

DAPL DALTA DADOA ANNUAL AWARDS

Holiday Social

Wednesday, December 13th

2:00 pm - 4:00 pm

Renaissance Denver Downtown City Center

918 17th Street

Remember:

- There is limited space so register early
- walk up registrations cannot be accepted
- all reservations **must be made in advance**

Please Register by Friday, December 8th

\$50.00 PER PERSON

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The Denver Association of Professional Landmen

Telephone: (303) 446-2253

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The Denver Association of Professional Landmen is a non-profit organization operated by its membership for mutual benefit to further the knowledge and interests of Professional Landmen, and to better acquaint the public with the scope of the Landman's work.

The Rocky Mountain Landman is a publication of the Denver Association of Professional Landmen.

Tabatha Reed

DAPL Office Administrator

Phone: (303) 446-2253

Column Coordinators:

Education **Bresee Carlson**
Crosby Garrison

Minutes **Chad Sullivan**

Legal **Estee Sanchez**

Contributions from our readers are welcome. All suggestions and manuscripts should be emailed to the editor at the DAPL office. We reserve the right to edit all material according to standard practices.

Bylined and credited articles represent the view of the authors; publication neither implies approval of the opinions expressed nor accuracy of the facts stated.

Officer's Forum—Treasurer

Season's greetings, DAPL!

As 2023 nears its end, I wanted to reflect on a great year for the DAPL.

We had numerous successful DAPL events throughout 2023 including the Ski Day, Golf Tournament, Trap Shoot, various educational luncheons, and networking happy hours. The DAPL also had some milestones in 2023 - the 50th Annual Denver Land Institute and 10th Annual Rockies Bash! These events would not be possible without our generous Corporate Sponsors, event sponsors, fantastic membership, and of course - our wonderful Office Administrator - Tabatha Reed.

I am grateful for the amount of time, effort, and passion everyone involved with the DAPL contributes to the organization.

To wrap up an eventful year, we have the DAPL, DALTA & DADOA Annual Awards & Holiday Social on Wednesday, December 13, 2023. Please join us to help recognize and congratulate our fellow industry colleagues and friends.

I'm excited to see everyone through the end of 2023 and look forward to a great 2024!

James Culbertson

2023-24 DAPL Treasurer



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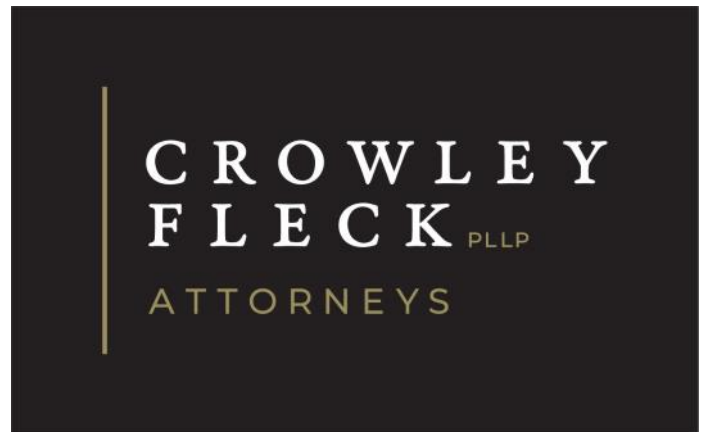
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From a Legal Perspective

Energy & Carbon Management Commission 2023 Update

As 2023 comes to a close, DAPL members likely take time to reflect on the year's happenings, event and changes – the good, the bad and the in-between. As part of our reflection on the oil and gas industry in Colorado, it is important to be aware of what happened in 2023 in the Colorado regulatory realm. This article intends to provide the highlights of the year as they relate to the Energy & Carbon Management Commission (formerly known as of the Colorado Oil & Gas Conservation Commission)(“ECMC”) as well as insight into upcoming actions in 2024.¹

Oil and Gas Development Plans, Applications for Permit to Drill & Comprehensive Area Plans:

The ECMC continues to review and evaluate Oil & Gas Development Plan Applications (Form 2As), Applications for Permit to Drill (Form 2s) and Comprehensive Area Plans. Permits continue to progress through the ECMC Staff review process with a healthy uptick in OGDG hearings in November and December 2023. The current 2023 statistics for ECMC OGDG, APDs and CAP applications are as follows:

