

William E. Sparks

Shareholder

Beatty & Wozniak, P.C.

303-407-4437 / direct

303-407-4499 / firm

800-886-6566

bsparks@bwenergylaw.com

"The regulatory environment of leasing and developing oil and gas in the West, and particularly on federal lands, has become exponentially difficult with the expansion and implementation of additional federal and state rules and regulations. Navigating around such roadblocks requires a full understanding of these restrictions."



OVERVIEW

Bill is a natural resources and energy litigator who has handled cases covering a wide range of issues. Bill also represents clients on matters involving natural resources development at the state and federal level.

Bill represents oil and gas clients before state and federal courts in Colorado, Wyoming, Texas, North Dakota and the Interior Board of Land Appeals regarding the issuance and development of oil and gas leases, Joint Operating Agreements, transportation agreements, appeals of state oil and gas regulations, federal units and related environmental law compliance. Bill has also argued cases before federal district courts and the Tenth Circuit Court of Appeals.

Bill also specializes in counseling clients on the leasing and development of oil and gas on lands managed by the Bureau of Land Management, U.S. Forest Service and Indian lands. Specifically, Bill has represented independent oil and gas producers in litigation, including arbitrations involving the Mineral Leasing Act, National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, Energy Policy Act, Federal Land Policy and Management Act, Clean Air Act, and Clean Water Act.

Bill also advises oil and gas companies on regulatory compliance at the state and federal level, including representing companies before state level oil and gas commissions regarding alleged violations. Bill also counsels companies in negotiations and transactions related to all levels of oil and gas development.

Last, Bill has advised and represented entities related to property tax appeals before the Colorado Board of Assessment Appeals, and before the Appraisal Review Boards of Dallas and Harris Counties, Texas.

Industries

- Exploration & Production
- Midstream
- Natural Resources

Practice Areas

- Litigation
- Environmental
- Federal Lands
- Regulatory

Admissions

- Colorado, Wyoming, Texas, District of Columbia
- United States Supreme Court
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court, District of Colorado, District of Columbia, District of North Dakota, Eastern and Southern Districts of Texas, and District of Wyoming

Education

- Texas Wesleyan University School of Law, J.D., 2003
- The University of Mississippi (*Ole Miss*) Political Science, 1999

Speeches and Publications

- Co-Author, "Usurping Democracy and the Attempts to Ban Hydraulic Fracturing, the LSU Journal of Energy Law and Resources," Vol. V, 313-339, 2017



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ENERGY IN THE LAW

Bill joined Beatty & Wozniak, P.C. in 2009 after practicing in the Washington, D.C. and Denver, Colorado offices of Fulbright & Jaworski L.L.P.

SELECT EXPERIENCE

Litigation

- Represent oil and gas companies in U.S. District and Appeals Courts, Interior Board of Land Appeals and U.S. Forest Service Administrative Appeals Officers in challenges brought by environmental organizations against oil and gas exploration on federal lands for violations of National Environmental Policy Act, National Historic Preservation Act, Federal Land Policy and Management Act, Endangered Species Act, Clean Air Act, and Clean Water Act.
- Represent oil and gas company in favorably obtaining summary judgment on claims of adverse possession in U.S. District Court in Colorado.
- Represent oil and gas company in obtaining a favorable summary judgment on a dispute related to force majeure with a pipeline company.
- Represent oil and gas companies in responses and objections to release of documents under the Freedom of Information Act and related federal court litigation.
- Represent trade association as amicus curiae in federal court in challenge to oil and gas leasing decision involving hydraulic fracturing.
- Represent trade association as amicus curiae before Tenth Circuit Court of Appeals in case involving surface access and use, split estate lands and federal units.
- Represent oil and gas companies in federal oil and gas leasing and related IBLA appeal on BLM's deferral of parcels from federal oil and gas lease sale.
- Represent oil and gas company in Clean Water Act and Resource Conservation and Recovery Act litigation in federal court, including significant discovery disputes.
- Represent oil and gas companies in IBLA appeal and federal court litigation allegations that BLM failed to properly consult with the Fish and Wildlife Service for oil and gas leasing and development projects.
- Represent oil and gas companies in U.S. District Courts in Utah, Colorado, the District of Columbia, and Tenth Circuit Court of Appeals regarding challenges by environmental groups to issuance of federal oil and gas leases and BLM approval of oil and gas projects in Colorado and Utah.
- Represent geothermal and oil and gas companies before the Interior Board of Land Appeals in challenges to BLM's termination of leases in Nevada, Wyoming, Utah, New Mexico and Colorado.
- DAPL Presentation, Oct. 2016
- "Federal Lease and Gas Leases Update and Lease Preservation" (Presenter at DAPL Seminar, 2016)
- "From a Legal Perspective Suspension of Operations and/or Production," The Rocky Mountain Landmen, Denver Association of Petroleum Landmen Newsletter, September 2016
- Co-Author, Ninth Circuit Allows "Back-Door" Challenge Based on Global Climate Change (ABA, Section of Environment, Energy and Resources, October 2015)
- "NEPA Litigation Update," Presenter 2014 Public Lands Advocacy NEPA Permitting Seminar, April 2014
- Co-Author, Presenter with Bret Sumner, "Master Leasing Plans 101," EUCI Web Conference, April 2013
- "The Role of Secretarial Discretion in Federal Oil and Gas Leasing," The Rocky Mountain Landmen, Denver Association of Petroleum Landmen Newsletter, May 2010
- Co-Author, Presenter with Kenneth Wonstolen and Jamie Jost, "Federal Oil & Gas Compliance Issues Due Diligence in



