service failure to decide whether 23 year old rule barring threatened southern sea otters from southern California waters should be withdrawn. Successfully defended against government motion to dismiss case under *SUWA v. Norton*, and subsequently reached settlement under which FWS will make decision under enforceable timeline.
- **Great Basin Water Network v. Taylor**  
222 P.3d 665 (Nev. 2010)  
Successful challenge to Nevada State Engineer's refusal to provide public with right to protest hundreds of groundwater applications filed by Southern Nevada Water Authority. Developed and wrote argument adopted by unanimous panel of Nevada Supreme Court that failure to provide for public protest after 20 year delay in processing applications violated state water law.
- **Defenders of Wildlife v. Hall (consolidated with Ctr. for Biological Diversity v. Kempthorne)**  
607 F. Supp. 2d 1078 (D. Ariz. 2009)  
Successful challenge to U.S. Fish and Wildlife Service decision not to prepare Recovery Plan under ESA for the endangered jaguar.
- **Defenders of Wildlife v. Tuggle**  
607 F. Supp. 2d 1095 (D. Ariz. 2009)  
Challenge to U.S. Fish and Wildlife Service maladministration of Mexican gray wolf reintroduction effort. Successfully defended against government motion to dismiss case on jurisdictional grounds, and government subsequently settled and agreed to withdraw challenged actions.
- **Defenders of Wildlife v. U.S. Border Patrol**  
623 F. Supp. 2d 83 (D.D.C. 2009)  
Successful FOIA challenge to document withholdings, based on inadequacy of *Vaughn* index and agency declarations.

- **Defenders of Wildlife v. Chertoff**  
 527 F. Supp. 2d 119 (D.D.C. 2007), cert. denied at 2008 U.S. LEXIS 5218 (June 23, 2008)  
 Challenge to border wall construction within San Pedro Riparian National Conservation Area. Following successful Motion for Temporary Restraining Order under NEPA and other laws, Department of Homeland Security Secretary waived application of 19 laws pursuant to section 102 of REAL ID Act. Constitutional challenge to waiver under separation of powers principles rejected by District Court, and certiorari denied by Supreme Court.
- **Defenders of Wildlife v. Kempthorne**  
 Civ. No. 09-15 (E.D. Wash.)(EFS)  
 APA unreasonable delay challenge to agency failure to respond to Petition requesting designation of critical habitat under the ESA for the endangered woodland caribou. Negotiated settlement under which agency agreed to deadline for decision on the Petition.
- **Defenders of Wildlife v. U.S. Dep’t of the Interior (consolidated with In Re Polar Bear ESA Listing and 4(d) Rule Litigation)**  
 Misc. Action 08-764 (D.D.C.)(EGS) (MDL Docket No. 1993)  
 Challenge to ESA section 4(d) rule allowing for blanket “take” of polar bear in relation to greenhouse gas emissions.
- **Save San Onofre Coalition v. Gutierrez**  
 Civ. No. 08-1470 (S.D. Cal.) (JAH)  
 ESA challenge to biological opinion addressing effects of proposed toll-road through San Onofre State Beach on numerous threatened and endangered species.
- **Stevens County v. U.S. DOI**  
 2006 U.S. Dist. LEXIS 60834 (E.D. Wash. Aug. 20, 2007)  
 Successful defense (as intervenor-defendants) of agency decision to terminate domestic livestock grazing on National Wildlife Refuge from challenge by local government and livestock industry.
- **Stevens County v. U.S. DOI**  
 2006 U.S. Dist. LEXIS 74730 (E.D. Wash. Oct. 4, 2006)  
 Successful intervention in defense of agency decision to terminate domestic livestock grazing on National Wildlife Refuge under Refuge Improvement Act, APA, and Constitution (distinguishing Ninth Circuit rule that intervention as defendant not appropriate in NEPA cases)
- **Butte Environmental Council v. Norton (consolidated with Home Builders Ass’n of N. Cal. v. U.S. Fish & Wildlife Serv.)**  
 2006 U.S. Dist. LEXIS 80255 (E.D. Cal. Nov. 2, 2006), *affirmed* 616 F.3d 983 (9th Cir. 2010)  
 In consolidated action, successful challenge to ESA critical habitat exclusions for fifteen vernal pool species as plaintiffs and, as defendant-intervenors, successful defense of critical habitat designation by home building industry.
- **Defenders of Wildlife v. Norton**  
 Civ. No. 04-2478 (E.D. Cal. DAD)  
 Challenge under ESA and Clean Water Act to large residential development within vernal pool habitat. Helped negotiate (as second chair) settlement with private developers and federal agencies under which thousands of acres of vernal pool habitat have been purchased and protected.

## **PUBLICATIONS**

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- *Whale of an Opportunity: Coast Guard Study of Los Angeles/Long Beach Port Access Routes Hold Great Potential for Reducing Ship Strikes within Santa Barbara Channel.* U.C. Berkeley Ecology Law Currents (2010)
- *The Impacts of U.S. Immigration Policy on Wildlife and Habitat within the U.S. Borderlands*, chapter in the book *Conservation along the U.S.-Mexico Border: Binational Solutions for Shared Problems*. This book is the first in the new University of Arizona Press Environmental Science, Law, and Policy Series (2010).
- *Natural Resources Policy in Transition*, chapter in the book *Environmental Policy, 7th Edition* (CQ Press, Vig and Kraft, eds.) (2009).
- *On the Line: The Impacts of Immigration Policy on Wildlife and Habitat in the Arizona Borderlands*, report produced for Defenders of Wildlife (2006).
- *Blowing Smoke on Healthy Forests.* Op-Ed. Arizona Republic Sept. 23, 2002 (point/counterpoint with Senator Jon Kyl)
- *Prelude to Catastrophe: Recent and Historic Land Management within the Rodeo-Chediski Fire Area*, report produced for Center Biological Diversity, Sierra Club, and Southwest Forest Alliance (2001).
- *Land Exchange Not in Public's Interest.* Op-Ed. With Janine Blaeloch. Tucson Citizen. February 1999.

## **SELECTED PRESENTATIONS**

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- Environmental Concerns Through the Lens of National Security. Vermont Law Review 2008-2009 Symposium: Examining Our Priorities: The Relationship Between National Security and Other Fundamental Values. South Royalton, VT. With Joel Reynolds.
- Vanishing Laws and Rising Walls. Public Interest Environmental Law Conference ("PIELC"), Eugene, Ore. 2008. With Dinah Bear and Scott Nichols.
- Taming the Place of Wild Beasts: The U.S. Forest Service Proposed Directive for Predator Damage Management in Wilderness Areas. Carnivores 2006: Habitats, Challenges and Opportunities, St. Petersburg, FL.
- Defending Wildlife by Balancing Border Security and Environmental Protection. EPA Good Neighbor Environmental Board Meeting, Washington, D.C. 2006.
- Uniting to Protect Sacred Sites: The Successful Battle to Save Zuni Salt Lake from Big Coal. PIELC 2004. With Cal Seciwa and Carolyn Johnson.
- Militarization of the Border Region of the U.S.: Social Justice and Ecological Calamity. PIELC 2000. With Jose Palafox and Carla Garcia Zendejas.
- Federal Land Exchanges & the Public Interest. PIELC 1998. With Janine Blaeloch and Roy Keene.