

Renewable Energy Contracts

JUNE 2024

BRIANNA J. SCHROEDER

SCHROEDER@AGLAW.US

Indiana Energy



Coal



Natural Gas



Solar



Wind



Carbon



Biofuel



Hydroelectric



Anaerobic Digesters

Solar



Solar Zoning

Permitted Use

Special Exception

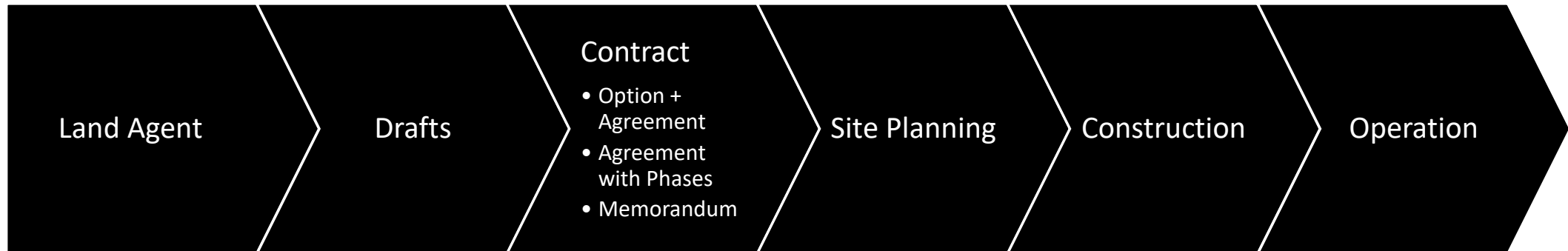
Variance

Special District

Rezoning



Process



Key Terms

Length

Price

Acres

Use

Equipment



Site Terms

Topsoil

Drainage

Water rights

Landscaping

Access roads

Minimums

Easements

Maintenance

Fences

Finance Terms



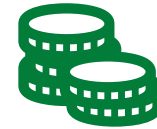
Attorneys'
fees



Taxes



Crop or timber
damages



Annual
payments



Escalator

Termination Terms



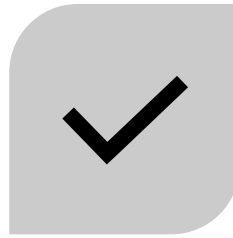
DEFAULT OR
BREACH



REMEDIES



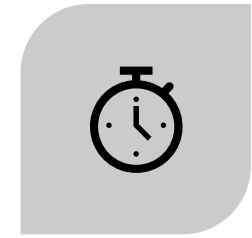
TERMINATION



DECOMMISSIONING
