

Government, Regulation & Public Policy

A single political decision at any level of government—from the smallest municipality to the U.S. Congress—can impact an entire industry. And that is why for decades, clients have turned to the bipartisan government relations team at Brownstein Hyatt Farber Schreck to navigate the maze of politics and policy in Washington and at state and local levels. Whether policy issues reside at international, federal, state or local levels, clients know we meet their challenges with the creativity, know-how and tenacity needed to succeed.

Representative Matters

- Litigating matter of constitutional interpretation regarding Colorado's Independent Ethics Commission.
- Advise the Habematolel Pomo of Upper Lake Tribal Consumer Financial Services Commission in the enforcement and supervision of its Tribal Financial Services Ordinance. The Habematolel Pomo of Upper Lake is a federally-recognized American Indian Tribe. Under its sovereign authority, it created a commission to regulate the various financial services businesses that are owned and operated by tribally-owned entities. In her role as a regulator's legal advisor, Sarah reviews licensees for compliance with applicable federal consumer financial protection laws and laws governing financial institutions.
- Represented the City of Henderson in connection with the sale and development of the Las Vegas Raiders' team headquarters and practice facility.
- Advise three federally-recognized American Indian Tribes' regulatory commissions on the supervision and enforcement of Tribal Financial Services Codes for financial technology and lending firms under Tribal jurisdiction.
- Counsel to the an American Indian Tribe on matters relating to tribal gaming, lands into trust and tribal sovereignty.
- Represented the Navajo Nation in federal legislation to authorize the Navajo Nation's water settlement with the U.S. and Utah.
- Successfully represented as amici the lending regulatory commission of an American Indian Tribe, the Habematolel Pomo of Upper Lake, in a lawsuit filed by the Consumer Financial Protection Bureau, alleging that lenders regulated by the commission violated federal unfair, deceptive, and abusive acts and practices (UDAAP) prohibitions because the tribally-owned and regulated lenders did not comply with some states' lending laws. The lenders filed a motion to dismiss. Instead of responding to the arguments raised by the lenders, the Commission, and others, the Bureau filed a notice of voluntary dismissal.
- Successfully represented an Indian tribe in securing federal legislation that would authorize the completion of its several hundreds of millions of dollars federal water supply project.
- Represents a large Midwestern utility on energy legislation and energy policy.
- Provides strategic counsel to a gateway municipality in navigating regulatory issues with federal land management agencies.
- A district encountered a dispute with a Local Agency Formation Commission (LAFCO) regarding jurisdiction over annexations and the district's provision of additional latent services. The district and LAFCO agreed to resolve their dispute through the introduction of special legislation rather than resorting to litigation. Services included drafting special state legislation, working with legislative consultants for the California Assembly and Senate, and governmental relations services.
- Drafted special legislation on behalf a major California city to provide concrete authority for it to utilize a public-private partnership (P3) for development of a civic center project.
- Counseled major labor union in connection with regulatory inquiry involving a state agency.
- Counsel to a group of local agencies in Ventura County to draft and negotiate a joint powers agreement to form a Groundwater Sustainability Agency pursuant to the Sustainable Groundwater Management Act.

