

Graham St. Michel
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October 14, 2024

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Re: Application for General Counsel Position

Dear Members of the Governing Board,

I am writing to express my strong interest in the General Counsel position at the Tahoe Regional Planning Agency. Growing up in South Lake Tahoe, the Basin has always held deep significance for me, not only as my home but also as the foundation for my legal career. I have dedicated my professional life to environmental law and public service, and TRPA's mission has been a guiding inspiration for me from the start. My extensive experience with land use, environmental regulation, government law, and litigation—particularly in my role as Associate Counsel with TRPA—makes me uniquely qualified to serve as your next General Counsel.

As an attorney for TRPA, I have had the privilege of working closely with the current General Counsel and engaging with staff on the day-to-day legal challenges inherent to our work. This experience has provided me with invaluable insight into the agency's legal strategies and operations. I have successfully managed enforcement matters, including negotiating a \$50,000 settlement for violations of TRPA ordinances. Additionally, I helped defend TRPA's affordable housing policies in a lawsuit, collaborating on the administrative record and settlement negotiations. I also have valuable experience serving as legal counsel during public meetings of both the Governing Board and Advisory Planning Commission, ensuring compliance with open meeting laws and facilitating productive discussions.

Tahoe is a unique and challenging place to work, requiring not just legal expertise but an understanding of the Basin dynamics, diverse stakeholders, and critical environmental issues that TRPA navigates daily. I bring that understanding as someone who has lived, worked, and grown within this community. I am dedicated to continuing to build strong relationships with the agency's staff, stakeholders, and the broader community, providing the leadership and collaborative problem-solving that is essential to this role. And as a father raising my children in this extraordinary place, I am committed to advancing TRPA's mission of protecting Lake Tahoe for future generations.

In addition to my hands-on experience with TRPA, my previous positions have served as the foundation of my expertise in environmental regulation, administrative law, and litigation. I spent

the first six years of my career in private practice, representing a diverse range of clients, including industry and the regulated community. This experience gave me valuable insight into the perspectives of those interacting with regulatory agencies, allowing me to approach problem-solving and dispute resolution with balance and pragmatism. My subsequent roles as in-house counsel with the California Department of Conservation and the California Tahoe Conservancy further developed my expertise in advising government clients, working closely with the Attorney General's office on significant litigation, drafting impactful environmental regulations, and negotiating complex disputes. Across my 16 years as a lawyer, I have honed the skills necessary to provide strategic legal counsel, manage both affirmative and defensive litigation, and lead legal teams—responsibilities directly aligned with the General Counsel role.

I see this position not just as a job but as a continuation of my commitment to the Basin—a commitment I am eager to deepen by serving TRPA and the Governing Board with integrity, passion, and a genuine love for Tahoe. I am confident that my legal experience, strategic mindset, and the insights I have gained during my tenure with TRPA make me uniquely equipped to support TRPA's mission at a high level of responsibility.

Thank you for considering my application. I am very excited about the possibility of continuing to serve TRPA in an elevated capacity as General Counsel.

Sincerely,



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Contact

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Key Skills

- Strategic legal counsel
- Negotiation and conflict resolution
- Compliance and risk management
 - Litigation management
 - Clear and persuasive writing
- Interpersonal leadership

Profile

Strategic problem-solving attorney with extensive expertise in government law, environmental law, land use, property transactions, contracting, open meetings, administrative law, and administrative adjudication. Proven track record of providing high-level legal counsel, navigating complex regulatory landscapes and stakeholder input to achieve effective solutions.

Experience

February 2024 — Present

Associate Attorney • Tahoe Regional Planning Agency • Stateline, NV

- Collaborate with agency staff and diverse stakeholders on high-profile, complex projects, navigating challenging issues related to environmental review, threshold impacts, land use, and permit enforcement.
- Assist staff in preparing recommendations for Governing Board approval across various areas, while leveraging strong working relationships with the legal team and senior leadership.
- Provide legal counsel during public meetings of the Governing Board and Advisory Planning Commission, ensuring compliance with open meeting laws and facilitating discussions on staff initiatives, thus enhancing public transparency and legal compliance.
- Support enforcement of TRPA code violations, analyzing evidentiary support, negotiating and drafting settlement agreements, and communicating outcomes for Governing Board approval.
- Defended the agency's affordable housing policies in a lawsuit brought by an advocacy group, contributing to the preparation of the administrative record, and actively engaging in successful settlement negotiations; apprised the Governing Board of key developments.
- Defended an administrative appeal of an Executive Director's permit decision by crafting a compelling legal analysis and advocating for the Director's position before the Governing Board, resulting in a favorable outcome.
- Work on collaborative projects under the mentorship of the existing General Counsel, gaining invaluable insight into the agency's operations, policy considerations, and strategic goals.

November 2020 — February 2024

Senior Attorney (Attorney IV) • California Department of Conservation

- Advised the Division of Land Resource Protection on grant administration, real property, land use, legislative developments, and CEQA compliance, providing comprehensive legal guidance on critical conservation and land use issues.

[...]

