

# ATX-ALTA

AUSTIN TEXAS ASSOCIATION  
OF LEASE & TITLE ANALYSTS



## QUARTERLY NEWSLETTER

### IN THIS ISSUE...

Look Ahead to  
Q3 Webinar

PAGE 5

By-Law Changes

PAGE 6

Upcoming Events

PAGE 7

Renewables Glossary

PAGE 8

 [www.atx-alta.org](http://www.atx-alta.org)

 [atx-alta](https://www.linkedin.com/company/atx-alta)

 [atx.alta](https://www.facebook.com/atx.alta)

 [atx.alta](https://www.instagram.com/atx.alta)

### RENEWABLE ENERGY LAND MANAGEMENT

#### Q2 Webinar in Review

**BY RACHEL COLLIER**  
2nd Vice President  
Corresponding Secretary

“Highly visionary companies liberate themselves with the ‘Genius of the AND’” and reject the “oppress[ion] by the ‘Tyranny of the OR,’” writes Jim Collins and

Jerry I. Porras in their groundbreaking business book *Built to Last: Successful Habits of Visionary Companies*. This principle is observed in an “organization aligned with a core ideology AND [an] organization adapted to its environment.”

Time and again success has linked itself to adaptability and forward-thinking.

It is time to stop thinking of clean energy and renewables as the antithesis to oil and gas. It is time to explore and embrace a diversified energy sector, inclusive of oil and gas land professionals, who possess the knowledge and experience that may be valuable in the relatively adolescent renewables and clean energy sector.

Western Land Services (WLS) recognized an opportunity to put their more than 45 years of experience to work and launched their dedicated Renewables Division in January of 2020. This new division is helmed by Chris Tooman, Director of Renewables, and Heather Kinnunen, Director of GIS & BPO Services.

On June 17th Chris and Heather virtually visited ATX-ALTA to



## WHY RENEWABLES? WHY NOW?

Reduction of Carbon Emissions

Proactive Political Environment

Renewable Portfolio Standards (RPS)

MicroGrid Philosophy

give us the basics of Renewable Energy Land Management.

Renewables, defined specifically as solar and wind energy, is the only energy source that is currently growing rather than declining, like coal, or simply maintaining, like nuclear. With this growth comes advances in the production of renewable energy sources, such as installing batteries on site at solar and wind farms to store the energy production, addressing a major economical concern.

### Why Renewables? Why Now?

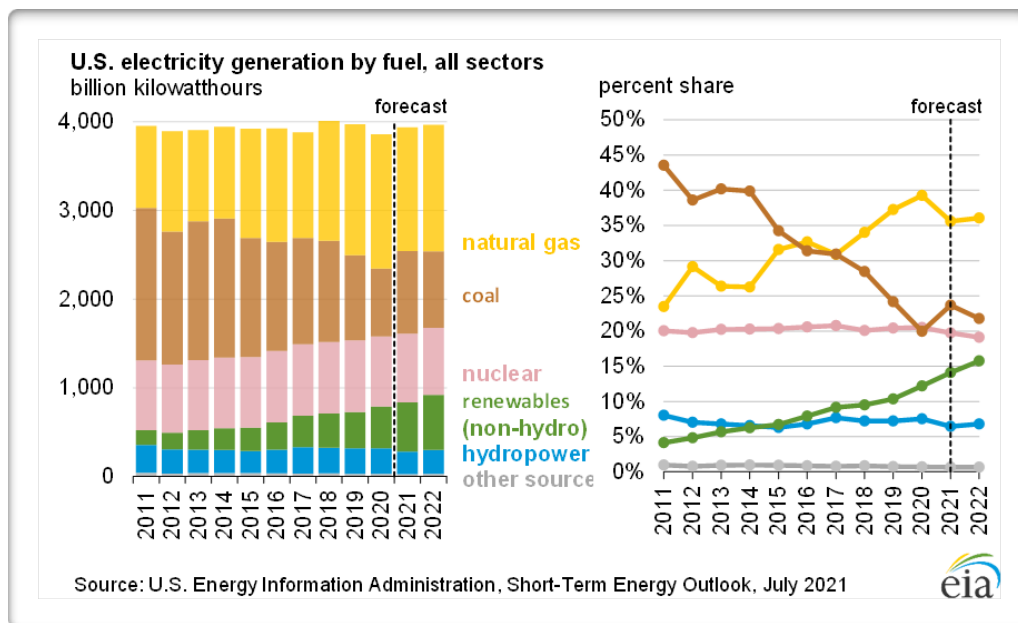
As it becomes increasingly clear that **reducing carbon emissions** would be nothing but beneficial, renewables and clean energy continue to gain in popularity. Global initiatives like the Paris Agreement, lately rejoined by the Biden administration, are pushing for a **proactive political environment**, such that governmental authorities are reducing carbon emissions at the country, state, and city level. The majority of U.S. states and the District of Columbia have adopted their own versions of **Renewable Portfolio Standards (RPS)**,

with many states pledging to work towards 100% clean energy and renewables by 2050. Investors are following the trend as well, withdrawing funds from traditional fossil fuel production to invest more heavily in renewables and clean energy.