- Counseled public pension regarding regulatory compliance, fiduciary duties, and outside counsel matters.
- Successfully defended nonprofit policy organization in election law dispute involving compliance with Colorado campaign finance laws. Achieved complete dismissal of all claims.
- Represented several municipalities in obtaining over \$300 million in economic development awards from State of Colorado.
- Counsel to an American Indian Tribe in legislation placing land into trust for the Tribe that was wrongfully terminated.
- Currently represent several high-profile ballot issue campaigns through drafting of measure, title setting process, and campaign finance compliance during statewide election.
- Successfully represented the Blackfoot Nation in the Blackfoot Water Rights Settlement Act, which Congress authorized in 2016. The Act ratifies the Tribe's water compact and authorized over \$420M in federal funding for the Tribe's water-related infrastructure projects.
- Representing one of the Republic of Argentina's largest creditors—with judgments totaling \$1.7 billion—in post-judgment discovery and enforcement proceedings in Nevada.
- Special Counsel, City of Rialto. Represent Rialto regarding a wastewater change petition before the State Water Resources Control Board for the purpose of implementing Rialto's recycled water master plan. 2013 to present.
- Special Counsel, Rancho California Water District. Represent RCWD in negotiations regarding formation of a joint powers agency to own and operate a regional wastewater treatment plant. 2013 to 2016.
- Drafted and negotiated large-scale software development and service agreement relating to the development and maintenance of mission-control e-discovery solution for use by attorneys and law enforcement statewide.
- Represented municipal party in bench trial against resident in contested matter.
- Represented Guatemalan immigrant in Ninth Circuit appeal of removal order
- Represents the City of Aurora in its \$700 million Prairie Waters Project. This work involves complex water rights transactions, water court representation as well as state and local permitting.
- Represents the Interstate Stream Commission in the transfer of water rights on the Pecos River for river augmentation and compact compliance purposes. The case involves 33 rights and is one of the largest transfers in state history.
- Successfully represented oil and gas trade association in federal district court matter related to the Endangered Species Act, resulting in dismissal of the underlying action.
- Successful representation of municipality seeking over \$140 million in state funding for large-scale development projects under Colorado's Regional Tourism Act.
- Successfully represented municipality in bench trial involving appealed enforcement action.
- On behalf of a joint powers authority, negotiated, drafted and implemented nearly a dozen drought water transfers and exchange agreements to supplemented imported State Water Project deliveries during historic and extended drought in California. Program optimized use of existing water supply and delivery infrastructure.
- Assisted with Secretary of State's vendor certification process.
- Counsel to RGS Energy in its private offering of equity securities for gross proceeds of approximately \$7M.
- Drafted joint powers agreement and oversaw the formation of a joint powers authority comprised of the six cities of the Monterey Peninsula. Presently represent the authority as special counsel before the California Public Utilities Commission with respect to a comprehensive replacement water supply project that includes a large desalination plant and potential advanced-treated reclaimed water and groundwater replenishment project. Further representation includes matters before the State Water Resources Control Board concerning compliance with a cease and desist order pertaining to the community's water supply and other

related water matters.

- Represented RGS Energy, a nationwide leader of turnkey solar energy solutions for residential, commercial, and utility customers, in its acquisition of Elemental Energy, LLC, a full-service solar energy firm operating under the Sunetric brand, based in Oahu, Hawaii.
- Represented Union County, New Mexico in connection with general corporate and health care regulatory matters with respect to Union County General Hospital, including operating and management agreements and potential acquisition of hospital assets.
- Crafted and passed legislation on behalf of DealerTrack Processing Services to authorize the Colorado Department of Motor Vehicles to implement an electronic lien and titling process as well as an electronic temporary tags and vehicle registration process. Organized a broad coalition of stakeholders including the Department of Motor Vehicles, County Clerks Association and new and used car dealers in order to pass and implement this expansive legislation.
- Represented metropolitan district in five-day trial in Division Water Court over a change of ditch company shares.
- Successful First Amendment defense of political organization from trial to Colorado Supreme Court in challenge to organization's political advertisements.
- Developed and implemented fifty-state attorney general strategy for various entities such as national airline, utilities, and leading casino operator.
- Secured \$3.5 million in federal funding over the next three years under the Ryan White program to provide services to HIV/AIDS patients on behalf of our client.
- Represents the U.S. Chamber of Commerce's Institute for Legal Reform, the nation's preeminent legal reform organization.
- Selected by the Colorado Republican Committee Chairman to serve as General Counsel to the Denver 2016 Host Committee in Denver's effort to secure the Republican National Convention in 2016.
- Represented the Mexican Embassy on an international Treaty matter.
- Numerous successful challenges to, and defenses of, citizen-initiated ballot measures before Title Board and Colorado Supreme Court.
- Negotiated on behalf of a municipality an amended and restated development agreement and parks agreement with respect to a large master planned community.
- Advocated for policy changes and funding related to water efficiency, water reuse, water supply, and groundwater management on behalf of a water agency serving nearly 4 million people.
- Advised tax-exempt organization in the re-design of chief executive's employment agreement and application of IRC 409A.
- Counsel to an Indian tribe in federal legislation which ratifies the tribe's water compact and authorizes federal funding for the tribe's water-related infrastructure projects.
- Negotiated sale of 36 acres of vacant land on behalf of City of Henderson.
- Given its significant experience related to the implementation of the Endangered Species Act, Brownstein was selected to provide strategic direction to a major national nonprofit foundation regarding the proposed determination of whether the African lion is an endangered species as defined by the Endangered Species Act.
- Representation of several municipal providers, a regulated utility, a water district, and a mutual water company, in priority groundwater basins located around the state, with respect to implementation of the Sustainable Groundwater Management Act of 2014.
- General Counsel to the Central Coast Water Authority, a joint powers authority comprised of eight member agencies. CCWA is a wholesale water provider delivering State Water Project water to 13 water districts and private companies in Santa Barbara County, and another 11 water purchasers in San Luis Obispo

