

## Energy & Natural Resources

Brownstein Hyatt Farber Schreck is your guide to the complex, ever changing legal environment that surrounds energy and natural resources. Today, businesses in almost every industry face complex legal challenges from increasing regulatory oversight, growing public scrutiny and new environmental laws. With nationally respected practitioners in water, energy, hazardous waste, land use and renewable energy, we deliver the legal services required to balance prosperity and environmental responsibility.

Our attorneys practice in virtually every area of natural resource law and bring superlative legal skills, extensive experience in Washington, D.C., and valuable relationships developed from years of practice to navigate the most complex natural resource matters. We routinely represent resource users, public agencies and utilities, manufacturers, mining and extraction companies, large landowners and developers in all aspects of their business. We also counsel associations, nonprofits and others organizations in the energy, natural resources and environmental space. Regardless of industry, we take a multi-disciplinary approach that brings together legal, lobbying and strategic services.

### Subpractices

- Air Quality
- California Coastal Act
- Climate Change
- Construction
- Development
- Endangered Species
- Energy
- Energy, Environment & Resource Strategies
- Environmental & Remediation
- Federal Energy Infrastructure, Transmission & Funding
- Federal & State Energy Funding
- Green Building
- American Indian Law & Policy
- Infrastructure Development
- Land Use
- Mining
- NEPA/CEQA
- Public Agency
- Public Lands
- Renewable Energy
- Water

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## Recognition

**Chambers USA, 2018**

**Colorado: Natural Resources & Environment**

**What the team is known for:** Established group that offers expertise in a broad spectrum of transactional,

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regulatory and litigation matters. Well versed in water issues and highly regarded for advising oil and gas industry clients on matters including mining, air and hazardous waste compliance. Extensive experience in permitting matters.

**Strengths:** Sources say: "The very good water resources practice."

**California: Environment**

**What the team is known for:** Dedicated water law practice group. Equipped to handle the full spectrum of matters, including water rights, quality and distribution for a range of clients, from government agencies to suppliers. Also offers deep legislative and lobbying expertise.

**Strengths:** Sources say: "They are superb. I like their thoroughness, their expansive knowledge on the subject matter and the fact they have a good depth of resources."

**Representative Matters**

- Represents COGA and its member companies with respect to addressing all relevant legislation, statewide ballot measures, and local government regulations.
- Assisted client in preparing remediated property for sale to park foundation in the middle of heavily industrialized area of Los Angeles County with no nearby park serving local residents. Services included negotiating and documenting sale, drafting appropriate deed restrictions to prevent change of use that could expose seller to risk of liability, resolving/clearing title issues, drafting lease agreement, coordinating with buyer in negotiations with regulatory agencies for bona fide purchaser status under California Land Reuse and Revitalization Act of 2004 (CLRRA), Prospective Purchaser agreement, agreement and covenant not to sue (from DTSC), land use covenant and agreement for environmental restrictions, and related documents. Transaction was completed timely.
- Successfully represented the Colorado Oil and Gas Association in litigation against the cities of Lafayette, Fort Collins, and Longmont regarding bans or moratoria on hydraulic fracturing activities, prevailing on summary judgment in each matter. This litigation involved precedent-setting issues pertaining to state versus local preemption of oil and gas activities, and culminated in two rulings by the Colorado Supreme Court striking down Longmont's ban and Fort Collin's five-year moratorium on hydraulic fracturing.
- Successfully represented COGA and its members in a complex, multi-day rulemaking before the COGCC concerning new flowline regulations governing mapping, registration, removal and integrity management issues.
- Successfully represented a large oil and gas company in a high profile regulatory proceeding before the Colorado Oil and Gas Conservation Commission regarding potential violations related to the company's deep water injection wells and low-level earthquakes in the region. This work included assisting the company in obtaining permits for new deep water injection wells.
- Represented Noble Energy and WPX Energy in opposing potential state-wide ballot initiatives impacting oil and gas operations. This work included devising a legal and government relations strategy to oppose twelve different ballot measures.
- Representation of a national solar module manufacturer in connection with tax incentives on a solar photovoltaic project in Clark County, Nevada
- Development of a process and framework to select a zero emissions technology for subsequent preparation of a RFQ/RFP to implement an environmentally friendly system to move shipping containers from the ports' docks to railroad distribution yards. Advised the ports concerning selection of procurement frameworks, public contracting, public relations, public records and confidential information.
- Successfully represented Madison Capital in an oil and gas case involving properties in Colorado and New Mexico.
- Represented a large, multi-state cattle ranching operation in obtaining a favorable ruling from the IRS

regarding a split-off of the business between family members.

- Represented Aspect Abundant Shale, a Denver-based energy and natural resources company, in its \$250 million sale of two natural gas wells in Arkansas to a Texas-based oil and natural gas company.
- Successfully defended Trans-Canada Pipeline, a large Canadian pipeline company, in a gas transportation antitrust case in Federal Court in Montana. *Paladin Associates v. Montana Power et al.*
- Provided land use and CEQA compliance advice to the first wind project in Santa Barbara County.

