

Environmental Group Of The Year: Bracewell

By **Andrew Westney**

Law360 (December 8, 2020, 2:58 PM EST) -- Bracewell LLP's environmental attorneys worked on several major deals and scored key litigation wins this year, including defeating efforts to halt construction on the Permian Highway Pipeline natural gas project in Texas, earning the firm a spot among Law360's 2020 Environmental Groups of the Year.

The firm's core environmental group includes four partners and three associates in Washington, D.C., and five partners and an associate in the firm's Texas offices, while many more across the firm make significant contributions on environmental and natural resources issues, according to Jason Hutt, the chair of the firm's environmental strategies group.

The firm's "fully integrated environmental platform" helps clients tackle anything that might arise on a project, he said.

"Many of the environmental and natural resources problems our clients are challenged with have a regulatory facet to it, and a policy facet to it, and in many cases a strategic communications facet to it," Hutt said. "So they're having to address the reputational consequences of what they're trying to achieve, whether that's building a piece of infrastructure, handling an industrial incident, or having an influence on policy considerations in Washington that impact their businesses."

Bracewell has been building up and rounding out its environmental practice through recruiting top associates and adding talent like Ann Navaro, a Law360 environmental MVP this year who helped lead a team for midstream company Kinder Morgan Texas Pipeline LLC in fending off bids to block construction on the Permian Highway Pipeline, according to Kevin Ewing, a partner in the firm's D.C. office with 27 years at Bracewell under his belt.

The firm's defeat in February of a temporary restraining order sought by the city of Austin, Texas, and other local governments was "critical" to the project, Ewing said.

"It's vital to win that first instance of seeking an injunction — in this case a TRO — because it sets the ground for everything that follows," he said. "If you lose it, the signal that would send is very negative,



and it sometimes can predispose a court to some degree to continue to take a negative view of the defense case."

In August, the firm helped Kinder Morgan fight off another bid for an injunction by the Sierra Club, which claims the U.S. Army of Engineers violated the National Environmental Protection Act by issuing an authorization for the project.

Elsewhere, the firm has served as chief outside counsel for Equinor Wind in the company's innovative offshore wind projects in New York, successfully preparing the company's bids for offshore renewable energy credits.

The state accepting Equinor's bid "showed the confidence in the marketplace" the company has, and it more generally "demonstrated that commercial-scale offshore wind is something that can be done," Ewing said.

Bracewell also represented Equinor in a \$1.1 billion deal in September to sell a 50% interest in the company's Empire Wind and Beacon Wind projects, which also showed "high confidence not just in the future of offshore renewable energy in the U.S., but especially in the platform Equinor built in a very brief time," he said.

The firm beat a suit in October 2018 by seafood industry groups challenging a lease for the New York project, and is **currently defending that decision** in the D.C. Circuit.

And out west, Bracewell is representing Resource Environmental Solutions on a "first-of-its-kind habitat restoration, maintenance and liability transfer agreement" with Klamath River Renewal Corp. to remove four dams on the lower Klamath River.

The deal is part of a \$450 million project to remove the hydroelectric dams in California and Oregon, the largest such project in the United States.

The firm's efforts this year have taken place under the shadow of the coronavirus pandemic, but the environmental practice's far-flung attorneys have made it work, according to Hutt.

"There's a tremendous amount of collaboration in our firm culture, which pre-pandemic was done at a water cooler or in a conference room or over the phone," he said. "There's really been very little change to what we're doing with one another other than communicating at a physical distance."

As President-elect Joe Biden and Vice President-elect Kamala Harris get ready to assume leadership of the country in January, Hutt says the environmental group is "well positioned to help our clients work with the next administration."

"Our relationships in the executive and legislative branches are bipartisan and built over decades on providing substantive knowledge on policy and legal matters," Hutt said.

--Editing by Bruce Goldman.