County.

- Served as bond counsel for \$10 million of privately placed municipal debt financing for an expansion of the Gila Regional Medical Center in Silver City, New Mexico.
- Provide federal representation to the Blackfeet Tribe in connection with the Blackfeet Water Rights Settlement Act, which ratifies the Blackfeet Tribe-Montana Water Rights Compact and authorizes federal funding for the Tribe's water related projects.
- Represented Alliant Energy in obtaining a \$60M Term Loan from JPMorgan Chase Bank as Lender for its subsidiary, Franklin County Holdings LLC to finance Franklin County Wind Farm.
- Defending class action complaint brought against Clark County, Nevada and McCarran International Airport where Plaintiffs are seeking permanent injunction to prohibit Defendants from owning, maintaining and/or operating CUSS Kiosks, that Plaintiffs believe discriminate against the blind. Defendants' Counsel successfully requested that the Court stay discovery pending resolution of its Motion to Dismiss Amended Complaint.
- Counsel to a Native American tribe before the Bureau of Indian Affairs on an issue related to off-reservation policy and gaming. Also worked with Congressional appropriators to secure support for loan guarantees of economic development projects.
- Engaged Congress and the Department of Justice in forming a relationship with one of the largest non-profits in the United States focused on girl's and women's issues. Collaboration yielded the successful development and funding of three programs at the Department of Justice, focused on serving girls in non-traditional settings.
- Defended City of Long Beach against claims of unlawful delegation of police power, violation of Brown Act open meetings law and various provision of California Environmental Quality Act (CEQA) arising out of efforts by the City of Long Beach to implement its Clear Air and CleanTruck programs. The focus of the attack is the settlement of litigation in which the American Trucking Associations challenged a measure to implement the City's Clean Air and CleanTruck Programs by requiring drayage carriers to sign a Concession Agreement and agree to truck maintenance, insurance and other requirements, and abide by all safety, security and environmental rules of City, State and Federal Government. After the issuance of preliminary injunction in that litigation, the City of Long Beach settled. NRDC then challenged that action as a violation of the open meeting requirements of the Brown Act, as an unlawful delegation of police powers and as violations of various provisions of CEQA. *Natural Resources Defense Council & Sierra Club v. City of Long Beach, et al.*
- Defending one of the country's largest telecommunications companies in multiple derivative cases.
- Negotiated sale of downtown building on behalf of City of Henderson.
- On behalf of a Fortune 100 company, composed a comprehensive elections and lobbying compliance manual for its Legal Counsel/Government Affairs departments. The manual covers multi-state and federal lobbying registration and reporting requirements, gift rules, workplace political activity, compliance with the regulatory burdens attached to independent campaign advocacy and direct campaign contributions, and ballot measure advocacy.
- Served as counsel to Alliant Energy Corporation in connection with the \$1 billion re-syndication of the unsecured revolving credit facilities of Alliant and its two public utility subsidiaries.
- Working with a utility and a trade association to develop and implement a strategy in response to Clean Air Act rules.
- Special water rights counsel to a wholesale water supplier with respect to the maintenance and protection of numerous water rights associated with the operation of ten major reservoirs.
- Special water rights counsel to two major municipal water providers with respect to the environmental compliance and water right and water quality permitting requirements associated with the development and

delivery of recycled water within and outside the boundaries of the recycled water provider.

