

CONTACT

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PRACTICES

Electric

Energy Transition

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

Practicing in the areas of natural resources, environmental, and maritime law, Rachael provides counsel on complex regulatory, enforcement, and litigation matters under a range of 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 works with both public and private sector clients to navigate complicated federal regulatory permitting issues to develop critical infrastructure, including energy export infrastructure at marine terminals in the PNW and Gulf of Mexico, solar and wind energy development, and large-scale sediment diversion projects. In addition, Rachael advises clients in the often-related procurement and protection of water rights and provides advice and litigation support for municipal water suppliers.

Experience in federal government allows Rachael to successfully navigate complex regulatory issues, often involving overlapping federal and state interests. Before joining the firm, Rachael served as an Attorney Advisor for the U.S. Coast Guard's Office of Maritime and International Law where she worked in the Environmental Law Division. She advised the Coast Guard on environmental compliance, response, and enforcement matters. During this time, Rachael also served a detail as a Special Assistant U.S. Attorney prosecuting misdemeanor criminal cases. After graduating from the University of Oregon School of Law, Rachael served two years as a Presidential Management Fellow at the Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE) focusing on offshore oil and gas issues.

Representative Experience

- Counsels and provides strategic advice to municipal water entities on water rights matters.
- Provides advice and support in oil spill preparedness and response for onshore and offshore facilities as well as vessels.
- Represents offshore oil and gas clients in federal agency appeals before the Department of the Interior.
- Supports clients in a range of federal permitting issues.
- Provides advice on environmental justice, including under the National Environmental Policy Act, Civil Rights Act, and Washington State Healthy Environment for All (HEAL) Act.
- Represented a public port district in litigation under the National Environmental Policy Act, Clean Water Act, and Endangered Species Act.
- Advised client on oil spill from hydroelectric facility, including immediate response steps and potential liabilities.

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" by *Best Lawyers*

Environmental Law, 2022-2023

U.S. Coast Guard Special Act Award

Spirit of Excellence Award

Meritorious Team Commendation Award Recipient

"Ones to Watch" by *Best Lawyers*

2022

Articles and Presentations

- Changing NEPA Implementation and What That May Mean for Hydropower, NHA's Powerhouse Newsletter, 05/31/2022
- Water Law Institute, Rocky Mountain Mineral Law Foundation, Santa Fe New Mexico, 11/04/2021
- 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

- 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