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The Energy & Mineral Law Foundation

Providing Educational Programming Focused on Renewables in Appalachia



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EMLF

Anna Girard Fletcher is the Executive Director of the Energy and Mineral Law Foundation (EMLF). Previously, she was an attorney with the Commonwealth of Kentucky Energy and Environment Cabinet, practicing environmental protection and natural resources law. Fletcher is a former national Chair of the Conference of Government Mining Attorneys and former editor of the Kentucky Journal of Equine, Agriculture and Natural Resources Law. She is currently the Editor-in-Chief of the Energy and Mineral Law Institute, the flagship publication of the EMLF.

In 1999, when the Eastern Mineral Law Foundation found itself facing uncertainty about its future in a changing energy world, the Board of Trustees made the bold decision to change the name of the organization to the Energy & Mineral Law Foundation (EMLF). The Foundation President at the time, Gregory B. Robertson, wrote that it was a decision driven by “recognizing the need to recommit to our core industries while acknowledging the necessity of expanding our horizons for the future” and broadening the mission to “embrace the increasingly diverse legal and practical issues facing the utility as well as the natural resources industries.”^[1]

Just over 20 years later, EMLF’s corporate members’ businesses are diversifying more than ever, and so too are the practices of the law firm members, as they seek to assist their clients with an everchanging landscape of legal issues. EMLF is growing along with its members, and expanding its programming to include legal, practical and technical issues



facing renewable energy companies and projects, while maintaining its nationally recognized programming covering traditional methods of energy production.

Expanding EMLF’s educational programming not only furthers its mission of fostering comprehensive education on natural resources and energy use laws and regulations, but the growth to EMLF’s educational model was also spelled out in the Foundation’s current strategic plan, adopted by the Board of Trustees in 2019. Two of the goals set by the plan are (1) better understanding the needs of EMLF stakeholders and (2) providing education that is both accessible and relevant. The chief focus of accessibility has been to increase the use of technology to deliver educational programming (a process no doubt accelerated greatly by the restrictions of the COVID-19 pandemic). Relevancy requires building on the solid foundation of over 40 years of excellence while both expanding to meet the educational needs of the energy industry and providing opportunities for our members to showcase their thought leadership.

One of the significant action items that arose from these goals was to create an Alternative Energy Task Force to focus on continuing to develop programming for our standing Institutes, as well as creating Special Institutes focused on renewable energy topics. While EMLF has always used a team

^[1] 20 *Energy & Min. L. Inst. Preface* (2000)



In addition to Special Institutes, the task force continues to implement alternative energy programming into EMLF's flagship institutes. In June, the 42nd Annual Institute featured presentations on the potential for hydrogen power and the impact of mineral issues on solar leasing. The Fall Symposium in October featured a discussion of how oil and gas practice experiences can translate to a renewable market.

EMLF members are also contributing white papers to the scholarship on alternative energy source legal issues, and the upcoming Energy & Mineral Law Institute volume will feature chapters on solar regulation and

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approach to develop multidisciplinary programming, forming a task force dedicated to just this sector alone allows for putting maximum effort into understanding the educational needs of its constituents in this area, as well as the expertise of its members. The all-volunteer team, spearheaded by former EMLF President Tim Hagerty, represents a generational and geographical spectrum of EMLF's membership, as well as a wide variety of expertise, including environmental, real estate, government relations, finance and more.

EMLF held its first Special Institute on Solar Power in January of 2021. Due to the COVID-19 pandemic, it was held virtually over the course of a week and began with a plenary session, featuring an overview of the legal issues affecting the solar industry, as well as

market and financial issues and the technical aspects of solar production. The keynote speaker, Adam Edelen of Edelen Renewables, spoke about the opportunities to develop solar projects on reclaimed coal mine sites throughout Appalachia, which was an issue identified by EMLF members as a particular area of interest. From there, it broke out into specific sessions on regulatory issues, both federally and in Appalachian states, land issues including redevelopment and obtaining title insurance, and the tax and financing issues associated with solar projects. Attendees were able to hear from industry speakers from PJM, Civil & Environmental Consultants, Sterling Power Opportunities, Old Republic National Title Insurance Company, among others, as well as experts from EMLF member law firms.

taxation issues in Appalachia, as well as a primer in hydrogen technical and legal issues. Additionally, EMLF's virtual and on-demand programming has featured, and continues to feature, alternative energy topics. The full Special Institute on Solar Power is currently available to view on www.emlf.org.

For over 40 years, EMLF has been a leader in providing high quality education to energy, mineral and natural resources legal practitioners. Looking ahead to the next 40 years, EMLF finds itself once again recommitting to its core industries while expanding its horizons to the future to further cement its role as a clearinghouse for energy law scholarship and source of premier educational programming. 