

The Rocky Mountain

L • A • N • D • M • A • N

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March 2023



DAPL

11:30-11:45: Welcome and Networking

11:45-12:45: Lunch and Presentation

12:45-1:00: Q&A

March 15, 2023 | 11:30 AM - 1 PM

Efficient Communication in Title and Transactional Projects



In this moderated panel discussion, Deana Allen (Beatty & Wozniak), James Hubert, CPL (Discovery Land Services) and Thomas Porter, RPL (Oxy) will advise on time and cost-saving communication practices in title and transactional projects. From project inception to completion, the panel will share with the audience what works and what doesn't work from the perspective of an in-house landman, a land broker, and a title and transactional attorney. The panel will further provide real-world processes they rely on to avoid disruption in their own project flows.

\$45 for DAPL Members

\$60 for Non-members

[Click Here to Register](#)

The University Club
1673 Sherman St. Denver, CO 80203



The Denver Association of Professional Landmen

910 16th Street, Suite 223

Denver, CO 80202

Telephone: (303) 446-2253

E-Mail: dapl@dapldenver.org

Web Site: www.dapldenver.org

*Office Hours
by appointment*

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	Laurie Wizeman
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 - AAPL Director

The next AAPL Board of Director's Quarterly Meeting is scheduled for March 10-12 in Colorado Springs. As usual, if you are a member of DAPL, but not a member of AAPL, please reach out to me with any issues or concerns you may have as to why you have not joined AAPL.

One of the agenda items that will be discussed is a proposed collaboration between AAPL and DAPL in sponsoring DAPL's *Fall Land Institute* (FLI) or possibly what may be called *The Rockies Land Institute* going forward (name to be determined). Behind the scenes, as your AAPL Director, I have been working diligently to help build bridges between our local association and the national association. One tangible benefit of those efforts has been AAPL's willingness to refocus its sponsorship from the *Santa Fe Land Institute* to Denver's *Fall Land Institute*. This being the 50th Anniversary of FLI, it is a welcome support that should benefit both DAPL and AAPL for years to come. Details pertaining to FLI, such as date, location and subject matter are still being determined in a joint effort between AAPL and DAPL.

If you have any suggestion as to topics and/or speakers you would like to recommend, please send your suggestions to any of the following:

AAPL Director (Kelly Muldoon): kelly@arcrockcapital.com

Education Co-Chair (Crosby Garrison): crosby_garrison@oxy.com

Education Co-Chair (Bresee Carlson): bresee.carlson@kuiperlawfirm.com

DAPL Office Administrator (Tabatha Reed): dapl@dapldenver.org

The 69th AAPL Annual Meeting will be held June 14-17, 2023 in Huntington Beach, California.

For information here is a link: <https://www.landman.org/events/annual-meeting#schedule-of-events>

This is my last Officer's Forum so I will end it on a personal note. I have been approached by many DAPL members who in one form or another essentially have the same concern - that DAPL is stuck in a rut because the Executive Committee seems to be the same people every year, who are merely rotating positions or that DAPL is not representing your interests/needs. To be honest, I felt the same way and that is why I got involved by joining committees and eventually serving on the Board of Directors in various capacities. Serving on both the AAPL Board of Directors and the DAPL Board of Directors has given me a unique insight and perspective on how these professional organizations are best run. That is by a diverse group of people participating and having input on their own professional development. You all have an opportunity "to have a seat at the table". And you should all want a seat at that table, because decisions are made by those who show up. To help foster this diversity of thought and perspective I will be stepping down from the DAPL Board of Directors after my current term is up and will not be continuing to be as involved with the Board going forward. Hopefully this vacancy will be seen as an opportunity for others to get more involved. I encourage everyone who is a member of DAPL to volunteer to run for one of the Executive Committee positions or to join a committee.

