



MODRALL SPERLING

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OVERVIEW

Stuart Butzier has assisted mining, energy, high-tech, industrial and ranching clients throughout his thirty-five year legal career with Modrall Sperling. His counsel has included helping clients strategically navigate the maze of environmental and mining regulatory and permitting regimes, the morass of litigation, and the unique challenges of complex deals and real property transactions involving private, Federal, State, Indian and split-estate lands.

Recognized in the area of Natural Resources & Environment by *Chambers USA*, "Stuart Butzier is a standout name in the mining space, and is held in very high regard by clients and peers alike." One client describes him as "*highly professional and very much a guiding light*," while another notes that "*he has a very clear understanding of the law and is a good strategist*." Since 2021, Lawdragon 500 Leading Lawyers in America has named Stuart one of the top 500 natural resources, environmental and energy lawyers in the country. Stuart was named by the Natural Resources, Energy and Environmental Law (NREEL) Section of the State Bar of New Mexico as the 2018 NREEL Lawyer of the Year. The award is given to a single attorney each year for "demonstrating professionalism and integrity, superior legal service, exemplary service to the NREEL Section, and service to the public." *Best Lawyers in America®* has named him "Lawyer of the Year" 13 times in Albuquerque or Santa Fe for Environmental, Mining or Natural Resources Law. He has achieved the AV® rating from *Martindale-Hubbell* and has been selected to *Southwest Super Lawyers®*, being named a *Top 25 New Mexico Super Lawyer* from 2018 to 2024.

Stuart currently is the firm's elected Vice President and is serving a fifth term as a member of the Executive Committee. He is a former Managing Director of the firm's Santa Fe office during the ten years he was based in that office. Stuart has devoted himself to ensuring that the firm's attorneys and staff are primed to provide excellent, cost-effective service to clients. Stuart is a team player who is adept at helping clients and colleagues pursue their business and professional goals. He also helped to recruit many of the firm's bright and diverse young attorneys.

Stuart is actively involved in professional and community non-profit organizations. He is a Fellow of the American College of Environmental Lawyers (ACOEL), a past President of the Rocky Mountain Mineral Law Foundation (n/k/a The Foundation for Natural Resources and Energy Law), a past President of the University of New Mexico School of Law Alumni Association, and a past Chair of the Section of Natural Resources of the State Bar of New Mexico. Stuart also is an immediate Past Chair of the Mining Law Committee of the International Bar Association's Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL), and in 2024 he was elected to become a member of the IBA's SEERIL Council. He has contributed countless hours as program chair, author and speaker in connection with legal education programs and publications in New Mexico, including as an adjunct professor and guest lecturer at the University of New Mexico School of Law, as well as throughout the West and internationally. In 2019 Stuart was appointed by the New Mexico Supreme Court to serve on its Proactive Regulation of Attorneys Committee.



Stuart's civic involvement has included serving in 2024 on the Surface Water Advisory Panel at the invitation of the New Mexico Environment Department; as President of New Mexico KidsMatter, a nonprofit group of volunteers serving as court-appointed special advocates for abused and neglected children; as President of the New Mexico School for the Blind and Visually Impaired Foundation; and as President of the New Mexico Jazz Workshop. He enjoys playing guitar in an active band and supporting the music scene in New Mexico. His other interests, apart from his family, include basketball (as a former college player and youth coach), gardening and natural landscaping, amateur photography and art.

Education

University of New Mexico School of Law, J.D., 1989; member, New Mexico Law Review; Frederick M. Hart Prize for Excellence in Commercial Law
Grinnell College, B.A. in English Literature, 1981; inter-collegiate basketball team captain

Bar Admissions

New Mexico

U.S. District Court for the District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

