

Oil and Gas, Natural Resources, and Energy Journal

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Editor's Introduction & Front Pages

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ONE J

*Oil and Gas, Natural Resources,
and Energy Journal*

VOLUME 5, NUMBER 4

APRIL, 2020

Editor's Introduction

Welcome to the fourth and final issue of Volume 5 of the University of Oklahoma College of Law's Oil and Gas, Natural Resources, and Energy Journal (ONE J). This issue exclusively boasts articles written by ONE J members during their candidacies on the Journal this past year.

Our first article is a comment from Modupe Adamolekun, in which she tackles the issue of corruption surrounding the oil industry in Africa. The article emphasizes the need for transparency in oil-producing countries and investigates the involvement of other international players in promulgating corruptive practices. She concludes with a call to action for judicial reform and encourages the youth of Africa to assume positions of leadership, recognizing the value of a grassroots movement from the younger generation.

The second article is a note from William Dakil on *Parker Drilling Mgmt. Servs., Ltd. v. Newton*. This Supreme Court case resolved a circuit court disagreement over the application of state laws on the Outer Continental Shelf (OCS) under the Outer Continental Shelf Lands Act. The Court concludes that federal law exclusively regulates the OCS, with certain state laws acting as adopted surrogate federal law where there are so-called gaps in federal statutory schemes. Acknowledging that the Court still leaves room for interpretation regarding these gaps, this note recognizes that the decision will still provide clarity for operators, which drives down costs, and the decision's consistency with international practices.

Next is our second comment, an article on the environmental impact of the marijuana industry by Spencer Gill. This article details the history of marijuana in the United States and recognizes that the current trend of legalization will have a significant impact on the ever-present threat of climate change. Gill's comment probes the areas of the marijuana industry, such as deforestation, soil erosion, and high water consumption, that present opportunities for greener energy practices. The comment ends with legislation strategies such as those that use financial incentives to encourage the use of environmentally friendly practices in marijuana cultivation.

Our fourth article is a comment from Samuel Moore in the style of a fifty state survey on solar energy. The note details the various legislative schemes surrounding solar energy and determines the three best policies to encourage the development of solar energy by consumer-generators: guaranteed net metering, preemption of land-use controls, and renewable energy portfolio standards. The note additionally groups the states in terms

of how their statutes encourage and support the development of solar energy.

The second note is from John Shelden on *Virginia Uranium, Inc. v. Warren*, where the Supreme Court concluded that the Atomic Energy Act did not preempt a Virginia ban on uranium mining. The note includes a detailed history of uranium mining in Virginia and the evolution of the Atomic Energy Act in the United States before delving into the Court's decision. The decision resulted in a split majority, with the leading opinion rejecting Virginia Uranium's theories of field preemption and conflict preemption. The concurrence agreed regarding the lack of preemption, emphasizing that the Atomic Energy Act does not empower the Nuclear Regulatory Commission to regulate uranium mining on private land.

The sixth article is our final comment, a piece from Dan Ray on the persistence of home rule and the importance of federalism for such home rule preemption endeavors. The comment delves into the history and recent revitalization of home rule preemption in Colorado, particularly the Denver-Julesberg Basin. Ray explains the interplay between Article XX of the Colorado Constitution, which establishes Colorado as an *imperium in imperio* state, the Oil and Gas Conservation Act, and Senate Bill 19-181. The Bill modified the OGCA and the Land Use Enabling Act in such a way that power may have shifted to favor home rule entities, classifying oil and gas regulation as a matter of local concern. The comment argues that the four factors of operational preemption analysis are now met, favoring home rule municipalities rather than the state.

Our last article is a note from ONE J's new Editor-in-Chief Jake Ware. The note examines *Murphy Exploration & Prod. Co.-USA v. Adams*, 560 S.W.3d 105 (Tex. 2018), a case from the Texas Supreme Court examining a lessee's obligation under an oil and gas lease to drill an offset well. The note provides background information on the case and lays out the basic principles of contract interpretation as they apply to oil and gas leases. Ware compares a later case out of Texas that departs from the *Murphy* decision and argues that the *Murphy* court did not properly apply the surrounding circumstances doctrine. The note emphasizes the importance of interpreting contractual terms according to oil and gas industry custom to avoid uncertainties and inconsistencies.

As always, the Journal concludes with summaries of cases within the oil and gas, natural resources, and energy law fields. For other updates about the Journal, follow us on Twitter @ONEJ_OULaw, as well as the ONE-J Blog, which includes short-form pieces on rapidly emerging topics that the Journal typically covers. For more information, the Blog can be found at <https://ouonej.wordpress.com/>.

The Journal thanks Mr. Michael Waters, our editorial advisor, for his expertise, guidance, and support. We truly could not function without him.

I would also like to extend my thanks to the outgoing Editorial Board for their hard work and unending support during this past year. This Journal was only made possible by their dedication and encouragement. Additional thanks go to Professor Shaner, who selflessly accepted the task as our faculty advisor this year. We appreciate her hard work and regret that the wonderful symposium she orchestrated was one of the many events cancelled due to the pandemic. Special thanks go to my close friend and Managing Editor Ashton Poarch, my rock and compass through this adventure.

I leave ONE J in the capable hands of the new Editor-in-Chief Jake Ware and the rest of the Editorial Board. My best wishes to all of you!

Thank you,
Veronica Threadgill
Editor-in-Chief

ONE J

Oil and Gas, Natural Resources, and Energy Journal

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The Battle for Oil: Fighting Through Corruption & Changing Socio-Economic Landscapes to Win Over Africa’s Biggest Giants <i>Modupe Adamolekun</i>	607
<i>Parker Drilling Mgmt. Servs., Ltd. v. Newton</i> : Drilling Down on the Law of the Outer Continental Shelf <i>William Dakil</i>	643
Budding Marijuana Industry Meets Climate & Environmental Crisis: A Call to Legislative Action <i>Spencer Gill</i>	661
Identifying The Pillars Of A Pro-Solar Energy Policy: A Multi-State Survey Of Distributed Solar Energy Generation Laws <i>Samuel Moore</i>	695
Balkanization in Oil and Gas: How Home Rule Constitutional Provisions Disrupt State Law <i>Dan Ray</i>	735
Can You Dig It? A Note on the U.S. Supreme Court’s Atomic Energy Act Preemption Decision in <i>Virginia Uranium, Inc. v. Warren</i> <i>John Shelden</i>	769
Contractual Interpretations, Ambiguities, and Litigation Difficulties Presented in the Context of Oil and Gas Leases as a Result of the Texas Supreme Court’s Decision in <i>Murphy Exploration & Prod. Co.-USA v. Adams</i> , 560 S.W.3d 105 (Tex. 2018) <i>Jake B. Ware</i>	795
Recent Case Decisions	815