



Michael N. Mills

Partner

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Industries Serviced

Agribusiness
Energy & Infrastructure
Mining
Natural Resources
Oil & Gas: Midstream and Downstream
Oil & Gas: Upstream

Service Areas

Contaminated Sites
Environmental & Natural Resources Law
Environmental Compliance
Environmental Litigation
Property Tax Litigation

Bar Admissions

California
U.S. District Courts for the Eastern, Southern, Northern and Central Districts of California
U.S. Court of Appeals for the Ninth Circuit
U.S. Bankruptcy Court for the Eastern District of California

Education

University of California, Davis, School of Law, J.D., 1997;
Order of the Coif; Senior Notes and Comments Editor, U.C. Davis Law Review

ABOUT MICHAEL

Michael N. Mills is an experienced environmental lawyer who represents industrial clients in complex regulatory, compliance and litigation matters. His scientific background in environmental toxicology, as well as his personal connections within California's state governmental agencies, make him ideally suited to provide cost-effective and practical solutions to environmental and regulatory challenges that his clients confront.

Mike also is the Chair of the firm's Oil & Gas, Pipelines and Mining Industries Team and in that capacity works with and helps lead more than seventy of the firm's lawyers who counsel and represent oil and gas companies, mining companies, energy companies, pipeline operators, gas storage, and LNG project companies in various practice areas across the United States and Canada. Oil and gas, as well as mining companies, look to Mike to skillfully advise them on natural resources development issues, counsel them on federal and state hazardous waste cleanup matters, and help them successfully navigate property tax valuation disputes. When necessary to protect his clients' interests, Mike relies on his understanding of complex regulatory matters and his clients' businesses to defend them in environmental litigation, defeat citizen suit claims, and reduce or eliminate fines and penalties.

Mike's deep connections within California's oil and gas industry span nearly two decades. Oil and gas clients appreciate Mike's experience navigating the challenging regulatory environment in which they operate, and Mike knows the major players and decision-makers in California's oil and gas industry. This unique repository of experience allows Mike to offer valuable business counsel to oil and gas companies.

EXPERIENCE

University of California, Davis,
B.S., Environmental
Toxicology (minor in
English), 1994, summa cum
laude

Dana Curtis Mediation,
Appellate Mediation Training
Program, Certificate of
Completion, 2010

Environmental Litigation and Enforcement

- Lead defense counsel for industrial client in hazardous waste enforcement action brought by the Alameda County District Attorney's Office, Consumer & Environmental Division, alleging improper transportation and disposal of hazardous waste. Mike negotiated a favorable settlement with the District Attorney's Office, which resulted in the entry of a stipulated judgment without a trial.
- Defended Fortune 500 oil and gas company in Clean Water Act citizen suit arising from concerns over hydraulic fracturing and enhanced oil recovery techniques. Mike helped negotiate a settlement on terms favorable to the company.
- Lead defense counsel for mining company in complex environmental enforcement action brought by the California Attorney General's Office to require remediation of abandoned gold mine. The action was settled favorably following a multi-party mediation process and the identification of historic insurance coverage.
- Successfully defended Fortune 500 oil company in CEQA challenge to drilling permits issued by the Department of Conservation, Division of Oil, Gas, and Geothermal Resources. Mike successfully resolved the dispute and maintained the permits for the client.
- Lead counsel for Fortune 500 oil and gas company in CEQA challenge to residential development for lack of analysis of impacts to mineral resources. Following favorable trial court decision, Mike negotiated a favorable settlement for the company that preserved access to mineral resources.
- Defended several aggregate mining companies in CEQA lawsuits throughout California challenging mine expansion approvals.
- Represented landfill operator in complex litigation relating to closure of landfill.
- Lead defense counsel for major upstream oil and gas company in a Clean Water Citizen Suit brought by the Environmental Defense Center in federal court in Los Angeles. The case arose from the company's operations in Ventura County, California, and Mike successfully negotiated a very favorable settlement for the company, which consisted of an in-kind supplemental environmental project that did not include a cash payment to any non-governmental organization or environmental group.

Environmental Compliance and Remediation

- Lead counsel for remediation trustee overseeing remediation of abandoned gold mine.
- Advise major oil and gas company with compliance efforts under the Federal Clean Water Act and General Industrial Storm Water Permit for oil and gas fields in Southern California.
- Legal advisor to commercial developer for cleanup and remediation issues resulting from the redevelopment of former industrial facility.
- Evaluate environmental documentation for compliance with CEQA in preparation for permitting litigation.

