



## CARLA A. CONSOLI

Regulatory and Government Practice  
Group Leader, Partner

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Phoenix

*Carla believes in strategic planning and helps her clients achieve their business goals while respecting the environment.*

*"She demonstrates a high level of expertise in her area. She is very client-oriented and anticipated legal issues that I might not be aware of." - Chambers USA*

Carla Consoli is a partner and leader of the firm's Regulatory and Government Practice Group. For more than 25 years, Carla has worked with clients to bring new projects to life and keep existing businesses running.

Serving leaders in the mining, energy, real estate, manufacturing, and investment industries, Carla helps clients understand and navigate the environmental, water, cultural, and natural resource laws affecting their businesses. Her work includes permitting new and existing facilities, environmental due diligence, securing water rights, natural resource evaluations, remedial activities, endangered species and habitat compliance, and agency negotiation. She negotiates all manner of related agreements, including liability transfer/reduction, royalty payment, utility service, development, and consulting agreements.

Carla believes in strategic planning first. For all of her clients, Carla begins with a discussion about client goals, opportunities, and concerns. She then formulates a strategy based on that discussion. Her clients are involved in planning the path forward. In collaborating with her clients on a strategic way forward, Carla often assists them in applying for special permits, amending their plans if necessary, and performing remediation activities.

### Practices

- Environmental and Natural Resources
- Environmental Law
- Mining and Mineral Rights
- Natural Resources
- Government Relations
- Tribal Lands and Natural Resources
- Public Lands
- Water and Water Rights
- Arizona Government Relations
- Liquor Law
- COVID-19 Rapid Response Team
- Energy and Utilities Regulation
- Regulatory Compliance

### Industries

- Water and Waste Water Utilities
- Mining and Minerals
- Agriculture, Mining, and Natural Resources
- Energy and Utilities
- Mining and Manufacturing
- Renewable Energy End-of-Life Planning

Carla has strong relationships with regulators at local, state, and federal levels, including the Environmental Protection Agency (EPA), the Bureau of Land Management (BLM), the Nevada Division of Conservation and Natural Resources (NDCNR), Arizona Department of Environmental Quality (ADEQ), and Arizona Department of Water Resources (ADWR).

■ Telecom

Having participated in the environmental and natural resources planning for the commissioning of renewable projects across the Western U.S., Carla brings perspective to the decommissioning which includes a robust understanding of the permitting, habitat and species, water rights and use that brought the projects to life. This perspective enables her to zero-in on the needs that attend the decommissioning of these projects.

## Personal Approach

Typically described as ultra-responsive, reachable, and pragmatic, Carla brings a sense of security to her clients. With over 25 years of legal experience, Carla defends her clients with a singular focus and commitment to getting the best results. She is a proactive communicator and understands clients' objectives can change over time, necessitating the need to reprioritize goals. Clients rarely need to ask for a status update or request that she "touch base." To Carla it's not just about winning; it's also about protecting her client's reputation.

As a young girl, Carla aspired to become a marine biologist but quickly became interested in law since her parents were entrepreneurs and she often listened to her parents' lawyer discuss business matters. Carla grew more interested in what role she could play in the success of companies and businesses as a lawyer. When Carla is not in the office you can find her at a swim meet supporting her younger son, who aspires to swim in college. Carla and her family like to spend quality time at their cabin in Wisconsin, where they enjoy the outdoors, relaxing, and fishing.

## Education

- J.D., University of Notre Dame Law School, 1991
- B.A., Lewis and Clark College, 1987
- Certified Adult Mental Health First Aid, National Council for Mental Health, 2021

## Bar Admissions

- Arizona, 1991

## Court Admissions

- U.S. District Court, District of Arizona

## Community

- ABA Section on Energy Environmental Resources, Member and Fall Meeting Planning Committee Member
- Maricopa County Bar Association Environmental Section, Member and Former Chairman
- Valley Forward, Member and Former Chairman of the Board
- Arizona Sonora Desert Museum, Former Trustee
- Boys Hope Girls Hope of Arizona, Board Member and Former Chair
- Audubon of Arizona, Board Member
- Environmental and Natural Resources Law Section of the State Bar of Arizona, Member and Former Chairman
- Arizona Heart Hospital, Board of Trustees
- Phoenix Baptist Hospital, Board of Trustees

## Representative Matters

### Mining Industry

Carla helps mining and exploration companies navigate complex issues related to permitting new and existing facilities, analyzing and securing water rights, conducting environmental due diligence, public relations, and negotiating relationships with partners and investors.

Carla's recent work with mining clients includes:

- Represented Canadian company to evaluate mineral rights and permitting status for acquisition target.
- Represented Canadian junior mining company to assess real property entitlements and environmental permitting planning and strategy, including meeting with potential investors conducting due diligence on proposed in-situ recovery of copper project.
- Represented Canadian mining company as local counsel in its acquisition of significant new copper mine in southern Arizona, which involved review of mineral and real property holdings, review and analysis of NEPA process and Section 404 permit application, review of air quality and aquifer protection permits and appeals of same, and other legal issues involved in development of project.

