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Blair M. Gardner

Blair Gardner, Jackson Kelly PLLC, is a member of the firm's environmental law group in Charleston, West Virginia. Mr. Gardner's practice focuses on environmental litigation and client counseling in the development of coal, coal bed methane and other natural resources, and responding to administrative agency actions involving water and air pollution, and solid and hazardous waste. He also has practiced before the Public Service Commission in transportation matters. Together with other members of the Firm he has represented the coal industry in *Ohio Valley Environmental Coalition v. Bulen*, 429 F. 3d 493 (4th Cir. 2005); *Kentuckians for the Commonwealth v. Riverburgh*, 317 F.3d 425 (4th Cir. 2003); *West Virginia Coal Association v. Bragg*, 248 F.2d 275 (4th Cir. 2001), three major cases interpreting the Clean Water Act and the Surface Mining Control and Reclamation Act. He has been part of the litigation team in two cases that have established the ownership of coal bed methane, *EDC v. Moss*, 591 S.E.2d 135 (W.Va. 2003) and *U.S. Steel v. Hoge*, 468 A.2d 1380 (Pa. 1980).

Prior to joining the firm in 2001 Mr. Gardner served as vice president of external affairs and assistant general counsel for Arch Coal, Inc. where he counseled the company's operations on environmental matters for 15 years. He has also directed the company's legislative strategy in the 1992 congressional enactment of Coal Industry Retiree Health Benefits (Rockefeller) Act.. Other significant cases in which he has participated as counsel include *Arch Mineral Corporation v. Babbitt*, 104 F.3d 660 (4th Cir. 1997); *Arch Mineral Corporation v. Lujan*, 911 F.2d 408 (10th Cir. 1990); and *Environmental Defense Fund v. EPA*, 636 F.2d 1264 (D.C. Cir. 1980).

He is on the Executive Committee and the Board of Directors of the Energy & Mineral Law Foundation and has previously served as the director of national and state trade associations of the coal industry.

Mr. Gardner is a 1974 graduate of Brown University and a 1977 graduate of the University of Virginia Law School.

Mr. Gardner has been admitted to the United States Courts of Appeal for the Third, Fourth, and District of Columbia Circuits and the United States District Courts for the Western District of Pennsylvania and the Southern District of West Virginia. He is licensed to practice in Pennsylvania and West Virginia.