As we have learned in the past year, a widespread and vast electrical grid isn't without its vulnerabilities. According to the **MicroGrid Philosophy** smaller, self-sustaining energy sources have a lower risk of failure due to weather or cyber attacks. Renewable energy is the most logical source to fuel a microgrid.

Of course renewables are also used to source energy for larger scale grids, with solar and wind farms fueling on a utility scale.

The size of a project is described using wattage rather than acreage, and the wattage size, or the **hosting capacity**, references the maximum load of energy a project could potentially produce at any one time. For example, to develop a 1 megawatt (MW) solar project, 5-10 acres would need to be secured. A single wind turbine, depending on the size, could produce



between 1 and 6 MW.

Renewable projects are typically smaller and less time consuming than an average oil and gas project, although the commitment needed can vary depending on its size. Solar energy projects are generally classified as Community or Utility scale.

**Community, or Distributed, Scale** refers to a distribution grid, usually generating 1-20 MW of power, that is delivered to local subscribers in the immediate area.

**Utility Scale** refers to a large scale project, typically 50 MW to 1 GW, that generates electricity that is moved to remote consumers within a transmission grid.

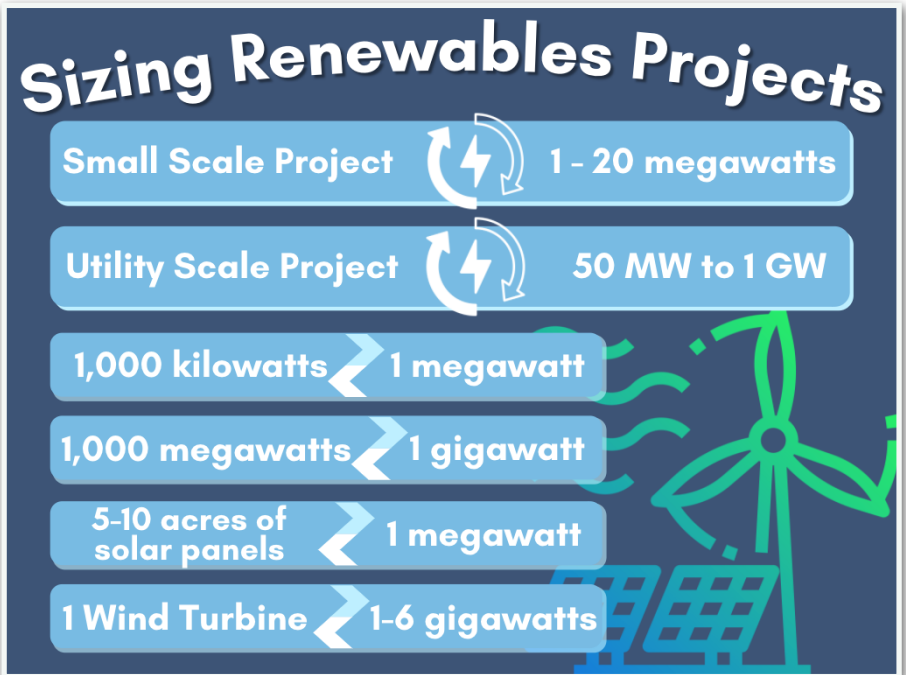
Wind energy projects are not so varied in size. They are large in scale, take longer to complete than the average solar project, and require more community involvement. Project developers generally receive more pushback on a wind energy project than a solar energy project.

**Land Agreements for Renewables**

Similar to oil and gas, leases, surface agreements, easements, etc. must be in place before a project can move on to the development phase.

At this point in the evolution of Renewable Energy, there is no equivalent to the "Producers' 88." Each contract is unique, with no standard provisions and verbiage. However, there are some consistencies that you will notice.

