

OCEANS & MARINE RESOURCES



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Van Ness Feldman has extensive experience representing a broad range of clients on issues involving the use and development of ocean and marine resources. We understand the importance of the blue economy, and our attorneys and policy professionals provide representation based on decades of multi-disciplinary experience with the development, implementation, and enforcement of international, federal, and state laws impacting maritime interests. Our clients include onshore and offshore ports and support facilities, vessel owner/operators, energy and fisheries companies, and shipping and tourism entities.

OFFSHORE ENERGY DEVELOPMENT AND INFRASTRUCTURE

Van Ness Feldman provides clients with unique perspectives and hands-on experience in nearly every aspect of the offshore project development process. Our team includes former Bureau of Safety and Environmental Enforcement (BSEE) officials and congressional staff and has experience representing developers, investors, utilities, governmental entities, and others with funding, development, permitting, and licensing counsel, as well as policy advocacy, for a diverse collection of offshore renewable, transmission, and oil and gas projects and activities.

Experience includes:

- Preparing for and obtaining federal licenses, offshore leases, and transmission rights-of-way under the Outer Continental Shelf Lands Act (OCSLA).
- Helping project developers and investors understand and meet all environmental permitting, compliance, and consultation requirements (e.g., Clean Water Act (CWA), Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and the Marine Mammal Protection Act (MMPA)).
- Overseeing National Environmental Protection Act (NEPA), ESA, National Historic Preservation Act (NHPA), and other environmental reviews and studies.
- Negotiating Power Purchase Agreements (PPAs).
- Developing Oil Spill Response Plans for offshore oil and gas facilities compliant with BSEE regulations.
- Navigating state and federal electric transmission, interconnection, and cost recovery rules and regulations.
- Helping projects satisfy state Renewable Portfolio Standard and greenhouse gas allowance market requirements.
- Advising on ISO/RTO transmission planning processes.
- Navigating the intersection between congressional and agency priorities to ensure appropriate support

throughout the development and permitting process.

- Engaging existing federal and state government processes in finding workable solutions to develop offshore renewable projects.
- Conducting federal energy regulatory due diligence. ☒
- Advising on decommissioning requirements and liabilities.

FISHERIES REGULATION AND TRANSACTIONS

Van Ness Feldman has in-depth experience with the laws that affect the commercial fishing industry representing clients including commercial fishing and fish processing companies, commercial fishing associations and coalitions, and Alaska Native enterprises who participate in virtually all sectors of the commercial fishing industry in Alaska and West Coast waters. Members of our team have previous in-house experience with federal and state resource agencies and have decades of representations advising fishing industry clients on the implementation of federal and state laws, such as the: Magnuson-Stevens Fishery Conservation and Management Act; CWA; ESA; MMPA; and NEPA. The firm is also known for crafting effective strategies for working with the Executive Branch, Congress, regional fishery management councils, state and local governments, citizen groups, the environmental community, and other stakeholders.

Experience includes:

- Magnuson-Stevens Act implementation and compliance;
- Fishery management council proceedings;
- Limited entry permits and individual fishing quota issues;
- Commercial and vessel transactions, including the formation and management of fishing co-operatives;
- Regulatory compliance, including enforcement proceedings and litigation;
- Design and implementation of legislative strategies; and
- Regulatory accounting and financial reporting.

GOVERNMENT AFFAIRS

Van Ness Feldman has advocated on behalf of a wide range of maritime, fishing, tourism, and other ocean-dependent stakeholders before Congress, the Executive Branch, regional fishery management councils, state and local governments, and international regulatory bodies. ☒Our attorneys and policy professionals have decades of experience helping our clients participate effectively in the development, amendment, and implementation of numerous ocean-related laws and regulations, and we work with clients to navigate complicated compliance questions. ☒Our team understands the nuances of the legal and political framework that govern the work of Congress and the Executive Branch and are well-equipped to effectively advocate for our clients' interests in Washington, D.C. and beyond.

MARINE ENVIRONMENTAL RESPONSE (MER)

Van Ness Feldman's professionals have decades of multi-disciplinary experience representing clients on complex international, federal, and state laws on marine environmental response. Clients include vessel and terminal owners and operators, offshore infrastructure, pipeline and energy companies, ports, and waterfront facilities.

The team has significant experience in maritime environmental compliance, corporate compliance investigations and due diligence, as well as dealing with enforcement authorities. Our team includes former counsel for the U.S. Coast Guard's Office of Maritime and International Law and has experience in and provides counsel on compliance with the CWA, including the Vessel Incidental Discharge Act (VIDA) and Oil Pollution Act of 1990 (OPA), the Act to Prevent Pollution from Ships (APPS)/MARPOL, the Deepwater Port Act, the Outer Continental Shelf Lands Act (OCSLA), the Coastal Zone Management Act (CZMA), and the Ports and Waterways Safety Act (PWSA).

Specifically, the Van Ness Feldman team can assist clients in the maritime regulatory industry with a wide variety of marine environmental response issues including, but not limited to, the following:

- DOJ investigations and USCG Voluntary Disclosure applications, including for "magic pipe" or vessel emissions issues
- Spill response planning and preparedness, including Vessel Response Plans, Facility Response Plans, and Bureau of Safety and Environmental Enforcement Oil Spill Response Plans
- Workable and compliant vessel discharge plans, including for ballast water
- Electronic recordkeeping for Oil Record Books
- Marine vessel response advice, including for oil spills and other incidents.

PORTS, MARINE TERMINALS, & INDUSTRIAL FACILITIES

Van Ness Feldman has long-standing experience and deep familiarity with the development and operational issues facing port districts, marine terminals, deepwater ports, and their commercial and industrial facilities. Our attorneys and policy professionals represent clients in substantial matters involving regulatory compliance and permitting, leasing and property acquisition/disposition, government relations, Deepwater Port Act licensing, utility infrastructure planning, hazardous waste and contaminated sites, climate change, and administrative and judicial litigation related to all aspects of the development and use of these types of property. In addition, the firm is highly skilled at drafting and negotiating public contracts with other agencies, businesses, vendors, and contractors ranging from simple business arrangements to complex, multi-year operation and maintenance agreements.

SHIPPING AND TOURISM

Van Ness Feldman has experience representing vessel operators and owners and operators of land-based facilities serving vessel operators and their passengers on a range of issues. For example, the firm has provided counsel to major cruise ship and other tour and charter vessel operators regarding National Park Service concession contracts and entry permits into National Parks in Alaska and related matters. The firm also has provided strategic and advocacy services to industry partners on the Passenger Vessel Safety Act (PVSA) and other issues to ensure the restoration and continuity of cruise ship operations during the COVID-19 pandemic.

SUBSISTENCE

Van Ness Feldman recognizes the value and importance of subsistence to the Alaska Native people, and

our firm has a long history of representing Alaska Native entities on issues associated with the management of subsistence resources. The firm has helped create and has represented Alaska Native co-management organizations in developing relationships with federal and state agencies, negotiating harvest levels and enforcement procedures, identifying federal funding to support operations, and participating in meetings of the representative national and international management bodies.

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