- Conducted comprehensive due diligence for potential investor in Arizona copper mine, including analyzing permitting plans and assessing environmental risks that enabled client to make informed investment decision.
- Lead a multidisciplinary team to acquire an abandoned copper mine with significant remaining resources. Her role included: obtaining water rights; performing due diligence regarding the scope of environmental issues; and conducting extensive negotiations with the EPA, the Nevada Department of Conservation and Natural Resources, the BLM, the Department of Interior, two Indian Tribes, multiple local officials, and private entity responsible parties.
- Advised mining operations with excess water rights on developing water conservation areas in light of the state's water supply and regulatory environment.
- Assisted exploration companies with permitting, public outreach, and remediation activities associated with re-activating a former copper mine.
- Counseled an international mining company about Arizona's statewide water adjudication.

## Water Rights - Multiple Industries

In the arid southwest, the availability of water for project completion and sustainability is critical. In her work with clients of many industries, Carla educates clients regarding the availability of water, securing water rights, and maintaining access to water. Her representative work in water rights includes:

- Represented a conservation NGO in securing its surface water claims in the Gila River Adjudication.
- Represented a retail developer in analyzing the availability of water for nearby planned residential communities to determine whether the population required to support the retail development will materialize.
- Represented multiple master plan community developers in securing Certificates of Assured Water Supply for each development.
- Represented manufacturing entities in securing groundwater rights in Active Management Areas.
- Represented mining companies in securing and maintaining water rights in drought conditioned basins.

## Energy Developers

Carla helps energy developers pursue required permits, conduct environmental due diligence, secure water rights, and resolve related issues. Her recent work with energy developers includes:

- Represented solar developer before County Planning and Zoning Commission. Obtained zoning and comprehensive plan changes necessary for development.
- Represented a solar developer in permitting the largest solar power facility in Arizona.
- Advised a "green" development company regarding Aquifer Protection Program permits.
- Assisted a solar developer with real estate acquisition and obtaining permits for a new plant.

## Large-scale Residential and Commercial Developers

Carla helps tackle the environmental issues necessary to make new residential and commercial development a reality. Her work involves environmental due diligence, permitting issues, water rights, endangered species and critical habitat issues, and development rights.

Her representative work with real estate developers includes:

- Represented a residential developer defeating a local environmental group's challenge to the developer's properly issued permit.
- Represented residential developers in obtaining Assured and Adequate Water Supplies.
- Represented a developer in creating designated conservation habitats within the footprint of the facility and negotiating a conservation easement promising to maintain these habitats.
- Negotiated with state and federal authorities for access to property via Oak Creek Canyon without damage to the surrounding environment on behalf of a residential developer.
- Counseled a commercial developer on NEPA applicability to development of virgin desert land.
- Advised a Brownfield Developer on assured and adequate water supply, endangered species, and Clean Water Act permits.

## Manufacturers

Carla often is requested to get involved when manufacturing operations face allegations of permit violations. Carla's goal is to help the manufacturers continue to operate while obtaining new, revised, special, or temporary permits to gain compliance with the applicable permitting requirements.

Carla's representative work with manufacturers includes:

- Prepared and negotiate Aquifer Protection Program permits for multiple manufacturing entities in Arizona.
- Represented a nationwide housing manufacturer proving non-contribution to Superfund site.
- Counseled a manufacturer in an industrial waste water notice of violation and obtaining a 97 percent reduction in the amount of the fine.
- Negotiated a temporary permit for a pilot program for an aluminum recycler to address agency compliance concerns.

## Mining, Energy, Real Estate, and Manufacturing Investors

Carla often provides strategic counseling to investors seeking to fund projects that involve intense permitting and environmental factors. Investors frequently ask Carla to analyze a project's viability in the context of questions like: "When will the necessary permits for the project come through?" and "How long before seeing a return on my investment?" Carla conducts in-depth due diligence to understand the critical path permitting issues, environmental

impacts, and related regulatory issues. Clients use these data points to, along with other financial information, make an informed investment decision.

Her representative work with investors includes:

- Prepared diligence on mineral claims and permitting risk regarding an investment in a copper mine.
- Investigated title, claims, and permitting risks associated with a gold mine for an investor.
- Evaluated the time to completion of permitting schedules and equipment purchases of a copper mine to inform a return on investment timing decision.

