



## Preston N. Carter

*Partner*

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(208) 388-1222

Preston guides clients through the complex world of federal and state regulations.

Administrative law combines law, politics, science, and public policy. Preston presents arguments with the right mix of these elements to persuade elected officials, agency personnel, judges and other decision makers.

Preston focuses on environmental law but his expertise extends to a variety of contexts. He represents clients in negotiations and administrative proceedings with State and Federal agencies, such as the Idaho Department of Environmental Quality, the Idaho Public Utilities Commission, the Idaho Department of Water Resources, the Idaho Department of Agriculture, the Idaho Department of Administration, the Idaho State Tax Commission, the Idaho State Police, Office of Alcohol Beverage Control, the United States Environmental Protection Agency, and the United States Forest Service, among others. He also helps clients obtain entitlements and economic incentives from city, county, and state governments.

Preston's litigation experience buttresses his administrative law expertise. He represents clients in judicial appeals and other lawsuits in federal and state court.

When not working, Preston spends his time trail running, hiking, hunting, fishing, and enjoying the Idaho outdoors with his wife and three children.

### Practice Areas

- Administrative and Regulatory Law
- Environmental Law
- Litigation
- Natural Resources
- Real Estate and Land Use
- Road and Access Law

### Industries

- Agriculture
- Energy and Utilities
- Food Processing and Manufacturing
- Forestry and Lumber
- Mining
- Real Estate Development, Construction and Investment
- State and Local Government

### Recognition

- Mountain States Super Lawyers, Rising Star, Environmental Litigation 2017, 2018, 2019, 2020
- Chambers USA, America's Leading Lawyers for Business (Natural Resources & Environment)
- Chambers, USA, America's Leading Lawyers for Business - Up and Coming 2020

### Education

- J.D., Notre Dame Law School 2010, *summa cum laude*
  - Dean Joseph O'Meara Award for Outstanding Academic Achievement
  - Executive Articles Editor, Notre Dame Law Review
- BBA Finance, Political Science, University of Notre Dame 2007, *cum laude*

## **Admissions**

- Idaho
- U.S. District Court (Idaho)
- U.S. Court of Appeals for the Ninth Circuit

## **Judicial Clerkship**

- Hon. Paul J. Kelly, Jr., United States Court of Appeals for the Tenth Circuit

## **Community Involvement**

- Commissioner, Boise Parks and Recreation Commission (2016-present)
- Participant, Leadership Boise (2015-2017)
- Member, Environmental and Natural Resources Section, Idaho State Bar

## **Experience**

- Defended clients in investigations and enforcement proceedings brought by the United States Environmental Protection Agency (EPA), the Idaho Department of Environmental Quality (DEQ), the Idaho State Department of Agriculture (ISDA), and the Occupational Safety and Health Administration (OSHA)
- Represented utility and renewable energy utility clients in administrative proceedings before the Idaho Public Utilities Commission
- Defended federal lawsuits brought by environmental groups under the Resource Conservation and Recovery Act (RCRA)
- Represented industrial and municipal clients in negotiating and obtaining National Pollution Discharge Elimination System (NPDES) permits from the EPA
- Represented industry intervenors in federal lawsuits under the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Wilderness Act
- Represented County and industry plaintiffs in federal lawsuits under NEPA
- Defended clients in enforcement proceeding brought by the Idaho State Police, Alcohol Beverage Control (ABC), in part by filing federal civil rights lawsuit
- Assisted clients in various stages of mining activity, including drafting and negotiating Plans of Operation, ensuring compliance with regulations, coordinating environmental analyses, and, where necessary, challenging or defending agency action through administrative processes and by filing or defending against federal lawsuits
- Assisted clients in obtaining economic incentives and necessary entitlements from state and local governments
- Challenged procurement awards made by the Idaho Department of Administration in administrative proceedings and in court
- Represented clients in land use proceedings and ensuing litigation

## **Publications**

- If an (Endangered) Tree Falls in the Forest, and No One Is Around Resolving the Divergence Between Standing Requirements and Congressional Intent in Environmental Legislation, 84 Notre Dame Law Review 2191 (2009)
- NBI Seminar, Farm Business Law: Regulatory Update, discussing recent regulatory developments related to agriculture, including under the Food Safety Modernization Act (FSMA), the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act
- NBI Seminar, Agricultural Water Law: Regulatory Update, discussing recent regulatory developments, including under the Food Safety Modernization Act (FSMA), the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act