



## Environment, Natural Resources, & Public Lands

### PUBLIC LANDS & NATURAL RESOURCES

The development and use of land and water resources is often a tricky business. Whether you are dealing with public or private lands, myriad federal and state laws and regulations must be addressed before a project can be completed or your rights can be guaranteed. Many potential conflicts can be seen long in advance and steps can be taken to obtain the permits and approvals necessary to keep a project on schedule. Other problems, however, can pop up with little notice at all, and it takes experience, confidence, and institutional knowledge to navigate the often conflicting governmental requirements and political pitfalls that can arise.

Van Ness Feldman provides clients with vital legal and political counsel on the broad range of land and water use issues. Not only can we manage efficiently the routine compliance issues associated with land and water use, but we also have helped to guide clients through some of the most complex, precedent-setting, and controversial natural resource conflicts of the past 25 years. To do this, we have devised effective strategies for working with the Executive Branch, Congress, state and local governments, citizen groups, the environmental community, and other stakeholders. Our goal? To find solutions that work, are legally defensible, and are acceptable to all interested parties.

Founded by senior congressional staff members who participated in the creation of some of the nation's most far-reaching environmental laws — the Clean Water Act (CWA), Endangered Species Act (ESA), and National Environmental Policy Act among them — Van Ness Feldman utilizes its expertise to help clients find the right solutions to their land and water use problems. Our first recommendation is almost always to define points around which consensus can be built and move forward in as collaborative a process as possible — this has proven to be the path by which most of our clients are best served. However, conflict sometimes is unavoidable, and when litigation is required, the firm litigates vigorously and effectively on behalf of its clients.

### *Numerous Issues, Numerous Solutions*

Firm professionals have dedicated their careers to mastering the complexities of federal and state land and water use policies, the intricate legislative and regulatory decision making processes, and the dynamic interactions between interest groups, businesses, industries, and governments. Whether the issue is a major interstate land exchange, a controversial special use permit to use and occupy public lands, a complex project requiring a Section 404 CWA permit and a consultation under the ESA, or a change in legislative or administrative policy, our professionals have the legal and political experience — as well as the judgment and business acumen — to help our clients achieve their goals.

During the course of a representation, a single client may have to interact with a dozen or more different agencies with jurisdiction over federal environment and natural resource policy. Our firm's professionals have extensive experience working with these agencies, not only on behalf of clients, but also, earlier in their careers, as high-ranking officials within the agencies themselves.

On behalf of our clients, we:

- Manage and expedite environmental documentation, federal approvals, special and temporary use permits, rights-of-way acquisition, utility and transportation corridor permitting, and the governmental certifications, concurrences and clearances necessary for ensuring that land and water use on private or public land is in compliance with all applicable environmental laws.
- Structure and negotiate exchanges of private and federal lands and represented client interests before federal agencies and state and local officials. Van Ness Feldman has the expertise and creativity needed to advance important exchanges as well as obtain the congressional approvals required for interstate land exchanges.
- Help navigate intricate water rights proceedings. Van Ness Feldman professionals have been at the forefront of developing, managing and utilizing the nation's reliable and sustainable water supply. In particular, our firm has broad experience working in the complex arenas involved in managing the legal control of water in the arid western states, including water storage and habitat enhancement projects; water rights permitting; water supply contracts and administration; small conduit hydroelectric development; interstate water banking and exchanges; water infrastructure authorization, funding and implementation; Indian water rights settlements; water recycling and reuse; and international treaties on water flow, development, and control of invasive species.
- Manage the complex wetlands permitting process under Section 404 of the CWA and negotiated effective resolutions to wetlands disputes. We are also experienced in the compensatory mitigation and innovative mitigation banking projects that provide cost-effective mitigation and significant economic opportunities for our clients.
- Navigate the complicated regulatory requirements associated with the Endangered Species Act, ranging from regulatory compliance and counseling, to the development of single- and multi-species habitat conservation plans, to the identification and implementation of multi-forum approaches to ESA challenges.
- Provide leadership on how best to develop environment and natural resource policy. Members of the firm have been centrally involved in developing and implementing legislation governing land, water, and natural resources, including the National Environmental Policy Act, the Alaska National Interest Lands Conservation Act, the Outer Continental Shelf Lands Act, the CWA, and the ESA, among others.