



## **Kevin A. Ewing**

Partner

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### **About Kevin**

Kevin Ewing helps clients with federal natural resources law and policy. He advises chiefly energy and infrastructure companies pursuing development projects, federal authorizations, or changes in agency policy, and in responding to federal enforcement and incident investigations. His clients are involved in offshore wind and O&G development, natural gas and liquids pipelines, LNG, power transmission, and urban park renewal. Kevin has almost thirty years of experience helping clients bring infrastructure projects online. He has frequently been involved in efforts to improve federal policies governing infrastructure and related permitting and agency reviews. Kevin's work extends to many statutes, including the major pollution control statutes, NEPA, NHPA, the Natural Gas Act, the Pipeline Safety laws, and federal laws governing urban parks, such as LWCFR and UPARR.

An area of special focus for more than twenty years is corporate disclosure concerning environmental, social, and governance issues (ESG) and related shareholder demands and governmental inquiries (including under the Martin Act) about climate change, hydraulic fracturing, and similar topics. He advises publicly-traded energy companies on mandatory reporting, sustainability reporting, and related litigation and policy issues.

### **Recent Notable Matters**

***Invenergy and energyRe*** — as project sponsors, in forming a consortium of investors that secured one of six leases in the New York Bight offshore wind auction

***Equinor*** — \$1.1 billion sale to bp plc of a 50 percent interest in Equinor's U.S. offshore wind development portfolio, including formation of a partnership to develop and operate the Empire Wind project offshore New York and Beacon Wind project offshore Massachusetts, which together could generate over 4 GW of

power

**City of Chicago** — federal permitting, environmental impact assessment, historic preservation, and related litigation for projects in support of The Barack Obama Presidential Center and other urban park initiatives

## **Project Development**

**Equinor** — federal leasing, permitting, and environmental impact analyses to support multiple utility-scale projects forming the U.S. offshore wind portfolio of the company, in addition to related federal litigation

**Multiple LNG projects (import and export)** — environmental aspects of LNG storage, regasification, and liquefaction projects, including siting, permit strategy, and environmental impact assessment

**Offshore LNG facility** — defense of the Deepwater Port Act license (Gulf Restoration Network v. U.S. Department of Transportation, 452 F.3d 362 (5th Cir. 2006))

**Pipeline developers and anchor shippers** — permitting, environmental impact assessment, FERC environmental requirements and related litigation for proposed natural gas and liquids pipelines

**Nonprofit developer** — NEPA litigation defending against challenges to federal approvals for an urban park project supporting underserved environmental justice communities in southwestern Michigan

**Multiple trade associations and business groups, and their member companies** — advise and advocate on modernizing federal policy under NEPA, Clean Water Act, Natural Gas Act, and the pipeline and LNG safety statutes aimed at improving permitting and safety of energy and other infrastructure

## **Safety and Incidents**

**LNG developer and operator** — federal safety requirements and governmental inspections for developing and operating LNG assets, including an LNG release and related administrative actions by U.S. DOT/PHMSA

**Halliburton Energy Services, Inc. / Macondo** — federal government investigations concerning the Macondo well control incident

**Oilfield services and E&P companies** — post-Macondo federal policy and regulatory developments affecting energy development; permitting and financial assurance requirements; liability and enforcement; federal land policies; and the requirements of NEPA and species protection

**Energy companies operating offshore** — development risk analysis associated with numerous proposed and operating offshore and nearshore energy facilities in the Northeastern U.S., Mid-Atlantic, and Gulf of Mexico

**Midstream and downstream energy companies** — compliance support concerning pipeline safety, Presidential and other federal permitting, jurisdictional issues for offshore and onshore gathering and transmission pipelines, and regulatory support in A&D

## **Corporate Disclosures**

**Publicly-traded upstream energy company** — securing SEC Staff no-action letter concerning shareholder climate proxy proposal

**Publicly-traded energy companies** — response to shareholder proxy proposals on environmental issues and advice on long-term strategies for shareholder engagement

**Publicly-traded energy companies** — mandatory and voluntary disclosure to shareholders concerning environmental matters under Regulation S-K

**Publicly-traded energy company** — defense of Martin Act investigation concerning shareholder disclosure relating to climate change

**Publicly-traded energy company** — defense of Martin Act investigation concerning shareholder disclosure relating to hydraulic fracturing

## Publications and Speeches

“Energy Attorney Kevin Ewing Shares an Insider’s View of Offshore Wind Projects,” The Uptime Wind Energy Podcast, January 19, 2022.