- Represented Public Service Company of Colorado, an Xcel Energy company, in connection with the design, construction and leasing of a new 400,000 square foot office building for its new regional headquarters. Designed with a LEED-CS Platinum-certified shell, it is the first LEED Platinum high-rise office building in the country.
- Represented a renewable energy company and its subsidiaries on corporate and contract issues regarding three wind farms in Wisconsin, Iowa and Minnesota. Corporate work included negotiating and drafting joint venture structure and equity financing documents. Assisted the companies with negotiating and drafting master supply agreements, and operations, maintenance and supply agreements with vendors and contractors. Finally, assisted with analysis and negotiations concerning the availability of Section 1603 cash grants for its properties.
- Special water rights counsel to a city with respect to possible options for reorganization of the city's water and wastewater enterprises, which resulted in the city's election to undertake a municipal service review with the local LAFCO.
- Represented the owner of a large natural gas fired merchant power plant to successfully challenge state valuation of the plant for property tax purposes that did not recognize functional or economic obsolescence.
- Worked with the State Bar of Arizona to draft and enact a comprehensive reform/modernization of Arizona's trust laws. The law governs all aspects of trust formation, obligations, and maintenance. Also worked with the State Bar of Arizona to draft and enact a comprehensive code governing the alternative dispute resolution process in Arizona. The modernized arbitration law provides businesses in the state certainty and predictability when using the increasingly popular alternative to often costly and protracted litigation.
- Served as underwriter's counsel in the issuance of Dulce Municipal School District No. 21, Rio Arriba County, New Mexico, general obligation refunding bonds in the amount of \$12,550,000.
- Represented one of Colorado's largest cities on air permitting issues and potential air emission litigation.
- Represented Orange County toll road agency in seeking State and Federal Coastal permits to complete construction of State Route 241.
- Represented city in challenge to coastal zone land use authority by oil and gas facility.
- Represented city in denial of beachfront owner's vested rights claim under the Coastal Act.
- Provided land use representation as special counsel in connection with the acquisition and development of the Ralph L. Carr Justice Complex and Colorado History Center Project.
- Counsel, Santa Ana Watershed Project Authority v. Orange County Sanitation District, JAMS Reference No. 1210030062 (2013) representing SAWPA.
- Helped obtain funding for an innovative bioremediation project to remove a chemical pollutant from drinking water.
- In two separate cases approved changes to Carson River water rights, pursuant to United States v. Alpine Land & Reservoir Company. Both cases included approvals to points of diversion, manner of use and place of use for decreed water rights.
- Litigation challenging State Board issued NPDES general permit for stormwater discharges associated with construction activities as violating the federal Clean Water Act and California's Porter-Cologne Act.
- 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.
- Represented a public utility district in federal district court to acquire property and water rights for use by the district for its recycled water operations. The district required additional property and water rights for use in conjunction with land application of recycled water from its wastewater operations and for recreational and

agricultural purposes.

