

# Paul S. Weiland

**Nossaman LLP | Partner | Orange County**

Paul Weiland is Assistant Managing Partner and a member of the Environment & Land Use Group. He has represented clients – including public agencies, publicly regulated utilities, corporations, trade associations and non-profits – in high profile, precedent setting environmental permitting, regulatory and litigation matters throughout California and across the nation.

Paul has published dozens of peer reviewed publications on the subject in a number of journals such as *Environmental Law Reporter*, *Harvard Environmental Law Review*, *Public Administration Review*, the *Proceedings of the National Academy of Sciences*, *BioScience*, and *Conservation Biology*.

He is widely recognized for his expertise in wildlife permitting and litigation, having worked on noteworthy matters involving the Bone Cave harvestman, delta smelt, Hawaiian hoary bat, Mexican wolf, North Atlantic right whale and many other species.

Prior to joining Nossaman, Paul worked in the Law and Policy Section, Environmental and Natural Resources Division of the U.S. Department of Justice. There, he was lead counsel for the United States in a number of high profile trial and appellate cases. In 2004, he was awarded a Distinguished Service Award by Attorney General John Ashcroft for his role in complex litigation over management of the Missouri River.

## REPRESENTATIVE EXPERIENCE

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***Maine Lobsterman's Association v. National Marine Fisheries Service (NMFS)***, 70 F.4th 582 (D.C. Cir. 2023). Counsel of record for State of Maine Department of Marine Resources as intervenor in a successful challenge to the lawfulness of a biological opinion issued by NMFS with respect to the Atlantic lobster fishery and several other fisheries. The D.C. Circuit rejected the agency's arguments that the Endangered Species Act (ESA) requires it to give the benefit of the doubt to listed species when analyzing the effects of an action in a biological opinion and that it was consistent with the requirement to use the best available scientific information to give the benefit of the doubt to listed species.

***Humane Soc'y of the United States v. Klenzle***, 333 F. Supp. 3d 1236 (D.N.M. 2018). Represented New Mexico Game Commission and New Mexico Department of Game and Fish as defendants in a case alleging violation of Endangered Species Act section 9 by the Department considering the hypothetical risk that listed jaguars and wolves could be caught in traps set for other animals (primarily coyotes). We narrowed the case with a motion to dismiss then ultimately prevailed in cross motions for summary judgment.

***New Mexico Department of Game and Fish v. Department of the Interior***, 854 F.3d 1236 (10th Cir. 2017). Represented the Department in a case challenging the release of captive Mexican wolves into an experimental population in New Mexico in violation of federal and state law. The firm successfully obtained a preliminary injunction from the district court against the federal government, halting the release of captive wolves within the State of New Mexico. The Tenth Circuit eventually overturned the injunction on the grounds that New Mexico failed to demonstrate a likelihood of irreparable harm, at which point the case was remanded back to the district court. In March of 2018, New Mexico entered into a memorandum of agreement with the U.S. Fish and Wildlife Service (USFWS) and Arizona whereby the parties commit to work together to plan and

carry out releases of captive-bred wolves to supplement the wild population as part of a larger effort to recover Mexican wolves in the wild. Thereafter, New Mexico agreed to dismiss the legal action.

***Union Neighbors United v. Jewell***, 831 F.3d 564 (D.C. Cir. 2016). Served as lead litigation counsel for client, Buckeye Wind LLC, which was pursuing permits for a 100-turbine wind energy project in Ohio. The United States Court of Appeals for the D.C. Circuit rejected plaintiff-appellants claims that the Fish and Wildlife Service violated the Endangered Species Act in issuing an Incidental Take Permit for the project, but the court agreed with plaintiff-appellants that the Service violated the National Environmental Policy Act by failing to consider a sufficiently comprehensive range of alternatives. The matter has been remanded to the Service to conduct additional environmental analysis.

***Wild Equity Institute v. City and County of San Francisco***, 2015 U.S. App. LEXIS 4854 (9th Cir. March 25, 2015). Represented defendant City and County of San Francisco in an action alleging violation of section 9 of the ESA. Obtained grant of motion to dismiss action as moot as well as denial of motions for preliminary relief and summary judgment in the trial court. The Ninth Circuit dismissed the appeal as moot.

## HONORS & RECOGNITIONS

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Included in *The Best Lawyers in America*® for Land Use and Zoning Law and Litigation - Environmental, 2025

Included in *The Best Lawyers in America*® for Environmental Law, 2024-2025

Named a Top 100 Lawyer by the *Daily Journal*, 2021

Environmental MVP, *Law360*, 2021

Named an Energy & Environmental Trailblazer by the *National Law Journal*, 2021

Listed, *The Legal 500 United States*, Industry Focus - Environment - Litigation, 2019-2021

Listed, *The Legal 500 United States*, Industry Focus - Energy - Renewable/Alternative Power, 2020-2021

Individual recognition for Environment, *Chambers USA*, 2017-2018

Named one of California's Top 25 Land-Use Attorneys in 2011 by *Daily Journal*

Selected to the Super Lawyers list for 2010-2018

Selected to the Rising Stars list for 2008-2009

Awarded Attorney General's Distinguished Service Award in 2005 by U.S. Attorney General John Ashcroft

## EDUCATION

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Harvard Law School, J.D., 1999, Heyman Fellowship

Indiana University, Ph.D., 1996, Center for Urban Policy and Environmental Dissertation Fellowship, School of Public and Environmental Affairs Doctoral Fellowship

University of Southern California, B.A., 1992, *magna cum laude*, Phi Beta Kappa National Honor Society, All-USA College Academic Team