Solar contracts start with a **Lease Option**, typically with a 3-5 year option period with a lease form attached. Option payments are generally paid quarterly, giving the buyer the



opportunity to opt out of the agreement at any point within that time. The solar lease contract is extensive and a major commitment for the landowner. The minimum term is typically 25 years plus multiple extension options and the contract itself can span 30-50 pages. The final leasehold, on which payment is calculated is the "useable acreage," which is often not the entire acreage originally considered during the option period.

Just as oil and gas exploration companies sometimes purchase surface and/or subsurface within their play, solar developers sometimes utilize a **Purchase Option**. The Purchase Option process is identical to the Lease Option process, except that the "useable acreage" is purchased instead of leased. A Warranty Deed is used as the conveyance.

The **Wind Energy Easement or Agreement** typically includes an up to 3 year construction phase and a 25-30 year operations phase, plus multiple extension options. These agreements can differ based

on the model of the turbine. Their payment structure resembles a surface agreement, with annual rentals per acre with an escalator in the development phase, a one-time payment per turbine in the construction phase, and a production royalty in the operations phase. They also typically contain a fee per linear feet for the access road.

As seen with oil and gas exploration companies, some operators may begin developing a project and “flip” it before completion.

### The Language of Renewables

Every land professional can remember their earliest days in the industry, sitting in a meeting hearing things like “PUD,” “HBP,” and “shut-in” and feel like everyone around them was speaking a different language. Every industry has its own terminology and knowing some keywords can give you a head start.

Some common terms and “oil and gas to renewables” equivalents can be found on page 7. ■

## MORE ABOUT OUR Q2 SPEAKERS

**Chris Tooman**, CPL, is the Director - Renewables Division at Western Land Services (WLS). Chris earned his BS in advertising and public relations from Grand Valley State University and joined WLS in 2008. He began as a staff landman, cutting his teeth on all facets of land work. Identifying a need for diversification in the energy sector, Chris has helped prepare WLS to strategically position itself in emerging markets. He created the Renewables Division at WLS and serves as Director. Utilizing their expertise in land, Chris’ team provides invaluable support and services for their clients nationwide.



**Heather Kinnunen** is the Director of GIS & BPO Services at WLS. She earned her BBA in Business Management, and joined WLS in 2011. Heather directs the organization’s GIS & Business Process Outsourcing (BPO) Departments, overseeing staff and projects across the nation and various industries. Under her leadership, Heather’s team emphasizes quality, responsiveness, and consistency. Her attention to client and partner relationships, ability to leverage her team’s strengths, aptitude to identify new business opportunities through the understanding of markets and client needs, and efforts to integrate technologies have been fundamental to the growth of WLS’ GIS and BPO Divisions under her leadership.



## SNEAK PEEK AT THE Q3 WEBINAR – DOI DEMYSTIFIED

Unable to attend the NALTA Conference this year? ATX-ALTA is excited to bring a little bit of the conference to your computer screen!

ATX-ALTA’s President/1st Vice President, Rachelle Sutherland, delivered her presentation, “DOI Demystified: Connecting Tract and Lease Interests” at the 2021 conference in Seattle. On September 30th, she will bring her popular presentation to our webinar platform.

This presentation covers the fundamental concepts that drive division of interest calculations by connecting the DOI to the rights and interests associated with mineral tracts and leases. The different types of tract and lease interests will be explored, including royalty interests, executive and

non-executive interests, non-participating royalty interests, overriding royalty interests, and working interests. We will connect these interests to the revenue and expense decks and review variations, such as unleased mineral interests. Scenarios for allocation wells, pooled units, and lease wells will be considered to further clarify the concepts covered.



RACHELLE PRESENTING AT NALTA CONFERENCE

Registration will open soon!



## SPOTLIGHT ON... 2021 MEMBER OF THE YEAR

In May, Rachel Collier was elected as ATX-ALTA’S 2021 Member of the Year!

A member since ATX-ALTA’s inception, Rachel was elected to the board in 2020 as Recording Secretary. In 2021 she was elected to serve as 2nd Vice President and Corresponding Secretary.



In her capacity on the board, Rachel has actively sought out ways to serve our membership and made it a priority to help our association adapt to the rapid changes in our industry.

As part of her duties maintaining our association’s website and social media accounts, Rachel actively searches for job listings for land professionals across the state

of Texas to add to our members-only [Employment](#) page. If you’ve emailed our association, you know that she’s always ready to offer help and answer questions.

Rachel spearheaded a revision of our association by-laws, proposing changes that were ultimately adopted by our members.