- Represented an oil and gas company with respect to its public securities compliance matters including annual meetings and notice-the-access-compliance, proxy and executive compensation disclosures and reports on Forms 10-K, 10-Q and 8-K. Sections 13 and 16 reporting obligations.
- Served as disclosure counsel for the City of Gallup, New Mexico in connection with \$11,910,000 Gross Receipts Tax Improvement Revenue Bonds, Series 2010A and \$3,520,000 Gross Receipts Tax Refunding Revenue Bonds, Series 2010B.
- Representation of the cities of Burbank and Glendale in the context of a judgement adjudicating the rights of the parties in the Upper Los Angeles River Area, including successful implementation of an agreement to optimize management of the San Fernando Basin.
- Hearing before the State Water Resources Control Board concerning a draft Cease and Desist Order limiting diversions from the Carmel River.
- Represented an oil and gas public company in its successful private placement to 32 accredited investors (as defined in Regulation D) valued at \$793,732.
- Represented the City of Albuquerque in the negotiation of the IRB lease agreement relative to Phillips Semiconductor's plant closure. Gulfstream Worldwide Realty, Inc. vs. Philips Electronics North America Corporation.
- Represented Qwest (now CenturyLink) in lawsuits against multiple Competitive Local Exchange Carriers regarding switched access services.
- Successfully represent a non-profit entity in Endangered Species Act listing litigation.
- Advised and defended the Board of Directors of one of the country's largest public utility companies in parallel proceedings involving a Securities and Exchange Commission investigation and shareholder litigation.
- Led a large coalition of diverse companies and industries to pass a temporary provision in the 2009 American Recovery and Reinvestment Act that allows for a ten year deferral of cancellation of indebtedness income. The first five years will be tax free, with ratable payments in each of the last five years. This provision will apply to debt for cash, equity or other debt, and should prove to be an important tool for companies that need to restructure debt in the midst of this severe economic down turn.
- Represented various public entities on constitutional matters including the representation of the District Attorney's Office in a criminal constitutional challenge in a 4th Amendment case.
- Legal representation on campaign matters for Jodi Stephens, a candidate for Nevada State Assembly.
- Represented Clark County, Nevada, as the operator of McCarran International Airport, in the defense of inverse condemnation airspace takings claims brought by landowners. Successfully argued that the landowners' claims were time-barred under the applicable statute of limitations and obtained dismissal of all causes of action with prejudice. Las Vegas Mall Limited Partnership et al. v. Clark County, Nevada, et al.
- Served as legal representation for Ben Kieckhefer, a candidate for Nevada State Senate, on campaign matters.
- Represent Edison Mission Energy in zoning and land use matters related to obtaining entitlements for construction of a solar energy project in Santa Barbara County, California. Representation includes environmental review, amendment of the zoning ordinance to provide for solar projects in agricultural zones, and conformity with the Williamson Act (Agricultural Preserve).
- Represent a large electrical utility in a Clean Air Act investigation of a coal fired power plant. The EPA investigation covers over 25 years of documents and environmental and operational data at the multi-unit power plant. Representation involves advising the utility on its response to the agency and managing the production of tens of thousands of documents and data.
- Outside general counsel to a Nevada Indian tribe in a number of large scale development projects, including

the development of a 200 MW concentrated solar project in southern Nevada. Work includes the negotiation of lease and other agreements with a large renewable energy developer, development of water rights for the project, negotiation with the U.S. Bureau of Indian Affairs and other federal agencies and guiding the tribe through the NEPA process. Legal work also included the development of a sales and use tax regulatory structure for the tribe.

