

ENERGY TRANSITION

PRACTICE CONTACTS

Kyle W. Danish
Partner
kwd@vnf.com
202.298.1876

Erin L. Anderson
Partner
eanderson@vnf.com
206.829.1805

Shannon Angielski
Principal, Governmental Issues
sma@vnf.com
202.298.1825

Mosby G. Perrow
Partner
mperrow@vnf.com
202-298-3738

With major investments to reduce greenhouse gas emissions, procure lower-carbon energy, implement nature-based climate solutions, and decarbonize supply chains, clients face increasingly complex demands from investors, governments, and stakeholders.

As one of the nation's premiere energy law firms, Van Ness Feldman's multi-disciplinary team is at the forefront of these far-reaching changes and advises clients on how to manage the increasing challenges, implications and opportunities presented by the world's transition to a low-carbon economy. Engaging with the transition on two fronts, the firm's energy attorneys are providing counsel on transactions, regulatory compliance, and investments spurred by the seismic shift underway in the economy, and our policy professionals are playing a lead role in advocacy and rule-making on new energy and climate policies and federal funding programs to ensure that client interests are protected and promoted.

CARBON MANAGEMENT (CCUS & CDR)

Carbon capture, utilization, and storage (CCUS) and Carbon Dioxide Removal (CDR) have emerged as critical technology pathways to achieve domestic and international emissions reduction objectives in both the electric power and industrial sectors.

Van Ness Feldman's cross-disciplinary energy team provides an unparalleled understanding of the myriad issues facing carbon capture developers, investors, and off-takers in the transition to less carbon-intensive operations. The firm has been a leader in the development of the federal CCUS legislative and regulatory landscape and assists clients throughout the entire spectrum of CCUS technology development and deployment including advocating before Congress and federal agencies for policies to create federal funding and tax credit programs for CCUS technologies; commenting on regulatory proceedings impacting CCUS deployment; and providing project development counsel including all federal, state, and local permitting.

CLEAN HYDROGEN

Van Ness Feldman advises clients on every facet of the emerging clean hydrogen industry. We are at the forefront of cutting-edge technologies, legislation, funding, infrastructure development, and distribution.

We work with our clients to understand and shape legislation informing hydrogen projects. The firm is proud to have served as strategic advisors to Senate leaders, resulting in \$9 billion in new hydrogen-related funding. Because of our role in helping develop these programs, we are sought out by clients who want to capitalize on clean hydrogen projects, strategic coalitions, and government funding. Further, as a recognized leader in the Natural Gas & Oil industry, Van Ness Feldman counsels companies on emerging regulatory regimes and permitting requirements for hydrogen transportation pipelines.

In addition, the firm spearheads the [Clean Hydrogen Future Coalition](#), a powerful coalition with over 35 leading stakeholder and industry participants that represent a diverse group of energy companies, labor unions, utilities, NGOs, equipment suppliers, and project developers who are committed to the advancement of a net zero CO2 economy that is supported by infrastructure across the supply chain to fully scale clean hydrogen production and use in the U.S.

CRITICAL MINERALS & RARE EARTH ELEMENTS

Demand is spiking for the critical minerals and rare earth elements necessary for electric vehicle batteries, magnets, electricity transmission lines, and other key energy transition technologies. The U.S. government is prioritizing the development of a domestic supply chain for these resources and the technologies to process them.

Van Ness Feldman is at the forefront of efforts to help develop a domestic supply, providing clients with due diligence for environmental permitting on mining. We are also providing federal funding counsel for developers seeking grants, loans, and loan guarantees for new projects and technologies.

FEDERAL POLICY, TAX, AND FUNDING

Recent federal legislation—including the Infrastructure, Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA)—has provide unprecedented opportunities for investment in the nation's energy sector. Van Ness Feldman is a leader on renewable energy, carbon management, and hydrogen policy.

We have provided counsel on the impact that novel legislation can have on potential new projects in these areas.

The firm founded the [Clean Hydrogen Future Coalition](#) (CHFC), a powerful group of industry and NGO stakeholders, that has successfully impacted new programs enacted in the IRA and IIJA. The CHFC works to advance policies to scale the entire value chain for clean hydrogen, including production, transport, storage, and all end-use market applications. The Coalition shares the vision that clean hydrogen is a key pathway to achieve U.S. decarbonization objectives and maintain U.S. competitiveness.

Our energy policy team is actively providing early advice on federal funding opportunities, including: assessing requirements that would be imposed upon a project partner under a grant instrument; advising on the federal (and in some cases, state) political environment to best position clients for a favorable award; coordinating with project technical staff to ensure understanding of any government review criteria and how program policy factors are considered as project design is finalized. The firm's clients for federal funding advice include one of the world's largest energy transition investment funds, which has retained VNF to advise its entire portfolio of nearly 90 energy transition start-up companies.