United States Supreme Court

U.S. Court of Federal Claims

EXPERIENCE

- Representing Kinder Morgan and El Paso Natural Gas Company as its lead litigator in *parens patriae* litigation brought by the New Mexico Attorney General for alleged damages to natural resources from the use and handling of PCB-bearing lubricants in connection with air compressors at its compressor stations in New Mexico.
- Represented Energy Fuels in connection with the negotiation and execution of a landmark uranium ore transportation agreement with the Navajo Nation to allow ore from its Pinyon Plain min and Roca Hoda development project to its White Mesa uranium and rare earth element milling facility in Blanding, Utah.
- Represented New Mexico Copper Corporation, BHP Billiton, Rio Grande Resources, Freeport McMoRan Copper & Gold, Peabody Energy, Summa Silver Corporation, Mosaic Potash, Alta Gold, Newmont Mining, Golconda Gold, and Copper One, among others, in permitting proceedings and hearings before the New Mexico Mining & Minerals Division, the Mining Commission, the Environment Department, and/or the Water Quality Control Commission.
- Represented Los Alamos National Security, LLC and Triad National Security, LLC in ground water discharge permitting proceedings before the New Mexico Environment Department.
- Represented Sandia National Laboratories in air proceedings before the Albuquerque-Bernalillo County Air Quality Control Board.
- Represented St. Cloud Mining Company in the sale of its zeolite mine in Winston, New Mexico, as well as other mining interests in Nevada and Arizona.
- Represented various mining, real estate and IP companies in complex commercial litigation matters involving claims ranging from breach of contract to fraud and civil conspiracy.
- Advised numerous clients on mining claims, staking and notice requirements on federal public lands or split estate lands under the General Mining Law of 1872 and the Stock Raising Homestead Act of 1916.



- Represented Galane Gold (n/k/a Golconda Gold), Cirrus Gold/American Copper, Anglo Pacific and Resource Capital Funds, respectively, in connection with mines and mining interest due diligence involving gold-silver, lead and uranium operations and facilities in Michigan and New Mexico.
- Lead litigator in U.S. District Court for the District of New Mexico on behalf of Goldcorp and its Mexican mining subsidiary, *Minera Peñasquito*, in connection with a failed transaction to purchase over four million dollars' worth of large mine equipment tires. The case resulted in judgments being entered in favor of *Minera Peñasquito* against defendants. *See Minera Peñasquito S.A. de C.V. v. Shannon, et al.*, U.S. Dist. Ct. No. CIV 09-1149 BB/WDS (D. NM).
- Lead litigator for Mainline Rock & Ballast in suit over complex mining transaction involving rights to royalties and related payments associated with development and production from a quarry on split-estate lands. Case resolved through a mediated settlement. *See Conway v. Mainline Rock and Ballast, Inc. and EUCON Corp.*, Seventh Judicial District Ct. (NM) No. D-0722-CV-2006-00174.
- Represented various clients in pre-litigation and litigation under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund).
- Represented a group of substantial mineral interest owners in challenging a New Mexico agency's designation of over 700 square miles of the Grants uranium belt as a "traditional cultural property" at the request of five nominating tribes and pueblos. Initially sustained a due process challenge in State District Court, a decision later overturned by the New Mexico Supreme Court. *See Rayellen Resources, et al., v. NM Cultural Properties Review Committee, et al.*, 2014-NMSC-006, 319 P.3d 639
- Represented multiple clients' interests in various adjudicatory and rulemaking proceedings before the New Mexico Mining Commission and Coal Mining Commission, the New Mexico Environment Department (NMED), the Environmental Improvement Board (EIB) and the Water Quality Control Commission (WQCC), including cases arising from permitting and enforcement contexts and multiple proposed rulemakings under New Mexico's Water Quality Act, and under the New Mexico Mining Act of 1993 since the Act's inception.
- Represented BHP Billiton and its subsidiaries, BHP Navajo Coal Company and San Juan Coal Company, in enforcement proceedings and settlements with the federal Office of Surface Mining (OSM) and New Mexico Coal Bureau under the requirements of the Surface Mining Control and Reclamation Act (SMCRA).
- Counsel to Santa Fe Pacific Gold Corporation in litigation against United Nuclear Corporation over reclamation requirements for the Northeast Church Rock Mine. Case resulted in a settlement that led to performance of reclamation responsibilities by United Nuclear Corporation's parent, General Electric. *See Santa Fe Pacific Gold Corp. v. United Nuclear Corp.*, Eleventh Judicial Dist. Ct. (NM) Civil Action No. CIV 97-139-II.