- Represent private company in U.S. District Court regarding interpretation and payment of bonuses under private geothermal leases.
- Represent oil and gas companies in administrative challenge to U.S. Forest Service's approval of oil and gas project and permits to drill in San Juan Basin, Colorado.
- Represent oil and gas company in litigation in Elbert County, Colorado District Court and successfully obtained a temporary restraining order against a surface owner to allow access to lands to conduct geophysical seismic survey.
- Represent oil and gas trade association regarding U.S. Forest Service's attempt to amend and cancel federal oil and gas leases, federal policy issues and other government affairs initiatives.
- Represent oil and gas company in litigation in Finney County, Kansas District Court and Natrona County, Wyoming Circuit Court involving breach of contract dispute.
- Represent oil and gas company in litigation in Natrona County, Wyoming District Court involving foreclosure of lien related to federal oil and gas leases.
- Represent oil and gas company in an Arbitration proceeding involving contract indemnification issues
- Represent oil and gas company in a claim of trespass involving U.S. Department of the Interior.
- Represent oil and gas company in litigations involving judicial review of final agency action in the Denver County District Court.
- Represent entities in tax appeals before the Colorado Board of Assessment Appeals, and before the Appraisal Review Boards of Dallas and Harris Counties, Texas.

Regulatory

- Represent oil and gas companies before Colorado Oil and Gas Conservation Commission for Notices of Alleged Violations, enforcement matters, and drilling applications.
- Represent potash company in obtaining prospecting permits and authorization for core holes federal ROW issuance and compliance.
- Represent oil and gas companies in the development of Tribal oil and gas leases and working with Tribal governments on the permitting of operations on Tribal lands.
- Advise oil and gas companies on development of split estate lands in National Wildlife Refuge, including issues related to threatened and endangered species, fish hatchery, air quality, flood plains and issuance of special use permit.
- Represent oil and gas companies in compliance with orders and regulations and administrative appeals regarding the under payment of royalties before the Office of Natural Resources Revenue.
- Represent oil and gas companies before the Colorado and Wyoming

Mining and Oil & Gas Transactions," "Oil & Gas Permitting and Regulatory Compliance," Rocky Mountain Mineral Law Foundation, Special Institute on Due Diligence in Mining and Oil & Gas Transactions, April 2010

- "Secretarial Discretion," Public Lands Committee, Petroleum Association of Wyoming, March 2010
- "Legal and Regulatory Update: Wildlife and Public Lands," Rocky Mountain Environmental Health and Safety (EHS) Peer Group, October 2009
- Co-Author with David Chung, "Federal District Court Rules Citizens' Wilderness Inventory is Not Significant New Information," The Rocky Mountain Landmen, Denver Association of Petroleum Landmen Newsletter, November 2007
- Frequent contributor to the Beatty & Wozniak, P.C. Energy News Alert, 2009-present.

Professional Activities

- Denver Association of Petroleum Landmen
- Rocky Mountain Mineral Law Foundation
- Colorado, Texas, Wyoming and District of Columbia Bar Associations



Oil and Gas Conservation Commissions seeking orders establishing drilling and spacing units, statutory pooling and hydraulic fracturing rulemaking.

- Provide legal advice to companies on the creation, extension and maintenance of federal exploratory units in Utah, Colorado and Wyoming.
- Provide legal advice and counseling to oil and gas companies in the negotiation and approval of communitization agreements with BLM.

Endangered Species Act

- Represent oil and gas companies and draft comments related to Fish and Wildlife Service petitions to list and petitions to delist threatened and endangered species, issuance of recovery plans and programmatic biological opinions.
- Represent oil and gas companies in federal court related to environmental groups' challenge to Fish and Wildlife Service's decision not to list a species as threatened or endangered.
- Represent oil and gas companies in IBLA appeal and federal court litigation allegations that BLM failed to properly consult with the Fish and Wildlife Service for oil and gas leasing and development projects.
- Represent oil and gas companies in administrative appeal regarding the imposition of conditions of approval related to threatened and endangered species.
- Represent oil and gas companies before the U.S. Fish and Wildlife Service and BLM regarding endangered species and compliance with the Endangered Species Act in Utah, Wyoming and Colorado.

National Environmental Policy Act And Mineral Leasing Act

- Represent oil and gas companies before BLM in exploration and development of federal exploratory units in Colorado and Utah. Participate in weekly operational meetings with oil and gas companies regarding all aspects of exploration projects.
- Represent oil and gas companies on weekly calls with BLM regarding the approval of environmental impact statements and environmental assessments in Colorado, North Dakota, Utah and Wyoming.

Transactional

- Represent oil and gas companies in drafting, revising and complying with terms of joint operating agreements, farmout agreements, federal communitization agreements, surface use agreements and oil and gas leases.
- Negotiate surface use agreements on behalf of oil and gas companies with private surface owners and Colorado Parks and Wildlife.
- Represent oil and gas companies in drafting and revising oil and gas



purchase agreements, seismic licenses, drilling contracts and surface use agreements.



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