



ARLINGTON, TEXAS

AAPL 2021 ANNUAL MEETING

PROFESSIONAL DEVELOPMENT AND LAND CONFERENCE

New Opportunities:

Maximizing Your Acreage With Solar

Phillip A. Guerra, J.D., CPL
Land Acquisition Manager – East Coast
ForeFront Power



AAPL 2021 **ANNUAL MEETING**

Disclaimer

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Solar 101

Behind-the-meter (BTM) – a system that generates power/electricity that can be used **on-site** without passing through a meter.¹



¹ <https://news.energysage.com/behind-the-meter-overview/>



MODEL S

MODEL 3

MODEL X

MODEL Y

SOLAR ROOF

SOLAR PANELS

SHOP

TESLA ACCO

Solar Roof

Replace your roof and produce clean energy



Beautiful Solar
Without Compromise

3X

Stronger Than
Standard Tiles



Pays For Itself
Over Time

ORDER NOW



Solar 101

Front-of-the-meter (FTM) – a system that generates power/electricity to any location **off-site** that must pass through the meter before reaching the end-user.⁴



⁴ <https://news.energysage.com/behind-the-meter-overview/>





Solar 101

- Two types of projects – **BTM and FTM.**
- Solar panels produce **direct current (DC).**⁷
- Your home uses **alternating current (AC).**⁸
- The electrical grid is typically **AC.**
- One megawatt (AC) is roughly **5 to 8 acres.**



⁷⁻⁸ <https://news.energysage.com/behind-the-meter-overview/>

Solar 101

- If a solar developer approaches your company (e.g., o/g leasehold owner), the project is ***likely*** going to be an FTM project.
- ***Estimated*** acreage required – 10 to 1,000+



Land criteria in solar



Land criteria in solar

- Why has our company been approached?



Land criteria in solar

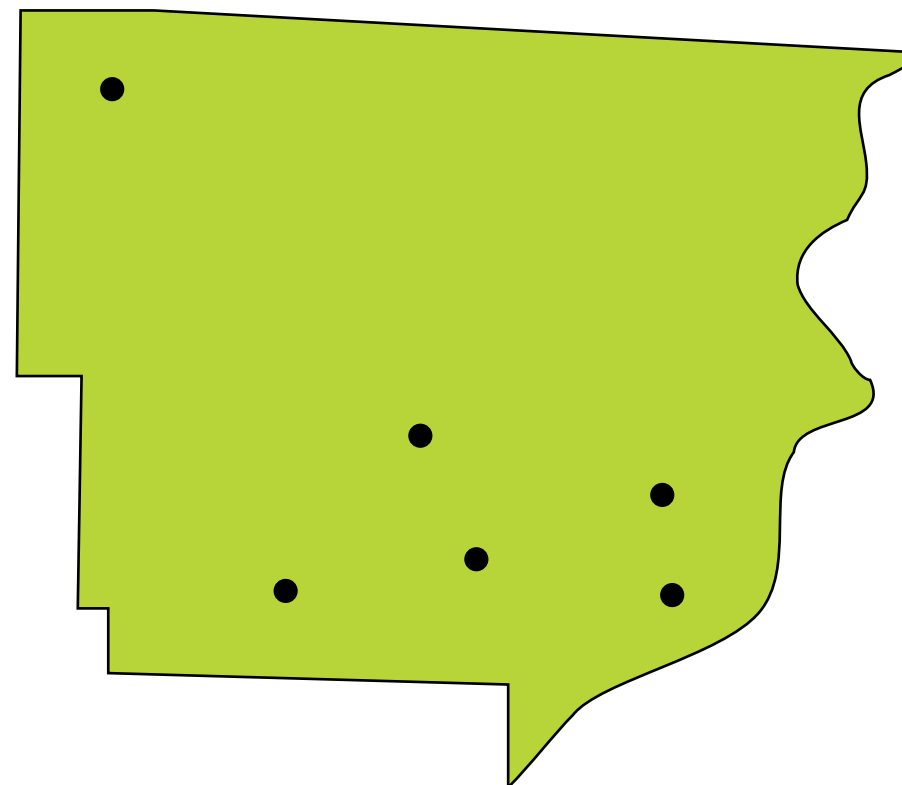
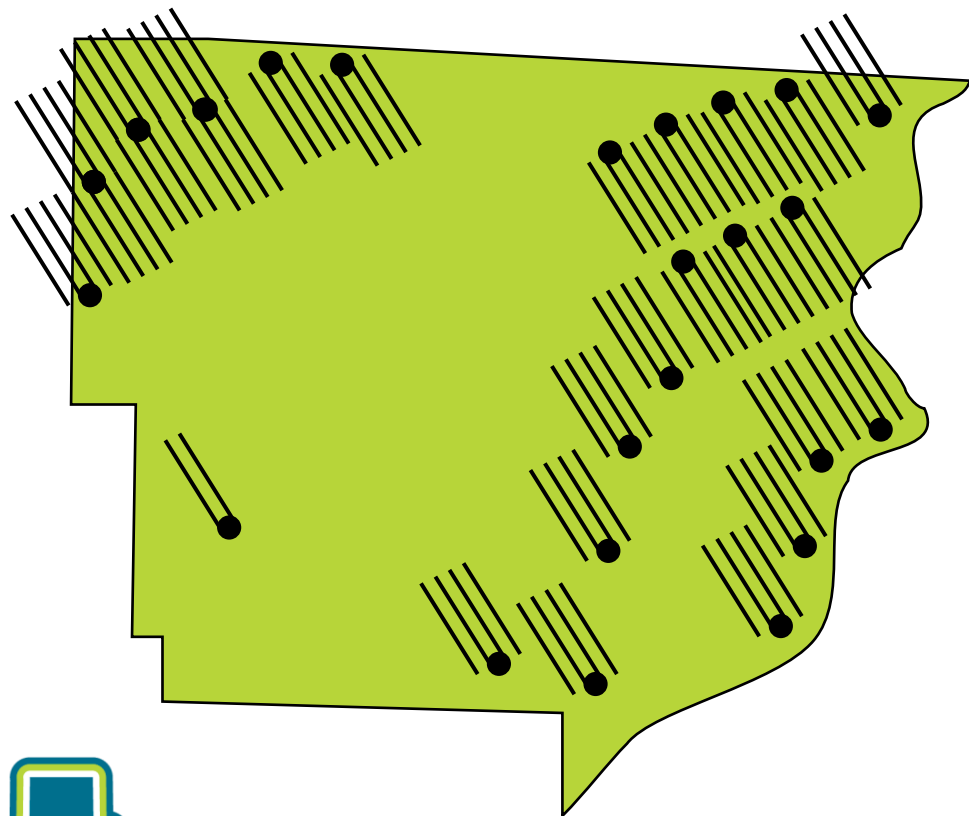
- Why has our company been approached?
- Is our leasehold suitable for solar?



O&G

vs.

