



PERMITTING

Van Ness Feldman recognizes that successful permitting demands not only a deep understanding of the law but of the highly nuanced practical, political, and public relations aspects of complex, large-scale projects. The firm's attorneys and land use planners are highly regarded for their successful representation of major private and public sector clients in permitting large, complex development projects in a wide range of industries including natural resources, electricity, oil and gas, commercial and mixed-use development, housing, municipal, and utility infrastructure.

The firm has extensive nationwide experience in all aspects of real estate, land use, and environmental law, including permitting under all local, state, and federal authorities; drafting special zoning, regulatory, and legislative provisions to meet clients' needs; and successfully defending clients' permits and approvals in agency appeals and in court.

In addition to the firm's substantive knowledge and experience, Van Ness Feldman has unparalleled relationships with local, state, and federal agency officials and their attorneys, which allows the firm to quickly assess implications of proposed development. The firm's permitting capabilities include:

- Complete assessment of regulatory compliance as part of major property investment or acquisition;
- Permit acquisition and approval;
- Property zoning, rezoning, use permits, and variances;
- Code drafting and language amendment;
- National Environmental Policy Act (NEPA) and applicable state environmental reviews associated with land use permits;
- Negotiation of development agreements and developer extension agreements;
- Endangered Species Act (ESA) guidance, including critical habitat designation and incidental take permits;
- Clean Air Act permits; and
- Water and wetlands permits, including shoreline/riparian rights, groundwater, section 401 (water quality) and 404 (dredge/fill) of the Clean Water Act (CWA), and National Pollutant Discharge Elimination System (NPDES).

To help clients with expeditious and successful permit acquisition, Van Ness Feldman has developed a program of early, comprehensive regulatory analysis, careful permitting strategy formulation, and permit expediting including:

- Air and water permitting for electric power generating facilities;
- Environmental permitting for natural gas pipelines and electric transmission lines;
- Coordinating subdivision, master site plan/planned unit development, and related environmental permits for large residential and mixed-use developments;
- Land use compliance and permitting of major port industrial facilities;
- Marina and upland permitting for waterfront resort and commercial properties;
- Permitting and environmental review of HOPE VI public housing redevelopment projects;

- Site planning and permitting of shopping center facilities and standalone, large-scale retail facilities;
- Regulatory due diligence and permitting of controversial wind power projects;
- Major institution master plan approval for educational and health care facilities;
- Air permitting for automobile and other manufacturing facilities and industrial boilers;
- Navigating federal environmental programs applicable to hydropower facilities, in particular the Federal Power Act (FPA), NEPA, CWA, ESA, National Historic Preservation Act (NHPA), Federal Land Policy and Management Act (FLPMA), and Coastal Zone Management Act (CZMA); and
- Counseling on water rights, water supply contracts, and relationships with Indian tribes.

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