

CONTACT

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PRACTICE AREAS

Electric
Endangered Species
Energy, Environment & Natural Resources
Hydropower
NEPA & State Equivalents
Public Lands
Water Resources

EDUCATION

The Catholic University of America, Columbus School of Law
University of Idaho

BAR AND COURT ADMISSIONS

District of Columbia Bar
California State Bar

JOSEPH B. NELSON

PARTNER



Professional Background

Joe has over twenty years of experience providing counsel to clients involved with linear and site-specific energy, natural resource, and water resource projects as they navigate the myriad regulatory and environmental laws governing project development and operations. His practice includes representation of clients before federal agencies and commissions including the Federal Energy Regulatory Commission, U.S. Fish and Wildlife Service, National Marine Fisheries Service, National Park Service, U.S. Bureau of Reclamation, Department of Energy and Department of the Interior.

As permitting counsel, Joe provides strategic advice and representation before federal agencies on environmental review and permitting matters under the Endangered Species Act, Clean Water Act, National Environmental Policy Act and other environmental statutes. In addition, he serves as regulatory counsel to public and investor-owned electric utilities before the Federal Energy Regulatory Commission.

A common element to Joe's practice is his ability to synthesize the in-depth, technical components of project development with the complex regulatory requirements necessitated by environmental laws. In addition, Joe has significant experience litigating before state and federal courts in California, the District of Columbia, and Texas, and before administrative boards such as the Interior Board of Contract Appeals.

Prior to private practice, Joe served on the legislative staffs of former Sen. James A. McClure (R-ID) and Rep. Larry E. Craig (R-ID), where he worked primarily on agricultural and budget matters.

Representative Experience

Environmental Permitting & Compliance

- Strategic advice and advocacy before federal agencies on behalf of a merchant transmission developer for a multi-state, high-voltage transmission line on permitting and environmental reviews under the National Environmental Policy Act, Endangered Species Act, Migratory Bird Treaty Act and other federal environmental laws.
- Regulatory analysis, legislative drafting and strategic advice as counsel to the National Endangered Species Act Reform Coalition on legislative, regulatory and policy matters under the Endangered Species Act.
- Counsel to renewable energy project developers, resource users, municipal governments and other parties with respect to compliance with the Migratory Bird Treaty Act and Bald & Golden Eagle Protection Act.
- Due diligence reviews on federal environmental matters in relation to potential acquisitions, funding and loan guarantees for high-voltage transmission lines, liquefied natural gas import and export terminals and other energy infrastructure projects.

Energy Regulatory

- Counsel to the Long Island Power Authority with respect to its participation as a transmission owner, generator and load serving entity in the organized electricity markets operated by the New York Independent System Operator, ISO New England and PJM Interconnection.
- Counsel to a Canadian utility on U.S. energy regulatory matters before the Federal Energy Regulatory Commission.

- Development and negotiation of transmission pooling arrangements, transmission service agreements, and related agreements for coordinated transmission system operations.

Water Resources

- Counsel on permitting and use of water rights for private and public water systems including water storage projects, municipal and irrigation diversions and hydroelectric project operations.
- Counsel to foreign investors on the regulation and operation of private water utilities within the United States.

Articles and Presentations

- Speaker, "Energy-Water Nexus - Issues Facing Public Power in the Future" - American Public Power Association, Washington DC, 03/09/2015
- Moderator - New ESA Rule on Economic Impacts in Critical Habitat Designations, Law Seminars International, 12/13/2013
- Administration Proposes Improvements to ESA Petition Process, Irrigation Leader, Vol. 7 Issue 11 pp. 30-31, 01/31/2016
- "Adverse Modification" Rulemaking on the Horizon for the Endangered Species Act?, Newsletter of the Independent Petroleum Association of America, 05/03/2013

Alerts

- EPA and Corps Seek Additional Comment on Proposal to Repeal Definition of WOTUS, 07/18/2018
- FEMA Adopts Significant Changes to the National Flood Insurance Program ("NFIP") Under the Rubric of a "Clarification", 06/08/2018
- EPA and Corps Amend Effective Date of WOTUS Rule, Open Door to Legal Challenges, 02/12/2018
- Supreme Court Rules that District Courts Retain Jurisdiction Over "Waters of the United States" (WOTUS) Rule, 01/29/2018
- EPA Proposes to Amend Effective Date of WOTUS Rule, 11/27/2017
- EPA Proposed Rule to Rescind Definition of "Waters of the United States", 07/17/2017
- DC Circuit's *Emera Maine* Decision Creates Questions for Electric Utility ROE Policy, 04/18/2017
- Trump Executive Order Starts Review and Potential Revision of the "Waters of the United States" (WOTUS) Rule, 03/01/2017
- Administration Takes an Initial Step in its Regulatory Reform Agenda , 01/31/2017
- Army Corps of Engineers Releases 2017 Nationwide Permits, 01/19/2017
- Administration Marches Ahead on Critical Habitat:
Final Rules and Exclusion Policy Lay Groundwork for Broader Designation of Critical Habitat and Reshape the Adverse Modification Inquiry, 02/22/2016
- Congress Establishes Federal Permitting Reforms for Major Infrastructure Projects, 01/06/2016
- Fish and Wildlife Service Contemplates Expansive Permitting Regime to Address Incidental Take of Migratory Birds, 06/08/2015
- BLM Contemplates Oil and Gas Royalty Reform, 04/23/2015
- Policy Outlook for 2015, 02/20/2015
- Proposed Rule Redefining Jurisdictional "Waters of the United States" Under the Clean Water Act – Comment Period Closes, but Questions Remain Open, 11/17/2014
- Administration Proposes Changes to Endangered Species Act Critical Habitat Designations and "Adverse Modification" Definition , 05/15/2014
- Federal Agencies Issue Long-Awaited "Waters of the United States" Notice of Proposed Rulemaking for

Clean Water Act Jurisdiction, 03/27/2014

- OUTLOOK 2014: KEY POLICY DEVELOPMENTS, 01/23/2014
- Clearer Picture Emerging on Proposed Rule Redefining Jurisdictional Waters of the United States, 12/23/2013
- Draft Rulemaking Likely to Expand Clean Water Act Jurisdiction, 09/19/2013