SOLAR



⁹ <http://geospatial.ohiodnr.gov/interactive-maps>

¹⁰ <https://www.monroecountyohio.com/government>

Your acreage



Belamater Rd

Eden Evans Center Rd

© 2021 Google

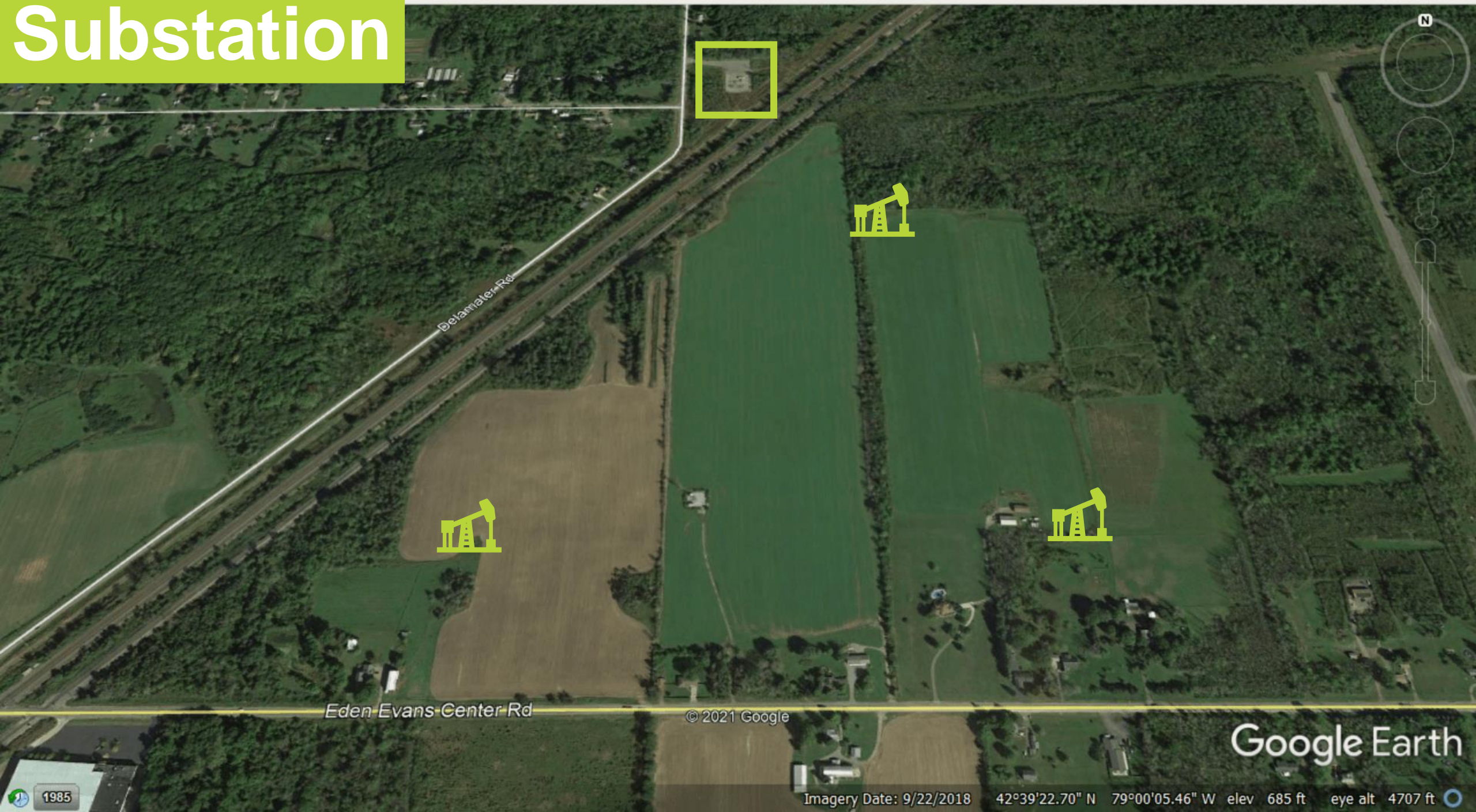
Google Earth

Imagery Date: 9/22/2018

42°39'22.70" N 79°00'05.46" W elev 685 ft eye alt 4707 ft

1985

Substation



Belamater Rd

Eden Evans Center Rd

© 2021 Google

Google Earth

1985

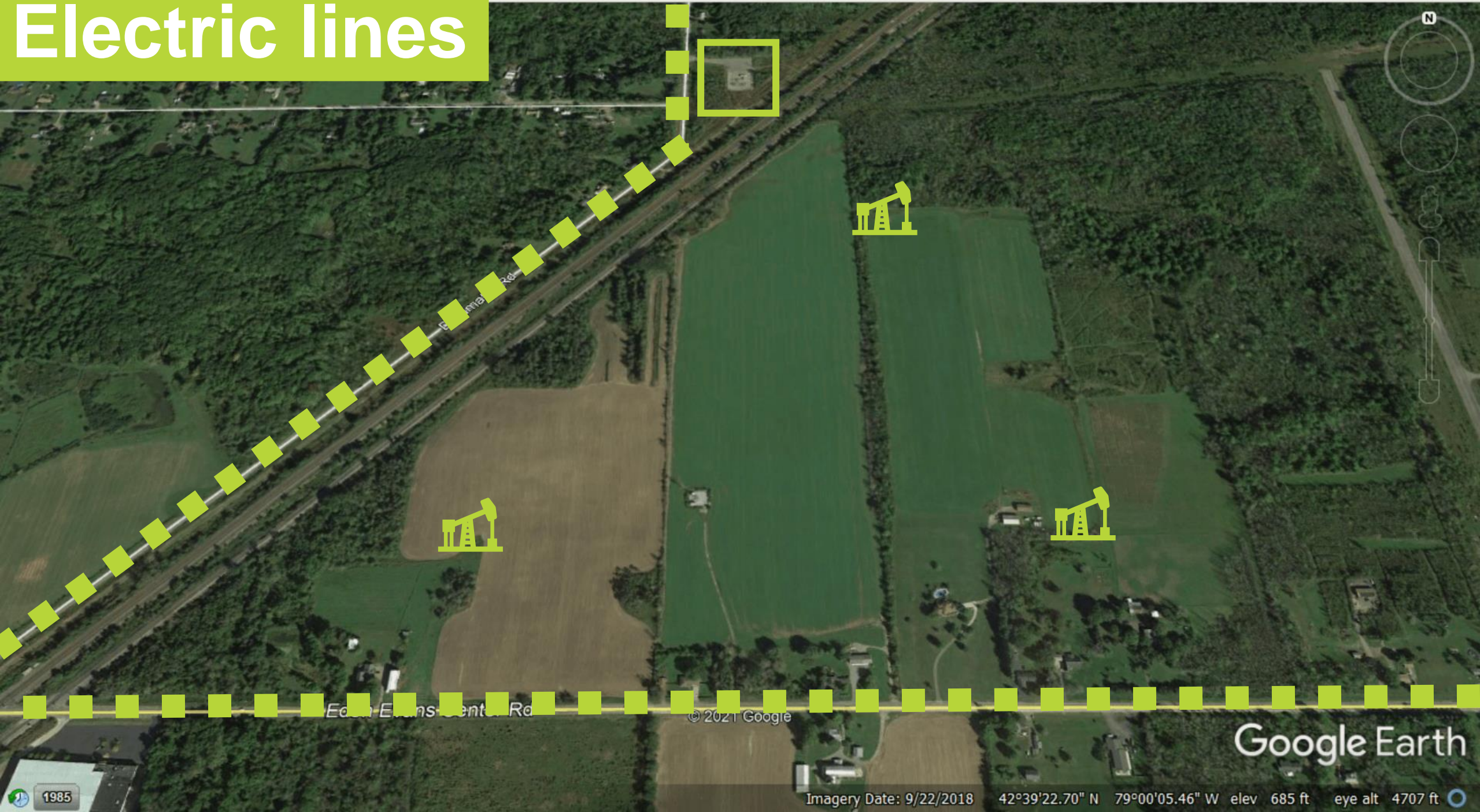
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Substation



Electric lines



Google Earth

Imagery Date: 9/22/2018 42°39'22.70" N 79°00'05.46" W elev 685 ft eye alt 4707 ft

1985

Electric lines

8485 Delamater Rd



Exit Street View



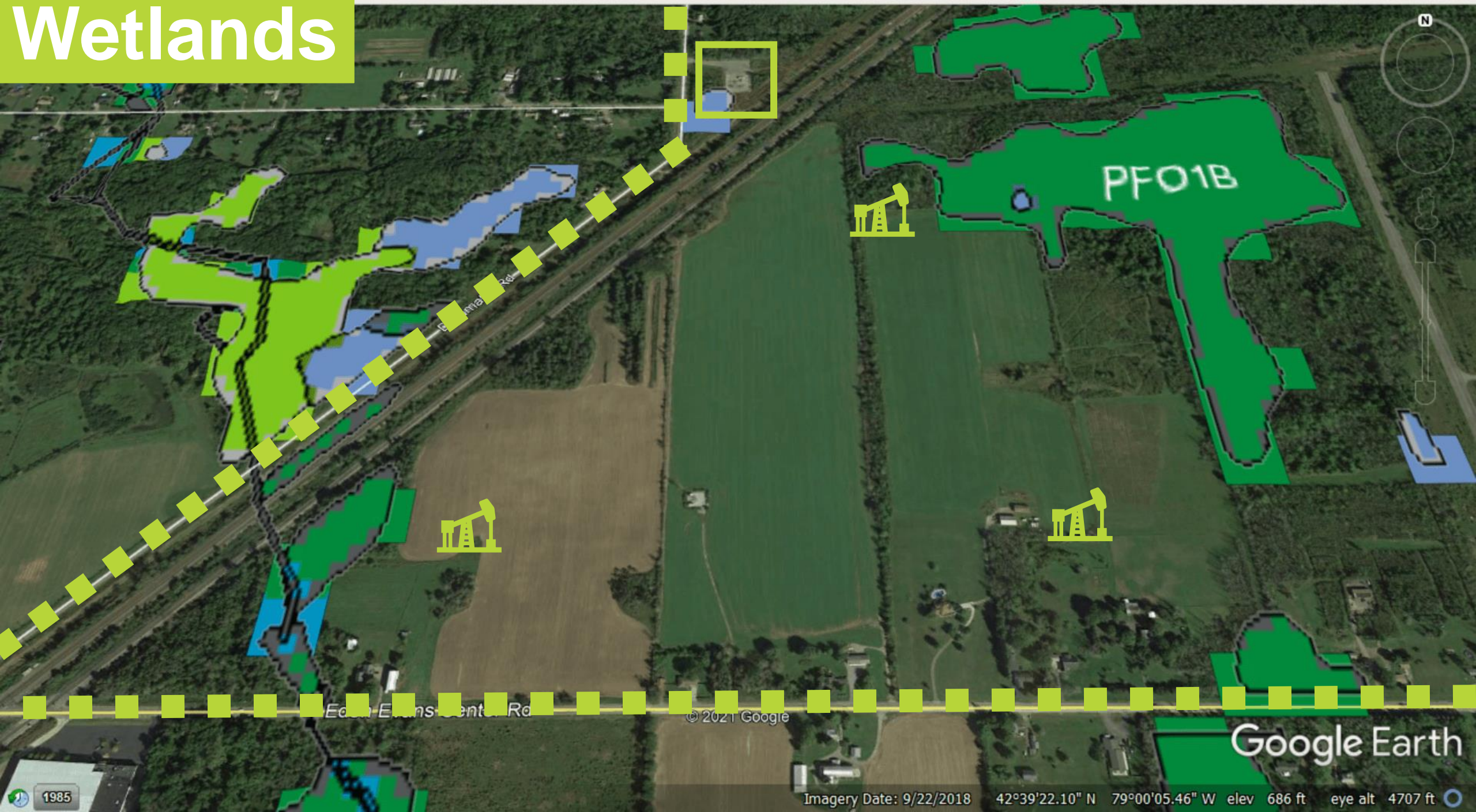
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Google Earth

[Report a problem](#)

