

# Decommissioning, Abandonment and Removal of Offshore Oil Platforms

Hundreds of offshore oil & gas structures and thousands of miles of pipeline will be reaching the ends of their functional lifespans in the North Sea, off the coast of Australia, off the California coast and in the Gulf of Mexico, creating an urgent need for decommissioning planning and strategy. Pillsbury can help.



Under the legal regimes of most countries, the default requirement is complete removal of offshore structures from the sea floor. Developed mostly before people fully understood the complex technological, ecological and financial challenges posed by complete removal, this regulatory regime will do more harm than good in many instances. It doesn't have to be this way.

## **Aligned Interests: When a Platform Becomes an Ecosystem**

What can seem like an obvious choice for ecological stewardship—removing human-made structures from the oceans once their primary functions cease—is often confounded by nature's own tendency to turn these gigantic, vertical structures into reef-like biomes of feeding and thriving biomass, veritable submarine skyscrapers of marine life. Not to mention, complete removal presents multitudinous risks to people and planet given the immensity of the undertaking, from greenhouse gas emissions to chemical and physical safety. As a result, with the right tools and information, industry, conservationists and government may be able to reach alignment to reject complete removal for many offshore structures.

As all industry veterans know, however, achieving stakeholder alignment when it comes to complex

environmental decision-making is no small feat. To get it done, industry needs to approach government and community with a coordinated, multi-disciplinary strategy undergirded by sound scientific support, econometric analysis and legal framing. **That's where we come in—helping industry put it all together in a way that works.**

### A History of Legal Innovation: What Pillsbury Offers Its Industry Clients

Pillsbury's Environmental lawyers have been at the forefront of environmental law for many years. Many of our lawyers have played an integral role in the development of environmental regulations while serving at high levels of the U.S. government, including in leadership roles at key federal regulatory agencies such as the National Oceanic & Atmospheric Administration, Department of the Interior, Federal Energy Regulatory Commission and the Environmental Protection Agency, among others. What this pedigree means for our industry clients is that we have an intimate understanding of how to get things done when industry needs to work with government.

For 15 years, we advised clients advocating for the development of a rigs-to-reefs program in the state of California, culminating in legislation enacted in 2010. We have an unsurpassed understanding of this still-developing law, as well as the state's regulatory and stakeholder environment in general.

The foundation of our approach is aiding industry in bringing the best science to bear and demonstrating how that science helps to answer the difficult and complex legal, regulatory and political questions government decision-makers face. In that vein, Pillsbury lawyers helped pioneer the use of quantitative methods such as Habitat Equivalency Analysis (HEA) and Net Environmental Benefits Analysis (NEBA) to allow regulators and stakeholders to meaningfully compare the net environmental benefits in a variety of environmental decision-making contexts, including leave-in-place and removal alternatives in offshore decommissioning decisions. These are tools our lawyers first introduced successfully in other regulatory contexts, both domestic and international, including in the highly complex natural resource damages sphere.

### About Pillsbury's Environmental Practice

Pillsbury has had a preeminent environmental practice for more than four decades, experience that pays dividends to clients seeking to control compliance costs, manage litigation risks or speed regulatory approvals. Our lawyers are leaders in environmental law, as measured by legal ranking guides such as Chambers, Best of the Best and U.S. News & World Report. With an eminent team of lawyers working full-time on environmental matters, Pillsbury's is one of the largest dedicated environmental legal practices in the world.

### Global Reach

Most of our team resides in the United States' most active environmental law centers: Washington, DC, California and Texas, and enjoy longstanding relationships with many law firms, as well as scientific and technical consulting firms, in other states and around the world. These resources and relations allow us to advise clients on multijurisdictional issues anywhere in the world, creating efficiencies for our clients that scale with the size and complexity of their objectives.

### About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

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