



# Pipelines and Transmission



## OVERVIEW

Transport of energy resources, including oil, gas, and electricity, is an important mid-stream element of energy development and use. Modrall Sperling lawyers are familiar with the unique technical and legal needs and challenges facing long, linear, and frequently controversial projects in the West and throughout the nation. We assist clients in obtaining and defending approvals for such projects on both private and public lands and through multiple political and geographic jurisdictions, including:

- Federal permitting and regulatory compliance, including compliance with environmental requirements such as the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Clean Water Act (CWA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act
- Coordination with Native American tribes, including as part of the federal permit and NEPA process as well as negotiating lease, easement and right-of-way agreements with tribes and individual Native American “allotted” landowners
- Obtaining local and state land use rights and approvals, including with private landowners, local authorities, and the New Mexico State Land Office
- Obtaining state regulatory approvals at the New Mexico Public Regulation Commission (PRC) required for electric and gas utilities and location of electric generation and transmission facilities within the state
- Eminent domain actions, including litigation of condemnation actions
- Government and agency relations with state and federal representatives, bringing knowledge of and relationships with key elected and administrative officials

## EXPERIENCE

### Electric Transmission

- Advise an interstate transmission and generation cooperative on federal permitting, public lands, and NEPA requirements, issues and strategies, and coordinate with federal agencies regarding proposed development of new transmission lines, right-of-way renewals and operations and maintenance of existing transmission lines
- Advise major independent transmission developers regarding:
  - State regulatory requirements applicable to transmission projects
  - Rights-of-way and other transactions with tribes and pueblos, and tribal coordination



- State land right-of-way issues and coordination with the State Land Office
- Advise renewable energy developers regarding transmission interconnection and regulation of gen-tie and related transmission lines
- Negotiation and review of landowner leases and rights-of-way
- Obtaining local land use approvals
- Negotiating and obtaining IRBs
- Due diligence and advice on financial transactions

### **Oil and Gas Pipelines and Gathering Lines**

- Advise major midstream pipeline companies and gas utilities on federal permitting and enforcement, public and Indian lands, and NEPA requirements, issues and strategies regarding oil and gas pipelines and gathering lines
- Represent major pipeline companies before the New Mexico Public Regulation Commission (PRC) opposing utility regulation of gathering lines, pipeline safety regulation, and advise clients on state/federal pipeline and gathering line regulation
- Represented pipeline and gathering companies in numerous eminent domain matters
- National leaders in advising midstream companies about policies and regulations affecting acquisition and renewal of, and operations on, rights-of-way across Native American tribal and individual “allotted” lands
- Represent midstream companies in litigation defining rights to acquire and operate upon tribal and “allotted” Native American lands

### **KEY CONTACT**

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## CASE STORIES

Regulatory obstacles overcome for successful oil pipeline approval