Imagery Date: 10/2013 42°39'10.93" N 79°00'36.19" W elev 753 ft eye alt 678 ft

Wetlands



Google Earth

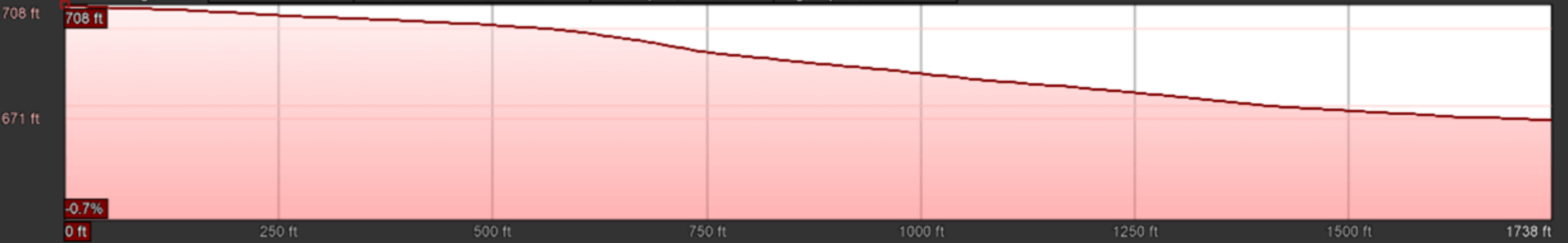
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Topography

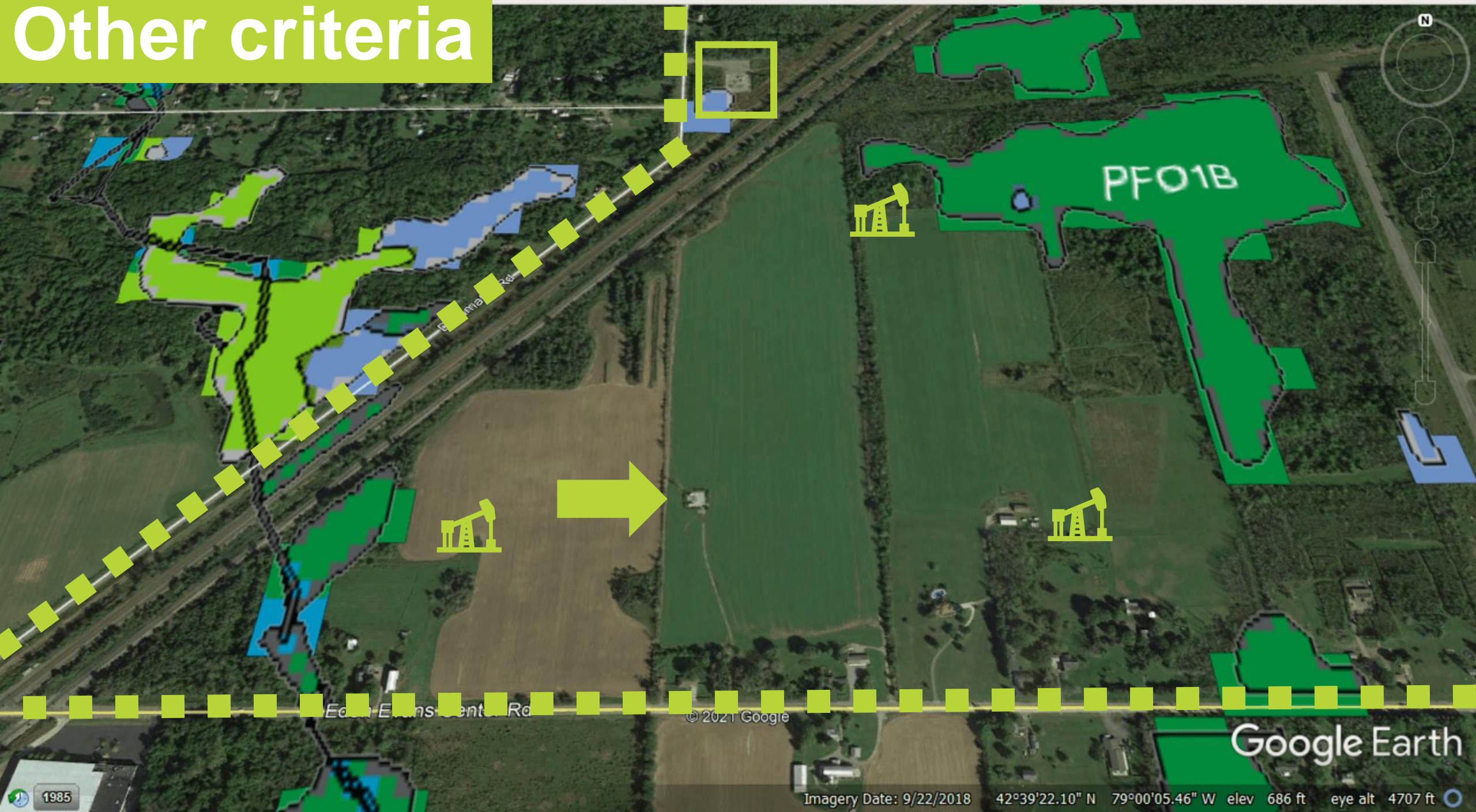


Graph: Min, Avg, Max Elevation: 671, 690, 708 ft

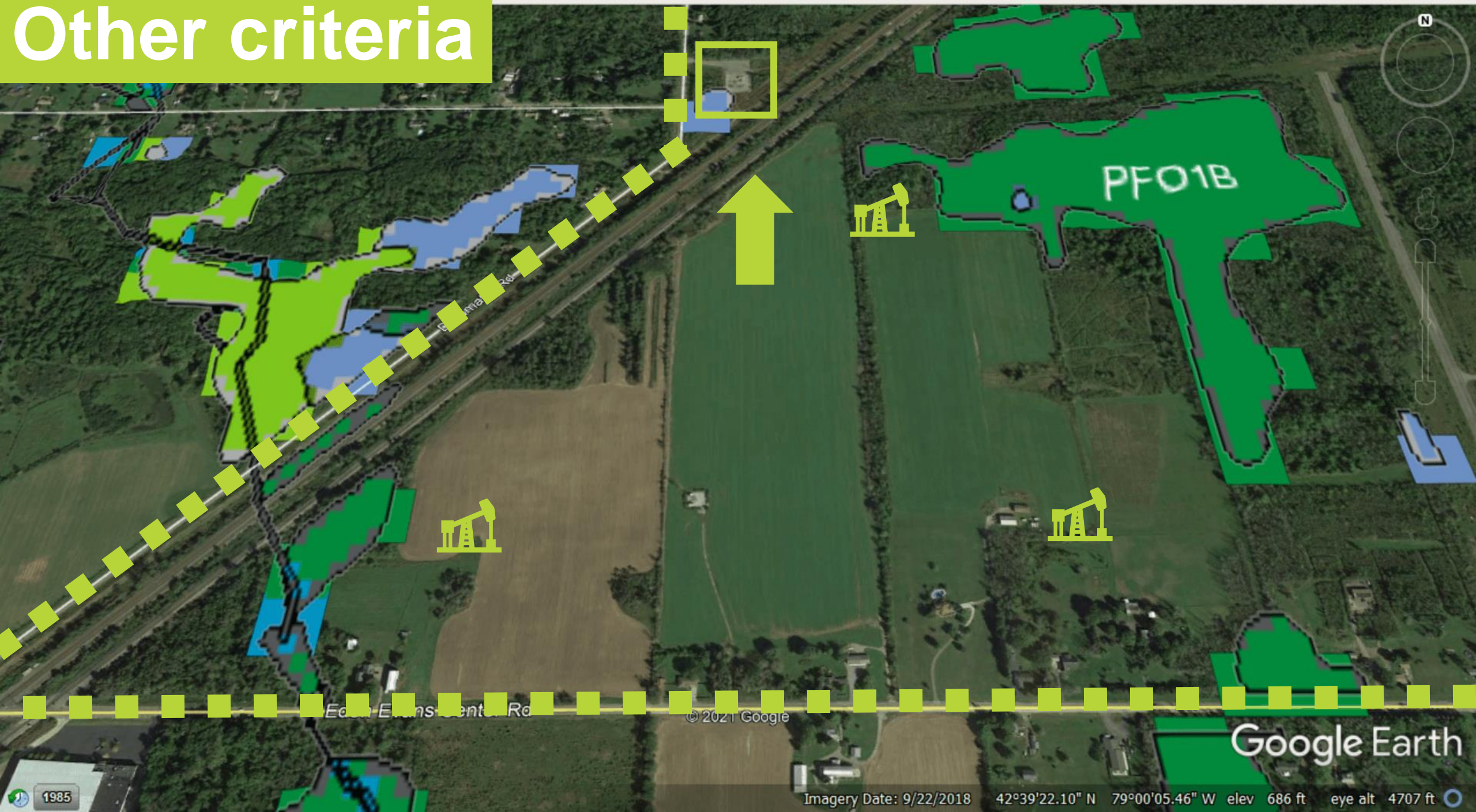
Range Totals: Distance: 1738 ft Elev Gain/Loss: 0 ft, -37.2 ft Max Slope: -, -5.5% Avg Slope: -, -2.1%



