

**APRIL 2024**

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# **CARBON CAPTURE AND PORE SPACE ISSUES**

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## Carbon Capture and Pore Space Issues

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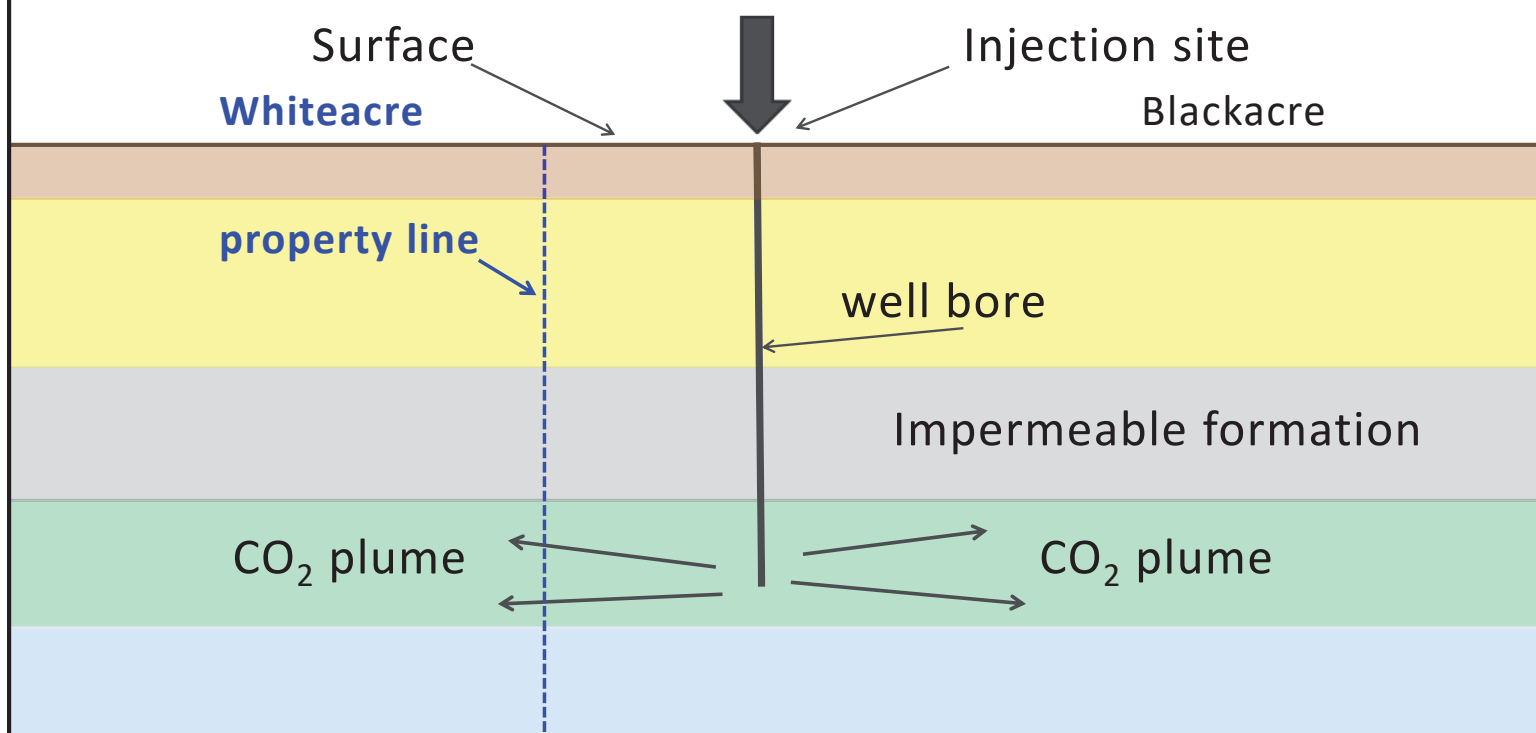
Ernest E. Smith Oil, Gas and Mineral Law Institute

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# Why would a prospective CCS operator need to contract for pore space rights?

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Does owner of Whiteacre have redress?



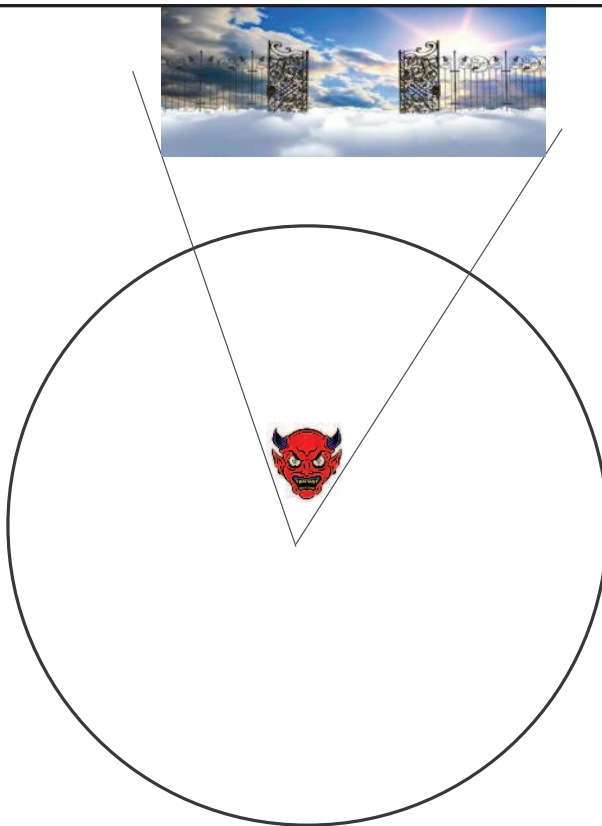
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## The *ad coelum* doctrine

- “*cujus est solum ejus est usque ad coelum et ad inferos*”
- “For whoever owns the soil, it is theirs up to Heaven and down to Hell.”

*BNSF Railway Co. v. Chevron Midcontinent, L.P.*, 528 S.W.3d 124, 126 n.1 (Tex. App.—El Paso 2017)

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