

The Foundation for Natural Resources and Energy Law and NAPE present

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

February 1, 2023

George R. Brown Convention Center, Houston, TX

For the second time, The Foundation for Natural Resources and Energy Law 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!

Presentations will examine cutting edge and timely legal issues, including an update of recent cases and other developments in oil and gas law; key legal and regulatory issues and important land use contracts involved in acquiring a site for a commercial renewable energy project; an overview of the current regulatory requirements for reporters and payors for onshore and offshore federal and Indian leases; and issues that arise after a deed, assignment, or contract is executed and how to properly cure or otherwise address those issues.

Enhance your NAPE Expo experience by earning up to 4 hours (3.5 hours in 60-minute states) of CLE or CE credit from NAPE and the largest independent nonprofit provider of legal education in the nation devoted to natural resources and energy law. The Foundation for Natural Resources and Energy Law 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.



Wednesday, February 1, 2023

Noon – 12:20 pm: Registration

12:20 – 12:30 pm: Introductions and Opening Remarks

ALEX RITCHIE, Executive Director, The Foundation for Natural Resources and Energy Law, Westminster, CO
JARED HEMBREE, Program Chair; Partner, Hinkle Shanor LLP, Roswell, NM

12:30 – 1:30 pm: Oil and Gas Law Update

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

AUSTIN BRISTER, Partner, McGinnis Lochridge, Houston, TX

1:30 – 2:20 pm: Location, Location, Location – Securing Your Site for a Commercial Renewable Energy Project

This presentation will examine key legal and regulatory issues and important land use contracts involved in acquiring a site for a commercial renewable energy project, including:

- Comparative benefits and burdens of locating your project on federal, state, private, and tribal lands
- Consideration of existing resources, including cultural resources, sensitive areas, and endangered and threatened species
- Tying new generation into existing transmission
- Planning for existing and future competing uses on the same neighboring parcels
- Drafting land use contracts, including survey/exploration agreements, wind and solar easements, options, and leases, and joint use agreements

NICK GOODLING, Real Estate Senior Counsel, Clearway Energy Group, Houston, TX
STEPHANIE M. REGENOLD, Partner, Perkins Coie, Portland, OR

2:20 – 2:40 pm: Hosted Refreshment Break and Networking with Registrants

2:40 – 3:30 pm: An Introduction to the Federal and Indian Oil & Gas Royalty Valuation Regulations – Around the Regulations in 60 Minutes

This presentation will provide an overview of the current regulatory requirements for reporters and payors for federal and Indian leases, including:

- Background information on the production and royalty reporting forms and how they tie together
- Federal Gas Valuation under the new regulations effective retroactively to January 2017
- Indian Gas Valuation under the 2000 regulations for production in Index Zones and Outside Index Zones
- Federal Oil Valuation under the new regulations effective retroactively to January 2017
- Indian Oil Valuation under the amended regulations effective July 1, 2015

JENNIFER N. HORCHEM, Of Counsel, Davis Graham & Stubbs LLP, Denver, CO

KATHLEEN SCHRODER, Partner, Davis Graham & Stubbs LLP, Denver, CO

3:30 – 4:20 pm: After Execution of the Instrument – Corrections, Ratifications, and Title Certainty

The presentation will examine issues that arise after a deed, assignment, or contract is executed and how to properly cure or otherwise address those issues, including:

- The use of ratifications, stipulations, amendments, corrections, division orders, revivors, and consents
- Court recognition of actions that constitute implied ratification, revivor, or consent
- When post-execution instruments unintentionally introduce additional issues or disputes
- Court doctrines that support title certainty, exceptions to those doctrines, and recent cases that indicate trends that could result in unexpected consequences

NIKI ROBERTS, Partner, Hogan Lovells, Houston, TX

4:20 pm: Adjourn

Program Pricing

Early Bird Registration ends January 27, 2023

Early Bird Registration - \$250
Late Registration - \$350

Registration closes on January 30, 2023, at 3:00 pm MST

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.

Speakers



AUSTIN BRISTER is a Partner with McGinnis Lochridge in Houston. He represents oil and gas operators, nonoperators, and mineral owners in oil and gas disputes. Austin has represented both plaintiffs and defendants in federal and state courtrooms across Texas, including courts in South Texas, West Texas, East Texas, and Central Texas. Austin seeks out creative and practical business solutions before resorting to litigation. But, when necessary, Austin works hard to implement aggressive strategies in the courthouse. Austin has successfully handled disputes concerning mineral and leasehold title, adverse possession, surface trespass and damages, royalty calculation and payment issues, issues arising out of purchase and sale transactions, operator/nonoperator disputes, breach of joint operating agreement, lease termination/saving disputes, and retained acreage disputes. Austin has taken and defended depositions of witnesses ranging from expert witnesses, chief operating officers, lawyers, engineers, drilling rig operators, and equipment operators. Austin is an active member of the Foundation for Natural Resources and Energy Law, where he currently serves as a Trustee-At Large, Co-Chair of the Oil and Gas and Landman's sections for the Annual Institute, and on the Foundation's Programs Committee. Austin is also on the Advisory Board for the Institute for Energy Law. Austin frequently publishes articles and gives presentations on upstream oil and gas law. In recent years, he has published several articles within the Texas State Bar OGERL Section Report, authored multiple articles and gave presentations for Annual Institutes and other programs for the Foundation for Natural Resources and Energy Law, authored and presented a paper for the Louisiana Mineral Law Institute, co-authored papers for the Institute for Energy Law, and published articles within AAPL's Landman Magazine.