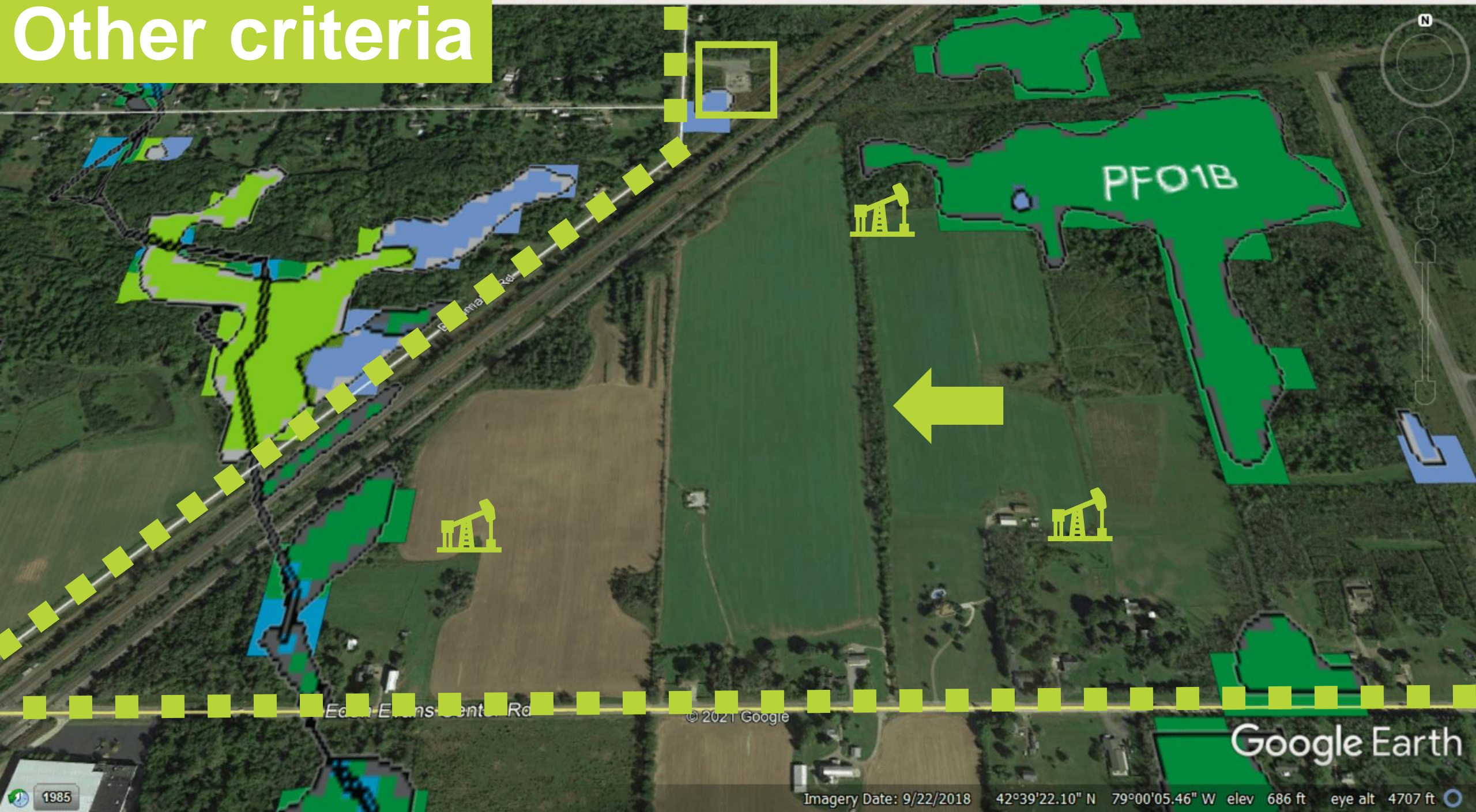
Other criteria



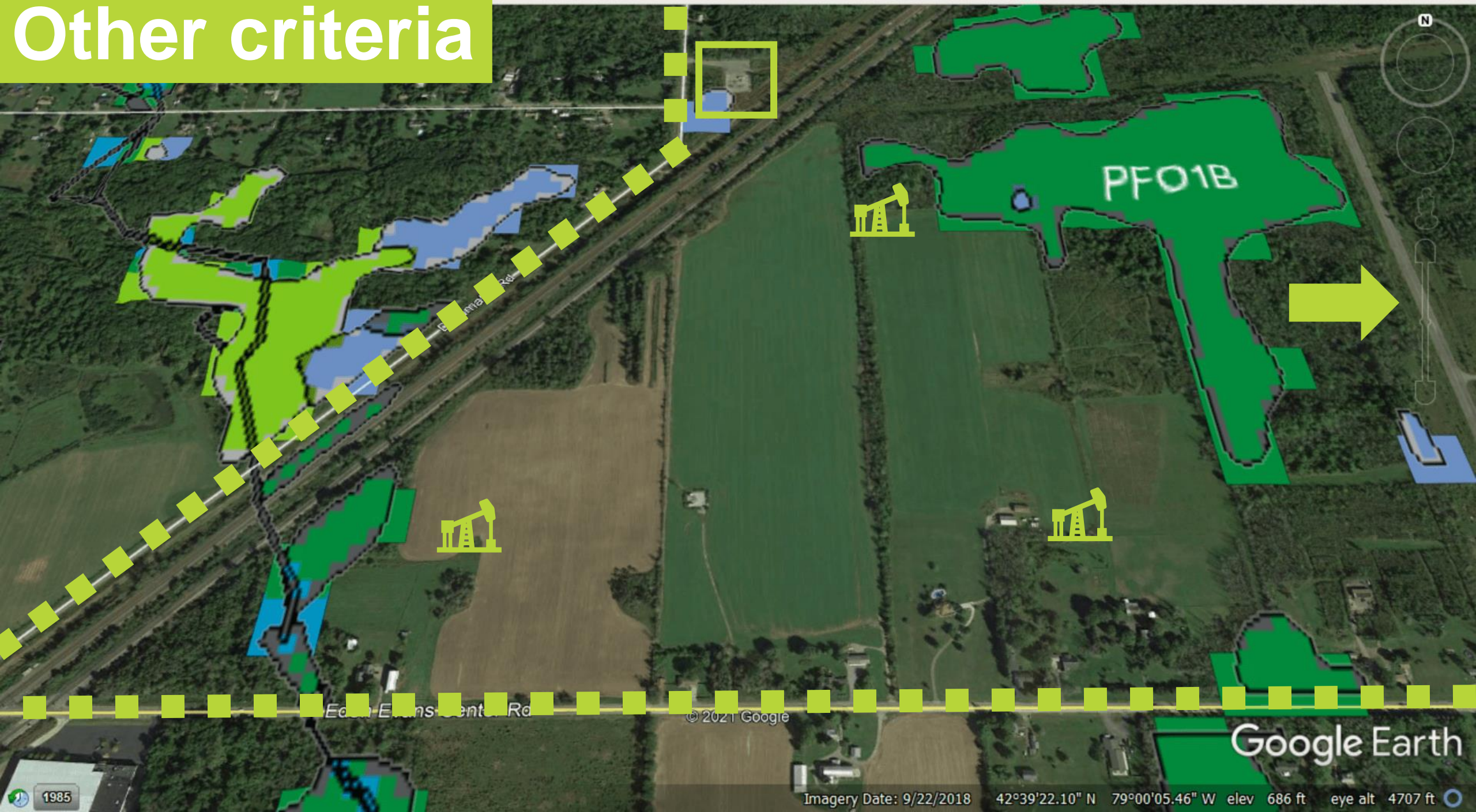
Other criteria



Other criteria



Other criteria



Be Aware: Design/Engineering



Be Aware: Design/Engineering

- Either your acreage is *drilled* or *undrilled*.



Be Aware: Design/Engineering

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- Is this the best design or layout?



Be Aware: Design/Engineering

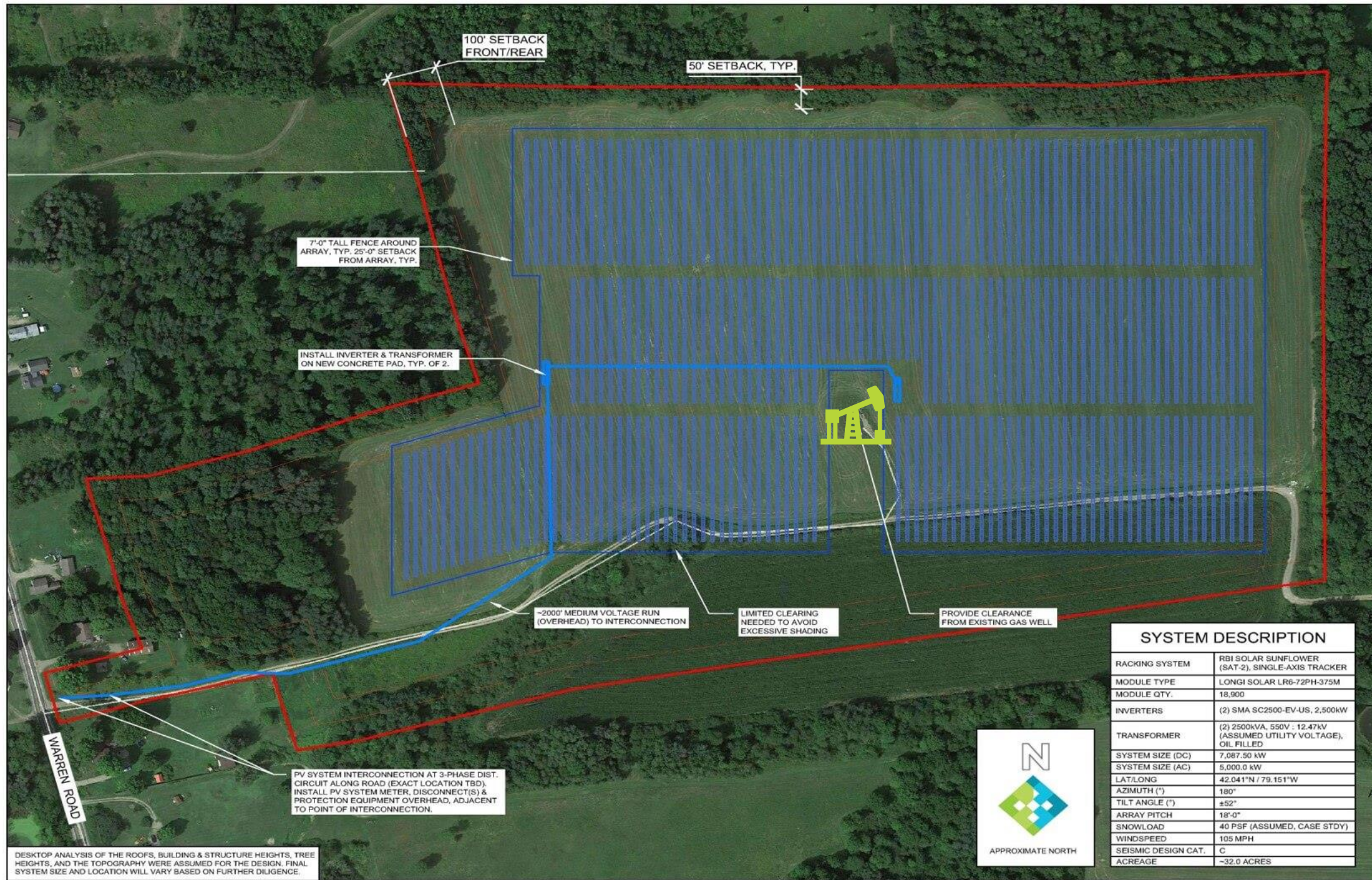
- Either your acreage is *drilled* or *undrilled*.
- Is this the best design or layout?
- How close is this to our surface operations?



