Eversheds Sutherland’s team of more than a dozen business-minded lawyers and professionals stays current on trends in the liquefied natural gas (LNG) industry, while building upon experience gained from legal representation of clients engaged in nearly every aspect of the LNG value chain.

The Liquefied Natural Gas (LNG) industry in the United States has undergone significant changes, shifting from an import-driven market to one fueled by opportunities to export LNG and to take advantage of increasing domestic production of LNG. Eversheds Sutherland’s LNG practice, which is part of the Energy, Environmental & Commodities Group, has kept pace with these changes and has evolved along with them.

Our LNG team provides legal counsel in connection with projects involving national oil companies, international energy concerns, liquefaction projects (small and large scale), LNG marketing companies, transportation and marine businesses, U.S.-based power generators, gas utilities and industrial users. In the regulatory space, we have worked with every U.S. federal agency involved in LNG project development, regulation and oversight of land-based, near-shore and Outer Continental Shelf facilities, including the Department of Energy (DOE), the Federal Energy Regulatory Commission (FERC), the Environmental Protection Agency (EPA), the Maritime Administration (MARAD), the U.S. Coast Guard (USCG), the U.S. Army Corps of Engineers (USACE), the National Oceanic and Atmospheric Administration (NOAA), the Department of Defense (DOD), the Fish and Wildlife Service (FWS) and the Federal Aviation Administration (FAA). We also work with government agencies and local offices in many of the states affected by the growth in the LNG industry, including California, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, Oregon, Texas and Virginia as well as the Canadian provinces of British Columbia and Nova Scotia.

On the transactional side, we have worked with project developers, customers and others on every aspect of a transaction, including engineering, construction and procurement; financing; tolling agreements; and purchase and sale agreements.
Why Eversheds Sutherland?

Project Development Experience. Eversheds Sutherland’s LNG team is extensively involved in project development. Our knowledge of the federal and state regulatory regimes, industry and its participants has allowed us to gauge site proposals and to evaluate feasibility and “permitability,” as well as the strength of a project in comparison with market expectations. We are experienced in negotiating agreements from both developer and customer perspectives, helping to manage commercial and government relationships, and guiding clients through the regulatory and permitting process affecting LNG facilities.

Permitting and Regulatory Compliance. The development and expansion of LNG infrastructure may be subject to regulatory oversight by DOE, FERC, EPA, MARAD, NOAA, USACE and the USCG. Our LNG team is knowledgeable about the processes required by each of these regulatory entities. Specifically, we have many years of experience in the DOE and FERC project certification process, the import/export authorization process, and the federal and state environmental and coastal zone review processes. We also have unique experience in obtaining USCG plan approvals for vessel traffic to onshore facilities.

In addition, we have worked with the Bureau of Ocean Energy Management (BOEM), as well as with government agencies and local officials in California, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, Texas and Virginia.

Siting of LNG Infrastructure. Our LNG team has counseled clients extensively on the range of siting issues, both onshore and offshore, and has provided critical path analyses for siting and financing greenfield, brownfield and expansion projects in the United States. We have specifically analyzed key siting issues, including jurisdiction, site control, proprietary access, safety and security, emergency response planning, marine traffic, environmental impacts, market access, and gas quality and interchangeability.

Transactions Involving Producers and Suppliers. Eversheds Sutherland’s LNG team has assisted clients in structuring transactions involving regasification facilities and liquefaction facilities, as well as purchase and sale agreements for the import and export of LNG cargoes from around the world.

Contracting for Terminal Use. Our LNG attorneys have extensive experience in negotiating terms for terminal capacity and use. We have successfully concluded detailed agreements for the construction and use of
new terminal capacity, including physical facilities, engineering and costs, and the range of facility services. We also have negotiated commercial transactions, including multi-shipper agreements with respect to a single terminal; the purchase and sale of existing capacity and services; and other commercial transactions, including terminal utilization.

**Transportation and Marine Matters.** Our team advises on LNG-associated marine issues, including commercial, environmental, regulatory, safety and security matters. We advise on international conventions, U.S. federal and state laws, and port-specific rules. Our team utilizes its extensive USCG knowledge to provide comprehensive planning and advice to help minimize the risks associated with the movement of LNG cargoes. We advise clients on barge and vessel utilization, scheduling, navigation and tug services, and we help design comprehensive, tailored emergency response plans for LNG vessels, charters and cargo owners.

**Terminal Management and Operation.** Our LNG team is intimately familiar with the business and regulatory necessities required to construct, expand, reactivate and operate LNG facilities. Our lawyers structure commercial arrangements that address risk allocation and dynamic market pressures faced by developers and customers alike.

**Market Access and Related Issues.** Eversheds Sutherland’s LNG Group advises clients on LNG and natural gas marketing strategies and the structure of their marketing ventures. Our group assists with LNG and natural gas pipeline project developments, market access and integration, and related concerns such as storage and gas quality issues. We advise clients on market issues, regulatory implementation of market developments, and regulatory compliance matters.

**Nuts and Bolts**
Eversheds Sutherland’s LNG team is well-versed in the complex legal and commercial nuances that accompany LNG matters, such as:

- Permitting and regulatory compliance;
- Sales and purchase agreements and tolling agreements
- Engineering, procurement and construction agreements
- Siting of LNG facilities
- Project development
- Asset optimization
- Transportation and marine
- Terminal management and operations, including multi-user arrangements
- Market access
• U.S.-based and international power producers and end users
• Transactions involving LNG producers and suppliers

Experience
Advised Magnolia LNG on its EPC contract for the planned Louisiana LNG export project and on related project finance matters.

Provided environmental, real estate and litigation advice to Freeport LNG related to the financing of its LNG project in Freeport, Texas.