



DAVIS GRAHAM

KATHLEEN C. SCHRODER

PARTNER

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EXPERTISE

Oil & Gas Industry, Public Lands, Federal Oil & Gas Leasing, Natural Resources & Environmental Litigation, Environmental Law & Litigation, Wildlife & Endangered Species, NEPA, Clean Energy & Sustainability

EDUCATION

University of Colorado School of Law, J.D.,
Order of the Coif, 2003

Rice University, B.A., 2000

ADMITTED IN

Colorado and New Mexico

Katie Schroder is a co-chair of the Clean Energy & Sustainability Group and partner at Davis Graham & Stubbs LLP. Katie's practice focuses on all aspects of energy development on federal lands. She possesses a diverse skill set that enables her to assist developers through a project's entire life cycle – from project permitting through any administrative or judicial litigation.

Prior to joining Davis Graham, Katie was a partner at a boutique oil and gas firm. She also served as an attorney-advisor in the U.S. Department of the Interior's Office of the Solicitor as part of the Solicitor's Honors Program. After law school, she clerked for Justice Alex J. Martinez of the Colorado Supreme Court.

Project Counseling

Katie counsels project developers seeking to permit conventional, linear, and renewable energy projects on federal lands. Katie regularly advises on compliance with the Natural Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Federal Land Management and Policy Act, and Bureau of

of Land Management and Forest Service land use plans. She takes a pragmatic and solution-oriented approach to negotiate directly with federal agencies on behalf of project proponents.

Katie's experience includes the authorization of oil and natural gas, wind, and transmission projects on and across federal lands. She also counsels clients on emerging technologies such as carbon capture, utilization, and sequestration. Katie has successfully permitted energy projects ranging in size from qualifying for Determinations of NEPA Adequacy or categorical exclusions to requiring multi-year environmental impact statements. Similarly, she has advised on biological opinions under the ESA and negotiated programmatic agreements under the NHPA.

Administrative Appeals

Katie regularly and efficiently represents clients in administrative appeals before federal agencies. She has participated in dozens of appeals before the Interior Board of Land Appeals and has appeared before the Interior Board of Indian Appeals. She routinely

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participates in appeals before Bureau of Land Management State Directors, the Office of Natural Resources Revenue Director, and offices of the Bureau of Indian Affairs and Forest Service.

Litigation

Katie has appeared in administrative litigation in federal courts in Colorado, Wyoming, Utah, North Dakota, California, Alaska, and the District of Columbia. She has represented project proponents to defend agency approval of their projects and to challenge adverse agency decisions. She has also challenged agency decisions and successfully litigated nationwide agency rules.

Federal Wildlife Laws

Katie advises on compliance with the ESA, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act, on both private lands and federal lands. She reviews and negotiates habitat conservation plans to secure incidental take permits under the ESA and candidate conservation plans to secure enhancement of survival permits under the ESA.

Federal Oil & Gas Leasing and Permitting

Katie regularly counsels clients on the procedures to secure and administer federal oil and gas leases and to obtain permits to drill. Particularly, she advises on the competitive leasing process, issues such as suspensions and reinstatements of federal leases, and federal unit and communitization agreements. She also advises on federal royalty compliance and issues arising with the Office of Natural Resources Revenue.

AFFILIATIONS & AWARDS

- The Foundation for Natural Resources and Energy Law
 - Treasurer (2023-2024)
 - Board of Directors (2020 – 2022)
 - Chair, 65th Annual Institute (2019)
 - Chair, Publications Committee (2011 – 2018)
- Energy Outreach Colorado, Board of Directors
- Western Energy Alliance, Board of Advisors
- Colorado Cleantech Industries Association, Energy Fellows Institute (2021)
- Davis Graham Women's Network, Chair (former)
- Davis Graham Diversity, Equity & Inclusion Committee
- Best Lawyers, Natural Resources Law, 2021-2024
- Top Lawyer – Natural Resources Law, *5280 Magazine*, 2021-2022, 2024
- Public Land & Resources Committee, ABA Section of Environment, Energy, and Resources, Former Chair

PUBLICATIONS & PRESENTATIONS

- "BLM Proposes Revised Regulations for Wind and Solar Rights-of-Way and Leases," *Energy Law Advisor* (2023)
- "Permian Basin Lizard Proposed to be Listed as an Endangered Species," *Oil & Gas E-Report* for Institute for Energy Law (2023)
- "The Trajectory of Compensatory Mitigation in