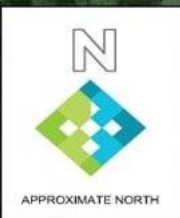
Be Aware: Design/Engineering

- Either your acreage is *drilled* or *undrilled*.
- Is this the best design or layout?
- How close is this to our surface operations?
- Do we have plans in the future for this area?
 - If so, can the solar company accommodate?






DESKTOP ANALYSIS OF THE ROOFS, BUILDING & STRUCTURE HEIGHTS, TREE HEIGHTS, AND THE TOPOGRAPHY WERE ASSUMED FOR THE DESIGN. FINAL SYSTEM SIZE AND LOCATION WILL VARY BASED ON FURTHER DILIGENCE.



SYSTEM DESCRIPTION	
RACKING SYSTEM	RBI SOLAR SUNFLOWER (SAT-2), SINGLE-AXIS TRACKER
MODULE TYPE	LONGI SOLAR LR6-72PH-375M
MODULE QTY.	18,900
INVERTERS	(2) SMA SC2500-EV-US, 2,500kW
TRANSFORMER	(2) 2500kVA, 550V : 12.47kV (ASSUMED UTILITY VOLTAGE), OIL FILLED
SYSTEM SIZE (DC)	7,087.50 kW
SYSTEM SIZE (AC)	5,000.0 kW
LAT/LONG	42.041°N / 79.151°W
AZIMUTH (°)	180°
TILT ANGLE (°)	±52°
ARRAY PITCH	18'-0"
SNOWLOAD	40 PSF (ASSUMED, CASE STDY)
WINDSPEED	105 MPH
SEISMIC DESIGN CAT.	C
ACREAGE	~32.0 ACRES



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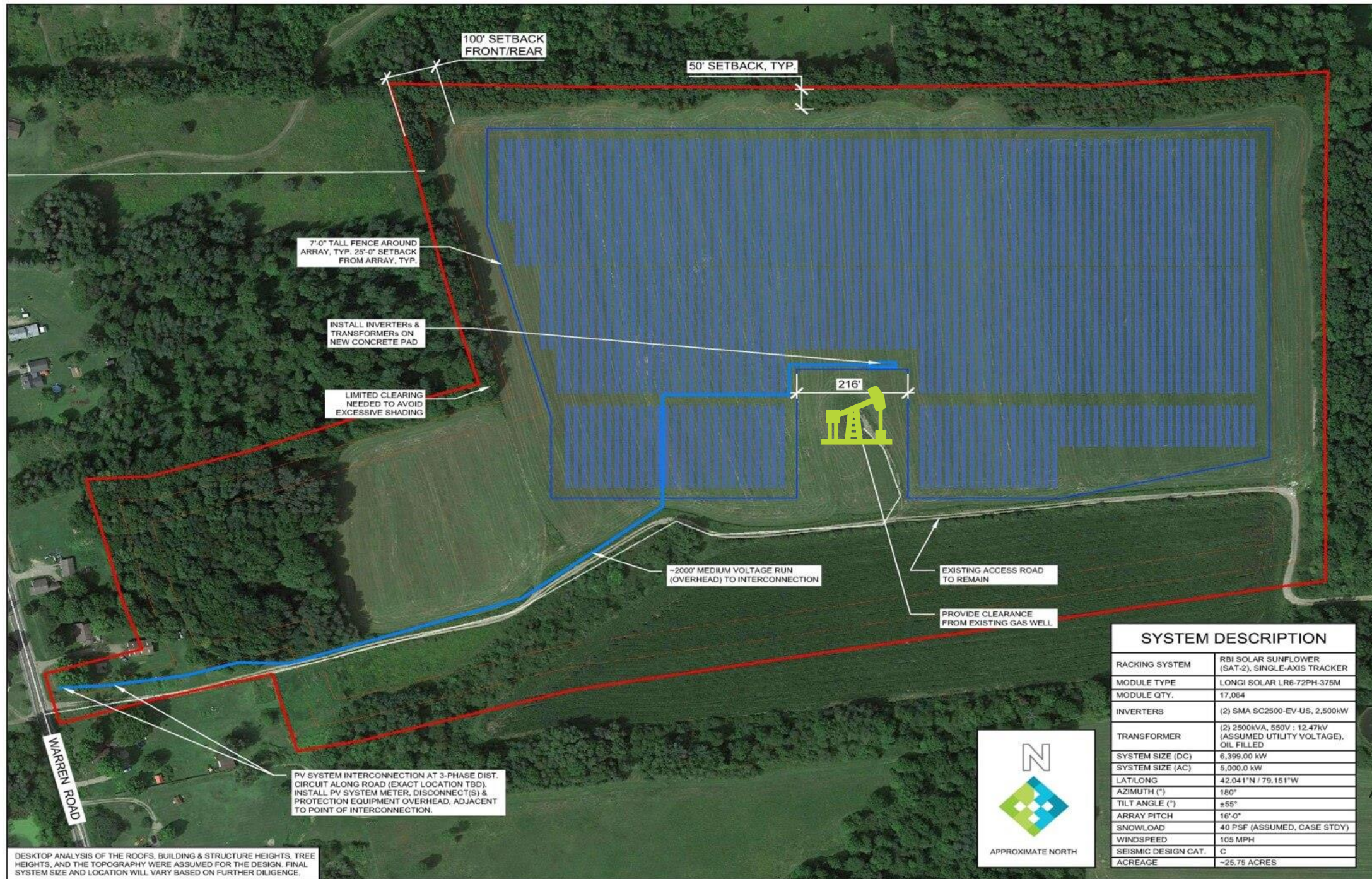
DATE: 07.31.19
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ENGINEER: DRM
APPROVED BY: SS

PROJECT PHASE:
PRELIMINARY

SCALE:
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SHEET NO.:

E-111



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2	LAYOUT/SYS SIZE	08.26.20	DRM

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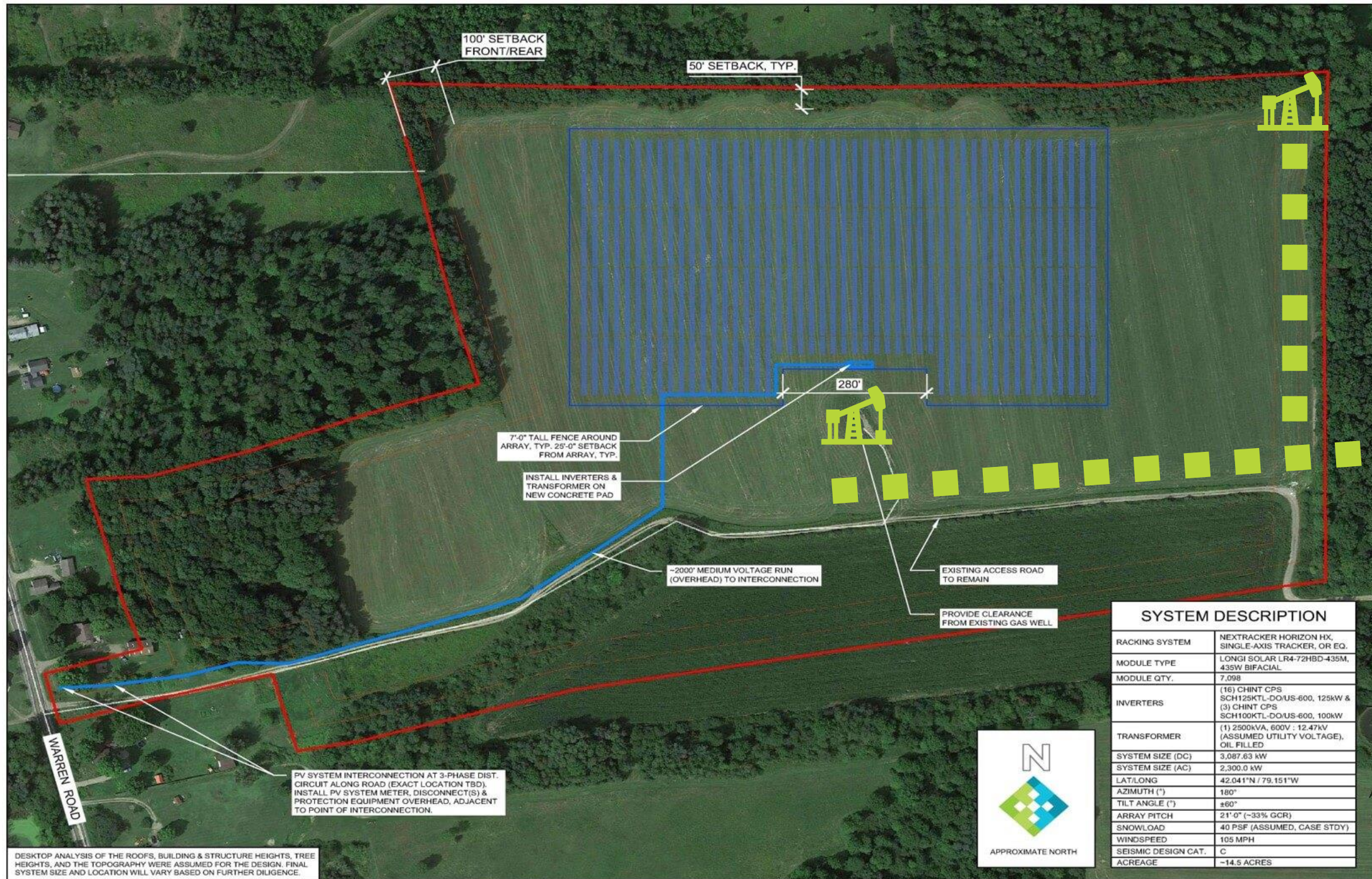
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LAT/LONG	42.041°N / 79.151°W
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ARRAY PITCH	16'-0"
SNOWLOAD	40 PSF (ASSUMED, CASE STDY)
WINDSPEED	105 MPH
SEISMIC DESIGN CAT.	C
ACREAGE	~25.75 ACRES