OGDPs:

Pending Completeness – 27
Completeness Obtained – 21
Approved – 35
Denied – 1

APDs:

Pending – 142
Approved – 923

CAPs:

Pending Completeness – 1

ECMC Rulemakings – 2023:

As a result of the 2021 Mission Change Rulemaking to promulgate and implement regulations stemming from the passage of SB19-181, the ECMC conducts an annual rulemaking to update the High Priority Habitat (“HPH”) maps governed by the ECMC 1200 Series Rules. The 2023 HPH rulemaking was primarily focused on the northeast quadrant of the State and the expansion of mule deer and pronghorn species winter range and migration corridors. Although notice of the rulemaking and the draft HPH maps were published on February 28, 2023, the hearing was delayed for several months while various parties met with Colorado Parks and Wildlife (“CPW”) to discuss the impact of expanded HPH areas on existing permits, among other concerns. During such discussions, CPW confirmed that the HPH maps were a “starting point” in the determination of potential impact to wildlife resources and that an operator seeking a permit within HPH should have the ability to provide evidence illustrating that the proposed oil and gas location is not actually in HPH or will not result in adverse impacts to wildlife resources. On October 5, 2023, the ECMC adopted the 2023 HPH maps as proposed and confirmed that the ECMC and CPW would work with industry to draft and adopt a policy regarding pre-filing consultation with CPW. The 2023

¹ The Colorado Department of Public Health & Environment has also been significantly impacted by the 2023 Legislative Session and has conducted, or is currently conducting, various rulemakings that will impact oil and gas development in Colorado.

From a Legal Perspective cont'd.

HPH maps are effective as of November 30, 2023 and can be found on the ECMC COGIS map – HPH layer.²

ECMC Rulemakings – 2024:

In 2024, the ECMC will be occupied with three confirmed rulemakings and one potential rulemaking. For the confirmed High Priority Habitat rulemaking for the northwest quarter of Colorado, the ECMC is currently engaging in stakeholder outreach, holding informational dockets and analyzing public comment on issues related to Deep Geothermal Resources and Cumulative Impacts. It is likely that the ECMC rulemakings on Deep Geothermal Resources and Cumulative Impacts will run concurrently through the first and second quarter of 2024. The ECMC is also currently considering Carbon Capture & Storage (Class VI) and Underground Natural Gas Storage comments which will lead to another rulemaking. Each of these rulemakings are discussed in turn below:

Cumulative Impacts Rulemaking: HB23-1294 requires the ECMC to promulgate rules that evaluate and address the cumulative impacts of oil and gas operations and such rules must include a definition of cumulative impacts by April 28, 2024. Governor Polis issued a signing statement which provided clarity to the intent of elements of the cumulative impact language in HB23-1294. Specifically, the inclusion of the word “addressable impacts” is intended to ensure the ECMC is acting within its statutorily defined role and that the ECMC is to analyze as “sources that are controlled or owned by the operator” non-road engines on an oil and gas location. The ECMC has received substantial comments from a variety of stakeholders and continues to hold stakeholder meetings and informational docket hearings to discuss the legislative mandate and scope of rulemaking. These comments can be found in the ECMC Hearings E-filing system under Docket No. 230800263. The ECMC will likely publish draft cumulative impacts rules in late 2023 or early 2024 when appropriate.

Deep Geothermal Resources Rulemaking: SB23-285 promulgated new law regarding the regulation of deep geothermal resources and provided exclusive authority over deep geothermal operations to the ECMC. Section 37-90.5-106(1)(b)(I), C.R.S. allows the ECMC to adopt rules for permitting and regulation of deep geothermal operations, fees associated for deep geothermal permits and the protection of public health, safety, welfare, environment, and wildlife resources associated with deep geothermal development. The ECMC has initiated the stakeholder process for a deep geothermal operations rulemaking and is currently seeking information on a Deep Geothermal Regulatory Concept paper published by ECMC Staff as well as comments and feedback on a set of draft deep geothermal rules via Google Forms.³

2024 High Priority Habitat Rulemaking: In accordance with SB19-181 and the ECMC 1200 Series Rules, the ECMC will conduct its annual HPH map update and will focus on the northwest quarter of the State. CPW has initiated its review of the wildlife species in this area of the state and will work with the ECMC to publish the proposed 2024 HPH maps when ready. The ECMC will provide the timing on the annual rulemaking during a Commission hearing when appropriate.