PLAN



SECURITY BOND



TIMING

Liability Terms

Indemnity

Defense

Insurance

Environmental claims

Miscellaneous Terms

Successors
and assigns

Mortgages

Warranties

Permitting

Force Majeure

Confidentiality

Agrivoltaics

Solar Lease: During Construction

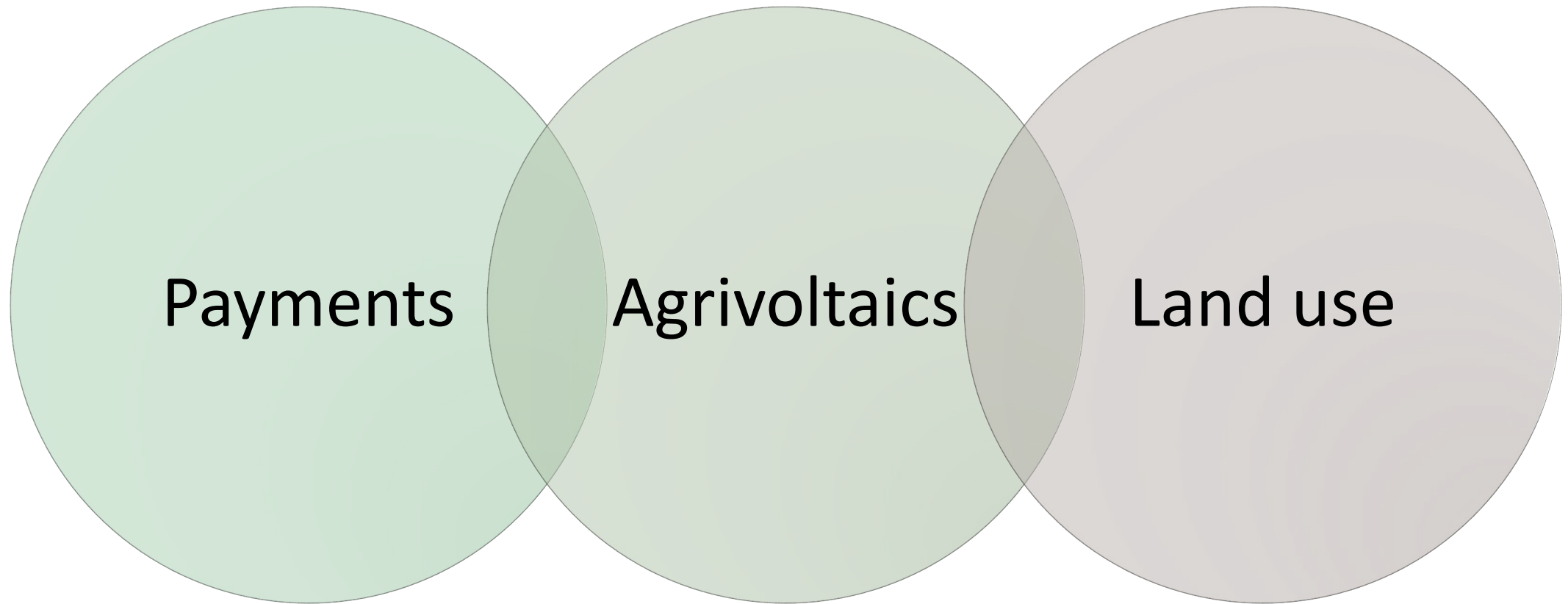
Construction phase

Crops

Drainage

Topsoil

Solar Lease: Operational Life of Project



Solar Lease: Decommissioning



Ordinance/Contract

Bond

Removal

Restoration

Agrivoltaics

Pollinators

Vegetables

Livestock

Modified Row Crops



Grazing Contracts

Landowner's Right of First Refusal

- Sheep
- Maintenance
- Other projects

Independent Contractor

- Profits
- Schedule
- Access
- Water
- Fencing
- Insurance
- Vegetation details



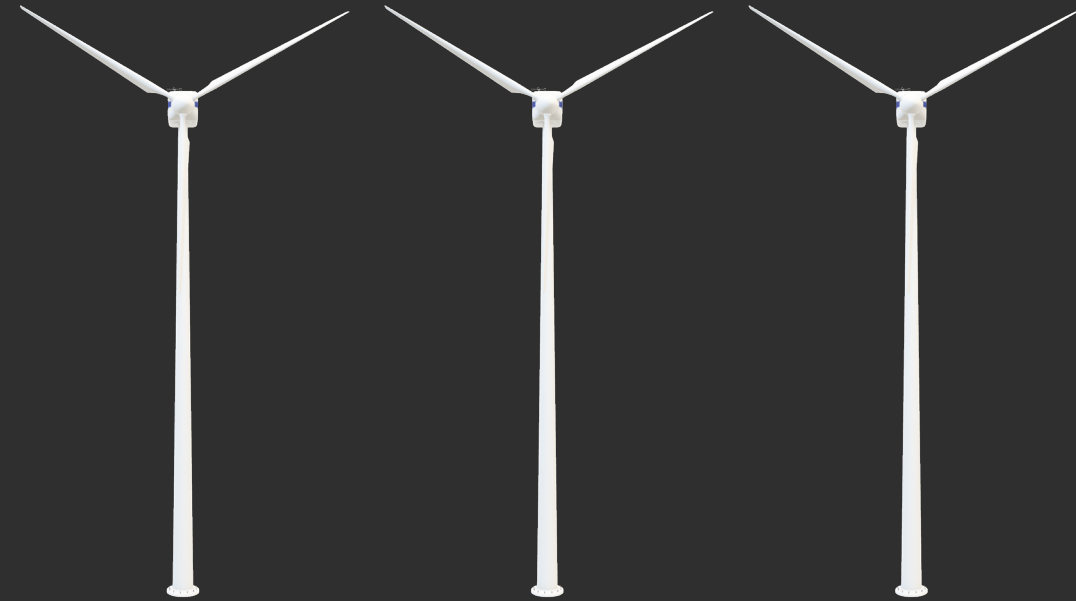
Wind Energy

Like solar, requires:

