



## KATHLEEN M. CARR

Director of Fennemore  
Forward

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Natural Resources

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Fennemore Forward

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### **KATHLEEN M. CARR**

Kathleen Carr is a highly experienced attorney in Fennemore's Natural Resources group. Kathleen provides litigation and regulatory counseling to clients primarily in the environment, energy, and natural resources sectors. She comes to Fennemore after a distinguished federal career with the U.S. Department of the Interior where she served as the Field Solicitor in Boise, Idaho for over 10 years.

Given her extensive and high-level federal career, Kathleen, now in private practice, focuses on the environmental review and authorization of large federal infrastructure and development whether water, energy, or renewable projects. She guides her clients through the federal energy development sector on matters involving hydropower, renewable energy (solar and wind), transmission lines, mining or mineral leasing, FERC licensing and Lease of Power Privileges; and use and management of federal lands. In her practice, she counsels her clients in all aspects of natural resource laws, including the National Historic Preservation Act; the Endangered Species Act (ESA) and wildlife laws; Federal Land Policy and Management Act; National Forest Management Act; Federal Realty, including access or crossing agreements, rights-of-way, easements and exchanges; infrastructure development and federal construction and procurement; mineral and geothermal leasing and mining laws; National Environmental Policy Act; Reclamation Act of 1902 as amended and supplemented; the application of state water laws on federal water supplies under contract; tribal treaty consultations and cultural resources issues; federal recreation; safety of federal dams; and the Freedom of Information Act (FOIA). Through her legal career, Kathleen has successfully navigated and led complex water litigation, federal resource management projects, and negotiations involving significant federal, state, and tribal interests.

In her work as the Field Solicitor for the U.S. Department of the Interior she oversaw the legal work for four Interior Department agencies: the Bureau of Reclamation's Columbia Pacific Northwest Region (CPNR), the Bureau of Land Management Idaho (BLM), the National Interagency Fire Center (NIFC) and U.S. Geological Survey's Water Center (water issues). Kathleen supervised ten attorneys and paralegals on all aspects of the Department's development, protection and use of federal lands and waters. This included counseling clients on surface use and management for 12 million acres of federal lands, and 37 million acres of federal mining and mineral interests. Her legal work also included advising on federal hydro-electric operations involving \$3.1 billion in U.S. Bureau of Reclamation contracts to deliver 18 million acre feet of water and 7,000 Megawatts of power and wheeling deliveries in the Pacific Northwest Region, primarily the Columbia and Snake River Basins.

Prior to becoming the Field Solicitor, Ms. Carr worked as an attorney-advisor in Boise and Washington, D.C. where she counseled the U.S. Bureau of Reclamation on a broad range of legal matters involving federal and tribal water rights and adjudications, environmental, cultural property and conservation issues, federal real property, federal procurement issues, federal construction, and power and energy issues, among others.

In addition to her legal accomplishments, Kathleen has authored and co-authored several notable publications articles, including a book on water law, trends and practices. She is an active member of the American Bar Association's Section of Environment, Energy & Resources and currently serves as a member of its Book Publishing Board. She also served as the Section's Publication Officer and as Chair of its national water resources committee.

Kathleen holds a J.D. from the University of Wyoming College of Law, where she was a member of the Land & Water Law Review. She is admitted to practice law in Idaho, Wyoming, and Colorado. In addition to her professional work, she is committed to community service, actively supporting organizations such as the Idaho Women's Charitable Foundation and the Boise Contemporary Theater.

