

Carbon Capture, Utilization, and Storage (CCUS)

Practices and Industries

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As the global economy continues to push for cleaner sources of energy, the use of carbon capture, utilization, and storage (CCUS) technology will play an ever-expanding role in facilitating fossil fuel exploration and development. The CCUS practice at Haynes Boone comprises experienced attorneys with extensive energy industry knowledge who are ready to help clients navigate this changing energy landscape.

Our attorneys understand and are therefore prepared to meet the needs of a diverse portfolio of clients, leveraging our experience in representing parties on all sides of the table in the carbon capture, utilization and storage space. Our CCUS practice assists clients with complex CCUS projects and transactions, navigating complicated regulatory frameworks, drafting and negotiating capture, transportation and sequestration agreements and other CCUS project-related contracts, counseling on intellectual property issues, and handling disputes, in both domestic and international markets.

Haynes Boone's CCUS practice capitalizes on the broad energy-industry experience of our team to assist clients in both the energy and non-energy sectors. Selected representations include:

- **Project Finance, Development, and Construction**—representation of clients for Greenfield CCUS development, including onshore and offshore capture, transportation and sequestration facility construction, and project financing.
- **Contract Drafting and Negotiation**—drafting of complex commercial contracts related to offtake, transportation and storage arrangements, which has facilitated our team's representation of CO2 emitters and CCUS service providers in the drafting and negotiation of CCUS project-related agreements.

- **Mergers and Acquisitions**—representation of clients in complex mergers, acquisitions, divestitures, and joint ventures across the full spectrum of energy sectors, including sell-side and buy-side representations of both public and private clients in asset and equity transactions as well as issuers and investors in project investments.
- **Tax**—assisting in entity formation, insurance, risk management, and tax planning services, including identification and optimization of 45Q and other available federal and state tax credits for new projects and evaluation of existing projects for viability of such credits.
- **Regulatory Compliance**—advising and assisting with siting and development of CCUS facilities, including CO2 pipelines and Class VI injection wells, and with obtaining permits, orders and authorizations, and identifying and managing environmental risks.
- **Litigation**—representation in both large- and small-scale litigation, advising clients regarding risk management, and other technical commercial legal matters.
- **Intellectual Property**—assisting technology providers with protection of emerging technologies.

Our CCUS practice continues to expand to meet the needs of our clients, as adaptability is key with burgeoning industries.

Representative Experience

Represented Nucor Corporation, the nation's largest steel manufacturer, in an agreement with ExxonMobil to capture, transport, and store carbon from the company's direct reduced iron (DRI) plant in Convent, Louisiana. ExxonMobil will capture up to 800,000 metric tons per year of CO2 from the DRI plant and store the CO2 at an ExxonMobil-owned facility. The project is expected to start-up in 2026 and supports Louisiana's objective of reaching net-zero CO2 emissions by 2050.

Represented an ethanol company in connection with an agreement with a midstream company for the capture, transportation and permanent sequestration of CO2 in the Midwest.

Represented a multinational integrated energy and petroleum company in connection with two large-scale CCUS joint ventures in the U.S. Gulf Coast.

Represented Navigator CO2 Ventures LLC in the development of an industrial scale carbon capture pipeline system of more than 1,200 miles of new carbon dioxide gathering and transportation pipelines across five Midwest states (Nebraska, Iowa, South Dakota, Minnesota and Illinois) with the capability of permanently storing up to 5 million metric tonnes of carbon dioxide per year.

Represented and advised Sierra Pacific Industries (the largest independent forest land owner in the United States) related to the potential benefits of a program intended to pay owners of forest land for beneficial carbon capture uses, as well as participating in the California carbon credit market.

Represented an international energy company on land use and environmental regulatory and permitting issues relating to the construction of a carbon pipeline and associated Class VI injection well along the Texas Gulf Coast.