

Fabian VanCott



H. Michael Keller

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Practice Areas:



Energy & Utilities



Environmental & Natural Resources



Real Estate



Government Investigations & White Collar Criminal Defense



Administrative & Regulatory Compliance

Biography

Mike Keller is a shareholder and has practiced environmental and natural resources law since 1978. He represents a wide variety of clients, including electrical power producers, natural resource companies, industrial clients, Indian Tribes, municipalities, landowners and developers.

Mike's environmental practice includes counseling on environmental permits and compliance, developing internal compliance policies, negotiating consent decrees and conducting administrative proceedings before state and federal agencies, involving air and water quality, hazardous wastes and materials, toxic substances, radioactive materials, underground storage tanks, NEPA, endangered species and migratory birds. In *Magnesium Corp. of Am. v. Air Quality Bd.*, 941 P.2d 653 (UT 1997), Mike successfully challenged an enforcement action by the Utah Air Quality Board seeking substantial penalties for excess emissions from equipment breakdown. On behalf of an interstate natural gas pipeline company, Mike negotiated an Administrative Order on Consent under CERCLA with EPA to allow the company to proceed with scheduled construction of its pipeline through an area contaminated from historic mining.

Mike works closely with the Firm's real estate and corporate attorneys advising clients on environmental risks and liabilities in acquisitions, mergers and real estate transactions, including acquisitions of industrial brownfield sites for commercial and residential development.

Biography

He assisted a client in its acquisition of a large lead-arsenic smelter site undergoing CERCLA remediation, negotiating agreements with state and federal agencies to allow the client to purchase and develop the smelter site as a regional medical center without liability for environmental response costs or natural resource damages.

Mike's natural resource practice focuses on public lands, mining, oil and gas, and water rights. In *Hegarty v. Bd. of Oil, Gas, & Mining, Dep't of Natural Res.*, 2002 UT 82, Mike obtained a significant ruling on spacing under the Utah Oil and Gas Conservation Act.

Mike represents Indian Tribes on various public land and environmental matters and obtained an important ruling against the Department of the Interior in *Skull Valley Band of Goshutes and Private Fuel Storage v. Davis*, 728 F. Supp. 2d 1287 (D. Utah 2010).

Professional

Admitted Utah State Bar; U.S. District Court, District of Utah; U.S. Court of Appeals, Tenth Circuit Member, Utah State Bar, Energy, Natural Resources, and Environmental Law Section Member, American Bar Association, Section of Environment, Energy and Resources Band-1 rating, Chambers USA

AV rating, Martindale-Hubbell Peer Review

Listed in the International Who's Who of Environmental Lawyers, The Best Lawyers in America® and as one of the Utah Legal Elite in Utah Business Magazine

Co-Chair, Utah Water Law Conference, CLE International (2005-2015)

Recipient, Utah State Bar Natural Resources and Environmental Lawyer of the Year (1991); Utah State Bar Distinguished Service Award (2010); Utah Law-Related Education Scott M. Matheson Award (2011)

Member, Air and Waste Management Association, Environmental Law Institute, Rocky Mountain Mineral Law Foundation, Dartmouth Lawyers Association

Education

J.D. Duke University, cum laude (1978),

A.M., Geology, Dartmouth College (1975)

A.B., Geology, Dartmouth College, magna cum laude, Phi Beta Kappa (1973)

Publications & Presentations

Water Quality Update, Utah Water Law Conference, CLE International (2005-2015)

Co-Author, Utah Chapter, ABA Handbook, Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property (3rd ed. 2010).

Environmental Risks in Real Estate Transactions, Advanced Real Estate Law in Utah, National Business Institute (2005).

Chapter 4, Regulated Activities, ABA Handbook, Wetlands Law and Policy - Understanding Section 404 (2005).

Look Before You Fill: the Impact of Wetlands Permitting on Real Estate Development in Utah, Utah State Bar Annual Meeting (2004)

Waters of the United States (How Many Drops Does It Take), Special Inst. on Water Quality and Wetlands, Paper No. 3, Page No. 3-1 (Rocky Mt. Min. L. Fdn. 2002)

Co-author, Know the Chessboard Before You Make Your Move – A Landman’s Guide to Well Location and Spacing Regulation, 54 Rocky Mtn. Min. Law Inst. 6-1 (2008).

Lode or Placer? – Locating the Distinction, 31 Rocky Mtn. Min. Law Inst. 12-1 (1985).

Community Service

Member, Salt Lake Rotary Club 24

Past Trustee and President, Board of Trustees, Judge Memorial Catholic High School

Past Trustee and President of the Board, Legal Aid Society of Salt Lake

Past Trustee and President of the Board, Utah Law-Related Education

Past Trustee and Secretary-Treasurer, Utah Bar Foundation