

RICHARD H. ALLAN
PARTNER**CONTACT**

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AREAS OF FOCUS

Energy
Renewable Energy
Air Quality
Permitting & Environmental Review
Project & Property Development
Recycling & Waste Management

ELECTION & CLERKSHIP

J.D., University of California, Berkeley (1988), Order of the Coif (Editor-in-Chief, Ecology Law Quarterly)
B.A., with Highest Honors, Phi Beta Kappa, University of California, Berkeley (1982)
Law clerk to the Honorable Malcolm M. Lucas, Chief Justice, California Supreme Court (1988-89)

ADMISSIONS & MEMBERSHIPS

State Bars of Oregon and Washington
U.S. District Court for Oregon
U.S. Court of Appeals for the Ninth Circuit

RECOGNITION & ACTIVITIES Member, Oregon Bar Association Sections on Environment and Natural Resources, and Real Estate and Land Use Member, Washington State Bar Association Environmental and Land Use Law Section Martindale Hubbell AV Preeminent Rated Chambers USA Industry Leader, Environment, Oregon
Super Lawyer in Energy Law
Best Lawyers in Energy Law
Best Lawyers 2021 "Lawyer of the Year"

- Energy Law, Portland OR
Member and Chair, City of Portland Adjustment Committee (1998-2006)

With over 25 years of experience, Richard Allan excels at shepherding complex deals to conclusion across a broad range of industries, from energy facility siting, to the transactional and regulatory aspects of redeveloping contaminated property.

Richard Allan represents developers in the acquisition, siting, expansion and operation of major projects, with an emphasis on energy facilities. He also regularly advises clients on the environmental aspects of real estate and business transactions, including: due diligence; negotiation of indemnities, prospective purchaser agreements and insurance coverage; and development of strategies for remediation to facilitate cost-effective and protective site redevelopment.

Richard has represented developers on the environmental, land use and natural resource issues arising in all phases of project development, including site selection and acquisition, permitting, construction and operation. His experience includes over 2,000 megawatts of wind, solar and natural gas-fired generating facilities, as well as transmission lines and pipelines. Richard also has assisted clients with siting and expansion of many other types of facilities, including residential development, industrial facilities, ski areas, and destination resorts. His experience in adversarial proceedings ranges from numerous local land use hearings and appeals, to administrative contested cases before state agencies concerning energy facilities, wetlands, water rights and environmental enforcement, to trial court and appellate proceedings in state and federal courts.

Richard helps property owners and developers to define, understand and limit environmental liability in real estate transactions and redevelopment. He has decades of experience using a wide range of tools to address the concerns of buyers, sellers, lenders and regulators on sites as small as former gas stations and dry cleaners and as large as railyards, lumber mills and manufacturing plants.

REPRESENTATIVE MATTERS

- Counsel for over 20 years to the owner of 40-acre former railyard in settlement of claims against railroad for past contamination and in negotiation and ongoing implementation of multi-party consent decree with Oregon DEQ for redevelopment of site as a new, mixed-use urban neighborhood.
- Represented purchasers of contaminated sites in the negotiation of over a dozen Prospective Purchaser Agreements with the Oregon Department of Environmental Quality, limiting the liability of the purchasers for existing releases of hazardous substances.
- Counsel to investor-owned electric utility for fifteen years in the permitting of multiple generating facilities, including over 1400 MW of natural gas-fired generating capacity in Oregon and over 700 MW of wind capacity in Oregon and Washington. Initiated successful rulemaking proceeding to address carbon dioxide offset obligations of facilities operating at variable loads; advised client on more than a dozen amendments to facility site certificates from the Oregon Energy Facility Siting Council (EFSC).
- Counsel to independent power producer in permitting of new 415 MW natural gas-fired generating facility in Umatilla County, Oregon.
- Represented developer of 5,000-acre destination resort in local legislative proceedings for adoption of destination resort map and development ordinance, approval of resort master plan, resolution of cultural resource and wildlife habitat issues, and approval of plans for multiple phases of development.
- Assisted clients with Section 404 and ESA Section 7 consultation for development of dock facility for new manufacturing facility on Columbia River, as well as land use permitting for associated natural gas pipeline.
- Represented ski area located on U.S. Forest Service land in the defense of administrative appeal, U.S. District Court and Ninth Circuit challenges to new ski area master plan under NEPA, NFMA and Ski Area Permitting Act, culminating in negotiated settlement with plaintiff environmental groups to establish framework for future development.
- Advised homebuilders regarding compliance with NPDES stormwater permit requirements; represented national homebuilder as Oregon counsel in EPA enforcement case; negotiated settlement of potential citizen suit claims against homebuilder for alleged construction-related stormwater violations.