Oil & Gas

Opposition to the use of oil and gas has escalated over the last decade and continues to increase as the industry seeks to develop, site, store, and transport these crucial energy sources. This tension has resulted in unique, evolving legal challenges arising on many different fronts and forums. Barclay Damon's oil and gas attorneys have the knowledge and experience to assist clients in preparing for and overcoming these wide-ranging and complex problems.

Our multi-disciplinary team understands the interrelationship of regulatory, business, technical, political, and stakeholder issues the industry faces and how to implement strategies essential in addressing these challenges to achieve our clients' goals. We also have extensive experience handling growing opposition to fossil fuels and are adept at positioning our clients to successfully overcome these types of conflicts.

We advise our clients at every stage of the oil and gas business, from upstream activities such as exploration and production to midstream pipelines and gathering and processing activities to downstream elements, including interstate pipelines, refineries, storage, local distribution, marketing, and federal and state utility regulation. By leveraging our industry knowledge and experience within the regional marketplace, our Oil & Gas Team is prepared to provide superior services to our clients, including:

- Federal, state, and local permitting and regulatory compliance
- Regulatory approvals, licensing, certifications, and other necessary state and federal authorizations
- Due diligence, mergers and acquisitions, and project financing, including negotiating relevant transactional documents; environmental, real-property, and leasehold transfers; and tax and regulatory approvals
- Transaction risk analysis and allocation
- Real property tax, condemnation, and valuation litigation
- Advising clients on land issues, including landowner communications and leasing disputes
- Environmental and regulatory litigation in both judicial and administrative forums
- Emergency response and litigation resulting from catastrophic events
- Government, regulatory, and local affairs

Representative Experience

- Successfully defended in the US Second Circuit Court of Appeals a challenge to the New York State Department of Environmental Conservation's (NYSDEC) granting of an application for a Water Quality Certification under § 401 of the Clean Water Act, which is required for the construction through NYS waters of a major natural gas pipeline project.