

Agenda

Understanding Rights to Energy Resources J. Lederle

- Understanding mineral law
- Dominance of mineral estate
- Right to use surface
- Oil and gas rights and development
- Typical types of agreements for development of mineral rights and drafting considerations
- Understanding wind rights
- Ownership of right to wind energy

• Use of surface/land

• Typical types of agreements for development of wind energy and drafting considerations
- Understanding solar rights
- Ownership of right to solar energy

• Use of surface/land

• Typical types of agreements for development of solar energy and drafting considerations

Land Development for Utility-Scale Wind Energy Systems J. Lederle

- Understanding rights to develop wind energy
- Ownership of rights to wind energy
- Determining what is a good site for a wind energy system
- Wind resources
- Land access
- Zoning/land use restrictions
- Environmental considerations
- Transmission potential
- Other simultaneous land uses
- Typical types of agreements for development of wind energy
- Drafting considerations

Issues in Lease Negotiations/Landowner and Solar Developer Perspectives S. Deatherage

- Developer and landowner perspectives in general
- How to bridge the gaps
- Options vs. leases
- Rent and royalties
- Lease premises - defining the area to be leased
- Use of the land - defining permitted uses
- Easements on the premises and adjacent land
- Types of lease terms and length
- Energy storage
- Protections for lenders and tax equity investors
- Mineral interests and how to protect the deal
- Default and termination
- Removal, restoration and financial assurance
- Property taxes

Handling Ethical Issues in Land Transfers and Energy Development and Production J. Wilhelm

- Preventing conflicts of interest
- Balancing public good vs. private benefit
- Balancing private landowner rights vs. corporate/government interests

Texas Energy Production Land Law

Live, Interactive Webinar - Thurs, Sept. 8, 2022

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Learning Objectives

You'll be able to:

- Understand** the dominance of the mineral estate and the extent of the rights of surface users.
- Discuss** the ownership of wind energy, and the rights to use land for wind energy production.
- Explore** the right to develop solar energy projects, and look at typical solar development agreements.
- Identify** zoning, land use and environmental considerations in developing utility-scale wind projects.
- Discuss** important issues in negotiating agreements to lease land for solar development.
- Handle** ethical issues in land transfers and energy development and production.



HalfMoon Education Live Webinars

Texas Energy Production Land Law

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- Understand** the law of mineral rights, wind rights and solar rights
- Review** issues associated with lease negotiations for solar developments
- Handle** issues involved in developing wind energy projects
- Discuss** ethical issues concerning land transfers and energy development

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- Geoscientists**
6.0 CE Hours



Faculty

Jake Lederle *Partner, Wetsel, Carmichael, Allen, & Lederle, L.L.P.*
Jacob R. “Jake” Lederle is a partner at the firm of Wetsel, Carmichael, Allen, & Lederle, LLP. He maintains a broad practice in the energy sector and specializes in renewable energy (wind and solar), eminent domain and condemnation, and oil and gas law. In addition to his energy-related practice, he also routinely advises clients in other areas of real estate and estate planning as well as in civil litigation. He is a graduate of the University of Texas School of Law where he was a research assistant to preeminent oil and gas scholar Ernest E. Smith. He frequently writes and speaks on a variety of topics in the energy business, including the accommodation doctrine, executive rights, competing surface uses, severance of wind rights, environmental concerns in siting renewable energy, condemnation proceedings, and negotiating leases and easements. In fact, his paper “Everything Under the Sun: A Guide to Siting Solar in the Lone Star State” was one of the first published articles on solar energy in Texas.

Scott Deatherage *S. Deatherage Law*
Mr. Deatherage is a founding partner in the Dallas law firm of S. Deatherage Law, PLLC. Over the last 32 years, he has focused on environmental issues, energy, and climate change. For most of his career, he worked with large law firms in Dallas, but four years ago he formed his own firm and also began pursuing entrepreneurial opportunities. He earned his B.A. degree in Letters from The University of Oklahoma in 1984 with highest honors, with minors in Botany and French, and a J.D. degree from Harvard Law School in 1987, *cum laude*, where he served as the Articles Editor for the *Harvard*

Environmental Law Review. Mr. Deatherage was one of the founders of the American Bar Association’s Environmental Disclosure Committee. He has published a book entitled *Carbon Trading Law and Practice*, originally published by Oxford University Press. He has taught Climate Change Law at the University of Texas Law School. Mr. Deatherage currently is general counsel of a company developing electric vehicle charging stations and planning to supply them with utility-scale solar plus storage facilities.

Jack Wilhelm *Founder at Wilhelm Law Firm*
Mr. Wilhelm focuses his practice on oil and gas law and state taxation issues before the Texas Comptroller of Public Accounts. His oil and gas clients include Fortune 500 oil and gas companies, privately owned oil and gas independents, and sophisticated landowners. Most of the oil and gas practice focuses on real estate (title examination, due diligence, and negotiations) and assisting clients with matters before the General Land Office. In addition to his J.D. degree, Mr. Wilhelm holds a masters degree in Energy and Environmental Law from The Tulane University. He is licensed to practice in Texas, Louisiana, Arkansas, and Illinois, and by numerous federal courts, including the United States Supreme Court.

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Monday, June 20, 2022 | 8:30 am - 4:30 pm CDT
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8:30 am - 12:15 pm CDT

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