² https://cogccmap.state.co.us/cogcc_gis_online/

³ <https://docs.google.com/forms/d/e/1FAIpQLSejVKyg5UouJiG5ZcQBeqPcAaimMajtDqJP8FI2EMCt-GQBVA/viewform>

From a Legal Perspective cont'd.

Carbon Capture & Storage (Class VI): As a method of reducing air emissions in compliance with current law and Governor Polis' climate change initiatives, the ECMC will be initiating a Carbon Capture & Storage ("CCS") rulemaking in 2024 to establish regulations for Class VI injection wells. The rules will allow the ECMC to pursue and obtain Class VI regulatory authority from the EPA and regulate the wells in a manner consistent with Colorado's priorities. The ECMC is currently seeking information on CCS from stakeholders via Google Forms.⁴

Underground Natural Gas Storage: SB23-285 promulgated new law regarding the regulation of underground natural gas storage ("UNGS") facilities and provided exclusive authority over such facilities to the ECMC. Section 34-64-108(1)(a), C.R.S. allows the ECMC to adopt rules for permitting and regulation of interstate underground natural gas storage facilities. The ECMC has stated it will be initiating a rulemaking in 2024 to establish state regulations for UNGS and the rules will serve as a foundation for pursuing regulatory authority from the Pipeline and Hazardous Materials Safety Administration. The ECMC is currently seeking information on UNGS from stakeholders via Google Forms.⁵

Legislative Actions:

In addition to SB23-285 and HB 23-1204 directly impacting the oil and gas industry, the 2023 legislative session resulted in the passage of twenty-seven climate-change related bills⁶ in categories including the environment; climate & air quality; emissions from the built environment; renewable energy and utilities; transportation and expanding public transit; climate-smart investments in forestry and wildlife resilience; water consumption; and just transition and communities.

The ECMC will be very busy in 2024 with its rulemakings and the continued review and evaluation of Oil and Gas Development Plans, Comprehensive Area Plans, Drilling and Spacing Units, and Applications for Permits to Drill, among other things. Colorado operators will need to continue to plan accordingly when submitting permits to the ECMC in 2024 to ensure they have the necessary permit inventory for 2025.

Jamie Jost and Amy Mowry
Jost Energy Law, P.C.

⁴https://docs.google.com/forms/d/e/1FAIpQLSd_tVHXS5khJWOURx3x39ObJINIYS0tbb5YaPwMahBY8RHvlg/vjwform

⁵https://docs.google.com/forms/d/e/1FAIpQLSe6ekGjU3S5TQFaGv6kvSAyjmHSOT932JWsBmNO4U_welVJhg/vjwform

⁶ See respectively HB23-1210, HB23-1272, SB-016, SB3-285, HB23-1294, HB23-1005, HB23-1161, HB23-1233, HB23-1039, HB23-1234, HB23-1252, HB23-1281, SB23-092, SB23-198, SB23-291, SB23-292, HB23-1101, SB23-236, 23-1060, HB23-1075, SB23-005, SB23-166, SB23-177, SB23-214, HB23-1074, HB23-1247 and SB23-283.

2023 / 2024 DAPL Calendar of Events

December 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13 Board Meeting Annual Awards & Holiday Social	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2023

13th-Board Meeting
13th-Annual Awards & Holiday Social - *see page 1 for more information*

January 2024

9th-Education Committee Meeting
10th-Board Meeting
17th-Luncheon - *see page 10 for more information*

February 2024

13th-Education Committee Meeting
14th-Board Meeting
21st-Luncheon

January 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9 Education Committee Meeting	10 Board Meeting	11	12	13
14	15	16	17 Luncheon	18	19	20
21	22	23	24	25	26	27
28	29	30	31			





DAPL

11:30-12:00: Networking and Buffet

12:00-12:50: Presentation

12:50-1:00: Q&A

January 17, 2024 | 11:30 AM - 1 PM



**SHANOR &
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Caroline Shanor

Caroline Shanor focuses her practice on title, transactional, regulatory, and due diligence matters, particularly rendering drilling and division order title opinions on fee, federal, and state lands. Prior to The Shanor Group, Caroline managed the oil and gas title practice group at a national law firm dedicated to serving the oil and gas industry.

