



CULLEN BATTLE

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Complex Litigation
- Energy & Utilities
- Environment/Natural Resources
- Real Property

PRACTICE SUMMARY

Cullen Battle is a shareholder at Fabian and has practiced law in Utah for over twenty five years. He focuses on environmental law, public lands law, land use, zoning and local government law, public utility law, and utility right of way condemnation. He also has a strong background in complex civil litigation.

PROFESSIONAL

- Utah Supreme Court Advisory Committee on Civil Procedure, 1995-Present
- Adjunct Professor of Law, University of Utah, Environmental Law Practice
- Rated AV by Martindale Hubbell
- Chair, Salt Lake City Public Utilities Advisory Committee, 2002-2007
- Utah Solid and Hazardous Waste Control Board, 1999-2004
- Utah Reclamation, Mitigation and Conservation Commission(appointed by President Clinton), 1999-2004
- Chair, Litigation Section Utah State Bar, 1993-1994
- Admitted to practice in Utah since 1981 (Utah State Bar # A0246)
- Admitted to the United States Supreme Court, Utah Supreme Court, United States Courts of Appeals for the 10th Circuit and Federal Circuit, and United States District Court for the District of Utah

EDUCATION

- J.D., University of Virginia, 1981
- Editor, Virginia Journal of Natural Resources Law, 1980-1981
- B.A., University of Virginia, 1976

PUBLICATIONS & PRESENTATIONS

- "Land Use and Zoning Law Litigation," National Business Institute Seminars, Salt Lake City, Utah, December 3, 2009
- "Environmental Law for Civil Engineers," Half Moon Seminars, Salt Lake City, Utah, August 25, 2005
- "Role of County Government in Wetlands Protection," National Association of Counties, Annual Western Conference, Ogden, Utah, May, 2004
- "Managing Meander Boundaries and Recent Developments under the Public Trust Doctrine," 22nd Annual Submerged Lands Conference, Park City, Utah, August 26, 2003
- "Utah Land Conservation Issues," Lorman Education Services, Salt Lake City, February 22, 2001
- "The Meander Line Controversy - Issues Related to the Ownership and Control of the Shorelands of the Great Salt Lake," Salt Lake City, November, 2000
- "Legacy Highway: Conflicting State Local and Federal Interests," Seventeenth Annual State and Local Government Conference, Brigham Young University, March 26, 1999
- Co-Editor, Model Utah Jury Instructions (Michie & Co.), 1992-1994

COMMUNITY SERVICE

- Board Member, Soldier Hollow Legacy Foundation
- Volunteer, Utah Nordic Alliance

REPRESENTATIVE PROJECTS

• UTILITIES

Water District - Represented a local water district in major facility siting and right of way acquisition and litigation regarding the construction of a major water treatment plant and aqueduct.

Electric Utility - Represented an electric utility in environmental and local land use permitting, right of way condemnation and acquisition, and other matters regarding major electric transmission lines and wind energy facilities.

Water Users Association - Represented a water user's association in transfer of electric utility line and re-negotiation of long term power sales contract.

Sewer District - represented a sewer district in litigation regarding siting of a regional sewer treatment plant.

Transit - Represented local transit authority in closing an at-grade rail crossing and in litigation regarding local referendum on routing of light rail line.

- MUNICIPAL LAW - Defended local cities in cases regarding a challenge to fees for inspection of public improvements, a challenge to building fees and an insurance claim for major sewer backup.
- ENVIRONMENTAL/PUBLIC INTEREST - Grazing Permits and Ranch Acquisitions - Represented major environmental organizations in acquiring and defending federal grazing permits and properties in environmentally areas.

Roadless Areas - Represented a major environmental organization in litigation regarding RS 2477 rights of way.

Mine Tailings - Represented a County and others in opposing the permanent disposal of uranium tailings on banks of Colorado River; represented an Indian tribe in relation to disposal of uranium tailings near reservation.

Public Trust/Sovereign Lands - Represented environmental organizations and others in acquisition of various properties around Great Salt Lake and in litigation regarding sovereign boundary issues.