



Energy Project Permitting and Approvals

Kaplan Kirsch & Rockwell advises project developers regarding a wide spectrum of permitting, land use, and other regulatory requirements associated with electric power project development and site redevelopment. We provide expert guidance from the early stages of leasing and site evaluation to the permitting of projects and analysis of compliance for transactions. Our attorneys provide representation to independent power producers and storage developers, energy trade associations, large energy consumers, and energy efficiency-industry companies regarding electric resource plans, coal-plant retirement, and redevelopment plans. We have also represented local governments in evaluating legal questions associated with Bureau of Land Management rights-of-way, environmental clearance, and other approvals associated with natural gas, wind, and solar project development.

We have particular expertise in the overlap of renewable energy and aviation. Our team counsels both solar companies and airport sponsors developing solar facilities on airport property. Additionally, we advise clients, collaborate with federal agencies, and undertake cutting-edge litigation regarding the effects of wind turbines, transmission facilities, and other projects on aircraft and airspace, including the particular impacts that wind turbines may have on radar and other air navigation facilities.

Representative Experience

- Representing multiple solar developers in securing entitlements (including 1041 permits, use permits, and other approvals) and surface use agreements for utility-scale projects in Colorado.
- Represented solar developer in the National Environmental Policy Act processes and Federal Aviation Administration review for solar projects on airport property in multiple states.
- Represented energy development clients with specialized land use and regulatory matters, such as responding to objections to land use approvals for a utility-scale wind farm extending across two counties.
- Negotiated surface use agreement among a subsurface mineral interest owner, a wind developer, and its lessors.
- Represented a local government in evaluating legal questions associated with Bureau of Land Management rights-of-way, environmental clearance, and other environmental approvals for large wind and solar projects.
- Represented independent power producers and brownfield developers in proposals to acquire electric generation assets on brownfields sites targeted for redevelopment for both power generation and non-power development.
- Advised clients regarding Federal Energy Regulatory Commission approvals and associated environmental review for hydropower and electrical transmission projects.
- Counseled clients and litigated on a range of Clean Air Act permitting, enforcement, and related issues, including Clean Air Act Title V, New Source Review, and Prevention of Significant Deterioration permitting.
- Represented gas-fired and cogeneration facilities in air quality permitting and enforcement issues in Colorado and California.