



PRACTICE CONTACTS

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ENVIRONMENT

PUBLIC LANDS

Since its founding, Van Ness Feldman has assisted clients in the energy, mining, resource and real estate development, hospitality, commercial fishing, and other industries in their interactions with the U.S. government relating to use of and access to federal lands (including National Parks, National Forests, and other public lands). The firm has facilitated a number of major land exchanges and transfers on behalf of our clients, including those requiring special Congressional legislation, and is known for building and fostering strong partnerships between private sector entities (including federal land concessioners) and the National Park Service, U.S. Forest Service, U.S. Bureau of Reclamation, and other federal land management agencies.

The firm also advises a number of Indian tribes and Alaska Native Corporations on these issues, and is intimately familiar with the unique issues presented in transactions involving the exchange of lands in Alaska.

Van Ness Feldman's team of attorneys and policy professionals provide clients unparalleled counsel in the many federal laws, regulations, and formal and informal policies related to public lands, oceans, and parks including:

- Alaska National Interest Lands Conservation Act
- Archaeological Resources Protection Act
- Coastal Zone Management Act
- Concessions Management Improvement Act
- Federal Land Exchange Facilitation Act of 1988
- Federal Land Policy and Management Act of 1976
- Land and Water Conservation Fund Act
- National Environmental Policy Act
- National Historic Lighthouse Preservation Act
- National Historic Preservation Act
- National Park Service Organic Act
- National Parks and Recreation Act
- National Wildlife Refuge System Administration Act
- The Wilderness Act
- Wild & Scenic Rivers Act

LAND EXCHANGES

Having been engaged in the practice of land and water resources law for over thirty years, Van Ness Feldman has extensive experience in representing private and other non-federal landowners in federal land exchange transactions.

Land exchanges, where the federal government "trades" or "swaps" public lands with corporations, individuals, states, or local governments, can be a valuable tool for landowners. They enable landowners

to acquire lands with greater development or economic potential—for commercial, industrial, residential, and/or agricultural purposes—in return for lands that have less development or economic potential but that may offer public recreation, wildlife, or resource values warranting public acquisition. Land exchanges also are an important component of the federal government’s land management strategy, enabling federal agencies to improve resource management by consolidating federal land ownership, and to obtain property needed to protect endangered species, promote biological diversity, increase recreational opportunities, and/or preserve cultural resources.

Van Ness Feldman assists its private and other non-federal landowner clients in all aspects of federal land exchange transactions, including:

- Providing general strategic counsel
- Managing the appraisal process
- Negotiating with land conservation organizations and federal, state, and local government agencies
- Drafting and advocating legislation to authorize particular exchanges of lands
- Ensuring compliance with applicable governmental laws and regulations
- Structuring transactions including preparing transaction documents
- Coordinating multi-party closings

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION

The National Historic Lighthouse Preservation Act (NHLPA) of 2000 provides a mechanism for the disposal of federally-owned historic light stations at no cost to federal agencies, tribes, state and local governments, nonprofit corporations, educational agencies, and community development organizations. The acquisition, restoration, and preservation of an historic light station can enhance a community’s educational, park, cultural, and recreational values, as well as bring increased tourism revenues.

Van Ness Feldman has extensive experience assisting clients in navigating the entire NHLPA process including:

- Organizing and incorporating the acquiring entity
- Submitting an expression of interest
- Developing teaming arrangements with cooperative organizations, if desirable
- Developing plans for acquisition, restoration, and preservation
- Preparing a comprehensive, approvable application
- Analyzing and assuring appropriate environmental assessment, mitigation, and compliance
- Finalizing permitting and transfer

Van Ness Feldman prides itself on its ability to build and foster partnerships between the private sector and the National Park Service (NPS) and the Department of the Interior (DOI). The firm’s attorneys are highly experienced in matters relating to the many federal laws, regulations, and policies affecting the NPS and its relationship with private entities. Through prior government service, as well as representation of clients at the firm, Van Ness Feldman attorneys are intimately familiar with the workings of the DOI and have broad experience with the General Services Administration (GSA), the U.S. Coast Guard, and State Historic Preservation Officers. High level experience and long-standing relationships allow Van Ness Feldman to be in a prime position to assist clients through every stage of the process associated with obtaining a lighthouse.

