
Public Lands

Energy, Environment and Natural Resources: Natural Resources

Our team, which includes former high-ranking officials at the Departments of the Interior, Energy and Justice, has assisted conventional and renewable energy developers, mining companies, ranchers, ski areas, tribes, water suppliers, real estate developers, and others in obtaining regulatory approvals and permits for projects on public lands across the United States. We help clients conceptualize projects with legal and policy priorities and concerns in mind, including compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA) and wildlife mitigation laws. We also counsel companies through permitting and environmental review processes, negotiations with relevant agencies, and, if necessary, litigation resulting from permit denial, opposition or administrative challenges. Our team regularly advises clients on matters before the EPA, Department of Defense, Department of Energy, Federal Energy Regulatory Commission, Department of Agriculture, and federal agencies under the Department of the Interior—such as the Bureau of Land Management, Bureau of Indian Affairs, and US Fish and Wildlife Service—as well as their state and local government counterparts.

Experience

PERMITTING AND COMPLIANCE

- Counseling a real estate developer regarding the NEPA process related to a pending application before the US Forest Service for an easement to construct, improve, utilize and maintain road segments across National Forest System lands to support a proposed housing development.
- Assisting a Wyoming-based power company in gaining federal regulatory approval to build one of the largest wind farms and transmission lines in North America.
- Serving as public lands counsel for a New England-based investor-owned utility seeking to obtain federal approvals and permits for the construction of high-voltage energy transmission lines across the Appalachian Trail and the White Mountain National Forest.
- Securing federal, state and local land use approvals for ski areas and winter recreation programs, including ski area permits, permit renewals and other special use authorizations.
- Working with a major ski resort to navigate federal and state environmental permitting processes and negotiate with various stakeholders to secure approval for a new gondola.
- Securing federal, state and county land use approvals for nearly 4,000 megawatts of wind energy, including more than 1,000 megawatts in eastern Colorado.
- Obtaining multiple regulatory approvals for the development of utility-scale wind farms across the western United States.
- Representing clients in the nuclear energy, waste management, retail and recycling sectors in securing licenses and permits to construct, operate or expand controversial facilities on public lands.
- Counseling clients on NEPA compliance and the development of Habitat Conservation Plans under the ESA, as well as other environmental review, permitting and enforcement matters.

INVESTIGATIONS AND ENFORCEMENT

- Conducting an internal investigation for a company operating on public lands, and representing the company in national regulatory agency enforcement actions.
- Representing a major wind-power company in a Department of Justice investigation into potential wildlife impacts from wind turbines.
- Conducting an internal investigation for an oil and gas company to assess whistleblower complaints related to potential environmental violations impacting public lands.

LITIGATION

- Representing a mining company in multifaceted litigation with the federal government over mineral rights on public lands, including advising on public policy issues.
- Successfully defending a public utility's federal approvals for significant sources of electric generation outside of Las Vegas, Nevada, in appellate court.

- Representing seven national, state and local environmental and conservation groups as parties to the successful mediation and settlement of the 30-year-long Black Canyon of the Gunnison water rights litigation.
- Challenging on behalf of a client the Bureau of Land Management's decision to arbitrarily withdrawal several oil and gas leases with a collective estimated value in the billions.