Thank you

Kelly Muldoon
DAPL AAPL Director

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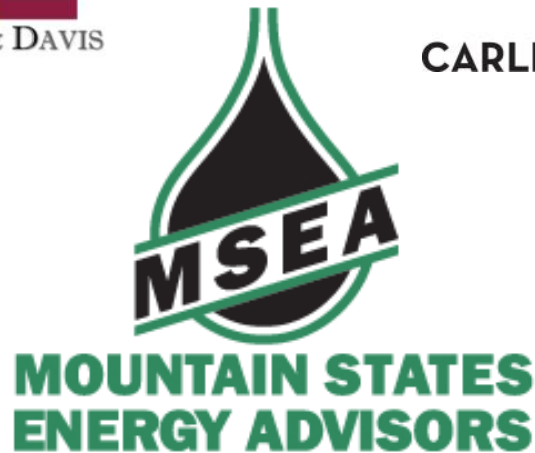
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From a Legal Perspective

The Transmission Bottleneck to the Deployment of Renewables

In order to meet aggressive electrification and de-carbonization goals, the United States will need to expand its electricity transmission capacity by 60% by 2030, and increase current capacity by as much as 300% by 2050. Moreover, the portions of the country most attractive to solar and wind developers, the Southwest and Midwest respectively, are not necessarily proximate to end users residing in major population centers, and will require electricity to be transmitted over long distances and often across state lines. Consequently, certain parts of the country will be burdened disproportionately in order to meet the electricity needs of other parts of the country. At the state level, fierce disputes over property rights, land use, aesthetics, and environmental and wildlife protection have led to increased litigation and a patchwork of regulation which can delay development of transmission projects for years. Further, there is a void in federal siting and eminent domain authority relating to interstate electricity transmission facilities, making it difficult for the federal government to intervene in siting disputes among states.

Pursuant to the Fifth and Fourteenth Amendments to the United States Constitution private property may only be taken without the consent of a property owner for a public use upon payment of just compensation. However, Federal powers of eminent domain relating to transmission are restricted. While the Federal Energy Regulatory Commission (“FERC”) has broad authority to condemn rights-of-way for interstate pipeline to transport natural gas, and to delegate this authority to private parties via the Natural Gas Act, no similar mechanism exists at the federal level for interstate electricity transmission lines. It should be noted the permitting bill proposed by Senator Joe Manchin in exchange for his support of the Inflation Reduction Act would have allowed FERC to issue construction permits for interstate transmission facilities deemed “necessary and in the national interest” by the Department of Energy. Additionally, the Manchin proposals would have authorized permittees to exercise eminent domain for electricity transmission over state owned as well as private lands. These proposed changes relating to eminent domain over lands owned by the states would have put transmission infrastructure on equal footing with natural gas pipelines as confirmed by the determination of the United States Supreme Court in *PennEast Pipeline Co. v. New Jersey*, 594 U. S. ____ (2021). Manchin’s efforts were ultimately unsuccessful due to Democratic sentiment that the proposed changes would benefit the oil and gas industry, and opposition by Senate Republicans concerned the proposals relating to transmission of electricity would usurp the power of state utility regulators on project siting. Interestingly, following the defeat of the Manchin proposals, on January 17, 2023, FERC submitted a Notice of proposed rulemaking to revise existing regulations governing applications for permits to site electric transmission facilities under section 216 of the Federal Power Act, as amended by the Infrastructure Investment and Jobs Act of 2021, to provide for certain “backstop” electric transmission siting authority in limited circumstances, specifically when a state either fails to act, or denies FERC applications for transmission facilities sited in national interest corridors designated by the United States Department of Energy. If successful, these changes to section 216 of the Federal Power Act would effectively vest FERC with the authority proposed by Senator Manchin.