Rachel has been working as an analyst for over 10 years and will be sitting for her CPLTA this year. She is currently a Senior Lease Analyst at ATX Energy Partners (formerly Brigham Resources), where she has worked since 2013. Rachel is taking online courses in SQL and Web Development. She holds a BFA from Sam Houston State University and earned a Certificate of Professional Land Management from the University of Houston-Downtown College of Business. ■

## 2021 BY-LAW AMENDMENTS

### *A Closer Look at the Revisions Adopted in July*

The 2021 ATX-ALTA Board of Directors proposed changes to our association by-laws which were adopted by our members in July. The following is a closer look at the revisions.

#### **ACTIVE MEMBER STATUS** **ARTICLE VII, PG 5, SEC 1**

The section was amended to include, "C. Once a member has achieved Active Member status, they shall retain that status until such time that they retire or choose to not renew their membership."

#### **CONSTITUTION OF A QUORUM** **ARTICLE IX, PG 11, PARA 2**

The change to this paragraph was proposed to provide a standard for constituting a quorum regardless of the number of board members in the Board of Directors, i.e. when multiple board positions are held by one person, as they are in 2021.

Prior to the latest amendment, the reference paragraph stated, "Four (4) members of the Board of Directors shall constitute a quorum for the transaction of all business coming before the ATX-ALTA board."

The amended version changes this paragraph to, "A majority of members of the Board of Directors shall constitute a quorum for the transaction of all business coming before the ATX-ALTA board."

#### **ELECTION OFFICER** **ARTICLE X, PG 11, ITEM 2**

Article IX, Pg 9, Item 5 names the Recording Secretary as the Election Officer.

This change to Article X, Pg 11, Item 2 was proposed to allow the Election Officer to appoint members to the committee that they chair.

The previous edition of the by-laws stated, "A nominating committee shall be appointed by the President in advance of the election and shall nominate at least one (1) candidate for each officer and director position."

The adopted amendment states, "A nominating committee shall be appointed by the Election Officer in advance of the election and shall nominate at least one (1) candidate for each officer and director position."

#### **MANDATORY OFFICER POSITIONS** **ARTICLE X, PG 8**

To clarify the requirements of positions to make up a full board, "8. The ATX-ALTA Board must, at a minimum, be comprised of a President, a Treasurer, and a Secretary at all times," was added to the by-laws.

#### **CRITERIA FOR PRESIDENT** **ARTICLE IX, PG 8, ITEM 2**

Finally, "F. Have previously served at least one (1) term on the ATX-ALTA board," was added to the requirements for a Presidential candidate.

Thank you to all the members who participated in adopting these amendments. If you have questions about any of these changes or our by-laws in general, send an email to [atx.alta@gmail.com](mailto:atx.alta@gmail.com).

■

## UPCOMING ATX-ALTA EVENTS



Q3 WEBINAR | SEPTEMBER 30TH  
12PM | ZOOM  
DO DEMYSTIFIED

Q4 WEBINAR | OCTOBER 21ST  
12pm | Zoom  
LEASE SAVINGS PROVISIONS

Our webinars are now available on demand.

Check out the **Events** page for the link!

## CONGRATULATIONS TO OUR Q2 PRIZE WINNERS!

NALTA CONFERENCE PACKAGE  
Rachel Collier

QUORUM ROCKETBOOK  
Travis Bradford

*Webinar topics and dates are subject to change. For the most up-to-date information, check the **Events** page on [atx-alta.org](http://atx-alta.org). Must be present at the time of drawing to win.*

## MORE ABOUT OUR WEBINAR SPONSOR QUORUM

**Land Software Built in this Era, For this Era**

- True SaaS
- Amazingly Intuitive
- Fully Integrated
- Easily Customizable



### Favorite Landdox Features



**Third Party Integrations**  
Easy integrations with systems like Enverus, OGsys, ThoughtTrace, etc.



**Integrated mapping**  
Integrated mapping for visualizing your ownership.



**Editable Fields**  
Create your own data fields and forms that instantly show up in reports.



**Obligation management**  
Get a calendar-view of obligations with automatic email alerts.



Get a free demo today by visiting [quorumsoftware.com](http://quorumsoftware.com)

## EMPLOYMENT OPPORTUNITIES

Our website currently lists job openings in:



Active members can sign in to check them out!

---

## **RENEWABLE ENERGY GLOSSARY**

---

### **ACCOMMODATION AGREEMENT**

An agreement with an oil and gas exploration company or a mineral interest owner that sets the terms to allow both sides to develop a site for their respective energy production.

