Van Ness Feldman LLP

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CONTACT

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202.298.1932

PRACTICES

Cybersecurity & Emerging Technologies
Endangered Species & Wildlife
Native Affairs
Oil, Gas, & LNG
Public Lands

EDUCATION

George Washington University School of Law
Cornell University

BAR AND COURT ADMISSIONS

Alaska State Bar
District of Columbia Bar
Virginia State Bar
U.S. Court of Appeals for the District of Columbia Circuit
U.S. District Court for the District of Columbia
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Ninth Circuit

JONATHAN D. SIMON

PARTNER

Professional Background

Jonathan Simon provides strategic counsel and legal representation to project developers, state governmental entities, Alaska Native corporations, concessioners, and others on a broad range of matters involving natural resources, public lands, environmental, and energy law. With a particular focus on the management and use of federal lands and the permitting of energy infrastructure projects, Jon has significant experience representing clients before the courts, Congress, and federal agencies in matters involving the National Environmental Policy Act (NEPA), Endangered Species Act, Clean Water Act, Federal Land Policy and Management Act (FLPMA), Outer Continental Shelf Lands Act, Coastal Zone Management Act, Wilderness Act, and other environmental and natural resource-related statutes. He also has specialized experience working with project developers, Alaska Native corporations, and others on resource development and land use issues in Alaska. Jon currently serves as co-coordinator of the firm's Public Lands and Natural Resources practice.

Jon assists clients with NEPA strategy and compliance, and has provided counsel to clients throughout the process of obtaining and defending special use permits, right-of-way grants, and other use authorizations needed to construct natural gas pipelines, electric transmission facilities, and other infrastructure projects on or across federal, state, and private lands. In addition, Jon has represented clients on oil pipeline tariff and related matters arising under the Interstate Commerce Act.

Jon also works with entities that operate or are interested in operating visitor services — such as lodging, food services, boat tours, merchandising, transportation-related services, and outfitter and guide services — under concession contracts, permits, leases, commercial use authorizations, and other arrangements in the National Parks, National Forests, and other federally-managed land areas. Success in these matters requires navigating highly specialized legal and strategic business issues and working in partnership with the National Park Service (NPS) and other federal land management agencies. Jon offers a wide range of experience in this area, including preparing, and providing strategic advice relating to, responses to prospectuses for new or renewed contracts; counseling on sales and transfers of concession contracts; legislative and administrative advocacy; possessory interest and leasehold surrender interest issues; preferential right issues; and litigation.

In addition, Jon advises clients on compliance with the Lobbying Disclosure Act and other laws and authorities governing lobbying and political activity, including lobbying disclosure, campaign finance, and congressional and executive branch gift and travel rules.

Jon also serves as our Lobbying Compliance Officer.

Representative Experience

- Providing counsel to Alaska Native Corporations established under the Alaska Native Claims Settlement Act (ANCSA) with respect to land access and related issues arising under the Alaska National Interest Lands Conservation Act (ANILCA) and FLPMA land management planning efforts.
- Representing the State of Louisiana in a dispute with the Office of Natural Resources Revenue and Bureau of Ocean Energy Management relating to the sharing of revenues generated from Outer Continental Shelf oil and gas leasing and development in the Gulf of Mexico.
- Representing an independent oil and gas developer in its efforts to obtain suspensions of production for

leases in the Gulf of Mexico.

