



Environment



OVERVIEW

Our attorneys have experience and perspective that extend back to the early days of environmental law and regulation. We have handled significant litigation, permitting, strategic risk management, and compliance issues under federal and New Mexico environmental laws, as well as environmental regulations and ordinances of local and Indian origins. Having decades of experience in this area has given us the perspective that fostering positive relations with client personnel, environmental regulators, governmental attorneys, technical consultants, non-governmental entities and the broader community is paramount, whether the regulated economic activity is confined to New Mexico, is regional or is national in scope or setting.

We assist clients with National Environmental Policy Act (NEPA) processes such as “major federal action” and “federal handles” determinations, identification of and coordination with third-party consultants, preparation of scope of work and related documents, evaluation of applicability of categorical exclusions, environmental assessment versus environmental impact statement reviews, consideration of cumulative impacts, and fulfillment of public participation requirements.

Much of our environmental practice has been an outgrowth of our representation of natural resources companies, including those in **oil and gas, mining, ranching and agriculture**. We have had lead responsibility in numerous matters concerning environmental regulation of natural resources development, both before agencies and in court. Our attorneys also have managed complex litigation or handled matters involving a broad range of other economic activity that includes manufacturing, railroads, and many other enterprises.

Another component of our practice involves the representation of banks, lenders, and developers in evaluating and contractually protecting against risks of environmental liabilities arising from commercial and private real estate transactions. One aspect of this representation involves coordinating with environmental consultants on Phase I, II and III environmental evaluations and Transaction Screens, as may be prudent or required. Another involves advising clients about opportunities to take advantage of the Brownfields and Voluntary Remediation programs at the federal and state levels, respectively, as well as assisting with the negotiation and drafting of covenants not to sue and other preventative measures. A further aspect involves drafting broad indemnification provisions and other similar risk allocation devices, as well as handling insurance coverage issues.

KEY CONTACT

Stuart R. Butzier
505.848.1832
stuart.butzier@modrall.com
Maria O'Brien



MODRALL SPERLING

www.modrall.com

505.848.1803
mobrien@modrall.com

Joan E. Drake
505.848.1850
joan.drake@modrall.com

RELATED ATTORNEYS

Deana M. Bennett
Stuart R. Butzier
Earl E. DeBrine, Jr.
Joan E. Drake
Timothy L. Fields
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