- connection to energy grid

- county zoning approval

- landowner participation via contracts



Wind Energy Contracts

Option +
easement and/or
lease

Payment terms

Decommissioning

Damage
compensation

Turbine siting

Indemnification

Insurance

Access roads

Landowner's right
to use land

Developer's land
rights

Setbacks

Flicker

CARBON



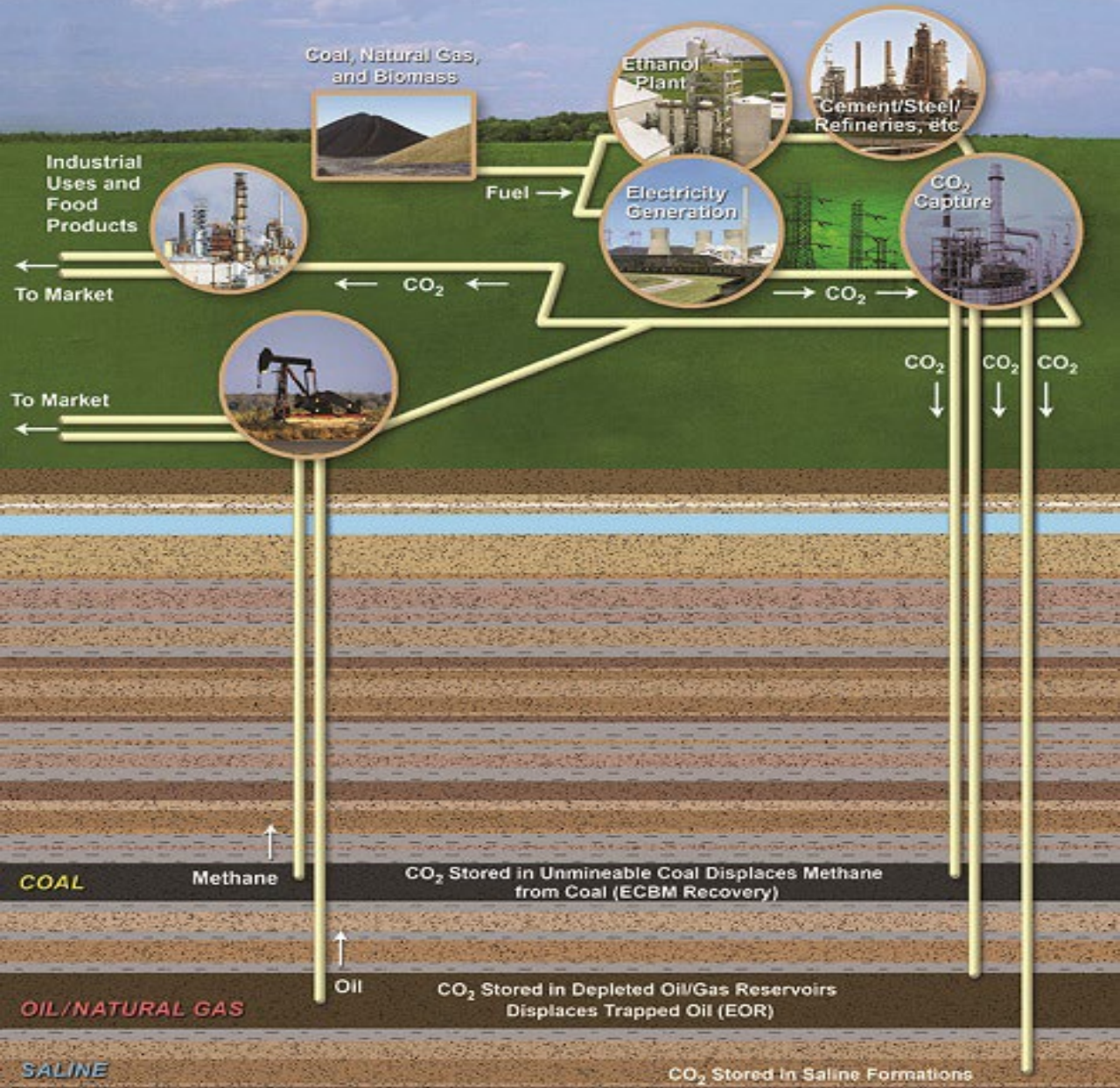


Pore Space Carbon Sequestration

What is it?

Compressed CO₂ storage in deep underground pore spaces.