Upon graduation from Columbia University in New York, Caroline worked as a landman for a Houston independent working with mineral titles and other land-related activities. That exposure validated her decision to make a career in the oil patch. Caroline received her JD from South Texas College of Law in 2010 and is licensed to practice in Colorado, Nebraska, and Wyoming. Caroline is a Board Member of the Wyoming Combat Sports Commission.

Bresee Carlson

Bresee attended law school at the Sturm College of Law in Denver, CO with aspirations of providing guardian ad litem services for Colorado children. After graduation from Sturm College of Law in 2009, Bresee was introduced to the energy industry by working title in the field and in house. Since then, her practice has focused on land and title related oil and gas issues across the Rocky Mountain producing states. Bresee is an adjunct professor of Oil & Gas Law at Western Colorado University in Gunnison, Colorado, sits on the board of Energy Strong, and is actively engaged in the DAPL, WAPL, and RMMLF. In her spare time Bresee volunteers with the Rocky Mountain Children's Law Center providing guardian ad litem services for protection order proceedings or works on her unfortunately high golf handicap.



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\$60 for Non-members

Virtual & In Person Option

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The University Club
1673 Sherman St. Denver, CO 80203

Field Landman Question

A DAPL member has asked: “What changes did the Inflation Reduction Act make to federal oil and gas lease payment terms?”

In August 2022, the Inflation Reduction Act and Bipartisan Infrastructure Law (IRA) was passed into law. Besides addressing many other areas, the IRA amended the Mineral Leasing Act of 1920 to modernize several federal oil and gas lease terms. Some of these monetary terms had not changed in over 50 years, with the IRA’s modifications aimed at increasing fiscal return from the government’s leasing program.

The IRA’s statutory changes continue for ten years (until August 2032). In July of 2023, the Department of Interior initiated formal steps to update its regulations governing BLM’s oil and gas leasing procedures (BLM Proposed Rules). The primary impact of the BLM Proposed Rules is to adopt the IRA’s new lease payment terms and codify other administrative changes to continue in effect beyond 2032. After August 2032, the lease terms introduced by the IRA will serve as the minimum amounts that will be subject to inflation adjustment as set forth in the BLM Proposed Rules.

The most notable change from the IRA is the increased lease royalty: while federal leases issued prior to August 2022 remain subject to their traditional one-eighth (12.5%) royalty rate, all onshore oil and gas leases issued by the BLM now carry a 16.67% royalty on all production. In addition to that and other procedural changes, the IRA and BLM Proposed Rules establish and extend a number of other amended lease payment terms, including:

- **Fixed Fees** – The IRA and BLM Proposed Rules create and/or increase several fixed filing fees associated with BLM filings, including raising the flat fee for a competitive lease bid from \$185 to \$3,100, and also imposing a new fee of \$1,200 when seeking approval of a new or modified federal unit agreement.
- **Minimum Lease Bids** – The IRA increased the national minimum bid on all BLM oil and gas leases from \$2 per acre to \$10 per acre for a period of ten years, after which the BLM may increase the minimum under the BLM Proposed Rules.
- **Annual Lease Rentals** – Under the IRA and BLM Proposed Rules, the base annual lease rentals under all new federal oil and gas leases have been raised to \$3 per acre (in lease years 1-2), \$6 per acre (in lease years 3-8) and \$15 per acre per year thereafter.
- **Expressions of Interest** – The IRA introduced a new fee of \$5 per acre that is now required with any submission of an expression of interest to initiate leasing on previously undesignated areas.
- **Operator Bonding Requirements** – While higher bond totals were excluded from the final IRA, the BLM Proposed Rules raise the minimum lease bond amount from \$10,000 up to \$150,000, and also push the minimum statewide bond up to \$500,000.

