



## Energy & Natural Resources Section

### “2017 ENR Section Summit”

*SUBJECT: Live Program: “2017 ENR Section Summit”*

**Date/Time:** June 8-9, 2017

**Location: (2 Options)**

1. Hilton Garden Inn, 1150 North Poplar Street, Casper, WY 82601
2. From the comfort of your own home or office via live stream.

**Price:**

- Full Registration (Includes CLE, Dinner, Fly Fishing): \$350.00
- Full Registration & Golf (Includes CLE, Dinner, 18 Holes of Golf): \$175.00
- CLE & Dinner: \$110.00
- CLE Only OR Live Streaming: \$75.00

**Credit Approval:** 4.5 CLE Credits

**Registration Information: (2 Options)**

1. Click [Here](#) to register for the live, in person event.
2. Can't attend in person? We are also offering this as a live streaming program. Click [Here](#) to register for the live streaming.

### Course Highlights

The Energy & Natural Resources (ENR) Section is pleased to host its second annual ENR Section Summit in Casper, Wyoming, on June 8-9, 2017. The event will include a half day (4.5 hours) of CLE programming on Thursday afternoon, with a social hour and dinner to follow. Friday morning will consist of either 18 holes of golf at 3 Crowns Golf Club (cart and lunch included) or a full-day guided fly fishing float trip on the North Platte River (fishing space is limited). There is also a registration option for those who only wish to attend the CLE.

CLE and dinner will be hosted at the Hilton Garden Inn, 1150 North Poplar Street, Casper, Wyoming 82601. The CLE will begin at 12:30 p.m. and will end at 5:45 p.m. 4.5 CLE credits are available. Social hour will begin at 6:00 p.m. followed by dinner at 7:00 p.m.

### Programs

Trump's “America First Energy Plan” What is it and what could it mean for Wyoming?

**Speaker(s): Rebecca Watson**

President Trump's "America First Energy" policy began to take shape in his first 100 days. His initial energy policy directives focused on moving forward with two controversial oil pipelines—Keystone XL and Dakota Access Pipeline—that President Obama had halted. Those actions were followed by the comprehensive "Promoting Energy Independence and Economic Growth" Executive Order in March—derailing many Obama-era energy and climate initiatives. Interior Secretary Zinke took several similar steps to reverse energy and climate policies of his predecessors. Congress has been a willing participant in these changes by using the Congressional Review Act to send the President legislation "disapproving" Obama rules on energy and the environment. The pace of Trump's energy policy initiatives is "fast and furious," but assembling his agency political teams not so much. We will discuss these changes to the energy landscape and where we stand with policy, personnel and potential future actions in Trump's America First Energy world.

**WOGCC - Practice Pointers and New Issues**

**Speaker(s): Mark Watson, Eric Easton, Mike Armstrong, Tracey Rauscher, Sabrina Hamner, Frank Ingham**

The majority of the permitting and regulatory work conducted at the Wyoming Oil and Gas Commission (WOGCC) is conducted by its examiners. These examiners hear, among other things, uncontested spacing, pooling, and increased density applications. They are also responsible for processing many of the administrative approval requests. The first portion of this presentation will focus on how these hearings proceed and how applicants and their attorneys can ensure the process moves along efficiently. The second portion of this presentation will focus on current issues that are dealt with by the WOGCC, including new federal regulations, surface owner issues, fight for operatorship/APD issues, and orphan well issues. The presentation will also discuss recent changes to the WOGCC's Chapter 5 rules.

**Endangered Species Act: How Attorneys Can Effectively Engage in the Listing, Critical Habitat Designation, Consultation, and Mitigation Process**

**Speaker(s): Karen Budd-Falen**

As of March 1, 2017, there are 1448 animals and 4842 plants listed as threatened or endangered under the Endangered Species Act. Once listed, and additionally when critical habitat is designated, the management of these species impacts almost every aspect of private and federal land use. Karen Budd-Falen will discuss the ESA listing and critical habitat designation process, the section 7 consultation process and section 10 private land mitigation process. Additionally, she will focus on the significant substantive changes made to that Act during the Obama Administration. Finally, the discussion will include how lawyers can engage in the process to protect their clients from the harsh consequences of the ESA.

