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Practical Guidance

Environmental Impact Review in Real Estate Transactions

A Practical Guidance® Practice Note by Matthew J. Douglas and Katrina Umstead, Arnold & Porter LLP

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This practice note by Matthew J. Douglas and Katrina Umstead covers the key federal and state environmental impact review frameworks that can affect real estate transactions and development, including when reviews are triggered, how the NEPA process typically unfolds, and how to build a defensible administrative record to withstand challenges. It also explains how Clean Water Act Section 404, Endangered Species Act incidental take permitting, and Migratory Bird Treaty Act issues can shape diligence, budgeting, and project schedules in a changing regulatory environment.

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Matt Douglas is a litigator whose practice focuses on environmental and product liability litigation, including extensive work in the energy, manufacturing, and pharmaceutical sectors. His experience includes environmental, product liability, consumer class actions, commercial disputes, and antitrust matters. His environmental work has included toxic tort litigation, CERCLA litigation and remediation actions, Natural Resource Damages (NRD), Clean Water Act (CWA) enforcement and permitting cases, water contamination matters, including PFAS and other emerging contaminants, and Endangered Species Act work. His product liability work includes the defense of major pharmaceutical companies in product liability mass torts in state and federal court. He was counsel to BP in the Deepwater Horizon matter for its internal investigation and for the defense of NRD and CWA claims. He has served as lead trial counsel in a variety of cases, and has trial experience in Colorado and many other states.

Prior to joining the firm, Matt practiced general civil litigation and criminal defense with an emphasis on trial work.

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Katrina graduated *magna cum laude* from William and Mary Law School, where she was a lead articles editor for the *William and Mary Law Review*. While in law school, she served as a Judicial Intern for the Honorable Amy Berman Jackson in the U.S. District Court for the District of Columbia.

Prior to law school, Katrina worked for several years as a paralegal supporting environmental law and policy matters. During her undergraduate studies, she completed an Oak Ridge Institute of Science and Education Research fellowship in the Environmental Protection Agency's National Center for Environmental Economics.

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