## EDUCATION

- J.D., University of Wyoming College of Law
  - Member, *Land & Water Law Review*, University of Wyoming College of Law
- B.S., University of Wyoming

## AREAS OF PRACTICE

- Natural Resources

## REPRESENTATIVE CASES

- Departmental Lead on Major Water Right Adjudications and Appeals in Idaho, Washington, and Oregon, including the Snake River Basin Adjudication (SRBA) wherein the United States litigated major federal water issues and appeals before the Idaho Supreme Court and the U.S. Supreme Court. Secured over 18,000 decreed water rights for Reclamation projects and BLM's lands, including for federally reserved geothermal rights, dedicated year-round instream flows for the Boise River Basin.
- Lead Federal Litigator on Eastern Snake Plain Aquifer's (ESPA) conjunctive management water call of surface and ground water users where irrigators farm two million acres of land overlaying the ESPA.
- Departmental lead on \$6 million dollar condemnation and property acquisition for a large water project with major contamination and clean-up regulatory requirements.
- Oversaw the defense of Clean Water Act lawsuits like NPDES permitting, 401 certifications and TMDLs. Worked with senior governmental officials across federal agencies to reconcile internal governmental differences.
- Supervised Department's filings for 13 FERC licensing projects and numerous leases of power privileges.
- Directed Departmental positions for negotiated rate settings on power transmission agreements and irrigation rate agreements and in apportioning cost allocations for operation, maintenance, and replacement (OM&R).
- Negotiated difficult and key federal water settlements, including Wild and Scenic and reserved water claims to preserve wilderness attributes, and contentious federal stock water agreements. Departmental lead on instream flow claims, competing hydropower claims and negotiating key irrigation recertification of primary and secondary irrigation rights.
- Directed National Environmental Policy Act (NEPA) reviews, specifically thirty Environmental Impact Statements (EIS)/RODs analyzing environmental effects from pro-posed implementation of federal projects.

- Oversaw numerous Endangered Species Act (ESA) consultations, species recovery projects, habitat modifications and conservation plans, and ESA power shaping agreements. This work also included managing biological assessments and consultations with development of reasonable and prudent measures to allow proposed projects to move forward as planned or with negotiated modifications and mitigation.
- Supervised all Reclamation and BLM federal realty acquisitions and legal compliance work for over 12 million acres of federal lands including resource management plans, rights-of-way for water infrastructure and transmission corridors, land exchanges, land tenure adjustments, land patents, stewardship agreements, timber harvests, and special use permits. Approved ejectment actions, enforcement of unauthorized uses, and recoument for damages.
- Chaired, U.S. Department of the Interior's Water and Legal Practice Group of forty attorneys.

## AWARDS AND HONORS

- U.S. Attorney Letter of Commendation
- Marquis Who's Who in America
- U.S. News Best Lawyers in America
- Who's Who Lifetime Achievement – Consistent Career excellence 20+ years, 2022 to present
- Who's Who in American Law
- Who's Who in the West

## ARTICLES AND PRESENTATIONS

- Speaker, A Review of Cooperative Federalism in Wyoming (Gina Guy Keynote on Government Service), Energy Law & Policy in the Rockies Conference, Laramie, Wyoming 2023
- Speaker, Developing a Good Working Relationship with a Federal Agency, Tri-State Meeting and Idaho Water Users Meeting, Boise, Idaho 2016
- Speaker Prohibited Federal Personnel Practices, National Interagency Fire Center, Boise, Idaho 2015
- Speaker, Federal Water Rights Adjudicated in the Snake River Basin Adjudication, Solicitor's Office & DOJ Conference, 2014
- Author, Significant Legal Milestones in Idaho Water Law: A Reclamation Perspective. *THE ADVOCATE, Idaho Bar Journal*, 2010
- Conference Chair "Competing for the Mighty Columbia River – Past, Present & Future" Boise, Idaho, 1998
- Co-Editor, ABA, WATER LAW TRENDS AND POLICIES, 1994
- Co-Author, LAND AND WATER LAW REVIEW, Glen Canyon Dam Operating Authority: Producing Electricity and Preserving the Grand Canyon River Environment; republished in the NATIONAL PUBLIC UTILITIES LAW ANTHOLOGY, 1991

## PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, Book Publishing Board, ABA/SEER, 2000-present
- Member, Idaho Women's Charitable Foundation, 2015-present
- Trustee & Secretary, Boise Contemporary Theater, 2017-2023
- Founding Member, 211 or Idaho Care Line, Founding Member

## ADMISSIONS

- Idaho
- Wyoming
- U.S. Federal District Court for the District of Idaho
- U.S. Federal District Court for the District of Wyoming