NICK GOODLING is Real Estate Senior Counsel with Clearway Energy Group in Houston, Texas. He provides leadership and real estate legal support for utility-scale renewable energy projects at all phases of the development life cycle through construction and operation of the project. Nick manages teams of attorneys and real estate professionals that handle real estate legal support, title review, and curative processes for all wind and solar power generation and energy storage projects developed by the company.



JENNIFER N. HORCHEM is Of Counsel with Davis Graham & Stubbs LLP in Denver, Colorado. Her practice focuses on public lands, federal oil and gas leasing, energy, oil and gas acquisition and divestiture. She brings to Davis Graham & Stubbs LLP unique competencies acquired during her seven years as Associate General Counsel and Vice President – Land Administration for an independent exploration and production company. There, she was involved with both the royalty (Office of Natural Resources Revenue) and operations (Bureau of Land Management) side of public lands. Her work involved state and federal royalty and tax audits, application of the marketable condition rule to federal and Indian oil and gas leases, and dual accounting and major portion for Indian oil and gas leases. She was also involved with communitization agreements and other public lands matters. In her energy practice, she collaborated with outside counsel, landmen, and brokers during acquisitions and sales; conducted due diligence; and drafted lease-related documents, exploration and development agreements, and purchase and sale agreements, as well as reviewed title opinions. Her litigation responsibilities involved title and royalty payment issues, as well as the drafting and negotiating of settlement agreements. Prior to her in-house position, Ms. Horchem was an associate at two Kansas law firms. Her work encompassed oil and gas, real estate, probate, and administrative law including representation of an electric cooperative before the Kansas Corporation Commission (after having previously clerked for the Advisory Counsel's Office of the Kansas Corporation Commission).



KATIE SCHRODER is a partner in the Natural Resources Department of Davis Graham & Stubbs LLP, where her practice focuses on all aspects of energy development on federal lands. Ms. Schroder counsels clients on oil and gas leasing and development on federal lands managed by the Bureau of Land Management and other federal agencies. She helps clients navigate agency compliance with the National Environmental Policy Act and the National Historic Preservation Act. She has extensive experience with the Endangered Species Act, including the process for listing species as threatened or endangered, the process for obtaining permits under section 10 of the Act, and the development of conservation agreements for candidate species. She also advises on federal royalty issues.



STEPHANIE REGENOLD is a Partner in the Portland office of Perkins Coie . She counsels clients on development of major infrastructure projects, including natural resource and renewable projects, highway and public and private transportation projects, and commercial development. Stephanie advises on both public and private land development and multiple-use projects, from initiation through completion, including projects within the oil and gas, mining, timber, and renewable wind, solar, and hydro industries. Stephanie advises clients on mining claim issues, such as extralateral rights, and royalty and lease disputes, in Montana, Idaho, Alaska, and other western states. She performs due diligence and title reviews of large land acreages for natural resource and energy project development, acquisitions, divestitures, and financings, including title review of city tracts in the Bakken Shale Play in Montana and North Dakota. In addition to title review, her practice includes negotiations and litigation relating to permitting, title, payment of royalties and lease disputes, and further extends to forest products matters, including timber export and land disputes. Stephanie has served as lead counsel for major project acquisitions and divestitures and for public agencies and private-sector clients under the National Environmental Policy Act (NEPA), including Federal Highway Administration NEPA assignments, and related issues such as compliance with the National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act (CWA), Federal Land Policy & Management Act (FLPMA), National Forest Management Act (NFMA), and Clean Air Act (CAA). Her experience includes permitting and regulatory compliance, negotiating land acquisitions, surface and subsurface leases, and right-of-way agreements, land use and real estate matters, which includes solving complex title-related matters and disputes, and administrative proceedings and environmental litigation at both the state and federal level.



NIKI ROBERTS is Counsel in the Houston office of Hogan Lovells. She guides companies through energy transactions with a particular focus on upstream and midstream transactions. She handles commercial agreements and has experience with acquisitions, divestitures, joint ventures, private equity investments and strategic transactions for public and private companies in the energy industry. Niki represents U.S. and international project developers, sponsors and other investors in energy infrastructure and markets, including private equity funds, independent power and gas producers and multinational companies. Niki advises clients on a variety of legal matters, including agreements related to purchases and sales; joint exploration and development, including joint operations and lease acquisitions; development of renewable and fossil-fired power generation and energy storage facilities; development, financing, acquisition, disposition and restructuring of energy and infrastructure projects; and gathering, transportation, processing, production handling, production sharing, and similar midstream and downstream agreements. Before joining Hogan Lovells, Niki worked in upstream oil and gas with experience in onshore, offshore, and land administration.

Program Chair and Committee

MICHELLE E. AURZADA, Esq., CPL, CoBank FCB, Denver, CO

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REGISTRATION - <https://www.fnrel.org/programs/WL22/registration>

Early Bird Registration ends January 27, 2023

Early Bird Registration - \$250

Late Registration - \$350

Registration closes on January 30, 2023, at 3:00 pm MST

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.

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@fnrel.org.

NAPE COVID-19 Safety Information: Please see <https://napeexpo.com/summit/attend/travel-housing> for additional information about safety protocols for the program.

Registration Cancellations and Transfers: Attendee Transfers: Registrations are transferable to qualified individuals at no cost. No registration will be transferred after the badge has been picked up. Attendee Cancellations: Attendee cancellations will be charged a \$25 cancellation fee through January 18, 2023. After January 18, 2023, no refunds will be issued. Please allow 1-2 weeks processing of cancellations. All cancellation requests must be in writing and sent to info@fnrel.org.

CLE Credit: This course consists of 3.5 hours for 60-minute states and 4.2 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, NADOA, 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.