

Tom Paul

He | Him | His

Partner

Syracuse

P: 315.425.2785

tpaul@barclaydamon.com

Education

- Vermont Law School, *Summa Cum Laude*, JD
- Yale University, MEM
- State University of New York College of Environmental Science and Forestry, BS, *Summa Cum Laude*

Practices & Industries

- Environmental
- Energy
- Regulatory
- Outdoor & Wildlife
- Renewable Energy
- Oil & Gas
- Semiconductor
- Nuclear Energy
- Data Center & Digital Infrastructure

Admitted to Practice

- New York

Biography

Tom blends his environmental sciences background with an expansive understanding of environmental laws to tenaciously protect the rights of his clients. Capitalizing on his deep understanding of wetlands, water, and wildlife law, Tom routinely advises energy and other project developers, investors, and other clients on environmental permitting and transactional due diligence to identify and manage environmental risks, including evaluating compliance, drafting purchase agreements, and negotiating with governmental agencies and private parties. He regularly performs due diligence reviews for wind, solar, and hydro generation asset portfolios and advises clients about the Office of Renewable Energy Siting (ORES) and New York State Department of Environmental Conservation's (NYSDEC) wetland and wildlife requirements. Tom adeptly distills complex environmental legal requirements into workable solutions for his clients.

Tom utilizes his wildlife law experience, combined with a passion for the outdoors, to assist museums, galleries, educational institutions, importers, hunters, and other businesses and individuals with navigating the complexities of obtaining, importing, maintaining, selling, and donating wildlife trophies, specimens, and collections. He often helps clients who are acquiring wildlife, and when wildlife is seized, Tom has submitted petitions for remission and successfully negotiated with the US Fish and Wildlife Service for its return.

Tom also focuses on protecting clients facing enforcement actions or litigation, using his significant environmental experience to advise clients on compliance matters, discuss and negotiate civil and criminal penalties with the NYSDEC and other environmental agencies, cross-collaborate with the firm's litigators on case strategy, and prepare persuasive arguments concerning environmental claims and defenses. He routinely advises clients on compliance and enforcement matters involving petroleum bulk storage and the Clean Water Act and has defended clients in

numerous CERCLA cases, many of which were settled without litigation or successfully dismissed.

Bar Associations

- New York State Bar Association

Representative Experience

- Counsels developers and investors in solar, hydro, wind, and pipeline projects on NYS environmental permitting and transactional due diligence matters.
- Submitted initial and supplemental Petitions for Remission and secured the return of wildlife seized by the US Fish and Wildlife Service on behalf of several clients (businesses and individuals).
- Advises investors and developers regarding environmental liabilities, conducting all appropriate inquiries, contractual representations and warranties, indemnification, and other environmental risk management strategies for projects in New York State, Massachusetts, Maine, Connecticut, Ohio, California, and Kentucky.
- Advised and obtained permits for a museum client for the acquisition of two large wildlife collections that included migratory birds, eagles, and marine mammal tusks, which are now on display for public education and enjoyment.
- Advises renewable energy developers regarding the Office of Renewable Energy Siting and NYSDEC's wetland and wildlife regulations, as well as federal and state-listed threatened and endangered species under the Endangered Species Act, the Migratory Bird Treaty Act, and other wildlife laws.
- Counseled a rod and gun club to respond to an inquiry from the US Environmental Protection Agency about the use of lead shot, and assisted the club with the development of an Environmental Stewardship Plan.
- Acted as local counsel in connection with the environmental due diligence review for the financing of a nearly 80 MW wind farm.
- Advised client on the status of federal and several state ivory laws.
- Performs environmental and real property due diligence in connection with a series of equity investment transactions in several solar energy facilities in Massachusetts and New York State, and, as local counsel, advises the client (the investor) of the legal and business risks.
- Obtains wildlife permits on behalf of clients for the import, possession, and other use of wildlife and wildlife specimens.

- Performed environmental due diligence in connection with a tax equity investment by the client in a nearly 130 MW wind farm.
- Analyzed potential threatened and endangered species issues for an electric transmission client in the development of a transmission line project.
- Represents a large utility in several multimillion-dollar CERCLA litigation matters.
- Secured pre-action dismissal of CERCLA and related state law claims related to a company's installation of gas and electric utilities with earth-moving equipment that resulted in a persuasive precedent for future cases regarding the appropriate pleading standard for CERCLA cases.
- Negotiated favorable settlements for a client concerning two significant multimillion-dollar federal CERCLA/Superfund sites.
- Negotiates consent orders and the reduction of penalties on behalf of clients with the NYSDEC and USEPA.
- Worked cooperatively with the NYSDEC for the release of millions of dollars tied up in an environmental financial assurances trust account to a client.
- Assisted a utility client during an NYS Public Service Commission audit of the utility’s environmental liabilities and prior settlements.
- Served as general outside counsel to a hydroelectric power project owner and developer regarding the $80 million acquisition of several hydroelectric facilities located on Maine’s Kennebec River. Handled real property title issues, obtaining necessary approvals of the assignment of US Federal Energy Regulatory Commission (FERC) and state regulatory licenses, and labor union issues as well as the pre-closing investigatory process with regard to potential environmental and regulatory issues and post-closing issues with management companies.
- Coordinated the transfer of environmental permits and registrations for the purchaser of an oil refinery.

Prior Experience

- Hiscock & Barclay, LLP, Associate
- Hiscock & Barclay, LLP, Summer Associate
- NYS Department of Agriculture and Markets, Assistant Farm Products Inspector I
- NYS Department of Environmental Conservation, Forestry Summer Intern

Selected Honors

- *The Best Lawyers in America*®: Environmental Law, 2026 and 2027

Selected Media

- Albany County Bar Association, "Barclay Damon Assists With Influential Amicus Brief Submission to US Supreme Court in NEPA Case"
- *Albany Times Union*, "Northern Long-Eared Bats Now on Endangered Species List"

Selected Alerts & Blog Posts

- NYSDEC Declines to Challenge Wetlands Decision
- Federal Judge Pauses Suite of Trump Administration Policies Restricting Solar and Wind Development
- NYSDEC Freshwater Wetland Regulations Struck Down
- NYSDEC Finalizes Regulations to Manage the Endangered and Threatened Species Mitigation Bank Fund
- Proposed Endangered Species Act Change Seeks to Redefine "Harm"