In lieu of participation by the federal government, the current status quo is that questions of eminent domain, and determinations regarding the siting of electricity transmission facilities are left to the individual states. In Colorado, the Polis administration announced its intention to move the electric grid to 100% renewable by 2040. In order to further this goal and recognizing the need to increase transmission infrastructure within the state, the Colorado legislature passed Senate Bill SB21-072 “Public Utilities Commission Modernize Electric Transmission Infrastructure,” which was signed by Governor Polis in June of 2021. The law creates an entity known as the Colorado Electric Transmission Authority (“CETA”) to facilitate the expansion, planning, financing, and construction of transmission infrastructure. Senate Bill SB21-072 further required designated Transmission Utilities to join a Regional Transmission Organization or Independent System Operator by January 1, 2030, which will presumably facilitate interstate cooperation among utilities. Finally, Senate Bill SB21-072 amended C.R.S. 38-5-104 to add electric transmission authorities to the list of governmental authorities or corporations entitled to use eminent domain, and relating to valuation C.R.S. 38-5-104 was amended to add: “When a right-of-way is taken under this Section for an interstate electric transmission line, the court shall evaluate public purpose in light of the transmission system as a whole, including public use and benefits occurring either within Colorado or at a regional level.” This added language regarding valuation appears to extend the public use and benefit determinations required by the Fourteenth Amendment to not only citizens of Colorado, but also the citizens of other states within the region, or put another way, the public use does not have to benefit citizens of Colorado, rather end users in another state may be the beneficiaries. Finally, Xcel Energy and five other utilities doing business in Colorado have committed to reducing carbon emissions by at least 80% by 2030. In order to satisfy de-carbonization commitments, Colorado utilities have proposed expansions of transmission infrastructure throughout the state, including Xcel Energy’s \$1.7 billion project, consisting of approximately 600 miles of transmission lines and related facilities known as the Colorado Power Pathway.

From a Legal Perspective cont'd.

While Colorado has been proactive in its efforts to expand transmission facilities throughout the state in order to hasten the deployment of renewables and satisfy its de-carbonization goals, expansion of the electrical grid is a notoriously difficult task due to the number of competing interests among stakeholders. These efforts are further frustrated by a vacuum of federal authority regarding eminent domain and siting determinations necessary to harmonize competing state interests. The many challenges relating to the construction and siting of electricity transmission facilities in order to scale and deploy renewables suggest a boom in litigation for years to come.

Todd R. Caldwell
Caldwell Sherman PC

DAPL 2023 ANNUAL GOLF TOURNAMENT

**FRIDAY, JULY 21, 2023
KEYSTONE**

SAVE THE DATE



2023 DAPL Calendar of Events

March 2023

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

April 2023

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

March 2023

3rd-Ski Day
7th-Education Committee Meeting
8th-Board Meeting
15th-March Luncheon - *see page 1*
for more information

April 2023

11th-Education Committee Meeting
12th-Board Meeting
14th-Bill Goodin Scholarship Appli-
cations Due - *see page 9 for more*
information
19th-April Luncheon

May 2023

9th-Education Committee Meeting
10th-Board Meeting
17th-April Luncheon



BILL GOODIN SCHOLARSHIP

Application Now Open

IN ORDER TO BE ELIGIBLE FOR THE DAPL BILL GOODIN SCHOLARSHIP:

- Students must be pursuing a major in Energy Management at an AAPL accredited college or university within the U.S.
- Student must maintain enrollment in the land management program throughout the academic year.
- Student should have at least a 2.5 cumulative GPA.
- Student must be a Sophomore, Junior, or incoming Senior to apply for the Bill Goodin Scholarship.

Scholarship application can be submitted through our website using the below link.
The completed application must be received by April 14, 2023.

[Bill Goodin Scholarship Application](#)
[\(click here\)](#)



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April 5th • 6-9pm • Temple Denver

About Energy Tech Night

Startups, energy innovators, venture groups, and the finance community all come together to catch up on the latest in energy innovation and emerging tech. Each Energy Tech Night offers insights from energy experts and rapid-fire pitches from startups offering solutions for the energy challenges of today and tomorrow. Cool people, cool startups, and good beer all under one roof.

CLICK HERE

Treasurers Report. Reported by James Culbertson.

James will complete the investment policy draft will be completed by next month. Roughly \$11,000 in Golf Tournament still outstanding. Drinks tickets were not being used were an issue on the Ranch course. We would still be up roughly \$2,500, outside of scholarship raise. P & L for the Holiday Luncheon a slight loss, FLI we ended making a profit of \$8,033 and Bash was separate and closed out at \$590.

