



DAVIS GRAHAM

DAVID NESLIN OF COUNSEL

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EXPERTISE

Energy, Oil & Gas, and Public Lands

EDUCATION

University of Washington School of Law,
J.D., *cum laude*, *Order of the Coif*, 1983

University of Washington, B.A., 1980

ADMITTED IN

Colorado

David Neslin assists clients with energy and environmental matters, including policy issues involving federal, state, and local regulation, administrative proceedings before government agencies, and legal disputes arising under various resource and environmental laws, including the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Federal Land Policy and Management Act, and Colorado Oil and Gas Conservation Act.

Prior to joining Davis Graham & Stubbs LLP, David led the Colorado Oil & Gas Conservation Commission (COGCC) for four years, where he oversaw record levels of oil and gas permitting, development, and production. Under his leadership, the COGCC also completed bellwether rulemakings to tackle emerging regulatory issues, including those involving hydraulic fracturing, green completions, and waste management.

Prior to entering government service, David was a partner in the Denver office of Arnold & Porter LLP, where his practice centered around permitting and litigation on behalf of major development projects facing complex regulatory requirements and extensive public opposition. While at Arnold & Porter LLP, he had extensive dealings in the recreation industry, including the

representation of Vail Resorts in securing federal, state, and local approvals for the largest ski area expansion in Colorado history.

While with the State of Colorado, David served as chair of the State Review of Oil and Natural Gas Environmental Regulations, which conducts peer reviews of state environmental programs, and as Colorado's representative to the Interstate Oil and Gas Compact Commission, which provides leadership on domestic oil and gas issues. He also assisted the Ground Water Protection Council in developing and promoting the hydraulic fracturing website www.FracFocus.org.

David has worked with federal and state legislators, regulators, industry representatives, environmental groups, and other stakeholders to encourage the responsible regulation of energy development, and he frequently writes and speaks on the subject. David has been listed in the *Denver Business Journal's* Who's Who in Energy from 2013 to 2019. He has also been selected for inclusion in *The Best Lawyers in America*® in the fields of Energy Law and Natural Resources Law and has earned the AV Preeminent® Peer Review Rating™ from Martindale-AVVO®.

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REPRESENTATIVE MATTERS

- Government of Colombia: Assisting a group of four government agencies in developing new environmental and technical requirements for the exploration and production of unconventional oil and gas.
- Local regulation issues: Representing an oil and gas operator in connection with efforts by Colorado local governments to regulate development.
- Sacramento Municipal Utility District: Represented a public utility in obtaining a \$40 million judgment against the federal government for failure to timely remove spent nuclear fuel.
- Telluride Ski Resort: Represented a ski resort in successfully resolving the largest wetlands enforcement action at that time in Colorado.
- Loon Mountain Resort: Represented a ski resort in obtaining approval for major expansion and in resolving alleged Clean Water Act violations.

RECENT PUBLICATIONS

- "Changes to Colorado's Oil and Gas Laws and Impacts on Colorado Operators," *Law Week Colorado*, May 2019
- "Energy Report Card Brings Good News and Challenges," *Grand Junction Sentinel and Durango Herald*, August 2017
- "EPA Fracking Report Finds State-Based Solutions Are Best," *Law360*, June 15, 2015
- Viewpoint: Can the Oil and Gas Task Force Lead Colorado to the Pennant?," *Denver Business Journal*, March 13, 2015
- "The Future of Fracking," *The Denver Post*, April 15, 2014

- "2014 Survey on Oil and Gas in Colorado," *Texas A&M Law Review*, Spring 2014
- "Generating the Energy We Need While Protecting the Environment We Treasure: The Regulation of Hydraulic Fracturing in the United States, American Bar Association Section on Environment, Energy, and Resources Webpage (forthcoming)
- "Nuisance, Opportunity in Oil and Gas Development," *The Denver Post*, August 11, 2013 (also published in the *Greeley Tribune*, August 22, 2013, the *Boulder Camera*, August 30, 2013, and the *Ft. Collins Coloradoan*, September 1, 2013)
- "Hydraulic Fracturing: A Comparison of Regulatory Approaches and Trends for the Future" *Rocky Mountain Mineral Law Foundation Special Institute on International Mining and Oil & Gas Law, Development, and Investment*, April 2013
- "2013 Survey on Oil and Gas in Colorado," *Texas Wesleyan Law Review*, Spring 2013
- "State Getting Known for Responsible Oil and Gas Regulations," November 9, 2012
- "Hydraulic Fracturing Litigation: Recent Developments and Current Issues in Cases Involving Alleged Water Supply Impacts," *Rocky Mountain Mineral Law Foundation Special Institute on The Water-Energy Nexus*, September 2012
- "Report Shows Natural Gas Supporting Healthy Colorado Job Growth," *Grand Junction Sentinel*, July 8, 2012 (also published in the *Greeley Tribune*, July 2, 2012)
- "Ukraine Sees Colorado as Model for Sound Gas Development," *Denver Business Journal*, June 29, 2012