- Saline formations
- Oil and gas reservoirs



LOWEST UNDERGROUND SOURCE OF DRINKING WATER
CAPROCK
RESERVOIR ROCKS
THIS IMAGE IS NOT TO SCALE

Carbon Issues

Class VI
permit

Pore
space
ownership

Land use
questions

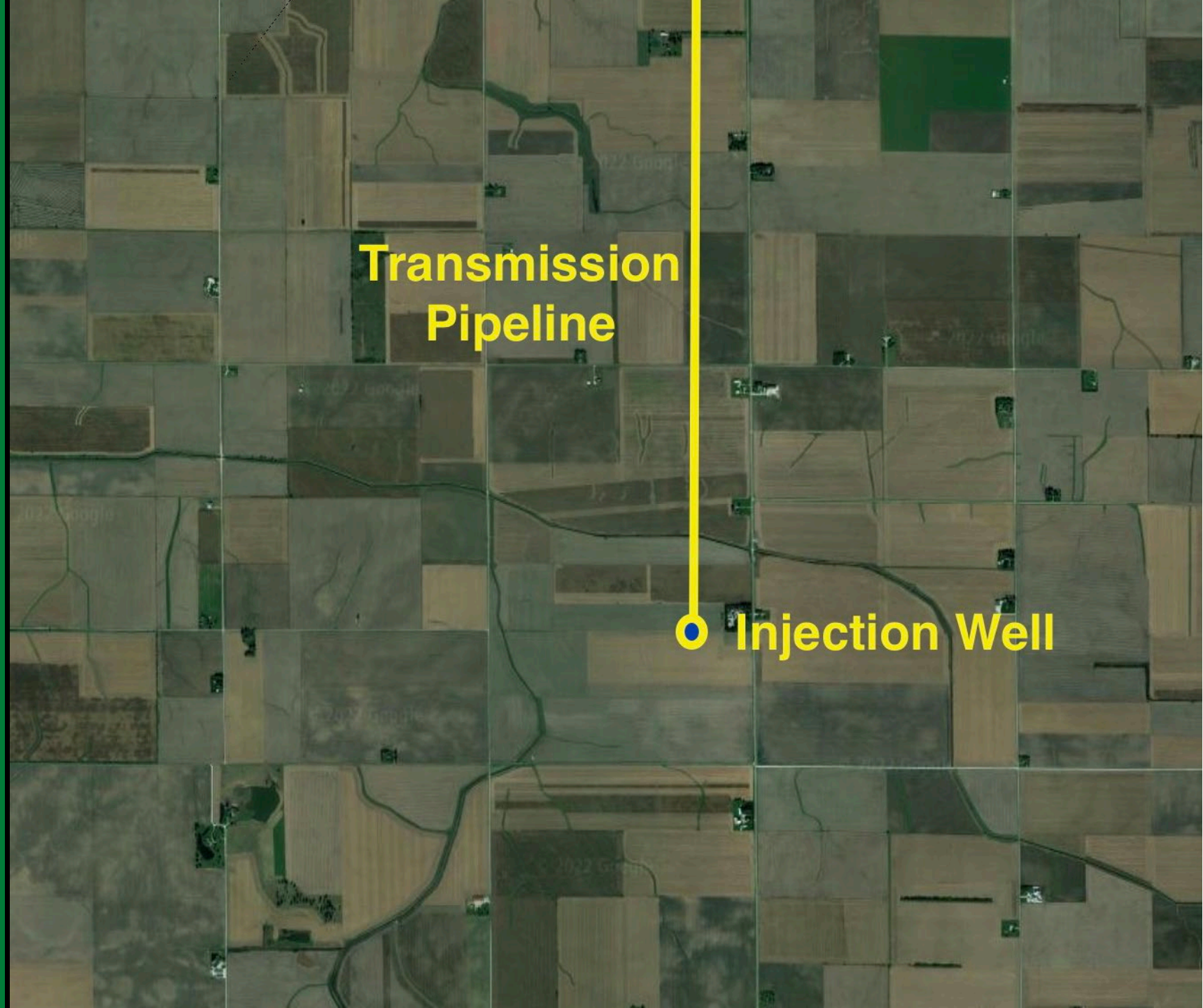
Local
finances

Contracts

1. Pipeline Contracts

2. Storage Contracts

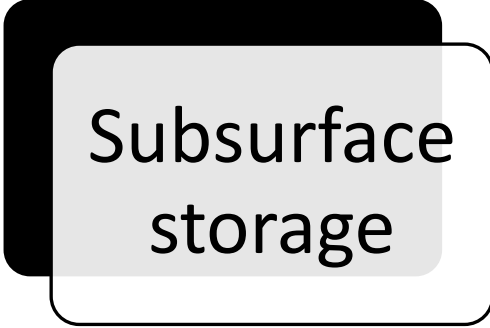
- Lease of Pore Space
- Does not impact surface rights
- Annual payment



CCS Agreements



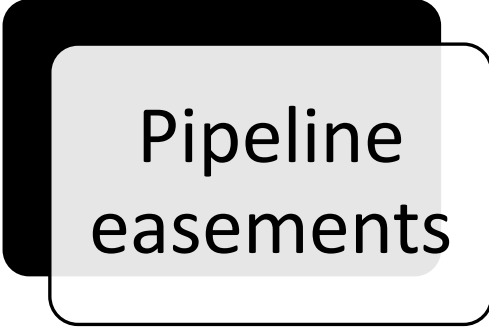
Option



Subsurface
storage



Injection
wells



Pipeline
easements

CCS Agreements



Subsurface
storage

Payment terms

Surface implications

Crop damages

Liability

Most Favored Nations

Property subsurface restrictions

Anaerobic Digestion



Dairies

Livestock
farms

Compost
facilities

Anaerobic Digester Contracts



Experienced developer

Financial obligations

Permitting responsibilities (state and local)

Insurance

Construction details

Operational management

Offtake agreements

Manure transportation costs

Risk management

Brianna J. Schroeder

Janzen Schroeder Agricultural Law LLC

Schroeder@aglaw.us

www.aglaw.us

