

"Van Ness Feldman is the premiere energy boutique in the USA"
-*Chambers USA, 2010*

"Sources Say: 'These attorneys always make you feel like number one - they give it their best every time you call and are second to no one in terms of qualifications and intelligence. They are so competent, resourceful and friendly that not only do they get you through difficult times, but you can look back positively at the experience.'" -- *Chambers USA 2010*

Natural Gas & Oil

LNG

Enabling the Development of On-Shore and Off-Shore LNG Terminals to Import and Export LNG Supplies

Van Ness Feldman maintains one of the most active and prominent LNG practices in the U.S. The firm has been at the forefront of the re-emergence of LNG terminal development in North America for the last decade. Van Ness Feldman represented the first new LNG project approved in the U.S. in thirty years, as well as one of the reactivations of an existing terminal that was originally constructed in the 1970s.

Our work with LNG projects includes:

- Federal Energy Regulatory Commission (FERC) proceedings to authorize siting, expansion, construction, and operation of on-shore LNG terminals and pipeline facilities under the Natural Gas Act (NGA)
- U.S. Coast Guard and Maritime Administration proceedings to site, construct, and operate off-shore LNG terminals under Deepwater Port Act
- Other required federal, state, and local authorizations and approvals, including:
 - Clean Air Act
 - Clean Water Act
 - National Environmental Policy Act
 - Marine Transportation Security Act
 - Endangered Species Act
 - Coastal Zone Management Act (CZMA)
- Litigation before the U.S. Court of Appeals under NGA and the Energy Policy Act of 2005 (EPACT 2005) to review FERC orders and federal and state agency decisions to issue, deny, or delay necessary authorizations
- CZMA appeals to the Secretary of Commerce
- Review or negotiation of LNG sale, purchase and tolling agreements; marketing and remarketing arrangements; transportation service and interconnection agreements; facilities precedent agreements; ancillary project agreements, including joint venture and other business association structures; site access, right-of-way, wetland mitigation transactions, and technical, engineering, services, and consulting agreements

- LNG import and export authorizations before Department of Energy's Office of Fossil Energy
- Due diligence reviews of proposed projects and contractual arrangements for financing of LNG facilities
- Design and implementation of legislative strategies for LNG project development

Our clients are involved in virtually every aspect of the LNG industry and include:

- LNG project developers
- LNG terminal operators and owners
- LNG suppliers
- Natural gas pipelines and storage companies
- Trading companies
- Investors and lenders

Comprehensive Experience and Expertise Yield Results

Our approach to the LNG industry combines innovative legal expertise, a business-oriented understanding of client goals, and unique understanding of energy policy.

We advise clients on virtually every aspect of the LNG value chain, including pre-development, project structuring, development, permitting, construction, operation and expansion. Each project presents unique challenges, including safety, local permitting, federal and state environmental authorizations. Our core LNG and natural gas practice is complimented by other attorneys and professionals with expertise in environmental, land use, engineering, Native American, and electric power disciplines.

An important element of our LNG practice is our legislative capability. Van Ness Feldman professionals have worked on every major piece of federal energy legislation over the last two decades. This work includes EPACT 2005, which confirmed FERC's exclusive jurisdiction over LNG terminal siting, provided incentives to promote development of natural gas storage projects, and coordinated and streamlined the natural gas and LNG permitting process.

Representative Matters

- **Cove Point Reactivation Project.** The firm represented Cove Point in its successful application to reactivate the Cove Point terminal after it had been moth-balled for nearly thirty years.
- **Cove Point Expansion Project.** Van Ness Feldman represented Dominion Cove Point in its successful application to nearly double the size of its existing LNG import terminal near Cove Point, Maryland.
- **Cove Point Pier Modification Project.** Van Ness Feldman represented Dominion Cove Point in its successful application to upgrade and expand its existing LNG import terminal pier facilities to enable the next generation of larger capacity LNG vessels coming into service worldwide to safely access and deliver LNG to the terminal. Van Ness continues to represent Dominion Cove Point in a wide range of other matters, including projects to expand the terminal facilities.

- **Sound Energy Solutions.** The firm provided federal regulatory counsel to Sound Energy Solutions (SES) in its efforts to construct and operate an LNG import terminal in Long Beach, California, including preparation of its FERC application, review of commercial agreements, federal appellate litigation, and legislative matters. Van Ness Feldman represented SES in litigation before the U.S. Court of Appeals for the Ninth Circuit involving a challenge to the scope of FERC's jurisdiction over the siting of LNG terminals. The firm also provided legislative services to SES in Congressional hearings that led to the enactment of EPACT 2005 which, among other things, confirmed FERC's exclusive jurisdiction over LNG terminal siting.
- **The Hackberry Policy.** Van Ness Feldman successfully prosecuted the first application for a new onshore LNG terminal to be approved by FERC in the last thirty years. In that proceeding, FERC announced a new regulatory policy for onshore LNG terminals designed to remove economic and regulatory barriers to the development of new terminals and to facilitate increased imports of LNG.
- **Bradwood Landing LNG Project.** The firm represented Northern Star Natural Gas, L.L.C. in its efforts to develop the Bradwood LNG import terminal in Oregon. Van Ness Feldman prepared the application to construct the terminal and related pipeline facilities, the first FERC-approved LNG terminal on the west coast of the United States, and served as project counsel in federal and state permitting issues, transactions, and related pipeline matters.
- **Kinder Morgan Louisiana Pipeline.** Van Ness Feldman provided comprehensive federal regulatory representation including FERC regulation, environmental compliance and strategic counseling for the development, construction and operation of a large diameter transportation header system transporting gasified LNG away from an LNG terminal on the Gulf Coast for delivery to numerous pipeline interconnects.
- **Cutuco.** Van Ness Feldman is project counsel and performs all of the transactional work for the Cutuco integrated LNG import terminal and power plant in El Salvador. If successful, the Cutuco project would bring natural gas to Central America for the first time and improve the environmental profile of electric generation in the region.
- **Canaport LNG (Canada).** Van Ness Feldman provided a due diligence review of the commercial agreements and the status of regulatory approvals for the lender to the proposed LNG regasification terminal project.
- **Proposed New England LNG Import Terminal.** Van Ness Feldman provided a due diligence review of the commercial, regulatory and technical details of a proposed terminal on behalf of a potential lender, including an assessment of LNG supply.
- **MC Global.** Van Ness Feldman reviewed LNG supply, terminal use, and downstream transportation and gas sales agreements on behalf of an LNG importer and capacity holder at a U.S. LNG terminal, and continues to advise the client on legal issues related to terminal use and downstream marketing of the gas.