

CONTACT

PRACTICES

Litigation & Investigations
Renewable Energy

EDUCATION

Yale Law School
Yale University
Kenyon College

BAR AND COURT ADMISSIONS

District of Columbia Bar
U.S. Supreme Court
U.S. Court of Appeals for the
Ninth Circuit
U.S. Court of Appeals for the
District of Columbia Circuit
U.S. Court of Appeals for the
Second Circuit
U.S. Court of Appeals for the
Fourth Circuit
U.S. Federal District Court for the
District of Columbia

MICHAEL A. SWIGER
IN MEMORIAM



Professional Background

With profound sadness, we announce the loss of our partner Mike Swiger.

Mike joined Van Ness Feldman in December 1985 and became a partner in March 1991. Throughout his career, Mike was known as one of the nation's premiere attorneys representing the hydropower industry and his passion and commitment to his clients was unparalleled.

Not only was Mike a tremendous practitioner, he was an even better colleague, friend, and mentor. We hold his family in our thoughts and will continue to honor Mike's many contributions to the firm.

Mike represented a broad cross-section of entities with interests in energy and water development before federal agencies and the presidential administration, the U.S. Congress, and the federal courts. These included investor-owned utilities, state power authorities, municipal utilities, water agencies and irrigation districts, independent power developers, and others.

He had substantial experience on the full range of issues associated with major energy and water projects and was involved in several major hydroelectric license proceedings before the Federal Energy Regulatory Commission (FERC). His litigation experience included both appellate litigation before the U.S. Supreme Court and various U.S. courts of appeal, litigation in the federal district courts, and agency trial-type proceedings. Mike was also involved in numerous agency rulemakings and legislative policy matters relating to hydroelectric licensing.

Mike was active in various water and power trade associations and was a former Advisory Member of the Board of Directors of the National Hydropower Association. In 2005, he was named a Leading Energy Lawyer in the Washington, DC area by *The Legal Times* (Vol. XXVIII, No. 20). He has written and spoken extensively on regulatory and environmental issues affecting energy and water development.

Awards and Honors

Super Lawyers

2014-2019

Legal 500 - Recommended Attorney

Energy Regulation - Conventional Power, 2019-2021

Legal 500

Energy and Environment Regulatory 2014

National Hydropower Association's Dr. Kenneth Henwood Lifetime Achievement Award

2014

"Leading Energy Lawyer," Washington D.C. area, *The Legal Times*

2005

Articles and Presentations

- Two Court of Appeals Decisions Threaten to Eviscerate State Water Quality Certification One-Year

Timeline, NHA's Powerhouse Newsletter, 08/15/2022

- Changing NEPA Implementation and What That May Mean for Hydropower, NHA's Powerhouse Newsletter, 05/31/2022
- Energy Law and Transactions Ch. 53 , Hydroelectric Power, D. Muchow and W. Mogel, eds. (2022), 05/19/2022
- Waters and Water Rights Ch. 40, Hydroelectric Regulation Under the Federal Power Act, Kelley ed. (2022), 05/19/2022
- Court of Appeals Ruling Seen as Significant Stride Forward in Long March toward Licensing Reform, NHA's Powerhouse Newsletter, 03/29/2021
- Energy Law and Transactions, Ch. 53, Hydroelectric Power, D. Muchow and W. Mogel, eds. (2020), 10/01/2020
- Waters and Water Rights, Ch. 40, Hydroelectric Regulation Under the Federal Power Act, Michie (2020), 10/01/2020
- Legal Pathways to Deep Decarbonization in the United States, Ch. 22, Deep Decarbonization and Hydropower, Michael B. Gerrard & John C. Dernbach, eds., (2019) , 04/04/2019
- HydroVision International 2018, Charlotte NC, 06/28/2018
- [Deep Decarbonization and Hydropower](#), Environmental Law Reporter, Vol. 48 Issue 4, 04/06/2018
- Northwest Hydroelectric Association's 2018 Annual Meeting, Portland OR, 02/21/2018
- HydroVision International 2017, Denver CO, 06/27/2017
- [Pumped Storage: 5 Misperceptions about Licensing](#), International Water Power & Dam Construction, pp. 14-17, 06/01/2017
- 2017 ACWA Spring Conference, Association of California Water Agencies, Monterey CA, 05/10/2017
- 2016 ACWA Regulatory Summit, Association of California Water Agencies, Sacramento CA, 10/03/2016
- [Revised Rules for Trial-Type Hearings: Room for Improvement](#), Hydro Review, pp. 8-18, 04/01/2016
- [A Benefit to Industry?](#), International Water Power & Dam Construction, pp. 12-13, 03/01/2016
- National Hydropower Association 2015 Alaska Regional Meeting, National Hydropower Association, Anchorage AK, 08/18/2015
- HydroVision International 2015, HydroWorld, Portland OR, 07/13/2015
- [Preparing for the Future - An Indepth Look at the Issues Facing U.S. Hydroelectric Licensing](#), International Water Power & Dam Construction, pp. 34, 06/01/2015
- American Public Power Association, Washington DC, 03/09/2015
- HydroVision International 2014, HydroVision International , Nashville TN, 07/22/2014
- Rebuttal in Defense of the Klamath Hydroelectric Settlement Agreement, Washington Journal of Environmental Law & Policy, Vol. 1 pp. 297, 12/01/2011
- Energy Policy Act of 2005 and the Interim Agency Rules; Industry Hopes that Rulemaking will Improve Hearing Procedures, Hydro Review, Vol. 30 pp. 32, 09/01/2011
- Small Hydro Projects: 10 Questions Every Developer Should Ask, Irrigation Leader, pp. 20, 04/04/2011
- Creating a New FERC Licensing Process, Hydro Review, 05/01/2004
- Hydro Licensing Reform: A Comprehensive Look at the Proposals, Hydro Review, 03/01/2003
- Cost-Effective Relicensing: Choosing the Right Process, Hydro Review, Vol. 17 Issue 4 pp. 52, 08/01/1998
- Paying for the Change: Can the FERC Force Dam Decommissioning at Relicensing?, Energy Law

Alerts

- U.S. District Court for The Northern District of California Vacates EPA's Clean Water Act Section 401 Certification Rule, 10/25/2021
- EPA Issues Final Rule to Streamline CWA Section 401 Review, 06/02/2020
- EPA Proposes Rule to Narrow, Streamline CWA Section 401 Review, 08/12/2019
- D.C. Circuit Holds that States Cannot Use Section 401 Authority to Delay Hydropower Relicensing, 01/28/2019
- Congress Enacts Legislation to Promote New Hydropower Development, 10/24/2018
- Second Circuit Reinstates EPA's Water Transfers Rule, 01/23/2017
- Congress Establishes Federal Permitting Reforms for Major Infrastructure Projects, 01/06/2016
- D.C. Circuit Overrules FERC's Effort to Narrow Section 7 Municipal Preference , 11/23/2015
- Federal Agencies Issue Revised Interim Final Rules for Trial-Type Hearings; Seek Comments, 04/01/2015
- FERC Holds that Federal Power Act Preempts State Shoreline Management Act for Hydro Tidal Project, 06/25/2014