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- Natural Resources & Energy Law (2022) (with Kathleen Pritchard)
- “The Department of the Interior in a Time of Transition: The Future of Oil and Gas Leading, Public Lands, and Wildlife Law,” Rocky Mountain Mineral Law Foundation Webinar (2021)
 - “Carbon Capture, Utilization, and Sequestration,” Davis Graham Webinar, (2021) (with John Jacus and Kathleen Pritchard)
 - “The Council on Environmental Quality Proposes to Revise Its Rules Implementing the National Environmental Policy Act,” Energy Law Advisor, (2020) (with Courtney Shephard)
 - “It’s Getting Hot in Here: BLM’s Evolving Obligations to Assess Greenhouse Gas Emissions Under NEPA,” Colorado Bar Association NREL CLE, (2019) (with Courtney Shephard)
 - “Bureau of Land Management Rules Affecting Royalty Reporting and Payment,” *Federal and Indian Oil & Gas Royalty Valuation and Management*, Paper No. 4, Rocky Mt. Min. L. Fdn. (2018).
 - “Mitigation & NEPA: How Does a Procedural Requirement Impact Agency Decisions?” *National Environmental Policy Act*, Paper No. 11, Rocky Mt. Min. L. Fdn. (2017) (with Timothy R. Canon II)
 - “An Evolving Landscape of Priorities for Species, Habitats, and Biodiversity,” *International Mining and Oil & Gas Law, Development, and Investment*, Paper No.19, Rocky Mt. Min. L. Fdn. (2017) (with Patricio Leyton & Nicholas L. Owens)
 - “How to Put a Price on Nature,” Advanced Public Land Law: The Continuing Challenge of Managing for Multiple Use, Rocky Mt. Min. L. Fdn. (2017) (with Nels C. Johnson)
 - Panelist, “Net Benefit? Compensatory Mitigation of Impacts on Public Lands,” Session 1: Public Land States in the 21st Century, 2016 Landscape Discussion on Energy Law & Policy in the Rockies, U. of Wyo. School of Energy Res. (Oct. 2016)
 - “Permitting and Trespass Issues Associated with Horizontal Development on Federal Lands and Minerals,” Ch. 12, Rocky Mt. Min. L. Inst. (2016) (with William Lambert)
 - Panel Moderator, “What Can Be Done About Species on the Edge? ESA Section 6 and the Alternatives,” ABA Section of Environment, Energy & Resources Spring Conference (April 2016)
 - Presentation, “Pre-Listing Tools for Species Conservation,” Endangered Species Act: Perspectives from California & Around the Country, CLE International (Feb. 2016) (with Amelia Orton-Palmer)
 - “Complex Permits Under Section 10 of the Endangered Species Act,” RMMLF Endangered Species Act: Current and Emerging Issues Affecting Resource Development (2015) (with David Zippin)
 - “Flexible FLPMA: Renewable Energy Development on Public Lands,” Public Land Law, Regulation & Management, Paper No. 7 Rocky Mt. Min. Law Fdn. (2014) (with Roxane Perruso)
 - “Making Sure Your Well is the Only Thing Going Sideways: Federal Permitting Issues Associated with Horizontal Development on

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Federal Lands and Minerals,” Horizontal Oil & Gas Development, Paper No. 11 Rocky Mt. Min. Law Fdn. (2012)

- “The Alternatives Analysis,” The NEPA Litigation Guide (Amer. Bar Ass’n, 2d ed. 2012) (with Laura Lindley)
- “An Overview of Federal Leasing Reforms,” 28 DAPL Rocky Mt. Landman 16 (2010)
- “Clean Air, Hazy Law: The Emerging Interplay between NEPA, FLPMA, and the Clean Air Act,” 55 Rocky Mt. Min. Law Inst. 14-1 (2009) (with Jennifer L. Biever)
- “Air Quality Issues Affecting Oil and Gas Leasing and Development,” 27 DAPL Rocky Mt. Landman 8 (2009)
- “Competitive Leasing and Protest Procedures for Federal Oil and Gas Leases,” 24 DAPL Rocky Mt. Landman 3 (2007)

Davis Graham CLIENT ALERTS & SEMINARS

- “U.S. Fish & Wildlife Service Reinstates Interpretation of MBTA Prohibiting Incidental Take and Initiates Rulemaking for Permitting Process,” Davis Graham Legal Alert, (September 30, 2021)
- “U.S. Fish and Wildlife Service Publishes Draft Environmental Impact Statement on Regulations Defining Scope of the Migratory Bird Treaty Act,” Davis Graham Legal Alert, (June 8, 2020) (with Courtney Shephard)
- “BLM Releases Interim Guidance for Relief on Federal Oil & Gas Leases in Distressed Times,” Davis Graham Legal Alert, (April 23, 2020) (with Courtney Shephard)

- “BLM Releases Interim Guidance for Relief on Federal Oil & Gas Leases in Distressed Times,” Davis Graham Legal Alert, (April 23, 2020) (with Courtney Shephard)
- “NEPA at 50 – Time for a Refresh?” Davis Graham Seminar, (January 2020) (with Courtney Shephard)
- “U.S. Forest Service Developing Policies Addressing Mitigation on National Forests and Grasslands,” Davis Graham Legal Alert (April 2016) (with Robert Mathes and Connie Rogers)
- “Planning For Problems: BLM Proposed Revisions to Resource Management Planning Regulations,” Davis Graham Legal Alert (March 2016) (with Laura Granier, Robert Mathes, and Connie Rogers)
- “BLM Issues Venting, Flaring, and Leaking Rule – And a Jurisdictional Challenge May Be Brewing,” Davis Graham Legal Alert (Jan. 2016) (with Robert Mathes, Eric Waeckerlin, and Chelsea Grossi)