**So you want to construct a pipeline through an Indian reservation?**

**Speaker(s): Tony Shaheen, Jessica Schmidt**

In this program, Tony Shaheen and Jess Schmidt will explain the realities of permitting and constructing pipelines through Indian reservations, using two recent North Dakota Pipeline projects as examples. Be prepared to expect the unexpected be it in the forms of jurisdiction, sovereign immunity, TERO, BIA, tribal and federal court litigation, or all of the above and more....

## Faculty

**Mike Armstrong** (WOGCC Panel) was born and raised in Big Piney, Wyoming. He graduated from the University of Wyoming College of Law in 2016 and began working for the Wyoming Attorney General's Office that same year as an assistant attorney general. While in law school he was a participant in the EENR Law Clinic and also served as a summer intern for the Attorney General's office in the water and natural resources division. The majority of his time is spent serving as counsel to the Wyoming Oil and Gas Conservation Commission. He also represents the Division of Workforce Services in workers' compensation matters and the Division of Family Services in parental rights termination cases.

**Eric Easton** (WOGCC Panel) was raised in Wyoming and graduated from the University of Wyoming School of Law in 1983. In 1985, after two years in private practice, he accepted the position of Deputy Natrona County Attorney and moved to Casper, Wyoming. In 1989, he was appointed Natrona County Attorney, and served in that capacity for sixteen years. In 2005, he took a position with the Wyoming Attorney General's Office as Senior Assistant Attorney General/Director of the Wyoming Medical Review Panel. Additional duties include counsel for the Wyoming Oil and Gas Conservation Commission, which is headquartered in Casper, and the Wyoming Enhanced Oil Recovery Commission. He also acts as the prosecuting attorney for the Wyoming Board of Pharmacy, the Wyoming Water Well Contractors and Pump Installers Board, and the Wyoming Peace Officers Standards and Training Commission.



**Karen Budd-Falen**, with her husband Frank Falen, is the owner of the Budd-Falen Law Offices, L.L.C. located in Cheyenne, Wyoming. Karen represents private property owners, ranching and farming organizations, and local governments. Prior to her current practice, Karen served for three years in the U.S. Department of the Interior, Washington, D.C., as a Special Assistant to the Assistant Secretary for Land and Minerals Management. She later served as a law clerk to the Assistant Solicitor for Water and Power. Karen has also worked as an attorney at Mountain States Legal Foundation, a conservative public interest legal foundation in Denver, Colorado. Karen has presented testimony before the U.S. House of Representatives, Subcommittee on Forest Health; the U.S. House of Representatives Committee on Resources; the U.S. House of Representatives Committee on Resources relating to the National Environmental Policy Act; the U.S. House of Representatives Full Committee on Natural Resources; and the Committee on Oversight and Government Reform. Karen has also testified before committees of the Wyoming Legislature. Karen has also been appointed by Wyoming Governor Matt Mead and confirmed by the Senate to serve as Commissioner on the Wyoming Water Development Commission. She is also on the Board of Directors of the Wyoming Natural Resources Foundation.

**Sabrina Hamner** (WOGCC Panel) holds B.S. degrees in Petroleum Engineering and Energy Resource Science from the University of Wyoming. A member of the Wyo. Chapter of the Society

of Petroleum Engineers, she also serves as the Membership Chair. Prior work experience includes production, reservoir and well completion projects for EnCana Oil and Gas, Inc. and the Enhanced Oil Recovery Institute, in Wyoming, Colorado and Texas. A Wyoming native from Riverton, she now resides in Casper with her husband and adopted Alaskan Malamute.

**Frank Ingham** (WOGCC Panel) is a licensed Professional Engineer in the state of Wyoming and holds a B.S. in Engineering from New Mexico State University and an A.S. in Geology from Casper College. He started his oil field career as a Geophysicist for Shell Oil Co. In 1981 he moved to Casper to work for Gulf Oil Co. and has been here since then. He has worked as a Geophysicist, Geologist, and Engineer for major oil companies and small independents, and the Rocky Mountain Oilfield Testing Center. He has been with the WOGCC since July 2014.

**Trayce Rauscher** (WOGCC Panel) holds an A.S. in Psychology from Casper College, a B.S. in Petroleum Engineering from Montana Tech, and an MBA from Northcentral University. She serves as the Continuing Education Chair for the local SPE Section, Treasurer for the Olivia Caldwell Foundation, and co-leads a community group with her husband. Prior work experience includes completions and production, focusing mainly on Secondary Recovery for Anadarko Petroleum in the Rockies. She is married with two stepchildren, one bearded dragon - Princess, and two Labradoodles - Gus and Ed.