Banking Accounts	January 2023	December 2022	1-Month Diff.	January 2022	1-Year Diff.
PNC Checking	\$240,565.40	\$253,175.15	-\$12,609.75	\$223,666.50	\$16,898.90
Savings/Money Market	\$10,004.51	\$10,004.43	\$0.08	\$10,003.51	\$1.00
RBC Investment	\$95,161.73	\$95,926.15	-\$764.42	\$76,621.78	\$18,539.95
Total Checking/Savings/Investments	\$345,731.64	\$359,105.73	-\$13,374.09	\$310,291.79	\$35,439.85
RBC Investment Account	Beginning Balance	*Fees	Gain/Loss	Current Balance	
RBC- Investment Period (12/1/22 - 12/31/22)	\$95,926.15	\$0.00	-\$764.42	\$95,161.73	
	Updated Investment	Current Balance	Updated vs Current		
Investment Balance	\$100,000.00	\$95,161.73	-\$4,838.27		
Scholarship Accounts	January 2023	December 2022	1-Month Diff.	January 2022	1-Year Diff.
PNC Bill Goodin	\$10,179.27	\$10,179.18	\$0.09	\$6,730.49	\$3,448.78
PNC Cappy Ricks	\$15,482.51	\$15,482.38	\$0.13	\$15,480.97	\$1.54
PNC DAPL Scholarship	\$8,306.99	\$8,306.99	\$0.00	\$8,206.99	\$100.00
PNC Raffle Acct	\$4,230.00	\$3,785.00	\$445.00	\$3,780.57	\$449.43
Total Savings	\$38,198.77	\$37,753.34	\$445.22	\$34,199.02	\$3,999.75
DAPL Pending Checks	Amount				
#1050 - Armando, AAPL Travel	\$688.60				
#1049 - James C., Holiday HH	\$3,260.42				
Total Pending DAPL Checks	\$3,949.02				

President's Report. Reported by Armando Trevino.

Corporate sponsorships spreadsheet review and contact delegation. The thank you reception for corporate sponsorship will be in person this year at French 75. Gil will reach out to all current corporate sponsors.

Education Committee. Reported by Crosby Garrison

There was no December luncheon because of the Holiday Luncheon. Tom Donaho will be presenting for the January luncheon. February we have a Due Diligence for Renewable projects presentation. Thank you, Tyler, for your contribution to our video speaker library. AAPL was at the January Education meeting to plan for the 2023 FLI. The Denver FLI will be replacing their Santa Fe, they have no preference what we name the event. AAPL Land Institutes have always been called by the city name. Suggestion for the group, we call it the Denver Land Institute (DLI) moving forward. Venue will be determined by date and target number of people ~200. AAPL said they are looking for 6 credits. They did note, we will be giving them a list of topics. If more than 6 topics, we could possibly add another day. AAPL would like to see some out of the box topic ideas (e.g. renewables and carbon capture). As for the video content, we would both own the content and rights to sell. We will work on a memo of understanding that all parties agree to in the next month. Is Wynkoop available for the end of October? We are planning for the last weeks of October. They Hyatt and Renaissance are on our venue radar. We are terminating the University Club contract, where we are we going to host future luncheons? Denver Earth Science Library?

Scholarship. Reported by Frances and Allie.

Applications were handwritten last year, and it was very difficult to review. Next year, we will make it available online.

Networking. Reported by James Culbertson

Any feedback on the holiday network event? Was lightly attended. February next HH at Rhine House.

Ski Day. Reported by Ed Doka.

Ski Day will be March 3rd at Beaver Creek. Afterwards, happy hour all you can drink and buffet at Benderz. There will be no bus this year but working to offer parking passes instead. We are putting a flyer together for fundraising, and opening registration by next week.

Mentor Program. Reported by Scott McDaniel.

We had a get together on the 26th. Trying to plan an event once a month. Have reached out to the AAPL Mentor Director to coordinate a joint meeting. Happy hour was well attended. The DPC mentor program would be a great joint event.

Pres. Armando Trevino adjourned the meeting at 12:52 PM MT

Email vote - approve DAPL computer for events. Option 2 wins with 6 votes = Armando, Gil, Jake Bakker, Janet, and David voted to approve. Option 1 had 2 votes = Thomas and Jake.