- Represented a western electrical utility with a large coal generation base regarding laws and proposals dealing with climate change. Advised the client regarding the economic and environmental issues relating to potential federal and state climate change laws. Representation included regulatory advocacy and advice on corporate climate change policy.
- Served as bond counsel in connection with the issuance of \$7 million Tax Supported Revenue Bonds by Fossil Ridge Metropolitan District No. 1 located in the City of Lakewood, Colorado.
- Served as special counsel in connection with the delivery of a total of \$338 million Certificates of Participation (Ralph L. Carr Justice Complex and Colorado History Center Projects) evidencing proportionate interests in base rentals and other revenues under an annually renewable master build-to-suit lease purchase agreement between CHS/CJS Building, Inc. as lessor and the State of Colorado as lessee.
- Represented a large utility provider in a case involving multi-plaintiff discrimination claims. Brownstein obtained judgment in favor of the client as a matter of law. The Tenth Circuit, on appeal of the District Court's ruling, issued a published opinion regarding the lawfulness of our client's actions and hiring processes in particular.
- Special Water Counsel, City of Indio. Assisted City of Indio in disputes and litigation regarding water use and management of the Coachella Groundwater Basin. 2008 to 2014.
- Counsel to a town with substantial groundwater rights in Nevada's Carson River Valley in water rights litigation brought by the Pyramid Lake Paiute Tribe of Indians. Litigation included challenges to State Engineer rulings on water right change applications for new development. Cases were filed in both federal district and state district courts and involved issues of jurisdiction and venue in addition to substantive water law. Appeals were filed by the Tribe in the Ninth Circuit Court of Appeals and the Nevada Supreme Court.
- Represent a major hydroelectric utility company in litigation against the State of Idaho and Bureau of Reclamation regarding whether contracts between the parties obligated the federal government to release water from its upstream reservoirs to ensure certain flows in the Snake River.
- Represented a coalition of the major Colorado utilities and water districts that utilized the Colorado River, in the negotiation of guidelines for management of federal Colorado River Reservoirs; the adoption of shortage and surplus guidelines and the development of efficiency and conservation measures, that the Secretary of the Interior called the most important agreement on the river since the 1922 Colorado River Compact.
- Represented the Albuquerque Bernalillo County Water Utility Authority as bond counsel in the issuance of \$55.6 million Joint Water and Sewer System Improvement Revenue Bonds, Series 2008A.
- Mediated and facilitated a basinwide agreement in the Pecos River basin that settled major aspects of a basinwide water adjudication, reduced groundwater depletions and assured compliance with the US Supreme Court decree in *Texas v. New Mexico*. The agreement has been successfully implemented and New Mexico now enjoys a surplus on the Pecos River.
- Served as bond counsel to the Albuquerque Bernalillo County Water Utility Authority on the issuance of \$150 million in Joint Water and Sewer System Improvement and Refunding Revenue Bonds.
- Brownstein negotiated the purchase and sale agreement for private property adjacent to city parks and open space; secured purchase monies from public grants and non-profit contributions in exchange for a covenant restricting development.

- Defended CEQA challenge to the City's renewal of its long-term Central Valley Project water supply contract in trial and appellate courts.
- Provided the City of Oxnard with advice to insure that environmental documents prepared by the California city appropriately evaluated the global warming impacts created by the projects.
- Represented the District before the California State Water Resources Control Board (SWRCB) regarding renewal of water right permits for a USBR owned reservoir and before the National Marine Fisheries Service with respect to Endangered Species Act compliance for listed steelhead. Representation included coordination with USBR, who holds the water right permits, and other project members holding water right entitlements in the reservoir for environmental compliance with CEQA, development of a biological assessment and biological opinion, and protection of downstream water rights interests.
- Represented Qwest Communications in a nationwide consumer fraud class action in Madison County, Illinois, involving the Universal Services Fund (USF).
- Kern County/Department of Toxic Substance Control administrative civil actions against client City of Oxnard regarding the storage and handling of biosolids. Successfully negotiated fines and remedy.
- Negotiated an agreement for the joint use of the Upper American River Project ("UARP") for the benefit of El Dorado County, an area of origin community at the headwaters of the American River. The agreement provided access to the UARP and the right to divert and store up to 40,000 acre-feet of water annually.
- Served as bond counsel in the remarketing of \$20,000,000 of General Obligation Variable Rate Bonds, Series 2004, by Bachelor Gulch Metropolitan District in Eagle County, Colorado.
- Negotiations with the EPA regarding hexavalent chromium issues and potential responsible parties involving the contribution for remediation.
- Represented a public utility district in federal district court in an action commenced by the Forest Service against multiple parties regarding ground and groundwater contamination stemming from the contribution of waste, location of a district wastewater pipeline, and improper operation and closure of a landfill. The case was successfully resolved in the district's favor by entering into a consent decree and settlement agreement, neither of which required payment by the district. The district's legal costs were fully paid as a result of our identifying and obtaining insurance coverage.
- Served as special COP counsel in connection with a \$17,735,000 lease purchase financing of the new Denver Botanic Gardens parking garage. Certificates of Participation, Series 2008B, evidenced a proportionate interest in the base rentals and other revenues under an annually-renewable lease purchase agreement between the Denver Botanic Gardens Parking Facility Trust 2008 as lessor, and the City and County of Denver as lessee.
- Defended Clark County, Nevada against a landowner's inverse condemnation airspace takings claims alleging damages in excess of \$2.7 billion. The result was a summary judgment entered in favor of Clark County on issue of liability and the Court disposed of the case in its entirety. 70 Limited Partnership v. Clark County, Nevada et al.
- Served as bond counsel in connection with the issuance of \$15,000,000 in Public Improvement Fee Revenue Bonds, Series 2008A for the Elbert and Highway 86 Commercial Metropolitan District in Elbert County, Colorado.
- Represented the City of Rio Rancho, New Mexico as disclosure counsel in the issuance of \$13.2 million Water and Wastewater System Revenue Bonds, Series 2008.
- Served as underwriter's counsel in connection with the issuance of the \$15,200,000 Limited Tax Variable Rate Senior Bonds, Series 2008A and \$32,500,000 Limited Tax Variable Rate Junior Bonds, Series 2008B, by Base Village Metropolitan District No.2 in the Town of Snowmass Village in Pitkin County, Colorado.
- Represented the Eagle Ranch Metropolitan District as bond counsel in its issuance of \$6.8 million of General Obligation Refunding Bonds, Series 2007.