**Jessica Schmidt** is an attorney with Holland & Hart in Denver, Colorado. Prior to joining Holland & Hart, Ms. Schmidt was a trial lawyer with Ridley McGreevy & Winocur, worked for several years as a Deputy State Public Defender in Arapahoe County, and clerked for former Colorado Supreme Court Chief Justice Michael Bender. She has tried over 25 jury trials and argued in front of the Colorado Court of Appeals and the Colorado Supreme Court. In the two and a half years that Jessica has been with Holland & Hart she has worked on a wide-array of complex and challenging natural resources cases, including lease and right of way issues, pipeline disputes, probate disputes involving oil and gas issues, Indian law issues, wrongful death, and royalty disputes.



**Tony Shaheen** is a partner with Holland & Hart in Denver, Colorado. Mr. Shaheen's practice emphasizes natural resources litigation. His clients (oil and gas companies and pipeline companies) call on him to represent them in a wide variety of cases, from breach of contract, to class action royalty cases, to alleged antitrust violations, to personal injury and wrongful death, and to product liability. Tony has litigated and tried some of the most important oil and gas cases in the Rocky Mountain Region. His achievements include obtaining verdicts and decisions for his clients that have permanently altered oil and gas law in Colorado and Wyoming. In one such case, Mr. Shaheen convinced the Wyoming Supreme Court to adopt laches as a defense to breach of contract where the statute of limitations had not yet run.

**Mark Watson** (WOGCC Panel) was born and raised in Calgary, Canada. After moving to the United States in 1980, he obtained his degree in petroleum engineering from the University of Wyoming. He has worked with the Wyoming Oil and Gas Conservation Commission for over 30 years and served as a petroleum engineer for the agency. In May of 2014, Mark was selected to be

the Wyoming Oil and Gas Conservation Commission Supervisor. Mark has one daughter and one grandson. He and his wife Heather enjoy sailing, skiing and traveling.



**Rebecca Watson** is a shareholder in the law firm of Welborn Sullivan Meck & Tooley, P.C. in Denver. With more than 30 years of legal and policy experience in the fields of conventional and renewable energy, mining, natural resources and federal environmental law, Rebecca counsels companies on environmental regulatory compliance and agency engagement strategies. As Assistant Secretary for Land and Minerals Management of the U.S. Department of the Interior in the George W. Bush administration, she had oversight over 3 energy resource bureaus, BLM, MMS and the Office of Surface Mining, led 12,000 employees and managed a \$1 billion budget. Rebecca earlier served as the Assistant General Counsel for Energy Policy at the U.S. Department of Energy. Rebecca has been honored by the Boone and Crockett Club for her work in conservation while at the Interior, named Distinguished Natural Resource Practitioner-in-Residence at the University of Denver Sturm College of Law, her alma mater, and recognized in Colorado and nationally as a top energy and natural resources lawyer. She served as Program Chair for the Rocky Mountain Mineral Law Foundation's 60th Annual Institute and is currently on the Foundation's governing board. Rebecca also serves on the board of Volunteers for Outdoor Colorado and is an appointed member of the Jefferson County Open Space Advisory Committee as well as former Secretary of Western Energy Alliance.

## **YOU MUST PRE-REGISTER**

**What is the Energy and Natural Resources Section?** The Energy and Natural Resources Section is a practice section dedicated to serving its members, the profession, and the public by providing educational resources to its members, assisting members in serving their clients ethically and competently, and furthering the development and improvement of law.

**Am I a member?** All members of the Wyoming State Bar in good standing are eligible for membership, and the annual dues are just \$25.

**What are the perks?** As an Energy and Natural Resources Section member you have access to the section email discussion group, a great resource for peer-to-peer advice and information. The Energy and Natural Resources Section also sponsors continuing legal education and alerts members to programs and events that may be of interest to energy and natural resources law section practitioners—including social events.

**How can I get involved?** We welcome your ideas and involvement. Feel free to contact Sharon Wilkinson ([swilkinson@wyomingbar.org](mailto:swilkinson@wyomingbar.org)).