



ROCKY MOUNTAIN
MINERAL LAW FOUNDATION

NAPE
Where Deals Happen

Rocky Mountain Mineral Law Foundation Legal Education at NAPE:

First Annual U.S. Oil and Gas and Renewable Energy Law Seminar

**George R. Brown Convention Center, Houston, TX
February 8 and 10, 2022**

A four-hour seminar on February 8

Extra: Includes an oil and gas law update and breakfast on February 10

For the first time, the Rocky Mountain Mineral Law Foundation has partnered with NAPE to provide lawyers, landmen, and other energy professionals with oil and gas and renewable energy legal education in conjunction with the NAPE Expo!

On the afternoon of Tuesday, February 8, presentations will examine cutting edge and timely legal issues, including commercial and legal models for acquiring CCUS storage rights; common issues faced by lawyers and landmen working on projects for mineral and royalty buyers; a comparison of the respective liabilities of working interest owners both with and without a joint operating agreement; and mineral, site control, and title considerations associated with wind, solar, and battery storage projects. Then on the morning of Thursday, February 10, join us again for a comprehensive update on oil and gas legal developments while you enjoy breakfast—included complimentary with your registration!

Enhance your NAPE Expo experience by earning up to five hours of CLE or CE credit from the largest independent nonprofit provider of legal education in the nation devoted to natural resources and energy law. The Rocky Mountain Mineral Law Foundation is a unique collaborative educational organization governed by representatives from bar associations, industry associations, law schools, and volunteers, and is known for the high-quality of its educational programs and publications.

Registration Fee - \$250



Tuesday, February 8, 2022

1:00 – 1:10 pm: Introductions and Opening Remarks

ALEX RITCHIE, Executive Director, Rocky Mountain Mineral Law Foundation, Westminster, CO
JARED HEMBREE, Program Chair, Hinkle Shanor LLP, Roswell, NM

1:10 – 2:10 pm: Commercial and Legal Models for Acquiring Carbon Storage Rights

As interest in commercial carbon dioxide capture and sequestration or storage (CCS) projects is growing, so too is the need for legal and commercial models for acquiring the needed subsurface property rights. This presentation will discuss the basic principles of ownership and liability for using subsurface storage space (or “pore space”), including which estate owns the storage space for particular purposes, the nature and extent of the right to use storage space as between neighboring owners, and the legal problems associated with concurrent CCS and mineral development. It will then discuss the kinds of legal documents needed to obtain rights in a storage reservoir and identify key legal and commercial considerations for negotiation and drafting.

JOSEPH A. SCHREMMER, Leon Karelitz Oil & Gas Law Professor, University of New Mexico School of Law, Albuquerque, NM

2:10 – 3:10 pm: Mineral Buyer Beware

This presentation will examine some of the most common issues faced by title examiners and landmen either preparing title opinions (lawyers) or working on title curative (landmen) for mineral and royalty buyers, including: defining “royalty acres”; fixed/floating non-participating royalty interests; defective legal descriptions and “cover all” descriptions; warranties and quitclaims; “curing” old title problems; correction deeds; resurveyed acreage; and special statutes affecting mineral buyers (example: Tex. Prop. Code 5.151-152). This presentation will cover the basics of these issues and take a look at recent developments in related case law, focusing primarily on Texas but bringing in examples from other states. The speakers may also discuss some “bigger picture” items, such as asymmetric information problems, how to address overpaid royalty owners, and thinking about diligence levels in preparation for an exit scenario.

BRITTANY BLAKEY, Gray Reed, Dallas, TX
ETHAN M. WOOD, Gray Reed, Dallas, TX

3:10 – 3:30 pm: Hosted Refreshment Break

3:30 – 4:30 pm: Respective Liabilities for Parties After a Breakup With and Without a Prenup (aka a JOA)

Unwinding oil and gas operations can be a challenge both with and without a JOA in place. Parties must consider challenges that include costs and cost overruns, non-operator liability for joint account items, final payment of royalties and other burdens on production, and tort and other liabilities incurred in connection with joint operations. This presentation will examine the respective liabilities of the parties in connection with U.S. onshore operations – with and without a JOA in place. By providing a multi-state approach, the presentation will also address statutory liability of co-owners for environmental claims, unit and pooling reconfigurations and recoupment, and concerns raised by financially distressed operators and non-operators.

MILAM RANDOLPH PHARO, 2014-2015 President, Rocky Mountain Mineral Law Foundation, Denver, CO
WADE C. MANN, Crowley Fleck, Bismarck, ND

4:30 – 5:30 pm: Early Stage Mineral, Site Control, and Title Considerations in Wind, Solar, and Battery Project Development

This presentation will dive into the obvious and less than obvious mineral, site control, and title considerations to be explored in the early stages of wind, solar, and battery storage projects. Once a development project has an initial site plan or project boundary, research into active oil, gas, and mining operations should be conducted to determine whether any of the project’s property is affected by such operations. Less obvious than active mineral development, however, is whether the project’s property is a part of a drilling unit through forced or voluntary pooling—which can occur whether or not wells are present on the project’s property. This presentation will explore some of the state level data base and GIS resources for conducting this research into mineral operations, the project risks posed by the findings, and options available to the developer depending on the results, be it adjusting the project boundary or exploring co-development, if at all possible.

MASHAAL A. BHADANI, Husch Blackwell LLP, Austin, TX
DANIEL C. COOPER, Husch Blackwell LLP, Austin, TX

Thursday, February 10, 2022

7:30 – 8:00 am: Buffet Breakfast

8:00 – 9:00 am: Oil and Gas Law Update

This presentation will provide an overview of recent case law and legal developments in oil and gas law.