APPROXIMATE NORTH



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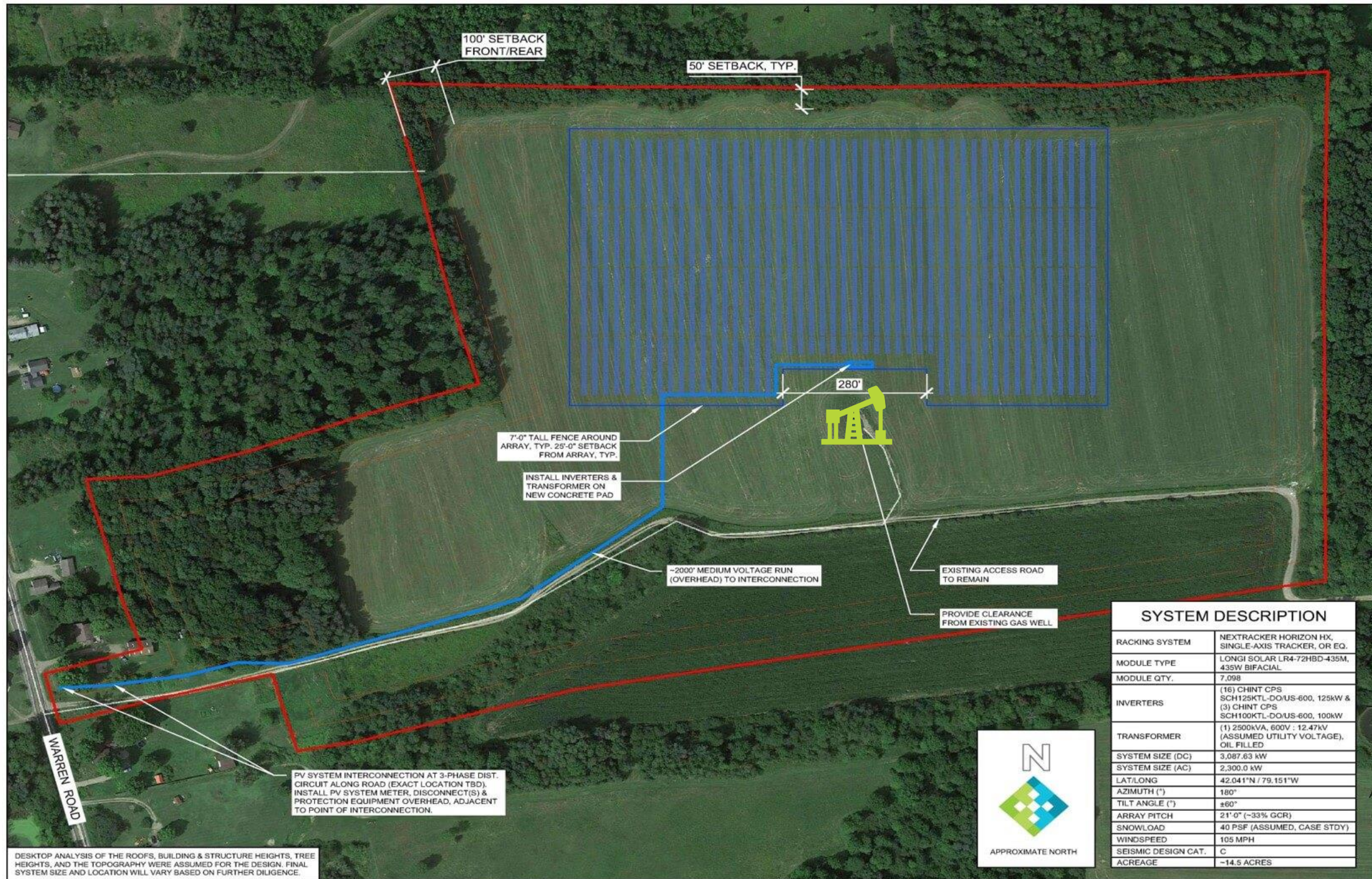
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SYSTEM DESCRIPTION

RACKING SYSTEM	NEXTRACKER HORIZON HX, SINGLE-AXIS TRACKER, OR EQ.
MODULE TYPE	LONGI SOLAR LR4-72HBD-435M, 435W BIFACIAL
MODULE QTY.	7,098
INVERTERS	(16) CHINT CPS SCH125KTL-DO/US-600, 125kW & (3) CHINT CPS SCH100KTL-DO/US-600, 100kW
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APPROXIMATE NORTH

Be Aware: Future Surface Use



Be Aware: Future Surface Use

- Do we need all or part of this area for future surface operations (e.g., pad site, pipeline)?



Be Aware: Future Surface Use

- Do we need all or part of this area for future surface operations (e.g., pad site, pipeline)?
- Is there a well already on the property?
 - If so, do we plan on reworking or plugging the well during the term of the solar lease?



Be Aware: Title Issues



Be Aware: Title Issues

- Was our lease properly executed?



Be Aware: Title Issues

- Was our lease properly executed?
- Is our lease recorded with the county?



Be Aware: Title Issues

- Was our lease properly executed?
- Is our lease recorded with the county?
- Do we have lease priority?



Be Aware: Title Issues

- Was our lease properly executed?
- Is our lease recorded with the county?
- Do we have lease priority?
- Can the solar lease take priority?



Be Aware: Title Issues

- Do we own the minerals?



Be Aware: Title Issues

- Do we own the minerals?
- Can a solar developer force pool or involuntarily unitize mineral estate owners?



Be Aware: Title Issues

- What about the Accommodation Doctrine?



Be Aware: Title Issues

- What about the Accommodation Doctrine?
 - Dominant estate is ***not absolute***; does not apply “until minerals owners actually seek to develop their minerals.”¹¹



¹¹ Lyle v. Midway Solar, LLC, No. 08-19-00216-CV, 2020 Tex. App. LEXIS 10385 (Tex. App. – El Paso Dec. 30, 2020) at [*2].

Be Aware: Title Issues

- What about the Accommodation Doctrine?
 - Dominant estate is ***not absolute***; does not apply “until minerals owners actually seek to develop their minerals.”¹¹
 - Wind project footprint vs. solar project footprint