Van Ness Feldman's federal tax policy practice combines substantive, legislative tax policy acumen with focused experience in energy and environmental policy—allowing the firm to effectively promote clients' tax issues with legislators, regulators, and decision-makers across the political spectrum. The IRA includes myriad tax and spending provisions that will be beneficial to project developers and other key industry stakeholders in the energy transition economy. Our team is uniquely positioned to help clients focus on these opportunities.

GHG REGULATION

Consistently ranked as one of the premier Climate Change and Air practices in the nation, Van Ness Feldman's attorneys, technical consultants, and policy professionals provide a full suite of policy, regulatory, project development, permitting, transactional, and strategic services to a diverse cross-section of clients and industries directly and significantly affected by current and potential greenhouse gas regulation and other climate-change policies.☒

Beginning with the firm's key role in the development of the original Clean Air Act in the 1970s, Van Ness Feldman's multi-disciplinary team has continued to be a leader in advising clients on the evolving international, federal, and state air policies and emission standards and is well regarded for its collaborative approach in providing clients analysis, program design, and counsel in the highly nuanced and evolving area of GHG regulation and permitting.

As states enact their own GHG regulatory policies, the firm is actively involved in regulatory and

compliance matters, such as those arising from Washington State's Clean Energy Transformation Act (CETA) Climate Commitment Act (CCA) and Clean Fuels Standard as well as California's suite of climate policies.

VNF is a leading law firm on emerging methane regulations for the oil and gas sector, as well as voluntary Differentiated Gas and Responsibly Sourced Gas activities.

INFRASTRUCTURE

Major buildout of infrastructure will be required to produce, store, and transport new energy sources and fuels to their ultimate destination. Environmental and land use permitting is a core practice of the firm.

Our team represents a broad range of clients seeking federal, state, and local permits for complex infrastructure, energy generation and transmission projects, and commercial/industrial developments.

VNF's multi-disciplinary team delivers strategies for timely and safe development of the necessary hard infrastructure to implement the transformation to a cleaner energy world, including shaping legislation and rulemaking. We expedite permitting and licensing that incorporates the needs of Tribes, Alaskan Native Corporations and EJ communities. The firm also provides compliance and enforcement representation under all federal statutes, including the Clean Water Act (CWA), the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act, and associated state equivalents.

LOW CARBON TRANSPORTATION FUELS

A revolution is underway as low-carbon transportation fuel alternatives such as liquid biofuels, electricity, renewable natural gas, and hydrogen replace traditional gasoline. Governments are contributing to this revolution through federal and state regulations, tax credits, and other funding policies.

Van Ness Feldman is advising clients on multiple low-carbon fuel policies and projects. We provide compliance counsel on the federal Renewable Fuel Standard and state clean fuels standards. Alongside these regulatory mandates, the firm counsels clients on a range of tax credits and other financial incentives that support the construction of electric vehicle charging infrastructure and biofuels production facilities.

RENEWABLES & NUCLEAR

The Energy Transition demands substantial growth in carbon-free electricity—in amounts great enough to electrify much of the transport, residential, and industrial sectors. This transition entails the wide-spread development of new generation projects, increased purchasing of carbon-free electricity by companies and governments, and a substantial build-out of the nation's transmission system.

With one of the country's leading electric practices, we are advising companies on the development and financing of the full spectrum of renewable electricity projects—including biomass, waste-to-energy, onshore and offshore wind, solar, tidal, wave, geothermal, hydropower, and fossil generation with carbon capture, utilization, and storage. The firm regularly advises clients on the options for delivery of carbon-free electricity to consumers, whether interconnecting to the electric grid and obtaining transmission rights or establishing a micro-grid that is separate from, in whole or in part, the rest of the electric grid.

In addition to renewables, nuclear power has historically provided approximately 20 percent of our nation's electricity. Having served as outside counsel to the Blue Ribbon Commission on America's Nuclear Future, and as counsel to the Bipartisan Policy Center's Nuclear Waste Initiative, our team has unique nuclear policy experience in a range of regulatory issues, including federal, state, and local environmental permits; NRC decommissioning criteria; financial qualifications; foreign ownership

restrictions; insurance and indemnity issues; and rail transportation issues. The firm is also counseling clients on reform to NRC regulations to streamline licensing and permitting for advanced nuclear reactors.

CARBON MARKETS & ENERGY TRANSACTIONS

The global voluntary carbon market has crested \$1 billion with increased participation from companies and financial institutions that have adopted commitments to achieve carbon-neutral or net-zero status in their operations.

For decades, Van Ness Feldman has been a leader in counseling clients on voluntary and regulated carbon market transactions. The firm regularly counsels both buyers and sellers, including carbon funds and project developers, on projects around the world. We advise on emission reduction purchase agreements; joint ventures, funds, and other financial structures for carbon finance; and disputes and litigation arising from these transactions.

© 2024 Van Ness Feldman, LLP, All Rights Reserved. This document has been prepared by Van Ness Feldman for informational purposes only and is not a legal opinion, does not provide legal advice for any purpose, and neither creates nor constitutes evidence of an attorney-client relationship.