- Assisting current and prospective NPS concessioners with their efforts to secure concession contracting opportunities to operate various visitor services in the National Parks.
- Advocating for a national trade association of outfitters and guides before Congress and federal land management agencies on a range of issues important to the industry.
- Advising companies and trade associations on compliance with federal lobbying registration and reporting requirements under the Lobbying Disclosure Act, campaign financing, and ethics rules governing the provision of gifts and travel to federal government officials.
- Provided legal and strategic counsel relating to natural and cultural resources and public lands issues to the developer of a major proposed new hydroelectric project in Alaska.
- Provided counsel to a leading North American energy infrastructure company on federal and state permitting, land use, and other issues relating to efforts to build the Alaska natural gas pipeline project.
- Assisted a natural gas pipeline company in managing the NEPA process for the development of new natural gas pipeline facilities in the Southwest United States.
- Performed due diligence to assist an investment group in assessing the environmental permitting risks associated with a potential transaction involving liquefied natural gas facilities.
- Represented an association of local business owners and beach users in NEPA litigation relating to public access to the beaches of the Cape Hatteras National Seashore Recreation Area.
- Provided counsel to major cruise lines and tour boat operators relating to NPS concession contracts and entry permits into Glacier Bay National Park.
- Represented a mountain climbing outfitting and guiding company in a dispute with the National Park Service relating to contract compliance and the right of preference to contract renewal.

Government Service

U.S. Department of the Interior

Legal Intern, Office of the Solicitor, Land and Water Resources Division, 1997

Office of U.S. Senator Frank Lautenberg, (D-NJ)

Special Projects Assistant/ Legislative Assistant, 1995
Special Research Assistant/ Legislative Correspondent, 1993-1994

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Native American Law, 2015-2023

Legal 500 - Recommended Attorney

Environment - Regulatory, 2019-2020

Articles and Presentations

- VNF Live - Post Election Natural Resources Policy Outlook, 11/13/2020
- Criminal Liability For OCS Contractors Re-Examined, Law360.com , 06/10/2016
- LSI Telebriefing: Changes to Endangered Species Act Critical Habitat Designations, Law Seminars International , 07/09/2014
- NHA's 2013 Alaska Regional Meeting, National Hydropower Association, Girdwood AK, 09/26/2013
- Clean Water Act Section 401 - State Certification, Environment, Energy and Resources Law: The Year in Review 2011
  American Bar Association (2012), pp. 148, 05/01/2012

- New Proposed Guidance on the Jurisdictional Reach of the Clean Water Act, Trends: ABA Section of Environment, Energy, and Resources Newsletter, 09/01/2011
- New Proposed Guidance on the Jurisdictional Reach of the Clean Water Act, Trends: ABA Section of Environment, Energy, and Resources Newsletter, 09/01/2011
- The Policy and Regulatory Response to Deepwater Horizon: Transforming Offshore Oil and Gas Leasing?, Environmental Law Reporter, Vol. 40 Issue 11 pp. 84, 11/28/2010
- The Alaska Natural Gas Pipeline, Regulation of the Gas Industry, Vol. 1A, Ch. 16, 06/01/2009
- Colorado River Management Plan Update, The Grand Canyon River Runner, Vol. 6 Issue Spring, 05/01/2008
- Colorado River Management Plan Update, The Grand Canyon River Runner, Vol. 5 Issue 3, 11/01/2007
- Hydroelectric Regulation Under the Federal Power Act, Waters and Water Rights, 06/01/2004
- No Relief for Landowners: 7th Circuit Bars Recovery of Cleanup Costs Incurred After Filing RCRA Suit, Legal Times, pp. S32, 05/24/1999