*Jim Tartaglia
Member, Steptoe & Johnson PLLC*

Do you have a land issue you would like discussed? Do you need supporting documentation to win a bet with a colleague? Is there a question you are too embarrassed to ask your boss? If so, the DAPL would like to hear from you! Please submit your question to joe.martin@highwestresources.com. Each month, we will publish a question chosen from those submitted, along with a Steptoe & Johnson PLLC attorney’s discussion of the issue. The foregoing article discusses general legal principles and laws applied to a generic fact situation, is not intended to constitute legal advice or create any attorney-client relationship, and no representation or warranty of accuracy or applicability regarding the same is made by the author or Steptoe & Johnson PLLC. The content of and views expressed in the foregoing article are those of the author, and are not the views of the DAPL.

DAPL October 2023 Board Meeting Minutes

10/11/2023

In Attendance:

In-person: Tabatha Reed, James Culbertson, Crosby Garrison, Gil Guethlein, Chad Sullivan

On Phone: Tyler Aylor, David Connolly, Jake Bakker, Armando Trevino, Laurie Wizeman, Janet Rost, Alex Campbell, Teale Stone, Estee Sanchez

Pres. Gil Guethlein called the meeting to order at 11:33 AM MST 09.13.2023

Approval of Minutes:

Chad motioned to approve the September minutes. Crosby seconded. APPROVED

Membership - Reported by Janet Rost

Gil motioned to approve the 3 new members below; Jake seconded; No objections: New Members APPROVED

October 2023 Board Meeting								
MEMBER NAME	COMPANY	ACTIVE	ASSOCIATE	STUDENT	AAPL	SPONSOR	OFFICE PHONE	E-MAIL
Dayton Reese	Anschutz Exploration Corporation	X			Yes	Brett Willis	303-949-8709	daytonj.reese@gmail.com
James Daily	National Landworks	X			Yes	Janet Rost	936-560-5263	jdaily@nationallandworks.com
Matt Sands	Mineral Rights Podcast		X		No	Clint Goos	720-449-2328	msands@silverheelsinvestments.com
Sep-23								
Total Number of Current Members - 572	Total Number of Current Members - 554							
Total Number of Non-Members - 946	Total Number of Non-Members - 935							
Expiring 5/31/24 - 353	Expiring 5/31/24 - 341							
Expiring 5/31/25 - 63	Expiring 5/31/25 - 62							
Expiring 5/31/26 - 54	Expiring 5/31/26 - 50							
Honorary/Retired (never expire) - 102	Honorary/Retired (never expire) - 101							
Sep-24								
Total Number of Current Members - 581								
Total Number of Non-Members (Expired) - 774								
Expiring 5/31/23 - 344								
Expiring 5/31/24 - 82								
Expiring 5/31/25 - 49								
Expiring 5/31/26 - 1								
Honorary/Retired (never expire) - 99								

Continued on next page

Treasurers Report - Reported by James Culbertson:

Banking Accounts	October 2023	September 2023	1-Month Diff.	October 2022	1-Year Diff.
PNC Checking	\$164,863.34	\$128,296.36	\$36,566.98	\$268,786.00	-\$103,922.66
Savings/Money Market	\$10,005.26	\$10,005.18	\$0.08	\$10,004.26	\$1.00
RBC Long-Term (Current 10.10.2023)	\$125,831.61	\$127,391.61	-\$1,560.00	\$68,010.18	\$57,821.43
RBC CDs (Current 10.10.2023)	\$86,072.88	\$85,054.25	\$1,018.63	\$0.00	\$0.00
Total Checking/Savings/Investments	\$386,773.09	\$350,747.40	\$36,025.69	\$346,800.44	\$39,972.65
RBC Investment Account	Beginning Balance	Gain/Loss	Current Balance		
Long-Term Account (Current 10.10.2023)	\$127,391.61	-\$1,560.00	\$125,831.61		
	Total Investment	Current Balance	Updated vs Current		
Investment Balance	\$128,000.00	\$125,831.61	-\$2,168.39		
Scholarship Accounts	October 2023	September 2023	1-Month Diff.	October 2022	1-Year Diff.
PNC Bill Goodin	\$17,322.16	\$17,322.02	\$0.14	\$10,179.01	\$7,143.15
PNC Cappy Ricks	\$2,500.66	\$15,483.54	-\$12,982.88	\$15,482.12	-\$12,981.46
PNC DAPL Scholarship	\$8,306.99	\$8,306.99	\$0.00	\$8,306.99	\$0.00
PNC Raffle Acct	\$4,395.00	\$4,395.00	\$0.00	\$3,785.00	\$610.00
Total Savings	\$32,524.81	\$45,507.55	-\$12,982.74	\$37,753.12	-\$5,228.31