Representative Environmental Matters

- Lead litigator for Kinder Morgan and El Paso Natural Gas Company in PCB contamination case described above.
- Lead counsel to New Mexico Copper Corporation in connection with state and federal mining and environmental permitting, adjudications and appeal proceedings for the Copper Flat Mine near Truth or Consequences, New Mexico.
- Lead counsel for multiple domestic and international clients on mining, permitting and environmental due diligence matters in M&A transactions involving domestic mining companies or project assets.
- Lead outside counsel for Los Alamos National Security, LLC and Triad National Security, LLC in connection with discharge permitting proceedings before the New Mexico Environment Department and Water Quality Control Commission involving Los Alamos National Laboratory's Radioactive Liquid Waste Treatment Facility.
- Lead outside counsel to Leprino Foods in connection with certain groundwater quality and waste disposal issues.



- Co-Counsel to the Gas Compressor Association in rulemaking proceedings at the Environmental Improvement Board (EIB) prompted by a petition from the New Mexico Environment Department to address ozone precursor air quality issues within the oil and gas industry.
- Co-Counsel to Freeport McMoRan Copper & Gold in appeals from the so-called “Copper Rule” establishing predictable requirements and permitting conditions to protect ground water under the New Mexico Water Quality Act, resulting in a favorable outcome in the New Mexico Supreme Court. *See Gila Resources Information Project v. NM Water Quality Control Commission*, S-1-SC-35279, -35289 & -35290 slip op. (N.M.S.Ct. March 8, 2018).
- Represented BNSF Railroad in complex, multi-party negotiations over environmental, indemnity, voluntary remediation and liability involving a legacy train fueling station site in an urban setting with diesel and other constituents present in ground water.
- Co-Counsel to Phelps Dodge Corporation and its successor, Freeport McMoRan Copper & Gold, in adjudicatory proceedings and appeals before the New Mexico Environment Department, the Water Quality Control Commission, and the New Mexico Court of Appeals involving closure requirements for the Tyrone and Chino open pit copper mines under the Water Quality Act. *See Phelps Dodge Tyrone, Inc. v. N.M. Water Quality Control Commission*, 2006-NMCA-115, 140 N.M. 464, 143 P.3d 502.
- Served as co-counsel to Newmont (USA) Limited, along with Colorado counsel, in connection with reclamation requirements under the Mining Act and CERCLA Section 104(e) inquiries from the U.S. Environmental Protection Agency (EPA) relating to uranium sites in New Mexico leased to other mining companies by Santa Fe Pacific Gold Corporation and Santa Fe Pacific Mining.
- Counsel to Peabody Natural Resources Company and its subsidiary, Lee Ranch Coal Company, on issues under the Clean Water Act (CWA) and the Archeological Resources Protection Act (ARPA), including lead counsel in Triennial Review and other proceedings before the Water Quality Control Commission (WQCC) involving the application of water quality standards to coal mines and mine site features.
- Co-Counsel to Freeport McMoRan Copper & Gold in connection with proceedings under the Migratory Bird Treaty Act (MBTA).
- Litigated in the U.S. District Court for the District of Colorado on behalf of a mining contractor on claims of liability under CERCLA involving the gold heap leach operation that became the Summitville Mine Superfund site in southern Colorado. The client gained dismissal after favorable rulings on motions to dismiss and for summary judgment. *See United States v. Robert M. Friedland, et al.*, United States District Court for the District of Colorado, Civil Action No. 96-N-1213.
- Represented golf course club in connection with backup water supply issues and New Mexico Water Quality Act ground water discharge permitting proceedings associated with the club's secondary use of fully treated wastewater placed into ponds and withdrawn for irrigating the golf course facilities.

Representative Renewable Energy and Transmission Matters

- Counsel to SunZia Transmission in connection with State and private lands rights-of-way and related matters.
- Lead New Mexico counsel for Invenergy LLC and its subsidiaries, La Sierrita Wind and SolarGen, in connection with county wind ordinance hearings, land transactional advice, and state court litigation. Presented health and noise experts in a San Miguel County Commission proceeding in the course of successfully advocating for reasonable setback requirements for commercial scale wind turbines.
- Lead counsel for Vawtpower, Inc., in New Mexico Public Regulatory Commission (PRC) proceedings relating to efforts to address and promote distributed generation sources in the state.
- Provided advice and drafting assistance to multiple renewable energy clients relating to leasing and access for power generation and transmission on private, state and split-estate lands.



