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Renewable Energy Development: Mineral, Title and Site Control Considerations

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Agenda & Focus

- Mineral Ownership: The Basics
- Mineral Due Diligence
- Risk Mitigation
- Title Insurance
- Common Issues in Minerals and Real Estate



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POLL QUESTION

- Question: Have you had a renewable energy project that had mineral issues either with mineral development or mineral owners.
- Answer: Yes or No.

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Mineral Ownership: The Basics

Mineral Ownership 101

- Two estates:
  - Mineral Estate
  - Surface Estate
- Like the Surface Estate, the Mineral Estate can be owned by multiple people

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Mineral Estate is Dominant

- What does it mean to be dominant?
  - Right to use as much of the surface, subsurface, and adjacent airspace as reasonably necessary to enjoy the mineral estate
  - Mineral Estate defeats Surface Estate in the event of any conflict
- Broad, implied rights to use the surface

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