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- “Get to the Truth on Fracking,” *The Denver Post*, March 18, 2012

RECENT PRESENTATIONS

- “Hot Topics in Oil & Gas,” University of Wyoming, 2019 Landscape Discussion on Energy Law & Policy in the Rockies, October 25, 2019
- “Oil & Gas Development in Colorado,” CFA Society of Colorado, CU Denver’s JPMCC 3rd Annual Commodities Symposium, Denver, Colorado, August 12, 2019
- “A Case Study In Producing Energy And Protecting The Environment: Colorado’s Regulation of Oil and Gas Development,” World Bank: Montevideo, Uruguay March 16, 2016
- “Responsible Regulation of Unconventional Development: A U.S. Perspective,” American Association of Petroleum Geologists International Conference: Cartagena, Colombia, September 8, 2013
- “What the Frack? Differing Perspectives on the Risks and Benefits of Hydraulic Fracturing,” Hispanic National Bar Association Annual Convention: Denver, Colorado: September 6, 2013
- “Responsible Regulation: Bridging the Gap Between the Pivotal Promise and the Perceived Peril of Unconventional Oil and Gas Development,” TOPCORP Training Program: Colorado School of Mines, August 22, 2013
- “The Shale Gas Revolution – A U.S. Perspective,” Australian Petroleum Production & Exploration Association Conference: Brisbane, Australia, May 29, 2013
- “Pooling: A Colorado Perspective,” American Association of Petroleum Landmen—Pooling Seminar: Denver, Colorado, May 17, 2013
- “Colorado’s Experience Regulating Oil & Gas Development,” International Visitor Leadership Program: Denver, Colorado, March 26, 2013
- “Regulating Shale Gas – Learning from the US Experience,” European Policy Centre: Brussels, Belgium, March 20, 2013
- “Recent Developments in Oil & Gas in the U.S.,” Danish Energy Law Society: Copenhagen, Denmark, March 19, 2013
- “Regulatory Interagency Coordination” and “Environmental Protection,” U.S.-Mexico Unconventional Gas Regulatory Environmental Workshop: Mexico City, Mexico, February 7, 2013
- “Sustainable Development: Producing Energy While Protecting the Environment,” Environmental and Social Challenges of E & P Activities in Unconventional Hydrocarbon Reservoirs: Bogota, Colombia, December 5, 2012 (by videoconference)
- “State and Local Regulation of Oil and Gas,” CLE International — Environmental Regulation of Energy Development: Denver, Colorado, November 16, 2012
- “Jurisdictional Coverage, Gaps, and Conflicts in Onshore Oil and Gas Development Regulations,” IHS Forum: Washington, D.C., November 14, 2012
- “Post-Election Law and Policy Directions for Shale Drilling,” American Law Institute and Environmental Law Institute: Podcast, November 13, 2012

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- “State Regulation of Hydraulic Fracturing and Other Environmental Issues Associated With Unconventional Gas Development,” U.S.-Russia Bilateral Presidential Commission Energy Working Group Round Table: Moscow, Russia, October 26, 2012
- “Environmental Health and Safety Implications of Expanded Use of Unconventional Gas: Air Issues,” National Academy of Sciences Board on Energy and Environmental Systems: Washington, D.C., September 11, 2012
- “Sustainable Energy Development,” Unconventional Gas Workshop: Kiev, Ukraine, August 31, 2012
- “Regulating Shale Gas Production,” Aspen Institute Forum on Global Energy Economy and Security: Aspen, Colorado, July 22, 2012
- “Federal Oversight of Hydraulic Fracturing,” CLE International-Hydraulic Fracturing: The Debate Continues: Denver, Colorado, June 2012
- “The Shale Boom and Implications for State Policy,” National Governors Association Energy Advisors Policy Institute: Washington, D.C., May 30, 2012
- “Colorado’s Experience: Producing Energy While Protecting the Environment,” Shale Gas Workshop: Kiev, Ukraine, May 25, 2012
- “Hydraulic Fracturing: The Regulatory Landscape in 2012,” Colorado School of Mines and Society of Petroleum Engineers: Golden, Colorado, April 18, 2012
- “Unleashing Potential: Finding the Best Regulatory Environment to Boost Responsible Natural Gas Production,” National Journal Policy Summit: Washington, D.C., March 20, 2012
- “Mitigating Oil and Gas Impacts on Urban and Rural Landscapes,” Rocky Mountain Land Use Institute: Denver, Colorado, March 2, 2012
- “Colorado’s Experience: Producing Energy While Protecting the Environment,” Regional Energy Conference: Vilnius, Lithuania, February 29, 2012