Alerts

- D.C. Circuit Throws Out Over 40 Years of NEPA Regulation, 11/14/2024
- CEQ Finalizes "Phase 2" Revisions to NEPA Implementing Regulations, 05/13/2024
- Permitting Reform Package Passes as Part of Debt Ceiling Deal, 06/12/2023
- CEQ Issues Updated NEPA Guidance on GHG Emissions, 01/12/2023
- Backstop Siting: FERC Issues Notice of Proposed Rulemaking, 12/22/2022
- Biden Administration Walks Back Key Trump Era NEPA Regulation Changes, 04/26/2022
- Biden Administration Proposes to Walk Back Key Trump Era NEPA Regulation Changes, 10/12/2021
- Changes to the Migratory Bird Treaty Act Enforcement Regime Take Flight, 10/08/2021
- U.S. Supreme Court Issues Decision Clarifying Boundaries of FOIA's Deliberative Process Privilege, 03/05/2021
- Final Rule Codifying Exemption of Incidental Take Under the Migratory Bird Treaty Act Faces Substantial Hurdles, 02/02/2021
- Army Corps Finalizes Certain Nationwide Permits Two Years Ahead of Schedule, 01/15/2021
- DOI Releases Proposal to Revise Supplemental Financial Assurance Requirements for Offshore Decommissioning Costs, 09/25/2020
- UPDATED: Army Corps Proposes to Reissue Nationwide Permits Two Years Ahead of Schedule, 09/18/2020
- Army Corps Proposes to Reissue Nationwide Permits Two Years Ahead of Schedule, 08/24/2020
- Updated: CEQ Issues Final Rule to Modernize NEPA Regulations, 08/07/2020
- NPS Proposes Regulatory Revisions to Improve Administration and Delivery of Visitor Services, 07/23/2020
- 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
- Navigable Waters Protection Rule Substantially Narrows the Scope of Waterbodies Subject to Regulation under the Clean Water Act, 01/24/2020
- CEQ Proposes Revisions to Regulations Governing Federal Agency Implementation of NEPA, 01/10/2020

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- BSEE Streamlines Oil and Gas Production Safety Systems Requirements, 10/04/2018
- DOI's Repeal of Obama Administration Valuation Reforms May Signal More Change for Coal, Oil & Gas Industries, 08/08/2017
- BSEE Issues Rule Extending Development Time for Offshore Oil and Gas Leaseholders, 06/16/2017
- Trump Issues Executive Order Aimed at Expanding Development of Offshore Oil & Gas Resources, 05/01/2017
- Trump Order Sets Up Rollback of Obama Energy and Climate Action, 03/30/2017
- Trump Executive Order Starts Review and Potential Revision of the "Waters of the United States" (WOTUS) Rule, 03/01/2017
- Administration Takes an Initial Step in its Regulatory Reform Agenda , 01/31/2017
- Army Corps of Engineers Releases 2017 Nationwide Permits, 01/19/2017
- Presidential Transition and Potential Executive Actions, 11/16/2016
- BSEE Director Urges Action on Offshore Well Cementing Safety Issues , 08/30/2016
- BSEE Looks to Address Offshore Safety Component Failures at Upcoming Forum, 08/22/2016
- Little-Noticed Provision in BSEE's Well Control Rule May Have a Major Impact on Risk Reduction, 08/08/2016
- BOEM Unveils Significant New Supplemental Financial Assurance Requirements in NTL 2016-N01, 07/15/2016
- Criminal Liability for OCS Contractors Reexamined in Black Elk Decision, 05/09/2016
- BSEE Releases Final Well Control Rule; Implications Still a Concern for Stakeholders, 04/22/2016
- Reflections on the BLM's Proposed Methane and Waste Reduction Rule, 02/08/2016
- Fish and Wildlife Service Contemplates Expansive Permitting Regime to Address Incidental Take of Migratory Birds, 06/08/2015
- Proposed Safety Rule Could Impact Offshore Oil and Gas Operators, 05/01/2015
- BLM Contemplates Oil and Gas Royalty Reform, 04/23/2015
- Interior Releases Proposed Arctic Drilling Rule, 03/04/2015
- BOEM Takes New Steps Toward Offshore Wind, Marine Hydrokinetic Development Off Atlantic, Pacific Coasts, 06/04/2014
- Administration Proposes Changes to Endangered Species Act Critical Habitat Designations and "Adverse Modification" Definition , 05/15/2014
- Final Environmental Analysis for Keystone XL Pipeline Project Elevates Climate Change Issues, 02/05/2014
- Government Shut-down: Update #6: The Government Opens and Debt Default Is Avoided, 10/17/2013
- National Ocean Council Releases Final Ocean Policy Implementation Plan, 04/25/2013