- Represented a large electric utility in an enforcement action containing numerous alleged violations of the Clean Air Act against one of its coal-fired generating stations. The enforcement action was brought by the Nevada Division of Environmental Protection, the United States Environmental Protection Agency and the United States Department of Justice. After considerable time and effort, the company was able to negotiate a complex settlement with all parties in the form of a consent decree filed in U.S. District Court. The settlement included a fine significantly less than the fine amounts initially proposed by the governments. In addition, the consent decree involved several supplemental environmental projects, including the creation of environmental reduction credits.
- Brownstein represented a water and sewer district in the condemnation of 1,400 acres of land and 2,300 acre-feet of surface water rights on a river for use in connection with the district's recycled water operations. Condemnation was commenced in Federal Court after pre-condemnation negotiations did not result in an amicable purchase.
- Advised a major California city on reorganization of its water, wastewater and solid waste utilities, including evaluation of dependent and independent special district, privatization and public-private partnership options and financing. Legal services were provided in conjunction with financial consultants to advise the city on developing an option to meet its short and long term financial goals and commitments.
- Successfully represented the City of Seaside in the Seaside Groundwater Basin adjudication, including negotiation of settlement of overlying water right claims and litigation of basin management plan.
- Defended NEPA, Endangered Species Act, Clean Water Act and Federal Power Act challenge to FERC's issuance of a 50-year permit renewal for hydroelectric dam for major utility in Ninth Circuit Court of Appeals.
- Brownstein showcases its bi-partisan efforts nationally through its involvement with the National Conventions of both political parties. Brownstein founding partner Steve Farber served as co-chair and a member of the executive committee of the Host Committee for the 2008 Democratic National Convention in Denver. Melissa Kuipers served as Chair of the Colorado Chairman's Host Committee for the 2012 Republican National Convention in Tampa, FL. Earlier this year, Melissa Kuipers and Mike Feeley were engaged as legal counsel for the Denver 2016 Convention Host Committee.
- Provided land use and CEQA compliance advice to a major utility line regarding a large transmission line project traversing two counties.
- Amicus curiae on behalf of a regulated utility and groundwater user in *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224.
- In keeping with our effort to be on the forefront of emerging public policy issues, the Brownstein team crafted and passed legislation on behalf of DealerTrack Processing Services to authorize the Colorado Department of Motor Vehicles to implement an electronic lien and titling process as well as an electronic temporary tags and vehicle registration process. Brownstein organized a broad coalition of stakeholders including the Department of Motor Vehicles, County Clerks Association and new and used car dealers in order to pass and implement this expansive legislation.
- Representation of a city in securing the State Water Resources Control Board's approval of the city's wastewater change petition to permit reduced wastewater discharges to a river and expanded recycled water use. The matter involved the prosecution of the petition before the State Board over the objection of third parties and compliance with CEQA. The project reduces the city's use of potable water supplies for non-potable purposes, in furtherance of state law and policy mandating the increased use of recycled water by municipalities. As a result, the project results in increased reliability and sustainability of the city's water supply portfolio and decreased reliance on costly, less reliable imported water supplies.
- Represent one of the largest water districts in the State of Arizona in connection with the NEPA review of a coal-fire powered plant.
- Successfully defended and settled complex and high stakes water rights litigation that threatened to enjoin a

municipality's groundwater production and operation of a \$30 million groundwater treatment facility, which in turn would have forced the client to rely entirely on costly and less reliable imported supplies. The settlement implements a physical solution that protects the client's water rights, permits continued operation of its facilities and substantially reduces the threat of future litigation.