## **Publications**

- Water Policy in California: Six Key Takeaways from the State Water Board's New Cannabis Cultivation Policy
- California Water Rights: Compliance Checklist for 2019
- CEQA News You Can Use - Vol. 4, Issue 1
- Seven Steps To Avoid the Green Rush Blues: Investigate Water Supplies Before Planting Cannabis
- Climate Mitigation, State Policy and Science "Stayed" in San Diego Court Ruling
- Don't Be Left High & Dry — Consider Water Supplies Before Buying Property
- Dewatering During Construction and Post-Construction—Regulatory Paradigms and Options
- EPA Seeks Comments After Controversial Ninth Circuit Decision
- CEQA News You Can Use - Vol. 3, Issue 1
- California's Answer to its Housing Crisis
- Two Questions Every Industrial Storm Water Permittee Should Answer Before January 1, 2018
- Strengthening EPA Water Transfers Rule At The 2nd Circ.
- Discharge Permits Not Required to Transfer Water: Court Upholds EPA Rule
- EPA Wants More Control Over State-Issued Discharge Permits
- Induced Seismicity
- Political Update
- Natural Resources in the New Political Landscape: the election's impact on natural resources law and policy
- Supreme Court Makes It Clear that Petitioners Must Exhaust Their Administrative Remedies Before They Can Sue under CEQA, Even When the Agency Relies on a CEQA Exemption
- CEQA Turns 40: The More Things Change, The More They Remain The Same
- A Tale of Environmental Inclusion
- Brownstein Client Alert: New Federal Renewable Energy Project Funding Opportunities
- FOREcast - Funding Opportunities for Renewable Energy
- Client Alert: Supreme Court Rejects Use of Existing-Permit Capacity as Baseline for CEQA Review of New Project
- Client Update: Legislative Update - Urban Renewal Legislation
- California Passes Water Management Legislation for the Future
- FOREcast - Funding Opportunities for Renewable Energy, Volume 6
- Western Legal Cases Address Water Deliveries and Groundwater Export
- USEPA Reconsiders Bush-era Water Transfer Rule
- Client Alert: EPA Releases Proposed Greenhouse Gas Emission Limits for Large Stationary Sources
- Water Transport Charges and the Continental Divide: Implications of Ruling for Future State Capital Water Projects
- Clean Water Act Jurisdiction: The Saga Continues
- FOREcast - Funding Opportunities for Renewable Energy, Volume 5
- Consider Municipal Water Provider Cases
- Brownstein Stimulus Update: DOE Issues New Round of Loan Guarantees Under the Recovery Act

- Applying a Fixed Water Year to Administer Water Storage Rights
- The Big Gulp: The Future of Groundwater Storage in the Los Angeles Coastal Plain
- FOREcast - Funding Opportunities for Renewable Energy, Volume 4
- California's Water Supply: A Report from the Front Lines
- A Water Supply Crisis or a Water Management Crisis?
- FOREcast - Funding Opportunities for Renewable Energy, Volume 3
- Court Affirms Local Agencies' Authority to Determine Geographic Boundaries for WSAs
- Case Alert: California Appellate Case is First to Apply Save Tara Decision to Water Supply Agreements for Project Development
- Colorado Supreme Court Protects Small-capacity Well Owners
- FOREcast - Funding Opportunities for Renewable Energy, Volume 2
- Client Alert: Proposed Clean Water Act Rule for Construction Sites Includes First- Ever Numerical Effluent Limit for Storm Water Discharges
- Washington Court Denies Water Transfer Under Relinquishment Statute
- Climate Change and Groundwater Storage
- Court of Appeals Finds Diversion for Endangered Species to be Physical Taking
- FOREcast - Funding Opportunities for Renewable Energy, Volume 1
- Case Alert: California Court of Appeal Finds City of Rohnert Park's Water Supply Assessment Adequate Under SB 610: City's Analysis of the Sufficiency of a Groundwater Supply Afforded Substantial Deference
- Developer Challenges Arizona's Denial of Groundwater Export to Nevada
- Client Alert: Recently Enacted Financial Rescue Legislation Includes Energy Incentives To Benefit Various Energy Sectors
- Water and Sewer Association Allowed to Ban Private Wells, if Reasonable
- Case Alert: New Federal Red Flag Rule Requires Utilities To Implement Identity Theft Prevention Measures
- Priority in Vested Water Rights Survives Nevada Statutory Conflict
- Toward Sustainable Growth in Arid Climates: Requiring Developers to Show Water Supplies Are Adequate
- Urban Renewal Update
- Federal Legislation Rendering Certain Arbitration Clauses Unenforceable
- Client Alert: Bill Delaying Winter Replacement of Well Depletions Introduced in Senate
- Urban Renewal Update
- Client Alert: Bill Requires "Sufficient and Sustainable "Water Supply for Development
- Client Alert: Preview on Water Issues for the 2008 State of Colorado Legislative Session

## **News & Events**

- Brownstein Launches American Indian Law & Policy Group
- Chris Frahm Receives San Diego Business Journal's 2016 Women Who Mean Business Award
- Brownstein's Natural Resource Group Secures Decisive Appellate Victory for Much Needed, New Water Supply
- Brownstein Hyatt Farber Schreck Adds New Associate To Expand Natural Resources Department In Santa Barbara
- A View from Washington - The Current State of Natural Resources Law
- Renewable Energy Speaker Series: Mapping a New Energy Strategy for the West

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### **Meet The Team**

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