### **BPO SERVICES**

Land brokerage services handled by Land Techs; interact with landowners, record documents, create forms, and file management.

### **CAPACITY**

When used to describe the level of renewable power generation, capacity refers to the maximum amount of power a (or several) renewable site(s) could generate at any one time.

### **CLEAN ENERGY**

Energy derived from renewable, zero-emissions sources: solar, wind, geothermal, hydroelectric, carbon capture, nuclear.

### **COMMUNITY/DISTRIBUTED SCALE PROJECT**

A relatively smaller solar project, typically generating between 1 and 20 MW of energy, with an interconnected distribution grid that supplies power to local subscribers in the immediate area.

### **ELECTRICAL GRID**

The system of electrical infrastructure that delivers electricity from suppliers to consumers. It is generally made up of generating stations, transmission lines, and distribution lines.

### **GEN-TIE**

The ROW and transmission lines between a solar or wind facility and utility transmission lines.

### **HOSTING CAPACITY**

The amount of energy load a system can handle during max capacity.

### **INDEPENDENT SYSTEM OPERATOR (ISO)**

A neutral and independent organization with no financial interest in generating facilities that administers the operation and use of the transmission system. ISOs exercise final authority over the dispatch of electricity from generators to customers to preserve reliability and facilitate efficiency, ensure non-discriminatory access, administer transmission tariffs, ensure the availability of ancillary services, and provide information about the status of the transmission system and available transmission capacity. An ISO may make some transmission investment decisions.

### **INTERCONNECTED SYSTEM**

A system consisting of two or more individual electric systems that have connecting tie lines and whose operations are synchronized.

### **INTERCONNECTION**

When capitalized, any one of the five major electric system networks in North America, including ERCOT in Texas. Otherwise, the facilities that connect two systems or control areas or an interconnection refers to the facilities that connect a non-utility generator to a control area or system.

### **MICROGRID PHILOSOPHY**

The philosophy that smaller, self-sustaining grids and energy sources are safer and less at risk from the threat of cyberattacks, system failures, severe weather, etc.

### **REGIONAL COORDINATOR**

A non-government agency that protects the consumer from monopolies and regulates the electrical grid.

### **RENEWABLE ENERGY**

Electricity supplied from energy sources, such as wind, solar, geothermal, hydropower, and various forms of biomass. These are considered renewable because they are continuously replenished.



**RENEWABLE ENERGY STANDARD (RES) / RENEWABLE PORTFOLIO STANDARD (RPS)**

The requirement that an electric power provider generate or purchase a specified percentage of the power it supplies/sells from renewable energy resources, and thereby guarantee a market for electricity generated from renewable energy resources.

**SITE CONTROL**

The lands needed for a project that are secured and under contract.

**SOLAR ARRAY**

A collection of multiple solar panels that generate electricity.

**SOLAR FARM**

An installation or area of land in which a large number of solar panels are set up in order to generate electricity.

**SUBSTATION**

A facility for switching electric elements, transforming voltage, regulating power, or metering.

**SURFACE WAIVER**

A waiver from the severed mineral interest owner granting the right to develop the surface that prevents any future oil and gas development from interfering with the production site.

**USEABLE ACREAGE**

The amount of acreage in a solar project that is used to calculate payments to landowners in the same way that NMA is used in oil and gas projects.

**UTILITY SCALE PROJECT**

A large scale solar project, typically generating between 50 MW and 1 GW of energy, where the generated power is moved within a transmission grid to serve remote consumers.

**WIND FARM**

A cluster of wind turbines which is usually connected to the electricity grid of a utility for widespread consumption of its electricity. Wind farms are located in areas with strong wind resource and can range from a few to over 100 turbines.

**WIND TURBINE**

A turbine having a large vaned wheel rotated by the wind to generate electricity.

**EQUIVALENTS**

**DTO/DOTO**

Title Commitment

**Lease Analyst**

Development Coordinator

**Land Tech**

Procurement Specialist, Procurement Associate, Land Acquisition Associate

**Landman**

Land Agent, Land Acquisition Specialist, Project Developer, Development Manager, Development Analyst

**Land Broker Services**

BPO Services

**Title Examiner**

Title Specialist

**ACRONYMS**

**BPO** Business Process Outsourcing

**RES** Renewable Energy Standard

**ISO** Independent System Operator

**RPS** Renewable Portfolio Standards

**SOURCES:**

**ATX-ALTA Q2 2021 Webinar**  
**Clean Energy Resource Teams**

**EPA**  
**Brookfield Renewable U.S.**