



ENVIRONMENTAL AND WATER

Environmental Law

BHGR advises manufacturers, mining companies, oil and gas exploration and production companies, governmental entities at all levels, universities, individuals, water providers, wastewater treatment and dischargers, real estate developers, land trusts, farmers and ranchers, banks, and other commercial companies with regard to a wide range of environmental, land use and land conservation, transactional, and natural resource matters.

Our lawyers have broad experience in environmental law matters, including the National Environmental Policy Act (NEPA), Clean Water Act, Clean Air Act, CERCLA and RCRA (Superfund), Endangered Species Act, and issues concerning permitting, wetlands, water resources, conservation easements, regulatory compliance counseling, brownfields redevelopment, legislative and regulatory advocacy, enforcement defense, procurement of environmental insurance policies, environmental contractor management, waste management, facility siting, transactional support and advice, toxic torts, insurance claims, natural resource damage claims, underground storage tanks (UST's), environmental audits, environmental remediation, voluntary cleanups, mold, asbestos, worker safety, public lands, land swaps, radiation control, and a wide range of environmental and toxic tort litigation.

In addition to litigation, our attorneys advise clients in enforcement actions, permitting, self-audits, compliance, and transactions related to different environmental media and different environmental laws.

Many environmental issues are complex and involve multiple areas of law. Our team practice model combines attorneys from different practice areas to provide clients better answers faster without paying for a learning curve.

Water Law, Water Quality and Conservation

In Colorado and the West, the Prior Appropriation Doctrine generally governs the right to use water for agricultural, environmental, industrial, municipal, recreational and other beneficial purposes. Extensive State statutes and well-developed case law affect the use of both surface water and groundwater. Federal and State statutes, regulations, and convoluted administrative procedures regulate water quality, in particular wastewater and stormwater discharges. Our water attorneys have extensive water court and administrative experience with surface and ground water appropriation and use, water rights sales and transfers, changes of water rights, plans of augmentation, water quality standards and classifications, and wastewater and stormwater discharge permitting. Our lawyers also assist land trusts, land conservation agencies, and environmental organizations with complex local, state, and national water issues.

Our Environmental and Water Attorneys

- Peter D. Nichols, Partner
- Leah K. Martinsson, Special Counsel
- David G. Hill, Founding Partner
- Giovanni M. Ruscitti, Founding Partner
- Rudy E. Verner, Partner
- Jon N. Banashek, Partner

- Patrick M. Haines, Associate
- Benjamin M. Wilson, Associate
- Kate Ryan, Attorney

MINING

BHGR has developed extensive hands-on experience in the mining industry, domestically and internationally. Our attorneys have been actively involved in issues and transactions through all stages of exploration, development and production, and divestiture. Our experience includes advising clients on General Mining Law of 1872 issues, land acquisition, due diligence investigations and analysis, long-term supply contracting, sales and marketing contracting, financing, water supply and water rights, leasing, environmental compliance, surety and bonding, reclamation, governmental regulation and permitting, royalties, contract compliance, construction agreements, feasibility studies, force majeure declarations, price redeterminations, corporate matters and joint ventures, mining acquisitions, divestitures and litigation involving mining projects.

Our Mining Attorneys

- Giovanni M. Ruscitti, Founding Partner
- Justin C. Berg, Partner
- Jack P. Storti, Associate
- Mark D. Changaris, Associate
- Richard F. Greenleaf, Founding Partner
- Peter D. Nichols, Partner
- David G. Hill, Founding Partner

NATURAL RESOURCE DEVELOPMENT AND OIL & GAS

BHGR attorneys have broad experience in all legal matters involving the development of natural resources. The firm has represented the interests of multi-national mining corporations, oil and gas exploration and production companies, government entities, real estate developers, and individual mineral and surface owners.

Oil & Gas: BHGR attorneys have successfully advised clients in various legal matters involving the development of oil and natural gas in Colorado, Wyoming, Montana, and Texas. Our oil and gas practice covers all aspects involved in the acquisition, development, and leasing of oil and gas properties. In addition, our attorneys have helped government entities promulgate and defend oil and gas regulations and have assisted surface owners with proposed development by others. Specifically, our practice includes:

- Negotiating and drafting joint operating agreements, surface use agreements, lease agreements, and asset or stock purchase agreements
- Assisting oil and gas companies in raising capital to acquire properties and finance operations
- Dispute resolution, including litigation, involving breach of contract, environmental and land damage claims, and other tort claims
- Assisting clients in evaluating exploration and production opportunities and assessing related environmental issues
- Assisting local governments in promulgating and defending oil and gas regulations and assessing proposed wells
- Representing surface owners with proposed mineral development by others
- Environmental compliance

Highlights:

- Represented multi-national oil and gas company in the acquisition, operation, and financing of oil and gas properties in Hemberg, Germany
- Represented County in oil leasehold valuation case. See *Washington County Bd. Of Equalization v. Petron Development Co.*, 106 P.3d 146 (Colo. 2005)
- Represented local government in defending mining regulation in preemption case. See *Colorado Mining Association v. Board of County Commissioners of Summit County*, 170 P.3d 749 (Colo. Ct. App. 2007)

Links:

- Colorado Oil and Gas Conservation Commission
- Colorado Oil and Gas Association
- <http://www.earthworksaction.org/>

Our Natural Resource Development and Oil & Gas Attorneys

- Leah K. Martinsson, Special Counsel
- Richard F. Greenleaf, Founding Partner
- Jack P. Storti, Associate