

Clean Energy & Sustainability

NEWSLETTER



January 2023

Contact a DGS attorney in the [Clean Energy & Sustainability Group](#) if you have any questions about the contents of this newsletter or if we can assist you with any legal needs.

Upcoming Clean Energy Events:

February 28

[2023 DGS Ethics Update](#)

March 15

[2023 DGS Employment Law Update](#)

U.S. Fish and Wildlife Service Hopes to Increase Efficiency of Eagle Take Permitting with New Rule

by [Rachael Lechner](#)

The U.S. Fish and Wildlife Service (FWS) published a proposed rule in the Federal Register that, if adopted, would revise the regulations related to eagle take permitting under the Bald and Golden Eagle Protection Act. [1] The proposed rule has garnered a lot of attention from multiple stakeholders. Indeed, the FWS was forced to increase the comment period by 30 days to accommodate the high number of responses. [Read more...](#)

Major Fines for Stormwater Violations at Solar Farms

by [Alexandra Burton](#)

Four solar farm owners agreed in November 2022 to pay major fines in [settlements](#) with the Department of Justice (“DOJ”) and Environmental Protection Agency (“EPA”) to resolve stormwater management and construction permit violations. The federal court lawsuits involved two completed and two under-construction large-scale solar generating facilities, AL Solar A LLC (“AL Solar”) in Alabama, American Falls Solar LLC (“American Falls”) in Idaho, and Prairie State Solar LLC (“Prairie State”) and Big River

Solar LLC (“Big River”) in Illinois. All four projects used a common construction contractor. [Read more...](#)

USFWS Delays Threatened and Endangered Statuses of Lesser Prairie-Chicken and Northern Long-Eared Bat

by [Katie Schroder](#)

This week, the U.S. Fish and Wildlife Service (“USFWS”) extended the effective dates of its decisions to list populations of the lesser prairie-chicken as threatened and endangered and to reclassify the northern long-eared bat as endangered under the Endangered Species Act (“ESA”). [Read more...](#)

U.S. Fish and Wildlife Service Lists Distinct Population Segments of the Lesser Prairie-Chicken as Threatened and Endangered

by [Katie Schroder](#)

The U.S. Fish and Wildlife Service (USFWS) has released a [final rule](#) listing distinct population segments of the lesser prairie-chicken as threatened and endangered under the Endangered Species Act (ESA) (“Listing Rule”) based, in part, on threats from conventional and renewable energy development. The Listing Rule will become effective on or about January 25, 2023, which is 60 days after the Listing Rule is published in the Federal Register. [Read more...](#)

DGS Transaction Alert

DGS recently served as U.S. counsel to Certarus LTD., a leading North American low carbon energy solutions provider in its sale to Superior Plus Corp. Certarus is a quickly growing North American distributor of over-the-road low carbon fuels, including CNG, RNG, and hydrogen. The total acquisition value was over CAD\$1.05 billion.