

#### CONTACT

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#### PRACTICES

Electric  
Litigation & Investigations  
Oil, Gas, & LNG  
Water

#### EDUCATION

University of Oregon School of  
Law  
Lewis & Clark College

#### BAR AND COURT ADMISSIONS

Washington State Bar  
Oregon State Bar  
U.S. District Court for the Western  
District of Washington  
U.S. Court of Appeals for the  
Ninth Circuit

## RACHAEL L. LIPINSKI

### OF COUNSEL



### Professional Background

Rachael specializes in natural resources and environmental law, with particular expertise in permitting renewable and transmission projects and in water rights. She provides strategic counsel on complex regulatory, enforcement, and litigation matters under key environmental statutes, including the Clean Water Act (CWA), Endangered Species Act (ESA), Outer Continental Shelf Lands Act (OCSLA), and the National Environmental Policy Act (NEPA). Rachael's unique blend of public and private sector experience, coupled with her work bridging industry, environmental, and utility interests, allows her to provide comprehensive, strategic advice on permitting and water rights issues. Her close working relationships with regulators and deep understanding of regulatory frameworks enable her to effectively navigate complex environmental challenges for her clients.

Her key experience includes:

- Facilitating permitting and environmental reviews for utility scale solar and wind energy developments as well as electric transmission development
- Advising municipal water suppliers and other water rights holders on procurement, protection, and management of water rights
- Guiding infrastructure project development at marine terminals in the Pacific Northwest and Gulf of Mexico

### Representative Experience

- Provide outside counsel to a coalition of developers and environmental NGOs to support transmission development to facilitate bringing additional renewable energy onto the grid.
- Serve as outside counsel to a water utilities organization, advising on complex water rights and regulatory issues impacting municipal water suppliers.
- Support a large public utility in an internal investigation into compliance issues, including collaborating closely with the federal regulator.
- Advise and support clients in oil spill preparedness and response for onshore and offshore facilities as well as vessels.
- Counsel clients on environmental justice, including under the National Environmental Policy Act, Civil Rights Act, and Washington State Healthy Environment for All (HEAL) Act.

### Government Service

Attorney, U.S. Coast Guard, Office of Maritime and International Law, Environmental Law Division

Special Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia

Presidential Management Fellow, Department of the Interior, Bureau of Safety and Environmental Enforcement

### Awards and Honors

"Best Lawyers in America: Ones to Watch" by *Best Lawyers*

Environmental Law, 2022-2025

U.S. Coast Guard Special Act Award

Spirit of Excellence Award

Meritorious Team Commendation Award Recipient

### Articles and Presentations

- 2025 Environmental Seminar, Washington Public Ports Association, Union WA, 09/25/2025
- 2025 EBA Energy Forum, Energy Bar Association, Washington D.C., 09/15/2025
- Water Law in Central Washington Conference, The Seminar Group, Ellensburg WA, 09/04/2025
- National Waterways Conference 2025 Legislative Summit, National Waterways Conference, Washington DC, 03/10/2025
- 2024 NEBC Business and The Environment Conference, Northwest Environmental Business Council, Portland OR, 12/10/2024
- Changing NEPA Implementation and What That May Mean for Hydropower, NHA's Powerhouse Newsletter, 05/31/2022
- Transboundary River Management: Transboundary Management of the Lower Snake River Dams, The Water Report, Issue 210, 08/19/2021
- The Purposeful Tension Within the Doctrine of Beneficial Use, Rocky Mountain Mineral Law Foundation Journal, Vol. 58 Issue 1 pp. 33-71, 08/02/2021
- The Dividing Line: Applying the Navigability-for-Title Test after *PPL Montana*, Oregon Law Review, Vol. 91 Issue 247, 11/01/2012

