

## NATURAL RESOURCES SECTOR

The natural resource sector includes a range of industries, from mining, oil and gas, to forestry, grazing, wildlife and fisheries. Companies operating in these industries are subject to broad regulations at the local, state, national and international levels. Businesses in the natural resources sector must comply with environmental policies designed to protect the environment and manage natural resources. They must also reconcile the demand for consumption with the need to preserve and protect valuable resources for the future.

### Laws and Regulations Impacting the Natural Resources Sector

Bick Law is a top tier environmental law firm dedicated to helping businesses navigate and resolve sophisticated environmental issues. Our lawyers provide strategic advice and solutions to the full range of industries that make up the natural resources sector.

### Natural Resources By Sector

#### Mining

Companies operating in the mining industry are subject to a wide spectrum of environmental laws and regulations. These include the Resource Conservation and Recovery Act (RCRA) and the Bevill Amendment, the Prevention of Significant Deterioration (PSD) program, New Source Performance Standards (NSPS) under the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) as well as natural resource damage provisions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Each California natural resources lawyer at Bick Law is well-positioned to help mining industry clients develop effective environmental compliance programs. Our lawyers also represent companies in

government enforcement and litigation, including matters involving historic mining and mineral processing properties. We regularly counsel clients in connection with natural resources and development matters. In addition, we work with buyers and sellers of mining and mineral processing properties to address historical remediation, natural resource damage issues, and mine closure.

## **Oil & Gas**

Companies in the oil and gas industry operate in a complex legal and regulatory environment. These companies must confront a broad range of environmental compliance issues and enforcement actions under the Clean Air Act, the Clean Water Act, Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA). Additionally, companies operating throughout the oil and gas industry face strict auditing, remediation and environmental impact reviews. Oil and gas companies must also satisfy requirements under the Mineral Leasing Act (MLA), the Outer Continental Shelf Lands Act (OCSLA) and the Federal Oil and Gas Royalty Management Act.

The environmental attorneys at Bick Law counsel a full scope of clients in the industry. Our experience includes counsel with national and international refineries, small producers, and transportation and pipeline companies. We understand the difficult environmental issues impacting the industry and ensure clients satisfy all state, federal and foreign regulatory requirements. Our lawyers regularly defend industry clients in complex environmental litigation and government enforcement actions. We also counsel oil and gas companies in a broad range of commercial and real estate transactions.

## **Grazing and Forestry**

Grazing and forestry of public land is under the jurisdiction of the Bureau of Land Management (U.S. Department of Interior) and the U.S. Forest Service (U.S. Department of Agriculture). The Multiple-Use Sustained Yield Act of 1960 explicitly established the policy that "national forests be managed under the principles of multiple use." The variations of "multiple use" depend on the nature and capacities of the land and can range from outdoor recreation, range and timber to watershed, wildlife and fish purposes. Although grazing is recognized as a necessary and valuable activity, it can damage habitats, including waterways regulated under the Clean Water Act. The U.S. Forest Service supports controlled livestock grazing on public lands but requires individuals and entities to obtain grazing permits.

The legal team at Bick Law regularly assists clients in the grazing and forestry industry. We provide skilled representation in all facets of environmental law, from regulatory compliance and sustainability

to litigation and transactional matters.

## **Water and Fisheries**

Fisheries must comply with extensive state and federal legislation regarding the protection of endangered species of fish and their habitats, along with numerous consumer product protection laws. Federal laws governing fisheries in the U.S. include:

1. the Magnuson–Stevens Fishery Conservation and Management Act (MFCMA);
2. Sustainable Fisheries Act;
3. Anadromous Fish Conservation Act;
4. BLM - Fisheries Program;
5. the Endangered Species Act (ESA);
6. Federal Aid in Fish Restoration Act (Sport Fish Restoration Act);
7. Fish and Wildlife Conservation Act (Nongame Act);
8. Fish and Wildlife Coordination Act, Fish and Wildlife Improvement Act;
9. Fishermen's Protective Act, Fishery Conservation and Management Act;
10. International Fisheries Agreements;
11. International Fisheries Law and Policy Portal; and
12. the National Fish Habitat Conservation Act.

Additionally, the California Marine Life Protection Act establishes a statewide network of marine protected areas (MPAs) that are subject to specific rules aimed at protecting marine life habitats and ecosystems. In addition, the California Department of Fish and Wildlife (CDFW) manages fish hatcheries, enforces fish restoration programs and manages the CDFW Instream Flow Program.

## **Natural Resources: Water Resource Management**

Water resource management is closely tied to fisheries in California and throughout the United States. In California, for example, the Directors of CDFW and the Department of Water Resources (DWR) signed the Delta Fish Agreement in 1986 to provide for offsetting adverse fishery impacts caused by the diversion of water at the Delta Pumping Plant located at the head of the California Aqueduct near Tracy, California.

Protection of water quality is also important for water supply and fisheries. CDFW's Water Quality Program provides the authority to protect the State's waters from pollution under the Fish and Game Code and to provide oversight and approval of projects altering or diverting lakes or streams. In addition, California voters approved Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, appropriating \$2.7 billion to the California Water Commission to fund public benefits associated with water storage projects. The Act defines public benefits as "ecosystem improvements, water quality improvements, flood control benefits, emergency response or recreational purposes."

Bick Law's legal team has represented the California Farm Bureau and other agricultural interests as well as other businesses and municipalities concerned with water and natural resources. Our natural resources lawyers have litigated through appeal landmark cases concerning instream flows in California. In addition, we have extensive experience with permitting and approvals for use of public lands and resources.