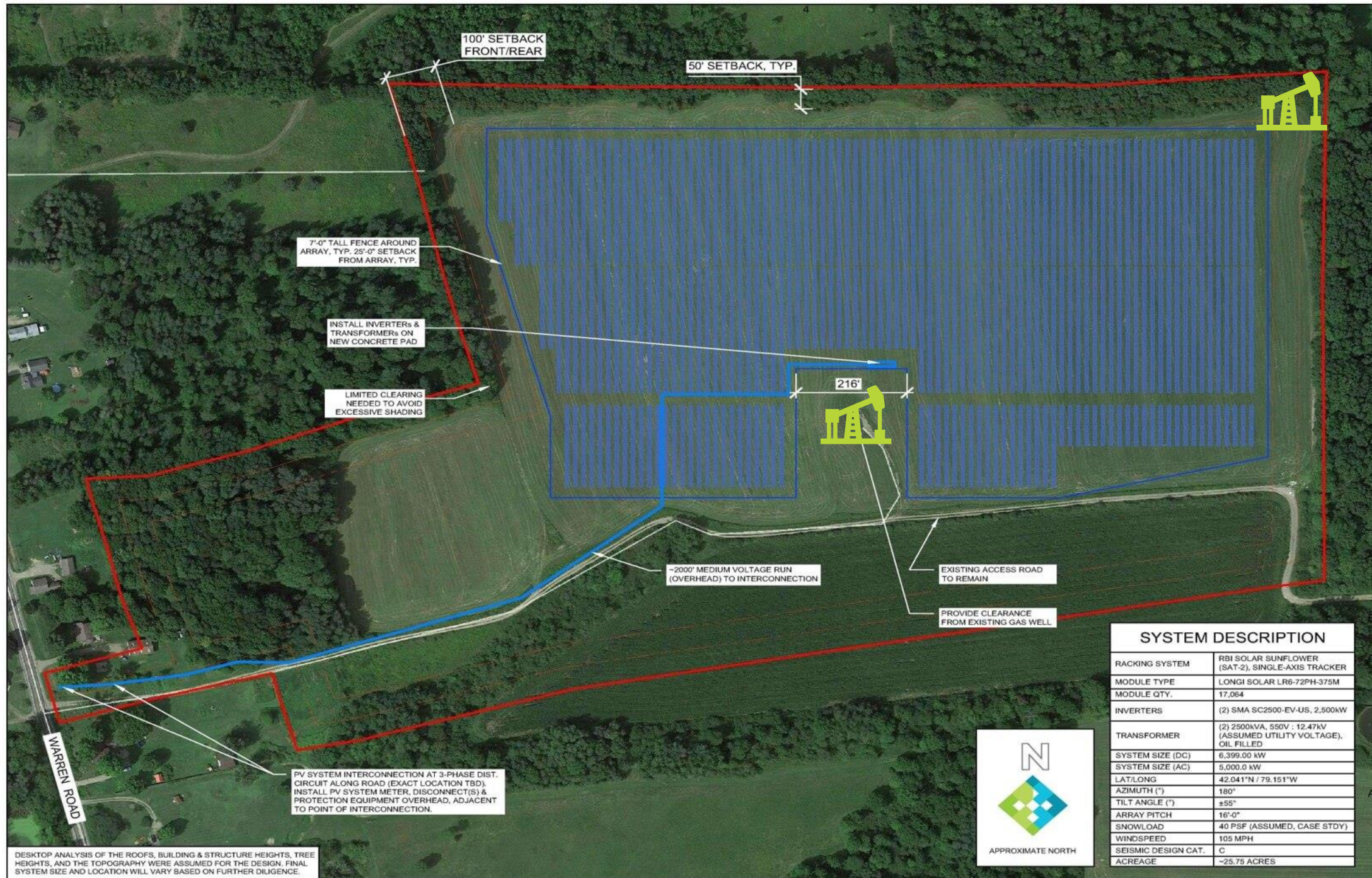


¹¹ Lyle v. Midway Solar, LLC, No. 08-19-00216-CV, 2020 Tex. App. LEXIS 10385 (Tex. App. – El Paso Dec. 30, 2020) at [*2].

Be Aware: Title Issues

- Ask the solar developer to leave surface acreage “open” for your ***future exploration and surface operations***





7'-0" TALL FENCE AROUND
ARRAY, TYP. 25'-0" SETBACK
FROM ARRAY, TYP.

INSTALL INVERTERS &
TRANSFORMERS ON
NEW CONCRETE PAD

LIMITED CLEARING
NEEDED TO AVOID
EXCESSIVE SHADING

50' SETBACK, TYP.

100' SETBACK
FRONT/REAR

216'

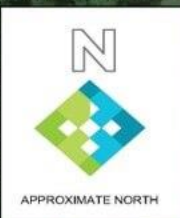
~2000' MEDIUM VOLTAGE RUN
(OVERHEAD) TO INTERCONNECTION

EXISTING ACCESS ROAD
TO REMAIN

PROVIDE CLEARANCE
FROM EXISTING GAS WELL

PV SYSTEM INTERCONNECTION AT 3-PHASE DIST.
CIRCUIT ALONG ROAD (EXACT LOCATION TBD).
INSTALL PV SYSTEM METER, DISCONNECT(S) &
PROTECTION EQUIPMENT OVERHEAD, ADJACENT
TO POINT OF INTERCONNECTION.

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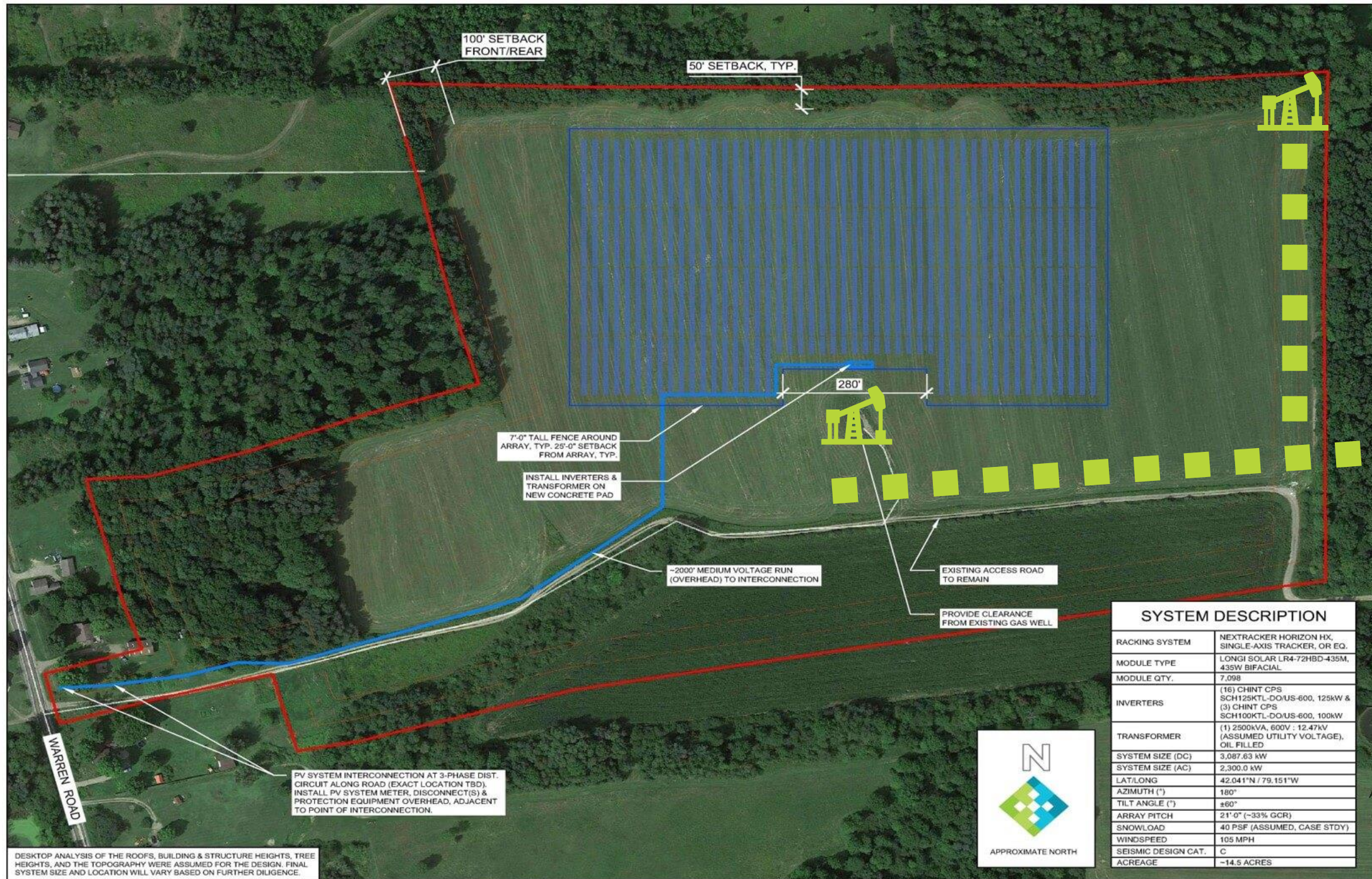
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PROJECT PHASE: PRELIMINARY

SCALE: NO SCALE

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APPROXIMATE NORTH

Be Aware: Access



Be Aware: Access

- Where is access to the solar site going?



Be Aware: Access

- Where is access to the solar site going?
- Does the developer need to cross over any of our existing easements?



Be Aware: Access

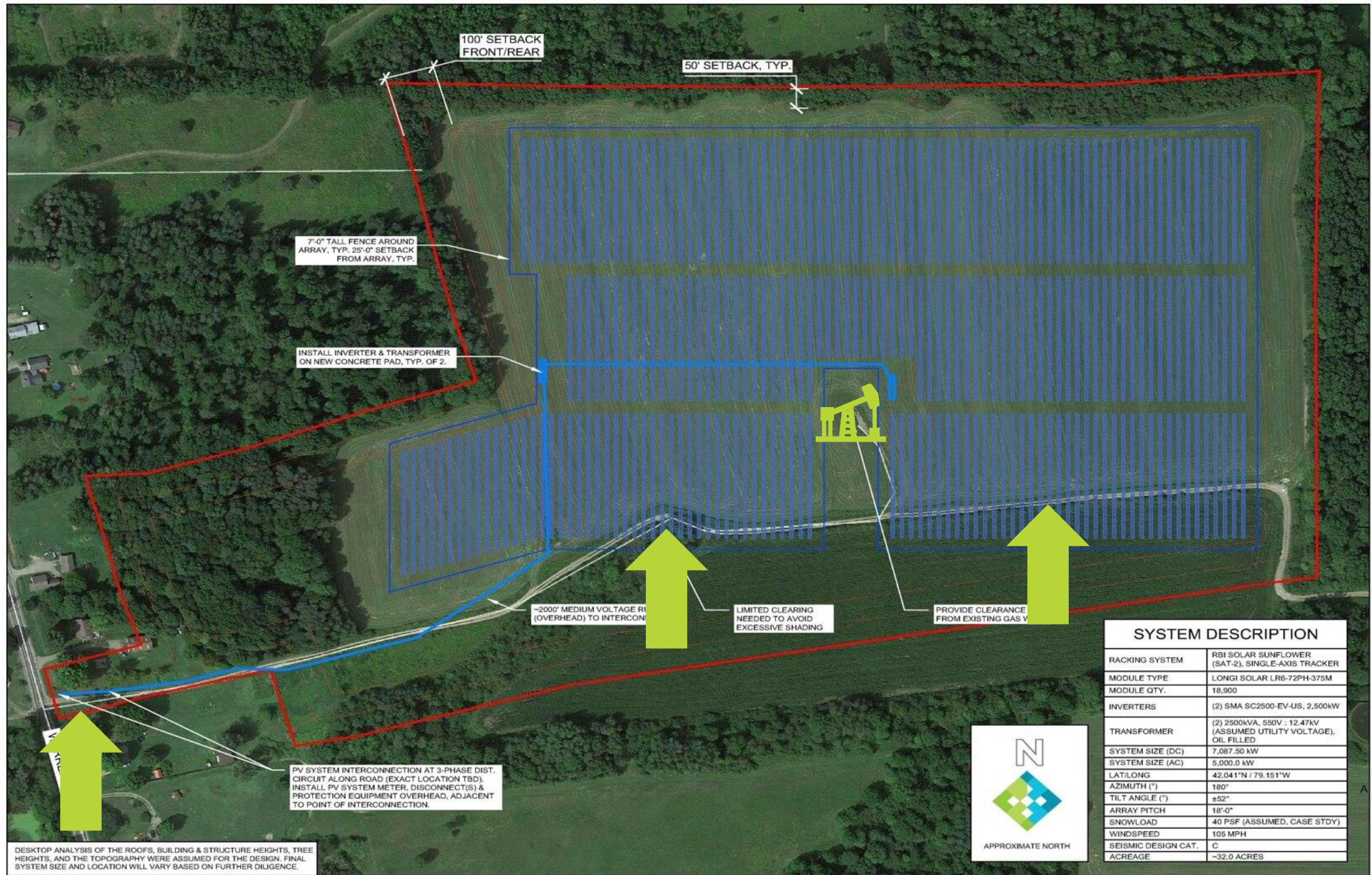
- Where is access to the solar site going?
- Does the developer need to cross over any of our existing easements?
- Can both parties share an access road?