Join Coloradans for Responsible Energy Development (CRED).
Share the facts on fracking and protect jobs in Colorado.
Be the first to learn the latest news and be a part of upcoming events.
Sign up to volunteer at CRED.org/volunteer or 800.425.0856



2022-2023 DAPL OFFICERS, DIRECTORS AND STANDING COMMITTEE CHAIRS

President -

Armando Trevino
Crowheart Energy, LLC.....303-219-7086
.....a.trevino@crowheartenergy.com

First Vice President

Gil Guethlein
KXP Resources.....
.....gguethlein@kxpresources.com

Vice President -

Janet Rost
Elk Cove.....303-564-4326
.....rost.janet@gmail.com

Secretary -

Laurie Wizeman
Oxy.....
.....laurie_wizeman@oxy.com

Treasurer -

James Culbertson
Slawson Exploration Company, Inc....720-259-6405
.....jculbertson@slawsoncompanies.com

Director -

David Connolly
Citizen Energy Partners.....
.....dconnolly@citizenep.com

Director -

Jake Bakker
PDC.....jake.bakker@pdce.com

AAPL Director -

Kelly Muldoon
.....pkellymuldoon@yahoo.com

Immediate Past President-

Thomas Porter
Oxy.....720-929-6000
.....thomasf_porter@oxy.com

AAPL Certification -

Kelly Muldoon
.....pkellymuldoon@yahoo.com

Awards-

Gil Guethlein
KXP Resources.....
.....gguethlein@kxpresources.com

Finance & Planning

Laurie Wizeman
Oxy.....
.....laurie_wizeman@oxy.com

DAPL Trustee, The Foundation for Natural Resources and Energy Law

Alex Campbell
Enduring Resources, LLC.....303-350-5107
.....acampbell@enduringresources.com

Legal & Legislative

Estee Sanchez
Beatty & Wozniak, P.C.....303-407-4491
.....esanchez@bwenergylaw.com

Education

Bresee Carlson
Kuiper Law.....bresee.carlson@kuiperlawfirm.com

Crosby Garrison
Oxy.....720-929-4328
.....crosby_garrison@oxy.com

Ethics -

James Hubert
Discovery Land Services.....303-993-3591
.....james@discoveryland.com

Gil Guethlein
KXP Resources.....
.....gguethlein@kxpresources.com

IT/Technology-

Tyler Aylor
Impact Land, LLC.....405-414-0219
.....tyler@impactland.us

John L Hunt Mentoring Program-

Scott McDaniel
.....303-519-0399
.....smcdaniel@discoveryland.com

Hannah Eastwood

Oxy.....720-929-6928
.....hannah_eastwood@oxy.com

Membership -

Janet Rost
Elk Cove.....303-564-4326
.....rost.janet@gmail.com

Scholarships -

Allie Huizenga
BPX Energy Inc.....720-682-0308
.....allie.huizenga@bpx.com

Frances Ivers
.....francesivers@gmail.com

Social Media / Publications -

Crosby Garrison
Oxy.....720-929-4328
.....crosby_garrison@oxy.com

Marketing-

Laurie Wizeman
Oxy.....
.....laurie_wizeman@oxy.com

University Liaison -

Thomas Porter
Oxy.....720-929-6000
.....thomasf_porter@oxy.com

Advocacy

Malinda Morain
Beatty & Wozniak, P.C.....303-407-4477
.....mmorain@bwenergylaw.com

Telbe Storbeck

Oxy.....720-929-6000
.....telbe_storbeck@oxy.com

Rockies Bash

Phil Cortese
TCO Land Services / TCO Compliance.....
.....phil.cortese@tcolandservices.com

Pam Cortese

TCO Land Services.....
.....pcortese@tcolandservices.com

Golf

Teale Stone
Fundare Resources Company, LLC....918-694-3231
.....tstone@fundareresources.com

Ski Day -

Ed Doka
.....eddoka@gmail.com

Networking-

James Culbertson
Slawson Exploration Company, Inc....720-259-6405
.....jculbertson@slawsoncompanies.com

Justin Savage
.....justin.savage@chevron.com

Clay Shoot -

Todd Ritchie
Horizon Resources.....720-505-7828
.....tritchie@horizonresourcesllc.com

Brian Davis
Percheron.....720-237-9186
.....brian.davis@percheronllc.com

Clint Goos
NorthStar Energy.....303-955-1965
.....clint@northstarenergyco.com

Community Service-
Matt Hoppe
Stengel Hoppe LLP.....303-325-2610
.....matt@coloradoenergylaw.com

The Rocky Mountain

L • A • N • D • M • A • N

910 16th Street, Suite 223
Denver, CO 80202