- Counsel to LS Power in connection with PRC and legislative issues involving rights of first refusal.

Representative Land and Ranching Matters

- Lead counsel to Freeport McMoRan Copper & Gold and its predecessor, Phelps Dodge Corporation, in a complex land transaction involving the posting of fifteen large ranch holdings of Pacific Western Land Company as collateral to the State of New Mexico Mining and Minerals Division (MMD) and Environment Department (NMED). Elements of the representation included the overseeing of title reviews, mortgage drafting, land appraisals and Phase I, II and III environmental reviews and transactional screens, all within the regulatory framework of providing financial assurance for closure of large open pit copper mines under the New Mexico Mining Act.
- Lead counsel to the owner of a large tract of highly developable “bosque” lands in Albuquerque’s North Valley upon which the owner placed a permanent conservation easement for the benefit of current and future generations of the public. When the State subsequently rejected an appraisal of the conservation easement, a successful appeal resulted in the Court’s reversal of the Taxation and Revenue Department for its “arbitrary and capricious” action. *See John and Cynthia Sparks v. New Mexico Taxation and Revenue Dept., et al.*, Second Judicial Dist. Ct. (NM) Civil Action No. CV-2010-07137.
- Lead litigation counsel for two Elkins family ranches against a lessee that sued in State District Court to avoid requirements under a consolidated mining lease and access agreement involving the two ranches. The court dismissed all claims against the Elkins on a motion to dismiss for failure to state any claim upon which relief may be granted. *See Ree-Co Uranium L.P. and Oliver Reese v. Lynn Elkins, et al.*, Eleventh Judicial Dist. Ct. (NM) Civil Action No. D-1113-CV-200900584.
- Lead counsel for J.H. Williams, and subsequently his estate and siblings, in negotiating and drafting a uranium lease and option with a prospective developer, and in subsequently representing their interests against a “traditional cultural property” designation encompassing their mineral interests and associated express and implied surface rights.
- Transactional and litigation counsel to the Ramirez family, owners of a tract within the boundaries of the Manzano Land Grant community that is the locus of a 17th Century Spanish industrial mining complex. In addition to achieving a favorable settlement of state court claims made against the family by an early interested party, negotiated and drafted three significant transactional vehicles, including an exploration with option agreement, a mining lease, and a joint venture relating to intellectual property and archeological resources.
- Counsel to Santa Fe Pacific Gold Corporation, its predecessor, Santa Fe Pacific Mining, and its subsidiary, Cerrillos Land Company, in negotiating and drafting over twenty joint venture agreements based loosely on the Form 5 Model Mining Joint Venture Agreement published by the Rocky Mountain Mineral Law Foundation (RMMLF). The mineral lands involved in the ventures were part of the millions of acres of checkerboard lands granted from the United States to the Santa Fe Railroad throughout the West.

ACTIVITIES

Professional Activities

- International Bar Association, member of SEERIL Council and past Chair of SEERIL’s Mining Law Committee
- American College of Environmental Lawyers (ACOEL), Fellow, 2022-present
- Modrall Sperling Vice President, 2019-present, and fifth-term Executive Committee member; former Managing Partner of Modrall Sperling’s Santa Fe, New Mexico Office, 2013-2022
- Past Head of the Modrall Sperling Natural Resources Department, 2018-2019, 2012-2014
- Chair, Modrall Sperling Mining and International Practice Groups