### Alerts

- Ecology Proposes New Permitting Program for State Waters, 07/11/2025
- NEPA in Flux: NEPA's Regulatory Retreat, the Rise of Agency Discretion, and Expedited NEPA for a Fee, 07/08/2025
- Supreme Court Narrows Both Judicial Review and Scope of NEPA Reviews, 06/02/2025
- Supreme Court Limits Clean Water Act Permit Requirements in *San Francisco v. EPA*, 03/10/2025
- The Future of NEPA Implementation Without CEQ Regulations, 02/24/2025
- Changes Ahead for NEPA Implementation Under President Trump's Energy Dominance Executive Order, 01/24/2025
- D.C. Circuit Throws Out Over 40 Years of NEPA Regulation, 11/14/2024
- Enhanced Oversight of Orphaned Oil and Gas Infrastructure May Lead to Litigation Risk, 03/14/2024
- DOJ Issues First-Ever Environmental Justice Enforcement Strategy Report, 10/20/2023
- Biden Administration Announces Proposed Phase Two NEPA Regulations, 08/09/2023
- Permitting Reform Package Passes as Part of Debt Ceiling Deal, 06/12/2023
- Biden Administration Issues Long-Anticipated Environmental Justice Executive Order, 05/31/2023
- Biden Executive Order 14091 Strengthens Equity for Federal Agencies, 02/23/2023
- White House Climate and Environmental Justice Screening Tool, 02/17/2023
- CEQ Issues Updated NEPA Guidance on GHG Emissions, 01/12/2023
- Backstop Siting: FERC Issues Notice of Proposed Rulemaking, 12/22/2022
- Mitigating the Rising Risk from Corporate Use of Third-Party Apps, 11/14/2022
- BOEM's First Offshore Wind Lease Sale on the West Coast, 11/02/2022

- FWS Proposes to Streamline Eagle Take Permitting Process, 10/10/2022
- D.C. Court of Appeals Remands Two Offshore Oil and Gas Leases for NEPA Inadequacy, 09/07/2022
- NMFS Issues Highly Anticipated Salish Sea Nearshore Programmatic Biological Opinion, 07/08/2022
- DOJ Restores Supplemental Environmental Projects in a Slate of Environmental Justice Initiatives, 05/12/2022
- Biden Administration Walks Back Key Trump Era NEPA Regulation Changes, 04/26/2022
- Shifting Baselines: New Guidance from Army Corps and NMFS on ESA Compliance for Work on Existing Structures, 01/19/2022
- UPDATED: EPA and Army Corps Announce Latest Update to Definition of "Waters of the United States", 12/07/2021
- U.S. Supreme Court Relies on Established Doctrine in Interstate Groundwater Dispute, 12/02/2021
- EPA and Army Corps Announce Latest Update to Definition of "Waters of the United States", 11/29/2021
- Biden Administration Proposes to Walk Back Key Trump Era NEPA Regulation Changes, 10/12/2021
- UPDATED: Rough Waters Ahead, Once Again: A District Court Vacates the 2020 Navigable Waters Protection Rule as the EPA and Corps WOTUS Definition Rulemaking Continues, 09/03/2021
- Rough Waters Ahead, Once Again: A District Court Vacates the 2020 Navigable Waters Protection Rule as the EPA and Corps WOTUS Definition Rulemaking Continues, 09/02/2021
- The Death Knell for Dispersants?, 08/17/2021
- Criminal and Civil Liability a Possibility for Vessel Owners Following Unix Line Decision and Transition to Electronic Records, 04/28/2021
- DOI Releases Proposal to Revise Supplemental Financial Assurance Requirements for Offshore Decommissioning Costs, 09/25/2020
- Updated: CEQ Issues Final Rule to Modernize NEPA Regulations, 08/07/2020
- CEQ Issues Final Rule to Modernize NEPA Regulations, 07/20/2020
- Executive Order Seeks to Promote Economic Recovery by Expediting Environmental Reviews for Project Development, 06/08/2020
- U.S. Supreme Court Holds Clean Water Act Covers Groundwater in *Limited Circumstances*, 04/24/2020
- New International Fuel Standard for Vessels Takes Effect, 01/08/2020