- Developed and negotiated legal mechanisms to protect public investments in diverse conservation projects, including conservation easements, property covenants, access agreements, subordination agreements, interagency agreements, and tribal agreements.
- Conducted real property due diligence by evaluating title reports, legal access, subsurface rights, vesting issues, rights-of-way, utility easements, and other property interests affecting state-funded projects, safeguarding project integrity.
- Interpreted statutes and case law to guide the Department's involvement in local land use matters intersecting state authority, such as affordable housing, solar development, and sustainable groundwater management.
- Collaborated with a special programs team to design and administer a \$50 million competitive grant program for forest biomass pilot projects advancing carbon-negative fuels technologies.
- Provided strategic counsel on procurement and contracting, supporting the Department's divisions in securing mission-critical goods and services.
 - Led a team in accelerating pace and scale of awarding over \$300 million in public works contracts to plug thousands of orphaned oil wells statewide.
 - Successfully resolved contract award protests, securing favorable outcomes and maintaining the integrity of procurement processes.
- Served as a Department Hearings Officer, adjudicating industry appeals of civil enforcement orders and ensuring fair and accurate rulings.
- Guided client divisions in responding to Public Records Act requests, ensuring compliance with legal obligations while protecting sensitive information.

January 2018 — November 2020

Senior Attorney (Attorney III) • **California Tahoe Conservancy** • South Lake Tahoe, CA

- Played a key role in advancing environmental conservation projects, advising on legal and regulatory compliance for land acquisition, habitat restoration, and public access initiatives in the Tahoe Basin.
- Advised and guided the Conservancy's governing board on key issues by preparing, reviewing, and providing strategic direction on staff recommendations, board actions, and CEQA compliance documents, ensuring informed decision-making.
- Streamlined transactional processes by efficiently preparing and reviewing contracts, grant agreements, requests for proposals, and real estate documents, supporting the effective management of Conservancy properties.
- Led the development and revision of internal policies, including open meeting procedures, document retention policies, and staff delegation policies, strengthening the Conservancy's governance framework and operational efficiency.

February 2014 — January 2018

Senior Attorney (Attorney III) • **California Department of Conservation** • Sacramento, CA

- Advised the California oil and gas regulator (CalGEM) on complex environmental regulatory issues, providing strategic counsel to strengthen the agency's oversight of the oil and gas industry, while navigating the demands of advocacy groups, industry stakeholders, and the administration.
 - Drafted, prosecuted, and defended civil enforcement orders against operators of noncompliant wells, collaborating with the State Water Resources Control Board on enforcement strategies and defending orders on appeal.
 - Collaborated with the California Attorney General's Office on high-profile litigation, including the Aliso Canyon gas leak; drafted legal memoranda, shaped case strategy and reviewed litigation work product for accuracy and persuasiveness.

- Led significant administrative rulemaking efforts, drafting regulatory text and ensuring compliance with the Administrative Procedure Act for critical regulations, including fracking, aquifer exemptions, underground injection control, and underground gas storage.
- Served as the Department's designated ethics officer, advising management and staff on sensitive ethics-related personnel matters, including potential conflicts of interest, ethics training, and disclosure of economic interests under the Political Reform Act.

September 2012 — February 2014

Environmental and Land Use Attorney • **Downey Brand, LLP** • Sacramento, CA

- Led clients through various aspects of CEQA litigation, including critiquing environmental impact reports, preparing detailed CEQA comments, advising on litigation strategies, preparing discovery responses, and assembling CEQA administrative records.
- Drafted amicus curiae brief for a statewide coalition of public water agencies in *Berkeley Hillside Preservation v. City of Berkeley*, a landmark California Supreme Court case addressing the use of categorical exemptions under CEQA.
- Defended a +1,000-acre farming operation in a federal Clean Water Act enforcement action, preparing the defense strategy and contributing to settlement negotiations with the U.S. EPA.
- Performed comprehensive environmental and land use due diligence for multi-site alternative energy acquisitions, advising clients of outstanding approvals and potential litigation risks.

September 2008 — August 2012

Environmental Litigation Attorney • **Beveridge & Diamond, PC** • Washington, D.C.

- Contributed to a multi-million-dollar arbitration victory as part of the trial team in a seven-day adversarial proceeding; managed discovery, prepared witnesses, presented testimony, drafted briefs and motions, and led a team of paralegals.
- Lead associate in federal and California litigation over a county voter initiative affecting municipal waste management; drafted pleadings, motions, and briefs for a national waste management firm and contributed to a successful amendment of California's Integrated Waste Management Act (A.B. 845, 2012).
- Briefed and won the Ninth Circuit appeal in *Potrero Hills Landfill, Inc. v. County of Solano*, 657 F.3d 876 (9th Cir. 2011), reversing a district court ruling and clarifying the limits of the federal abstention doctrine.
- Advised major trade associations on regulatory developments in environmental law, providing insights on compliance and strategic responses.

Education

May 2008

Juris Doctor, *magna cum laude* • Lewis & Clark Law School • Portland, OR

Natural Resources Law Scholarship

Lead Articles Editor, *Lewis and Clark Law Review*

December 2004

Bachelor of Sciences in Public Policy, Management and Planning, *magna cum laude* • University of Southern California • Los Angeles, CA

Minor, Environmental Social Sciences

American University, Washington, D.C. Semester, International Environment and Development

Licenses and Memberships

California, 2008

*Nevada, 2024 (*passed NV bar exam)*