- Co-Moderator, Business Human Rights and Mining, 2021; Moderator of Covid-19 and Mining Webinar, 2020; Moderator and Co-Chair of mining law panel at SEERIL conference in Lisbon, 2018, and for mining law panel at the IBA's annual convention in Paris in 2023
- Long-time Member, Director's Advisory Committee, New Mexico Mining and Minerals Division (industry representative)
- Member of Surface Water Advisory Panel convened in 2024 by the New Mexico Environment Department
- Past President, Rocky Mountain Mineral Law Foundation (n/k/a The Foundation for Natural Resources and Energy Law), 2020-2021; Past Vice President, 2019-2020; Past Secretary, Board Member and Trustee; Co-Chair of International Committee and International Mining Law Short Course, 2018-present; Mining Chair, 2005 and 2011 Annual Institutes; Speaker and panel moderator at International Mining and Oil and Gas Development Special Institutes in Cartagena (2013) and Quito (2017); Program Chair, Special Institutes on Uranium Exploration and Development and Administrative Law and Practice; Member or past member of numerous committees, including Program Planning, Special Institutes, Clyde O. Martz Award, Site Selection, Financial Advisory, Budget, Law Students, Long Range Planning and Executive committees; multi-year Albuquerque Region Planning Coordinator; New Mexico Mining Reporter, *Mineral Law Newsletter*
- Member, New Mexico Mining Association's (NMMA) Environmental, Legislative Affairs, and Coal committees; contributor to the Association's newsletter
- Member, New Mexico Chamber of Commerce (formerly ACI) Energy and Extractive Industries Committee, 2014-present; Past Chair of the Committee
- Modrall Sperling Executive Committee, 2019-present, 2007-2010
- State Bar of New Mexico, Past Chair, Section of Natural Resources, Energy and Environmental Law, 1996-1997; Program chair of seminars on mining, environmental, utilities, oil and gas
- University of New Mexico School of Law Alumni Association, President, 2004-2005, former Board Member
- Adjunct Professor, University of New Mexico School of Law, natural resources and environmental law; guest lecturer in public lands and environmental law courses

Civic Activities

- New Mexico Kids Matter, Past Board Member, 2013-2023; President, 2017-2019
- New Mexico School for the Blind & Visually Impaired Foundation, Past Board Member, 2014-2023; President, 2017-2019
- University of New Mexico School of Law Alumni Association, Past President
- Albuquerque Youth Basketball League East; coach of 25 youth basketball teams, 1996-2008; Past President
- New Mexico Jazz Workshop, former Board Member; Past President
- Leadership Albuquerque, 1993, and past member of Leadership Albuquerque Alumni Association Board
- Outpost Productions, Inc., former Board Member

DISCOURSE

Presentations

- Indigenous Peoples' Rights to Sacred Sites and Traditional Cultural Properties and the Role of Consultation and Free, Prior, and Informed Consent, *Rocky Mountain Mineral Law Foundation, International Mining and Oil & Gas Law, Development, and*



Investment, Cartagena Colombia, April 22-24, 2013, Stuart R. Butzier and Sarah M. Stevenson

- Assignments and Consent; Let's Be Reasonable!, *Eleventh Annual Mining & Geothermal Institute*, The American Association of Professional Landmen, Reno, Nevada, March 9-10, 1995

HONORS

- *Chambers USA Directories of America's Leading Lawyers for Business* in Natural Resources & Environment, 2010-present
- *Best Lawyers*® Litigation-Environmental "Lawyer of the Year" in Santa Fe, 2018, 2020, 2022, 2024
- *Best Lawyers*® Environmental Law "Lawyer of the Year" in Santa Fe, 2019, 2021, 2024
- *Best Lawyers*® Natural Resources Law "Lawyer of the Year" in Santa Fe, 2016, 2025
- *Best Lawyers*® Mining Law "Lawyer of the Year" in Santa Fe, 2015
- *Best Lawyers*® Litigation-Environmental "Lawyer of the Year" in Albuquerque, 2013
- *Best Lawyers*® Mining Law "Lawyer of the Year" in Albuquerque, 2012
- *Best Lawyers*® Environmental Law "Lawyer of the Year" in Albuquerque, 2011
- *Best Lawyers in America*® in Environmental Law, Litigation-Environmental, Mining Law and Natural Resources Law, 2008-present
- *Martindale-Hubbell AV*® Preeminent Peer Review Rated
- *New Mexico Business Weekly* "Best of the Bar in Natural Resources," 2011
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2008-present; "Top 25 New Mexico Super Lawyers," 2018-2024
- International Who's Who of Mining Lawyers, 2003-present
- *Natural Resources, Energy and Environmental Law (NREEL) Section of the State Bar of New Mexico* Natural Resources Lawyer of the Year, 2018
- Lawdragon 500 Leading U.S. Environmental Lawyers, 2021-present
- Lawdragon 500 Leading U.S. Energy Lawyers, 2023-present

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