Oil and Gas

- Represent major and independent oil and gas companies in negotiating, reviewing and drafting oil and gas exploration and production agreements, including joint operating agreements, farmout agreements, pooling/unit agreements, leases and surface use agreements, easements, and purchase and sale agreements.
- Conduct due diligence for acquisition of oil and gas leases and fee interests, including advice on compliance with terms of affected joint operating agreements, farmout agreements, unit agreements and leases.
- Preparation of acquisition, division order and drilling title opinions.
- Counsel oil and gas operators on subsurface trespass, pass-through rights and well setback requirements.
- Advise on permitting applications and related CEQA review for oil and gas wells throughout California.
- Defended major oil and gas company in claim of breach of Joint Development Agreement for exploration and development of California's Monterey Shale formation.
- Represented oil and gas operator in collection action against non-operators for unpaid charges under joint operating agreement.

Mining

- Represented mining company seller in the negotiation of a purchase and sale agreement for a sand mine in Southern California.
- Lead counsel for mining company in litigation brought against the Department of Conservation challenging procedures relating to a mine's removal from the AB 3098 List.
- Lead counsel for mining company in complex environmental enforcement action brought by the California Attorney General's Office to require remediation of abandoned mine in Tuolumne County, California.
- Lead counsel for mining industry plaintiffs challenging validity of certain financial assurance regulations under the Surface Mining and Reclamation Act.

Property Tax

- Lead counsel for county in dispute with special district over property tax administration fees (successfully argued case before the California Court of Appeal, Third Appellate District).
- Lead counsel for hydroelectric facility in assessment appeals in Lassen County, California and Shasta County, California.

Published Opinions

- 138 Cal.App.4th 574 (2006).

- 105 Cal.App.4th 1155 (2003).
- 308 F.Supp.2d 1137 (2003).
- 213 F.Supp.2d 1208 (2002).

HONORS & ACTIVITIES

Professional Honors and Activities

- Included in [*The Best Lawyers in America*](#)[©] (currently: Oil & Gas Law), 2018-2019
- Listed in *Northern California Super Lawyers*[®] (Environmental, Energy & Natural Resources, Environmental Litigation), 2013-2018
- Listed in *Sacramento Magazine's* Top Lawyers, 2016, 2018
- Member, State Bar of California, Environmental Law Section
- Panel Mediator, California Court of Appeal, Third Appellate District, Appellate Mediation Program
- Member and former President, former First Vice President, former Second Vice President, former Secretary/Treasurer and former Director-at-Large, Sacramento County Bar Association
- Chair, Nominating Committee, Sacramento County Bar Association
- Member and former President, Vice President, Programs Director and Secretary, Sacramento Chapter, Federal Bar Association
- Member, Natural Resources Section, American Bar Association
- Member and former Treasurer, Asian/Pacific Bar Association of Sacramento
- Member, Rocky Mountain Mineral Law Foundation
- Member, California Independent Petroleum Association
- Member, Sacramento Petroleum Association
- Member, Western States Petroleum Association

Civic Activities

- Board Member, U.C. Davis School of Law, King Hall Alumni Association Board of Directors, 2011-2016
- President, Spinning Rod Way Neighborhood Watch, 2003-2009
- Moot Court Judge, U.C. Davis School of Law, 2002, 2004-2007
- Alumni Representative, Distinguished Teaching Award Selection Committee, U.C. Davis School of Law, 2009
- Member, CEB Award for Excellence in Legal Research and Writing Selection Committee, U.C. Davis School of Law, 2009-2010
- Member, School Site Council, Two Rivers Elementary School, Sacramento, California, 2015-2017

INSIGHTS & PRESENTATIONS

Mike has published, presented and been quoted on a wide array of environmental

topics, including the regulation of hydraulic fracturing, the implementation of Senate Bill 4, California's well stimulation permitting law, California's new industrial storm water permit, California's cap & trade program under Assembly Bill 32, and regularly contributes to Stoel Rives Blogs, including [California Environmental Law](#) and [Mineral Law](#). In 2014, the ABA's Section of Environmental, Energy and Resources published Mike's co-authored article, "*What is Fracking Wastewater and How Should We Manage It?*"

