Environmental Impacts & Permitting

The federal permitting and National Environmental Policy Act (NEPA) processes can be a source of great controversy and delay, as demonstrated by the Keystone XL Pipeline, Dakota Access Pipeline, and Sabal Trail Transmission matters. Steptoe's multidisciplinary lawyers have extensive experience assisting clients with the strategic development of complex projects, including a full-range of land use, permitting, and environmental review issues. Our goal is to reduce the potential for project delay, and to ensure that agency decisions will be defensible if challenged. If challenges are filed, we intervene on behalf of applicants to ensure the project is not enjoined during the litigation, and aid in defending the agency's permitting or funding decision. Our clients include a wide array of railroad, pipeline, mining, energy, and transportation companies.

**NEPA Process.** Our lawyers represent clients throughout the environmental review process, from the development of a project concept to the issuance of an Environmental Impact Statement and the agency's record of decision. We advise clients on strategies to streamline NEPA and permitting, as well as ensuring that the agency's NEPA review process will withstand judicial scrutiny.

**Clean Water Act.** Steptoe lawyers have broad experience handling matters under the Clean Water Act (CWA). We advise clients with respect to regulatory requirements, as well as the strategic development of projects to minimize individual permitting requirements. Our lawyers regularly counsel clients on how to integrate the Section 404 Army Corps of Engineers permitting process with other regulatory requirements.

**Inter-Agency and Tribal Consultations.** Steptoe lawyers engage in and advise our clients on managing permitting consultations and inter-agency disputes, including:

- Consultations under the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA) with the US Fish and Wildlife Service and National Marine Fisheries Service, which may involve completion of biological opinions and incidental take statements
- Section 106 consultations under the National Historic Preservation Act (NHPA) with State Historic Preservation Officers, Native American tribes, and the Advisory Council on Historic Preservation, by negotiating and implementing Memoranda of Agreement and Programmatic Agreements to resolve cultural resource concerns related to highly controversial projects
- Coastal Zone Management Act (CZMA) consistency determinations, through advocacy at the National Oceanic and Atmospheric Administration and state agencies

**Litigation.** Litigation challenging federal environmental and permit decisions for major projects has steadily increased throughout the last decade. Steptoe lawyers have significant experience handling litigation concerning the environmental review for major projects, including under NEPA, the CWA, the ESA, and Section 106 of the NHPA. Our lawyers regularly litigate wetland and water quality issues. We also defend our clients against CWA citizen suits. We often intervene on behalf of applicants in such cases to ensure the project is not enjoined during the litigation, and defend the permitting or funding decision on the merits. In short, Steptoe lawyers offer effective advice, strategy, and advocacy for your environmental and permitting concerns.
Representative Matters

- Represented a company seeking to construct and operate a passenger rail line in Florida. Steptoe successfully defended legal challenges to agency decisions concerning the NEPA and NHPA review process for the rail line.
- Represented Pebble Limited Partnership in opposing the EPA's unprecedented attempt to preemptively "veto" development of one of the world's largest gold and copper deposits under CWA Section 404(c).
- Prepared multiple amicus briefs related to CWA and NEPA litigation on behalf of individual companies and trade associations.
- Assisted developer through the NEPA process for a gasification facility that would use petroleum coke to produce methanol and capture/sequester carbon dioxide. Steptoe lawyers assisted the client in its dealings with the US Department of Energy and in the preparation of an EIS that address a wide range of issues, including greenhouse gas emissions.
News & Publications

PRESS RELEASES
Steptoe Announces Promotions
January 4, 2021

CLIENT ALERTS
DOT Proposes Major Changes to NEPA Rules to Implement CEQ Streamlining Requirements
November 25, 2020
By: Cynthia L. Taub, David H. Coburn

PUBLICATIONS
Appalachian Trail Ruling May Speed Other Pipeline Cases
Law360
June 24, 2020
By: Monique Watson, Cynthia L. Taub, Daniel A. Mullen

MEDIA MENTIONS
Bloomberg Law Quotes Cynthia Taub on EPA Water Rule
June 8, 2020

CLIENT ALERTS
New EPA Rule Attempts to Rein in State Authority Under Clean Water Act
June 2, 2020
By: Cynthia L. Taub, David H. Coburn, Joshua Runyan

MEDIA MENTIONS
Pipeline & Gas Journal Quotes Cynthia Taub on NEPA Changes
May 29, 2020

PRESS RELEASES
Jeff Weiss Joins Steptoe to Co-Lead International Trade Policy Practice
March 5, 2020

MEDIA MENTIONS
Law360 Quotes Cynthia Taub on Trump’s Overhaul of Environmental Review Process
January 10, 2020

MEDIA MENTIONS
Law360 Quotes Cynthia Taub on New York Pipeline Permits
May 28, 2019

MEDIA MENTIONS
Law360 Quotes Taub, Watson on Executive Orders to Speed Up Pipeline Construction
April 12, 2019
Events
WEBINARS
Pipeline Accidents: Are You Prepared?
Part Two: Criminal Enforcement & Cleanup
January 12, 2017
Speakers: Seth Goldberg, William T. Hassler, Dane Jaques, Joshua Runyan

WEBINARS
Environmental Review & the Food Contact Notification Process
April 2, 2015

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Environmental, Product, & Mass Tort
Environmental Regulation
Food Safety & Life Sciences

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