Education Committee - Reported by Crosby Garrison:

DLI scheduled for 165 attendees in person and 26 virtual attendees. Registration still open for additional attendees if needed. Some minor changes for the event but all is looking good for the event this week!

18 members used the AAPL code to register for the DLI.

President's Report - Reported by Gil Guethlein:

DLI and Bash week. Thanks to all for the help putting together all the events for the week! DLI and Bash are ready and looking forward to the event with everyone. 2023 Rockies Bash will have hired drink monitors from Wynkoop to ensure everyone's safety.

Please submit candidates for DAPL awards. Tabatha will share link for award submissions.

Networking – Reported by James Culbertson

Looking into pairing the December DAPL HH with the holiday luncheon. Board looking into the budget for this event and working towards approval.

AAPL Representative - Reported by Tyler Aylor

Tyler will be submitting awards to the national level via AAPL. Please submit what you think was the best presentation you have seen from a DAPL member so that it can be submitted.

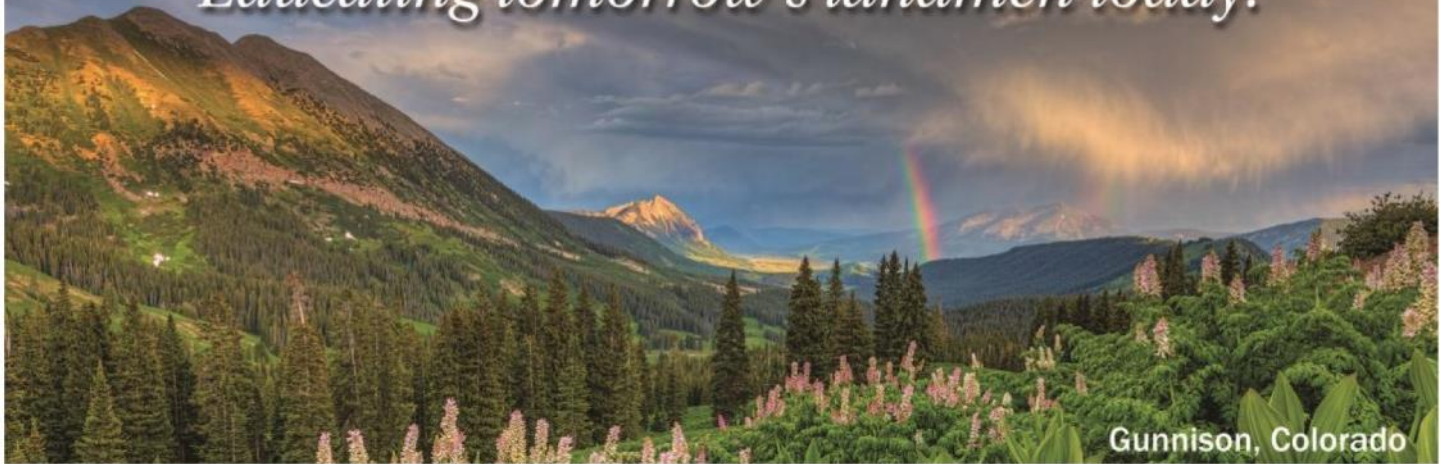
Tyler requested \$1,000 for the DAPL dinner hosting the AAPL president. Gil motioned to approve – Crosby seconded.

Gil approved an additional \$250 if needed.

Pres. Gil Guethlein adjourned the meeting at 11:48 PM MST 10.11.23

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Contact : DAPL Office (303) 446-2253

2022-2023 DAPL OFFICERS, DIRECTORS AND STANDING COMMITTEE CHAIRS

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