“Change at the Interior Department: A Look Ahead,” Environmental Essentials for In-House Counsel Webinar, April 6, 2021.

“ESG/SEC Disclosure and Implications,” Environmental Essentials for In-House Counsel Webinar, March 30, 2021.

“Infrastructure Under the Biden Administration,” Environmental Law Seminar, December 22, 2020.

“ESG – A Look Ahead,” Environmental Essentials for In-House Counsel Webinar, September 8, 2020.

"Energy Industry Opposition: The Latest Wave of Challenges and Strategies," 10<sup>th</sup> Law of Shale Plays Conference, Pittsburgh, PA, September 4, 2019

"BSEE takes steps to relieve burdensome requirements," *Offshore*, March 7, 2018.

Keynote Speaker, 10<sup>th</sup> IFI Operational Risk Management Forum, May 31, 2017

Co-author, "Pipeline Protest: The New Playbook," *Pipeline & Gas Journal*, May 2017.

Panelist, "Identifying and Assessing Emerging Risks," Western Reliability Summit, May 3, 2017.

Speaker, “Lessons in Risk Management Learned From Major Accidents,” World Bank Chief Risk Officers Risk Forum, April 27, 2017

"Protests, Policies, and Regulations — Impact on Pipeline Development," *Platts Pipeline Development and Expansion Conference*, Houston, September 29, 2016.

"Climate Disclosure — Trends and Drivers," *The American Gas Association's 2016 Legal Forum*, Asheville, NC, July 11, 2016.

"Getting New Oil and Gas Production to Market — Regulation and Legal Challenges to Infrastructure Development," *Association of Corporate Counsel South/Central Texas Chapter's Oil & Gas Law Lunch and Learn*, San Antonio, April 28, 2016.

"What to Expect in the Event of an Oil Spill or Other Significant Offshore Incident or Catastrophe," *The Rocky Mountain Mineral Law Foundation's Special Institute on Federal Offshore Regulatory Enforcement*, Houston,

January 21, 2016.

"Pipelines and Marine Transport — Moving North American Gas and LNG," *Platts 14th Annual Liquefied Natural Gas Conference*, Houston, February 26, 2015.

"Three Mile Island, Chernobyl, Fukushima: Lessons Learned and Being Learned," *Annual Conference of the International Bar Association*, Tokyo, October 19, 2014.

"A Review and Discussion on Hydraulic Fracturing and the Regulation of Hydraulic Fracturing," *Institute for Energy Law 65th Annual Oil & Gas Law Conference*, Houston, February 19, 2014.

## **Education**

University of Heidelberg, Master of Laws  
1993

Georgetown University Law Center, J.D.  
1991

Yale University, Bachelor of Arts  
1988 – *cum laude*

## **Noteworthy**

*Chambers USA*, Nationwide Offshore Energy, 2023; District of Columbia Environment, 2017 - 2023

*The Legal 500 United States*, Environment: Regulatory, 2019 - 2023; Environment: Litigation, 2017 - 2019, 2022 - 2023; Environment: Transactional, 2022 - 2023; Energy: Renewable/Alternative Power, 2023; Energy Regulatory: Oil and Gas, 2017, 2023; Energy: Regulatory, 2016

Portfolio Media, Inc., *Law360*, MVP of the Year: Environmental, 2017

ALM Media Properties, *National Law Journal*, Energy & Environmental Trailblazer, 2017

BL Rankings, *Best Lawyers*, Energy Law, 2023 - 2024

Euromoney Institutional Investor PLC, *IFLR1000 Financial & Corporate and M&A Guide*, 2021 - 2023

Women's Council on Energy and the Environment, Champion Award

## **Affiliations**

Women's Council on Energy and the Environment, Past Chair, Advisory Council

Washington Institute of Foreign Affairs

AmericaSpeaks, Former Member, Board of Directors

Decatur House of the National Trust for Historic Preservation, Former Member, Board of Directors

## **Bar Admissions**

District of Columbia

Maryland

## **Languages**

German