- Representation of city in the negotiation and drafting of special legislation to amend the Sustainable Groundwater Management Act to address unique local circumstances. The legislation was adopted. The matter involved complex water rights, tribal rights and groundwater management issues.

Meet The Team

Norman Brownstein	Shareholder	T 303.223.1101	nbrownstein@bhfs.com
Chris Frahm	Shareholder	T 619.702.6917	cfrahm@bhfs.com
Michael F. Feeley	Shareholder	T 303.223.1237	mfeeley@bhfs.com
Gregory W. Berger	Shareholder	T 303.223.1158	gberger@bhfs.com
Melissa Kuipers Blake	Shareholder	T 303.223.1164	mkblake@bhfs.com
Beth Collins	Shareholder	T 805.882.1419	bcollins@bhfs.com
David P. Cohen	Shareholder	T 202.872.5286	dcohen@bhfs.com
Douglas J. Friednash	Shareholder	T 303.223.1221	dfriednash@bhfs.com
Milan V. Dalal	Of Counsel	T 202.383.4709	mdalal@bhfs.com
Rosanna L. Carvacho	Shareholder	T 916.594.9714	rcarvacho@bhfs.com
Steven W. Farber	Shareholder	T 303.223.1109	sfarber@bhfs.com
Kenneth Khachigian	Senior Partner	T 949.498.3879	kkhachigian@bhfs.com
Alfred E. Mottur	Shareholder	T 202.872.5284	amottur@bhfs.com
Alisa Nave-Worth	Shareholder	T 702.464.7061	anave-worth@bhfs.com
R. James Nicholson	Senior Counsel	T 202.652.2344	jnicholson@bhfs.com
Sarah M. Mercer	Shareholder	T 303.223.1139	smercerc@bhfs.com
William E. Moschella	Shareholder	T 202.652.2346	wmoschella@bhfs.com
Hal Stratton	Shareholder	T 505.724.9596	hstratton@bhfs.com
Ryan A. Smith	Shareholder	T 202.747.0507	rsmith@bhfs.com
Steven O. Sims	Shareholder	T 303.223.1149	ssims@bhfs.com
Ryan Waterman	Shareholder	T 619.702.7569	rwaterman@bhfs.com
Barry Jackson	Strategic Advisor	T 202.652.2342	bjackson@bhfs.com
Brian M. McKeon	Senior Policy Advisor	T 202.872.5283	bmckeon@bhfs.com
Carmencita N. M. Whonder	Policy Director	T 202.652.2343	cwhonder@bhfs.com
Douglas M. Maguire	Senior Policy Advisor	T 202.872.5289	dmaguire@bhfs.com

Brownstein Hyatt Farber Schreck

Elizabeth A. Maier	Policy Director	T 202.872.5299	emaier@bhfs.com
Greta H. Joynes	Senior Policy Advisor	T 202.383.4701	gjoynes@bhfs.com
Jon Hrobsky	Policy Director	T 202.872.5294	jhrobsky@bhfs.com
John Sonsalla	Strategic Consulting Advisor	T 202.652.2357	jsonsalla@bhfs.com
Luke D. Johnson	Policy Director	T 202.747.0513	ldjohnson@bhfs.com
Laura Johnson	Senior Policy Advisor	T 202.652.2349	ljohnson@bhfs.com
Michael B. Levy	Policy Director	T 202.872.5281	mlevy@bhfs.com
Teresa A. Cooke	Senior Policy Advisor	T 916.594.9715	tcooke@bhfs.com
Zachary S. Pfister	Policy Director	T 202.652.2345	zpfister@bhfs.com