- Frequent contributor to Stoel Rives Blogs including [California Environmental Law](#) and [Mineral Law](#)
- Co-Presenter, "The Ascendency of Environmental Justice in California and What it Means for our Industry," CalcIMA Education Conference, Anaheim, California, Nov. 2018
- Co-Presenter, "Environmental and Natural Resources Law in the Trump Era," CalcIMA Education Conference, Olympic Valley, California, Nov. 2017
- Co-Presenter, "Joint Cooperation Agreements: Resolving Conflicts Between Oil & Gas Operations and Solar and Other Renewable Energy Development," Rocky Mountain Mineral Law Foundation Special Institute on Oil & Gas Agreements: Surface Use in the 21st Century, May 2017
- Presenter, "The Role of Oil and Gas Pipelines in California's Energy System," Los Angeles County Bar Association Environmental Law Spring Super Symposium, April 7, 2017
- Presenter, "Are You Next? How Minor Hazardous Waste Missteps Can Lead to Big Enforcement Actions," CalcIMA Education Conference, Rancho Mirage, California, Nov. 8, 2016
- "After leak, Obama re-ups pipeline safety" (co-author), *San Francisco Daily Journal*, June 24, 2016.
- "A Compliance Handbook for SB 4 – California's Well Stimulation Permitting Law" Third Edition and "SB 4 Compliance Flowchart," (co-author), Stoel Rives LLP, July 2015
- Co-Presenter, "Fracking – The Latest on Environmental and Real Property Law Issues," Sacramento County Bar Association, Real Property and Environmental Law Sections, Sacramento, California, Mar. 12, 2015
- "Another Front in War on Fracking," (co-author), *Daily Journal*, Mar. 2015
- "[What Is Fracking Wastewater and How Should We Manage It?](#)" (co-author), ABA Section of Environment, Energy and Resources, Winter 2014
- "Here Today & Fracked Tomorrow: A Rollercoaster Year for SB 4 Implementation," AEG Sacramento Section and Groundwater Resources Association of California Joint Meeting, Sacramento, California, Dec. 17, 2014
- Co-Presenter, "Legal Considerations for Implementing California's New Industrial Stormwater Permit," California League of Food Processors Stormwater Compliance Workshop, Sacramento, California, Dec. 4, 2014
- Co-Presenter, "Title Issues in Mine Leasing and Acquisitions and Their Potential Impacts on Permitting and Operations," CalcIMA Education Conference, San Diego, California, Nov. 4, 2014
- Co-Presenter, "Review of the 'Typical' California Oil & Gas Lease," 32nd

- Annual West Coast Landmen's Institute, Las Vegas, Nevada, Oct. 23, 2014
- Panelist, "California's NEW Industrial Storm Water Permit: Strategy, Preparation, Compliance," Stoel Rives LLP Webinar, Sept. 24, 2014
 - "Regulatory Oversight of Well Stimulation in California," Cleantech San Diego, San Diego, California, May 8, 2014
 - "Inside Calif.'s De Facto Moratorium On Well Stimulation," (co-author), *Law360*, Apr. 2014
 - Co-Presenter, "California SB 4 Compliance Update: Practical and Legal Implications of the DOGGR Interim Regulations for Operators in 2014," Stoel Rives Webinar, Mar. 13, 2014
 - "Getting Ready for SB 4: California's New Well Stimulation Permitting Law," Stoel Rives Seminar, Bakersfield, California, Dec. 11 2013
 - "Environmental Regulation and Hydraulic Fracturing in California," Program Co-Chair, Law Seminars International, Santa Monica, California, Jul. 29-30, 2013
 - "Oil and Gas Drilling Law 101: The Nature and Scope of California's Regulation of Oil and Gas Production," Law Seminars International's Environmental Regulation and Hydraulic Fracturing in California Seminar, Santa Monica, California, Jul. 29, 2013
 - "Strategies for Complying with California's Cap & Trade Program," Kern County Bar Association, Bakersfield, California, Dec. 12, 2012
 - "California's Cap and Trade Program under AB32 – a Primer" (co-author), Stoel Rives LLP, Dec. 2012
 - "How to Use A Title Opinion," 30th Annual West Coast Landmen's Institute, Dana Point, California, Sep. 27, 2012
 - "Resolving Conflicts Between Solar Energy and Oil and Gas Development," PV America West, San Jose, California, Mar. 19-21, 2012
 - "Getting the Most from the Consultant/Attorney Team," Stoel Rives LLP, Sacramento, California, Feb. 2, 2012
 - "More Fracking Regulations? The Public's Sudden Interest in Hydraulic Fracturing," Bakersfield Association of Professional Landmen, Bakersfield, California, Jan. 10, 2012
 - "Off or On? Examining OMR's AB 3098 Listing Procedures," California Construction and Industrial Materials Association Annual Education Conference, Monterey, California, Oct. 12, 2011
 - "Are Your Taxes Too High?," California Construction and Industrial Materials Association Annual Education Conference, Monterey, California, Oct. 11, 2011
 - "CEQA—Its Role In and Effect On the Permitting Process," 29th Annual West Coast Landmen's Institute, Santa Barbara, California, Sept. 29, 2011
 - "Will California's 33% Renewable Portfolio Standard Survive a Commerce Clause Challenge by Other States? A Recently Filed Colorado Case May Provide the Answer," *The Override*, Los Angeles Association of Professional Landmen, May 2011
 - "Onshore Oil Production and Regulation in California," Environmental Law Symposium, University of California, Davis, School of Law, Apr. 1, 2011
 - "Resolving Conflicts Between Oil and Gas and Renewable Energy Development," Bakersfield Association of Professional Landmen, Jan. 18,

2011

- “AB 32 and SB 97: California’s Laws Regulating Greenhouse Gas Emissions and Climate Change and Their Related Impacts on Project Timelines and Permitting,” 28th Annual West Coast Landmen’s Institute, Shell Beach, California, Sept. 23, 2010
- Comment, “Inequality Creates Exceptions: Limiting *United States v. Mendoza* to Its Policy Rationale,” *U.C. Davis Law Review*, 1997