AUSTIN BRISTER, McGinnis Lochridge, Houston, TX

This program does not require that you register for NAPE, however we encourage all attendees to do so.

See <https://napeexpo.com/summit/attend/registration-information> for more information.

NAPE Summit 2022 -COVID-19 SAFETY ACKNOWLEDGEMENT, WAIVER & RELEASE

I understand that COVID-19 is extremely contagious, can be spread to others by infected persons who have few or no symptoms and is spread mainly from person-to-person contact. I understand that even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person has pre-existing health conditions that place them at higher risk. I understand that an inherent risk of exposure to COVID-19 exists in any public place where people are present, including NAPE Summit 2022. I understand that NAPE Summit 2022 has protocols in place, pursuant to the guidelines of the City of Houston Mayor's Office of Special Events, designed to reduce the spread of COVID-19. However, I acknowledge that NAPE Summit 2022 ("Event"), does not and cannot guarantee that attendees will not become infected with COVID-19.

I agree that I will not attend the event if I become sick with COVID-19 symptoms, test positive for COVID-19, or have been exposed to someone with symptoms or someone with suspected or confirmed COVID-19. For information relating to COVID-19 and its symptoms see <https://www.cdc.gov/coronavirus>, <https://www.dshs.state.tx.us/coronavirus/>, and/or contact a qualified medical provider.

I understand that I am required to be familiar with and agree to follow all COVID-19 event rules, including:

- Event Screening Requirements
- Event Social Distancing Protocols
- Event Personal Protective Equipment Requirements

Event Screening Requirements – Attendees may be subject to additional screening or excluded from the event based on the results of the temperature check or questionnaire responses.

Event Social Distancing Protocols – All attendees are required to maintain the 6ft physical distance requirement during the event.

Event Personal Protective Equipment Requirements – All attendees may be required to wear face masks during the event.

I understand that if I do not follow all the COVID-19 event rules of the NAPE Summit 2022, I may not be allowed to enter or may be removed from the Event.

I understand that NAPE Summit 2022, may disclose any information obtained from the attendee to the extent required by federal, state, or local requirements for the purposes of contact tracing and reducing the spread of COVID-19. Attendees are requested to notify event administrators if they become sick with symptoms of COVID-19 while in attending the event.

I UNDERSTAND AND ACKNOWLEDGE THAT I AM VOLUNTARILY ASSUMING ALL RISKS, INCLUDING ILLNESS, INJURY, AND DEATH, RELATING TO EXPOSURE TO COVID-19. I HEREBY ASSUME FULL AND COMPLETE RESPONSIBILITY FOR ANY ILLNESS OR INJURY WHICH MAY OCCUR DURING MY PARTICIPATION IN THE EVENT. TO THE FULLEST EXTENT PERMITTED BY LAW, I HEREBY RELEASE, WAIVE, HOLD HARMLESS AND COVENANT NOT TO FILE SUIT AGAINST NAPE EXPO LP AND THE ENDORSERS AND SPONSORS, AND THEIR RESPECTIVE DIRECTORS, OFFICERS, REPRESENTATIVES, AND EMPLOYEES AND THEIR MEMBERS ACTING ON BEHALF OF NAPE EXPO LP (RELEASED PARTIES) FROM ANY AND ALL LIABILITY THAT MAY BE INCURRED AS A CONSEQUENCE OF MY PARTICIPATION IN THIS EVENT, CONTACT WITH OTHER PARTICIPANTS, DISCLOSURE OF INFORMATION RELATING TO COVID-19, OR EXPOSURE TO COVID 19, EVEN IF RESULTING FROM THE NEGLIGENCE OF RELEASED PARTIES. I AGREE THAT, IN THE EVENT ANY PERSON BRINGS ANY CLAIM OR ACTION INDIVIDUALLY, ON MY BEHALF OR ON BEHALF OF MY HEIRS OR ESTATE, RELATED TO ANY INJURY OR LOSS SUFFERED BY ME AS A RESULT OF MY PARTICIPATION IN THE EVENT, THAT I WILL INDEMNIFY THE RELEASEES AGAINST SUCH CLAIMS, INCLUDING THE PAYMENT OF ATTORNEY FEES.

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REGISTRATION - <https://www.rmmlf.org/programs/nape22/registration>

Registration Fee - \$250

General Information

Room Reservations: Please see <https://napeexpo.com/summit/attend/travel-housing> for more information.

Registration Fees: Includes refreshments and electronic course materials. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

Registration Cancellations and Transfers: Attendee Transfers: Registrations are transferable to qualified individuals for a \$25 transfer fee. No registration will be transferred after the badge has been picked up. Attendee Cancellations: Attendee cancellations will be charged a \$25 cancellation fee through December 17, 2021. After December 17, 2021, no refunds will be issued. Please allow 1-2 weeks processing of cancellations. All cancellation requests must be in writing and sent to info@rmmlf.org.

CLE Credit: This course consists of 5 hours for 60-minute states and 5.5 hours for 50-minute states of continuing education. You must let us know, at least 10 days in advance of the program, the states or organizations for which you will need credit (see registration form). Credit hours for states will vary and are subject to each state's approval and credit rounding rules. Foundation conferences are typically accredited by all mandatory CLE states and Canadian provinces, the AAPL, NADDOA, and NALTA, and other professional organizations. Attorneys from certain states may be required to pay an additional fee. The Foundation is a State Bar of California MCLE-approved provider.

Recording: Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the Foundation.

Special Needs: If you have special needs addressed by the ADA, please notify us at least two weeks before the program at info@rmmlf.org.