## Honors & Recognitions

- The Best Lawyers in America, "Lawyer of the Year," Litigation- Environmental, 2022
- The Best Lawyers in America, Environmental Law and Environmental Litigation, 2008-2022
- Benchmark Litigation, "Local Litigation Star" in Arizona, 2016-2021
- Southwest Super Lawyers, 2013 "Top 25 Female Attorney," Environmental Practice Area, 2008-2021
- Chambers USA, Environment (including water rights), 2007-2021
- Who's Who Legal Services, International Who's Who: Environmental Lawyers, International Who's Who of Business, 2012-2014
- Martindale-Hubbell, "AV/Preeminent Attorney" rating
- AZ Business Magazine, Top Lawyers, 2010, 2013
- Arizona Leaders in Business in Environmental Law, One of four, 2013
- AZ Central, Arizona's Who's Who of Business, 2011
- Super Lawyers Corporate Counsel, 2009
- *Arizona Business Magazine*, "50 Most Influential Women"
- *Arizona Business Journal*, "Forty Under 40," "Woman to Watch"

## News

- Lewis Roca Launches Renewable Energy End-of-Life Planning Group  
Firm News | 10/27/2021
- Lewis Roca Lawyers Recognized as "Litigation Stars" by Benchmark Litigation 2022  
Press Release | 09/30/2021
- Lewis Roca Lawyers Named to 2022 *Best Lawyers* List  
Honors & Recognitions | 08/19/2021

- Lewis Roca Recognized by *Chambers USA 2021*  
Honors & Recognitions | 05/20/2021
- Lewis Roca Lawyers Recognized as 2021 *Southwest Super Lawyers®* and *Southwest Rising Stars®*  
Honors & Recognitions | 04/8/2021
- Lewis Roca Receives High Honors from Benchmark Litigation 2021  
Press Release | 10/14/2020
- Lewis Roca Lawyers Recognized as The Best Lawyers in America© 2021  
Press Release | 08/20/2020
- Lewis Roca Recognized by Chambers USA 2020  
Press Release | 04/24/2020
- Lewis Roca Lawyers Recognized as 2020 Southwest Super Lawyers® and Southwest Rising Stars®  
Honors & Recognitions | 04/6/2020
- Thirteen Lewis Roca Lawyers Recognized in Benchmark Litigation 2020  
Honors & Recognitions | 11/5/2019
- Lewis Roca Lawyers Recognized as The Best Lawyers in America© 2020  
Press Release | 08/15/2019
- Lewis Roca Rothgerber Christie Recognized by Chambers USA 2019  
Honors & Recognitions | 04/25/2019
- Lewis Roca Rothgerber Christie Lawyers Recognized as 2019 Southwest Super Lawyers® and Southwest Rising Stars®  
Honors & Recognitions | 04/15/2019
- Lewis Roca Lawyers Recognized as The Best Lawyers in America© 2019  
Press Release | 08/15/2018
- Lewis Roca Rothgerber Christie Recognized by Chambers USA 2018  
Lewis Roca Rothgerber Christie announces 22 attorneys and seven practice areas are recognized by Chambers USA 2018  
Honors & Recognitions | 05/3/2018
- Lewis Roca Rothgerber Christie Lawyers Recognized as 2018 Southwest Super Lawyers® and Southwest Rising Stars®  
Lewis Roca Rothgerber Christie announced 25 attorneys have been recognized as 2018 Southwest Super Lawyers® and 13 attorneys have been named as 2018 Southwest Rising Stars®.  
Honors & Recognitions | 04/23/2018
- Lewis Roca Rothgerber Christie Named Southwest Litigation Firm of the Year by Benchmark Litigation  
Nineteen of the firm's attorneys are listed as "Star" litigators in the 2018 edition  
Honors & Recognitions | 02/23/2018
- Lewis Roca Rothgerber Christie Earns 'Highly Recommended' Ranking From Benchmark Litigation  
20 attorneys recognized in peer-reviewed annual guide to top U.S. litigation firms  
Honors & Recognitions | 10/10/2017

- Partners Honored as Lawyer of the Year by Best Lawyers  
85 Lewis Roca Rothgerber Christie attorneys in The Best Lawyers in America 2018  
Press Release | 08/15/2017
- Lawyers, Practices Earn Recognition in Chambers USA 2017  
Rankings reflect research findings based on client and peer feedback  
Honors & Recognitions | 05/31/2017
- Freeman Named in Top 25 Arizona Women Lawyers  
Annual listings reflect professional achievements for Arizona, New Mexico attorneys  
Press Release | 04/11/2017
- Benchmark Litigation Affirms ‘Highly Recommended’ Ranking for Multiple Lewis Roca Rothgerber Christie Offices  
22 individual attorneys included in peer-reviewed annual guide of top U.S. litigation firms  
Honors & Recognitions | 10/10/2016
- Lewis Roca Rothgerber Christie Attorneys Named in ‘Best Lawyers’  
11 partners also honored as ‘Lawyer of the Year’ in The Best Lawyers in America® 2017  
Honors & Recognitions | 08/15/2016
- Chambers USA Recognizes Lewis Roca Lawyers  
Annual rankings reflect law firm’s focus on client service, value, commitment to excellence  
Honors & Recognitions | 5/27/2016

## Publications

- Court Challenges, New Regs May Slow Infrastructure Plans  
Law360.com, 08/23/2021

## Blog Posts

- COVID-19 Legal Rapid Response Team  
*Lewis Roca Blog*, 03/13/2020
- Executive Order Will Impact Clean Water Act Permitting Process  
*Lewis Roca Blog*, 04/18/2019

## Events

- Arizona Last Chance CLE: A full day of CLE offerings prior to the AZ MCLE deadline  
Virtual, 06/29/2021