Be Aware: Access

- Where is their perimeter fence going?





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11" X 17"

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NO.	REVISION	DATE	INIT.

DATE: 07.31.19

DRAWN BY: DRM

ENGINEER: DRM

APPROVED BY: SS

PROJECT PHASE:

PRELIMINARY

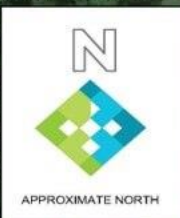
SCALE: NO SCALE

SHEET NO.:

E-111

SYSTEM DESCRIPTION

RACKING SYSTEM	RBI SOLAR SUNFLOWER (SAT-2), SINGLE-AXIS TRACKER
MODULE TYPE	LONGI SOLAR LR6-72PH-375M
MODULE QTY.	18,900
INVERTERS	(2) SMA SC2500-EV-US, 2,500kW
TRANSFORMER	(2) 2500kVA, 550V : 12.47kV (ASSUMED UTILITY VOLTAGE), OIL FILLED
SYSTEM SIZE (DC)	7,087.50 kW
SYSTEM SIZE (AC)	5,000.0 kW
LAT/LONG	42.041°N / 79.151°W
AZIMUTH (°)	180°
TILT ANGLE (°)	±52°
ARRAY PITCH	18'-0"
SNOWLOAD	40 PSF (ASSUMED, CASE STDY)
WINDSPEED	105 MPH
SEISMIC DESIGN CAT.	C
ACREAGE	~32.0 ACRES



APPROXIMATE NORTH



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SAN FRANCISCO, CA 94104
(855) 204-5083
www.ForeFrontPower.com

STAMP:

NOT FOR
CONSTRUCTION

PROJECT NUMBER	
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SHEET TITLE

SHEET SIZE	ANSI "B" 11" X 17"
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NO.	REVISION	DATE	INIT.
1	LAYOUT/SYS SIZE	06.16.20	DRM
2	LAYOUT/SYS SIZE	08.26.20	DRM
3	MOD/INV/SYS SIZE	10.06.20	DRM
4	SYS SIZE/PITCH	02.10.21	DRM

DATE: 07.31.19

DRAWN BY:	DRM
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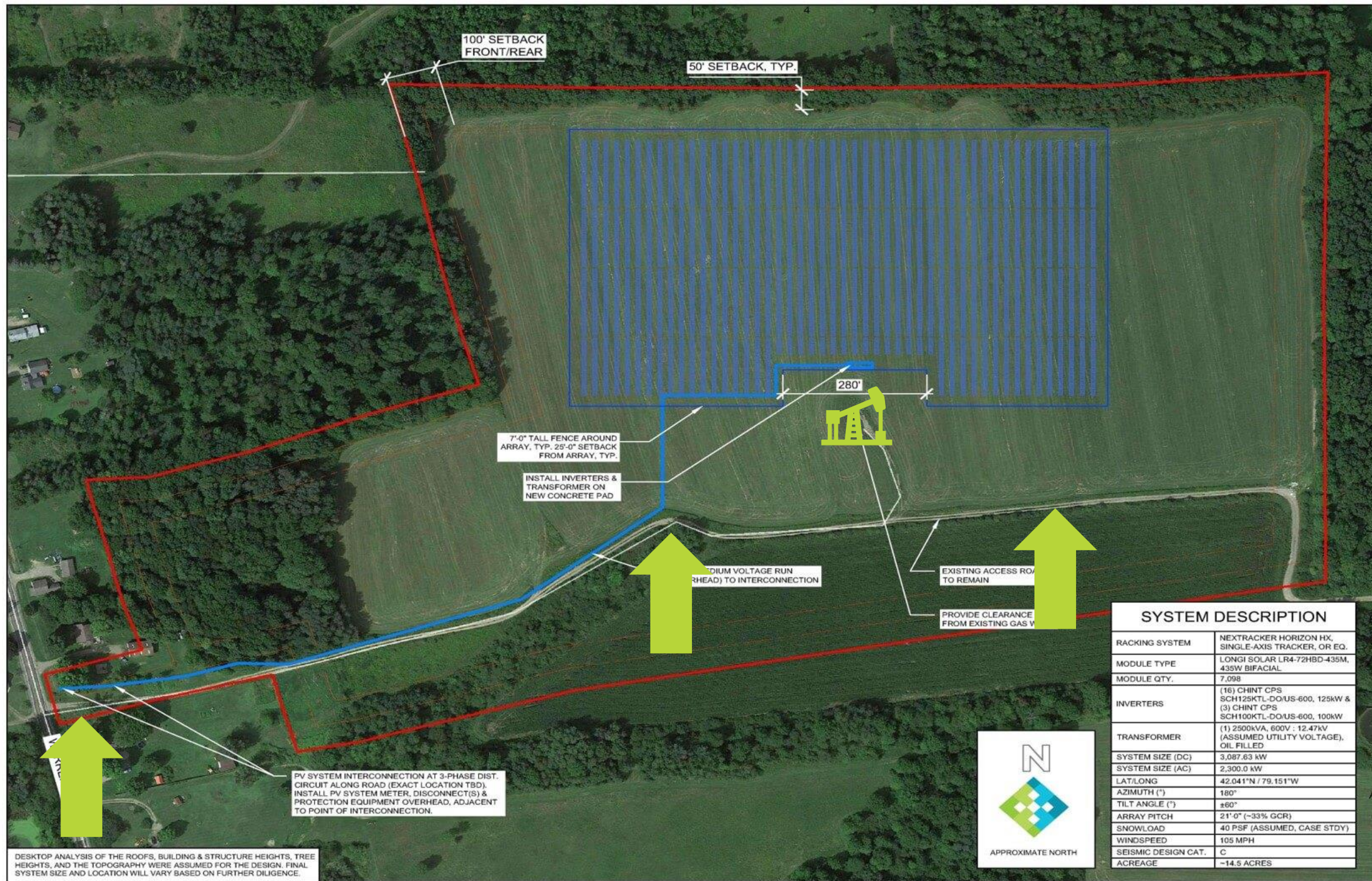
ENGINEER:	DRM
APPROVED BY:	ES

PROJECT PHASE:	PRELIMINARY
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SCALE:

SHEET NO.:

E-111



Be Aware: Permitting/Construction



Be Aware: Permitting/Construction

- Should we attend the public hearings?



Be Aware: Permitting/Construction

- Should we attend the public hearings?
- How long does construction take?



Be Aware: Permitting/Construction

- What if the solar developer ***has not*** approached our company, but they are trying to obtain their building permits from the local governing body?



Be Aware: Permitting/Construction

- What if the solar developer ***has not*** approached our company, but they are trying to obtain their building permits from the local governing body?
 - Should we intervene? If so, how?



Be Aware: Decommissioning

- Is there a decommissioning agreement?
 - If so, is there a bond requirement?



Be Aware: Decommissioning

- Is there a decommissioning agreement?
 - If so, is there a bond requirement?
- What does our acreage look like once the solar lease expires?



What are your options?



What are your options?

- Decline to participate



What are your options?

- Decline to participate
- Agreement with the solar developer; earn a price per acre
 - E.g., mutual use surface agreement



What are your options?

- Decline to participate
- Agreement with the solar developer;
earn a price per acre
 - E.g., mutual use surface agreement
- Agreement + co-finance project



Other factors to consider

- What about a solar JOA?



Other factors to consider

- What about a solar JOA?
- Where are the courts today?
 - It is early; case law is still developing across different markets; talk to your legal team.



Other factors to consider

- Does our company have broader clean energy or renewable electricity goals?



Other factors to consider

- Does our company have broader clean energy or renewable electricity goals?
 - If so, would a project like this help us reach that goal?



Other factors to consider

- Does our company have broader clean energy or renewable electricity goals?
 - If so, would a project like this help us reach that goal?
- Would there be positive PR for the company?



Questions?

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ARLINGTON, TEXAS

AAPL 2021 ANNUAL MEETING

PROFESSIONAL DEVELOPMENT AND LAND CONFERENCE