



HUSCH BLACKWELL

# 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**

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

# **Mineral Ownership: The Basics**

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## Mineral Ownership 101

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

## Mineral Estate is Dominant

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- 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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## Title search: Renewable Energy Development: Mineral, Title and Site Control Considerations

Also available as part of the eCourse

[2022 Renewable Energy Law eConference](#)

First appeared as part of the conference materials for the  
17<sup>th</sup> Annual Renewable Energy Law Institute session  
"Mineral Estate Issues in Solar Projects"