



Environment, Natural Resources, & Public Lands

PROJECT DEVELOPMENT & PERMITTING

Any large-scale construction project requires developers to secure numerous environmental permits. Van Ness Feldman has the expertise and experience needed to help clients approach this task in the multi-jurisdictional and multi-disciplinary manner required by the complex permitting process. Because we understand all aspects of federal permitting, we can find solutions and tradeoffs that allow clients to avoid unnecessary permitting delays.

Strategic Permitting Review

Our commitment is to view each representation through the eyes of our clients. When considering a development project, you would not consider the securing of a single permit to be a success, and neither do we. Van Ness Feldman defines success as getting the project built in a timely and cost-effective manner. This fundamental commitment radically impacts how we approach each project because it requires us to identify the inter-related issues that cut across the permitting process and find creative ways to use the work done in one area to inform and support work being done in another.

The list of environmental and natural resource permits that developers must secure can be both lengthy and daunting. Van Ness Feldman reviews a project plan at its inception and not only identifies the permits that likely will be needed, but also designs a strategic plan for obtaining those permits as quickly as possible and ensuring that nothing falls through the cracks. In addition, we also utilize our expertise to address complicated — and sometimes controversial — legal and political issues, such as:

- The limits of federal and state jurisdiction.
- Analysis of alternatives.
- Cumulative impacts, including “secondary” impacts.
- On-site and off-site mitigation options.
- Conservation plan opportunities.
- Incidental take protection.
- Environmental justice.

Van Ness Feldman can also help shape strategic decisions by conducting a strategic risk analysis early in the project planning and development stages. Such a review can help project decision makers adapt technology choices and siting plans to the regulatory environment and maximize opportunities for getting permit approvals

on time.

Federal Laws Require a Federal Approach

Today, more than ever, environmental regulation and permitting obligations encountered by project developers flow from federal statutes. Whether a project sponsor is dealing with the regional office of a federal agency or a state office that is exercising authority delegated by a federal agency, federal law is usually at the heart of the regulatory hurdles placed in the way of project development.

Specifically, Van Ness Feldman is able to provide expert legal advice on the range of federal statutes encountered during project development, including the:

- Clean Air Act.
- Clean Water Act.
- Coastal Zone Management Act.
- Endangered Species Act.
- Federal Land Policy and Management Act.
- National Environmental Policy Act.
- National Historic Preservation Act.
- Resource Conservation and Recovery Act.

Van Ness Feldman has been working to resolve environmental conflicts for over 25 years, and our relationships are spread throughout the federal decisionmaking structure. We apply our nationwide experience to solving specific client problems — sometimes working with local offices and other times taking client concerns directly to the headquarters of the jurisdictional agency.

Teamwork

As a firm, Van Ness Feldman's principal focus is on helping clients solve their energy and environmental problems. Because of this focus, the firm has the ability to quickly pull together multi-disciplinary client teams that have the expertise and experience needed to address all of the permitting issues a project may face. However, regardless of the size and diversity of the teams that are serving our clients, we never lose sight of our commitment to provide open lines of communication with our client and a cost-effective, exemplary work product.

Furthermore, Van Ness Feldman has a proven ability to work effectively with consultants by providing the legal perspective necessary to identify early those potential problems that could adversely impact the project, find opportunities to simplify the permitting process, and ensure that all activities are in compliance with the law.