

Uncommon Wisdom
Common Sense®

ENVIRONMENTAL REVIEW AND PERMITTING

Our firm's environmental practice group is one of the most longstanding and respected practices of its kind in the Upper Midwest. We serve our clients in many ways by assisting with permitting, in federal and state enforcement proceedings, in litigation, and in a myriad of corporate, real estate and loan transactions that involve environmental issues. Strategic representation of clients in connection with federal and state environmental assessments (EA) and environmental impact statements (EIS) has long been a significant part of our activities. Our attorneys work on matters involving all of the major environmental statutes, including the National Environmental Policy Act (NEPA), the Clean Water Act; the Resource Conservation and Recovery Act (RCRA); the Clean Air Act; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); the Emergency Planning and Community Right-to-Know Act; and the Occupational Safety and Health Act (OSHA). We have extensive experience with the U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy (DOE), the Bureau of Land Management (BLM), the U.S. Forest Service (USFS) as well as with other federal, state, and local environmental agencies and regulatory bodies. We recently served as environmental counsel for Excelsior Energy Inc. in the development of its Mesaba Energy Project a proposed 600 megawatt coal gasification electric generation project to be located in northeastern Minnesota. In addition to the power station, the proposal for the Mesaba Energy Project also included high voltage transmission lines of up to 68 miles in length depending upon the route chosen, natural gas pipelines, and other infrastructure. We represented the Mesaba Energy Project in connection with a broad range of permits and permitting issues, including federal and state environmental impact statements, air permits, water appropriation permits, wetlands permits, and review of historical and cultural resources.

ENERGY FACILITIES SITING AND ROUTING

Closely related to our environmental permitting practice is our work in energy facilities siting and routing. We represent energy companies in proceedings before state public utilities commissions and other agencies to gain permits for new and expanded energy facilities, including power plants, transmission lines, wind farms, and pipelines. In the case of the Mesaba Energy Project mentioned above, we successfully represented the client in a contested case before the Minnesota Public Utilities Commission in gaining a combined large electric generating plant site permit, high voltage transmission line route permit, and natural gas pipeline routing permit. Other recent engagements have included siting and routing for wind farms and natural gas peaking plants.

MITIGATION

As part of our permitting work, we often work with clients to address requirements for environmental mitigation. A notable example is the area of wetland permitting, where we have helped clients comply with requirements for the replacement of unavoidable wetland impacts through wetland restoration projects and the use of marketable wetland banking credits. We have an active practice in helping clients mitigate environmental pollution and redevelop contaminated properties with the aid of government incentives.

A Professional Association

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