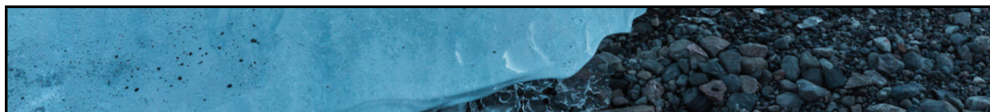


## CLIMATE CHANGE



### PRACTICE CONTACTS

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Consistently ranked as one of the premier Climate Change practices in the world, 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 most likely to be directly and significantly affected by current and potential greenhouse gas regulation and other climate-change policies.

Since its formation in the 1990s, Van Ness Feldman's Climate Change practice has assisted a range of clients on evolving international, federal, and state climate policies and markets. The firm's professionals are leaders in the rapidly developing regulatory and policy arenas associated with climate change and have experience in all aspects of climate change law and policy.

**"VNF's climate change practice has a very good understanding of the complexities of regulations and risks and also of the commercial issues involved." - Firm Client**

### REGULATORY & COMPLIANCE COUNSELING

**Federal Climate Programs.** The firm advises clients on the Environmental Protection Agency's development of greenhouse gas emission standards under the Clean Air Act for power plants, oil and gas facilities, fuels providers, and motor vehicles. Our climate team provides clients with policy analysis, assistance in developing comments, and advocacy with the agency. The firm also represents clients in rulemaking-related litigation.

**Greenhouse Gas Permitting.** EPA and the states require many major energy and industrial projects to obtain Clean Air Act Prevention of Significant Deterioration (PSD) permits for their greenhouse gas emissions. The firm provides legal counsel to owners and developers of major energy and manufacturing facility projects on obtaining such PSD greenhouse gas permits, as well as advising a local air agency in issuing such permits to greenhouse gas emitting industries. From its unique position of advising both private entities and public-private partnerships in seeking and obtaining permits, as well as counseling one of the government's energy partners, the firm provides problem-solving advice to its clients with a wide spectrum of perspectives and solutions.

**State Climate Programs.** Increasingly, states are at the forefront of climate policies, and Van Ness Feldman has played a key role for clients in various state climate programs. In California, Van Ness Feldman has advised out-of-state power entities subject to the state's cap-and-trade program as regulated "electricity importers." In addition, the firm represented a coalition of energy companies and offset providers advocating with the California Air Resources Board on the development of offsets regulations. We have provided legal counsel on offset credit transactions under the California program. The firm has also advised on the development of clean fuels programs in the Pacific Northwest and the Northeast.

### EMISSIONS TRADING, CARBON MARKETS & PLANNING

**Emissions Trading & Carbon Markets.** Van Ness Feldman has been a top emissions trading law firm since the earliest days of carbon markets. *Environmental Finance* magazine's annual market survey

regularly recognizes Van Ness Feldman as a top law firm in both California's carbon markets and the U.S. environmental markets more generally. The magazine identified climate practice chair, [Kyle Danish](#) as a "California carbon market mover."

Our emissions trading practice works with energy companies, project developers, financials, and carbon funds. The firm has advised on a broad range of project types, including methane digester projects; afforestation, reforestation, forest management, and avoided deforestation projects; and coal mine methane projects. Van Ness Feldman has provided counsel to transactions structured to comply with a variety of rules and protocols, including California's cap-and-trade program, the Verified Carbon Standard, and the Kyoto Protocol's Clean Development Mechanism.

Integrating decades of environmental, energy, and transactional experience, Van Ness Feldman has advised on environmental markets transactions for tens of millions of credits. The firm drafts Emission Reduction Purchase Agreements; advises on joint ventures, funds, and other financial structures for carbon finance; and has provided legal counsel on disputes and litigation arising from transactions in the carbon markets.

**Integrating Climate Impacts into Project Planning & Permitting.** Van Ness Feldman advises a wide array of public and private clients on how to build consideration of climate change into their decision-making processes. Environmental analysis for actions at all levels of government increasingly requires examining potential impacts of a proposed action on climate change and the potential effect of climate change on the proposed action. Our attorneys advise private and public agency clients proposing development, as well as public agencies that are asked to consider impacts and mitigation measures as part of their decision-making processes. We also advise on compliance with the National Environmental Policy Act (NEPA) as well as analogous state laws, and assists in the drafting of policies used by decision-makers.

## RENEWABLE ENERGY & CLEAN TECHNOLOGIES

**Renewable Energy.** The firm's professionals have advised companies on the development and financing of renewable energy projects (including, biomass, waste-to-energy, land-based and offshore wind, solar, tidal, wave, geothermal, hydropower, and natural gas) and of transmission projects. We counsel clients about the options for delivery of renewable energy to their load or consumer, 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. We negotiate and develop power sales/purchase agreements and counsel consumers of power on their supply options, provide strategies on reducing power costs, and review supply agreements.

**Clean Technologies.** Technological advances are creating new forms of renewable energy and regulatory changes are imposing stricter requirements on carbon. Van Ness Feldman counsels clients developing and working with these new technologies including, enzymes for biofuel production, hydrogen fuel cells, advanced electric metering infrastructure, clean coal and carbon sequestration, green building and materials, and renewable electricity generation.

## POLICY & THOUGHT LEADERSHIP

**Legislation.** Van Ness Feldman represents individual clients and coalitions on climate-related legislation in a host of capacities, including providing analysis, drafting proposed legislative language, and undertaking advocacy. The firm has worked with clients on legislative initiatives related to carbon capture and sequestration, allowance allocations, and offsets.

**Thought Leadership & Research.** Think tanks, foundations, and others regularly call on Van Ness Feldman to provide research and innovative ideas on climate change policies. Attorneys and other professionals from the firm have written policy papers and provided analysis for organizations such as the



Bipartisan Policy Center, the Environmental Defense Fund, the Center for Climate & Energy Solutions, the Energy Future Coalition, and the Electric Power Research Institute.

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