



Thanks (and No Thanks) to Legislators

We want to make sure WV-SORO members know which legislators were helpful (and not so helpful) to us during the 2010 legislative session. We have listed the Senators and Delegates below, followed by their home county. Please see if any of your legislators made our list and let them know you appreciate their efforts (or not) on behalf of surface owners.

Thanks to the following Senators:

Larry Edgell (D-Wetzel) for being the lead sponsor of the Surface Owners' Rights Recognition Act (SB 529) in the Senate.

Clark Barnes (R-Randolph), **Jeff Kessler** (D-Marshall) **Erik Wells** (D-Kanawha) and **Randy White** (D-Webster) for co-sponsoring the Surface Owners' Rights Recognition Act.

Randy White for sponsoring legislation to establish reporting requirements relating to water used in the drilling of Marcellus Shale gas wells. These requirements are needed in order to protect our rivers and streams from being dewatered by withdrawals and to help ensure proper disposal of wastewater produced in the drilling and fracturing process. Senator White was also the only Senator to vote against SB 369, which would have changed the definition of a "shallow well" so that it applies to many vertical Marcellus Shale wells. This terrible bill would have essentially legalized the stealing of gas from neighboring mineral owners. In December, Senator White invited us to Webster County to hold an educational meeting on leasing for area residents. He also attended our recent meeting in Upshur County.

Jeff Kessler for sponsoring legislation (SB 643) to make country roads safer in natural gas producing areas of the state. The bill, which was based on requests made by the Wetzel County Action Group

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Five oil and gas industry lobbyists (foreground) and David McMahon from WVSORO listen to a hastily called conference committee in the back of the Senate chamber.

Disappointing Session on Surface Owner Issues

by Julie Archer, julie@wvsoro.org

Although most of the good oil and gas legislation we were hoping to see passed this legislative session - - including our Surface Owners' Rights Recognition Act -- died, (see *Thanks (and No Thanks)* in the previous column for more details) the good news is we managed to at least break even. The last week of the session, we followed two bills – one good, one bad.

The Senate passed SB 369, which would have changed the definition of a "shallow well" so that it applies to many vertical Marcellus Shale wells. This terrible bill would have essentially legalized stealing gas from neighboring mineral owners.

On the positive side, the House passed HB 4513 establishing additional requirements for the drilling and fracturing of Marcellus Shale gas wells. These requirements are needed to protect rivers and streams from becoming dewatered by stream withdrawals or contaminated by disposal of wastewater produced in the drilling and fracturing process.

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(WCAG), would have regulated the transportation of equipment and materials on our narrow rural roads.

Clark Barnes for offering an amendment to strengthen DEP's Oil and Gas Well Rule after it had been weakened in a hallway deal brokered by Joe Minard (D-Harrison). Although, Senator Barnes' amendment did not restore the pit liner mandate, it did require that certain standards be met before operators could receive an exemption from the liner requirement.

Thanks to the following Delegates:

Mike Manypenny (D-Taylor) for being the lead sponsor of the Surface Owners' Rights Recognition Act (HB 4408) in the House and for sponsoring HB 4651 to permit surface owners to purchase the minerals beneath their land when the mineral interest becomes subject to a tax lien.

Barbara Fleischauer (D-Monongalia), **Tal Hutchins** (D-Ohio), **Dale Martin** (D-Putnam), **Clif Moore** (D-McDowell), **Ricky Moye** (D-Raleigh), **Brady Paxton** (D-Putnam), **Alex Shook** (D-Monongalia), **Sally Susman** (D-Raleigh) and **Terry Walker** (D-Jefferson) for co-sponsoring the Surface Owners' Rights Recognition Act. Delegates Fleischauer and Martin also co-sponsored HB 4651.

Bill Hamilton (R-Upshur) who sponsored a bill to prohibit "daylighting" and was strongly in favor of the Surface Owners' Right Recognition Act. Delegate Hamilton also co-sponsored HB 4651. He attended our recent meeting in Upshur County to hear citizens concerns about drilling in the area.

Dave Pethtel (D-Wetzel) for sponsoring legislation (HB 4616) to make country roads safer in natural gas producing areas of the state. HB 4616 was a companion bill to SB 643.

Tim Manchin (D-Marion) for sponsoring and championing HB 4513, which would have established additional requirements for the drilling and fracturing of Marcellus Shale gas wells. The bill also contained regulations requiring identification of the contents of fracing fluids and tracking the disposal of those fluids. As WV Environmental Council (WVEC) Legislative Coordinator Don Garvin wrote in the GREEN Legislative Update, "*This bill would never have been proposed in the first place were it not for [Delegate Manchin], the House Chairman of the Legislative Oversight Commission on State Water Resources.*"

"It was Delegate Manchin who had the bill drafted after a year's worth of presentations on Marcellus drilling

issues. It was Delegate Manchin who became the lead sponsor of the bill. It was Delegate Manchin who orchestrated the advancement of the bill. And it was Delegate Manchin who stood behind the principles of the bill to the bitter end."

Bob Beach (D-Monongalia), **Mike Caputo** (D-Marion), **Barbara Fleischauer**, **Richard Iaquinta** (D-Harrison), **Linda Longstreth** (D-Marion), **Virginia Mahan** (D-Summers), **Mike Manypenny**, **Charlene Marshall** (D-Monongalia) and **Don Perdue** (D-Wayne) for co-sponsoring HB 4513.

Bonnie Brown (D-Kanawha) for offering an amendment to restore the pit liner mandate to DEP's Oil and Gas Well Rule. Her amendment was adopted by the House Judiciary Committee, and it fixes the modification that was negotiated by Sen. Joe Minard (D-Harrison) between DEP and industry in the hall just before the session. Delegate Brown was also the lead sponsor of the Surface Owners' Bill of Rights (HB 3023), which carried over from the 2009 legislative session.

Delegates Fleischauer, Manypenny, Martin, Moore, Moye and Paxton co-sponsored HB 3023, along with **Sam Argento** (D-Nicholas), **Dan Poling** (D-Wood), **Mary Poling** (D-Barbour) and **Ralph Rodigherio** (D-Logan).

Delegate Fleischauer was the lead sponsor of HB 4001, which would have established a comprehensive set of regulator changes for oil and gas drilling aimed at improving water quality and controlling the level of total dissolved solids (TDS) in the state's rivers and streams.

Delegates Beach, Longstreth, Mahan, Manypenny, Martin, Marshall, and Shook co-sponsored HB 4001. The bill was also sponsored by **John Doyle** (D-Jefferson), **Bobbie Hatfield** (D-Kanawha) and **Tiffany Lawrence** (D-Jefferson).

Bonnie Brown and **Barbara Fleischauer** for standing up to Joe Minard and Senate conferees during negotiations to work out differences in the versions of the Oil and Gas Rule passed by the House and the Senate.

No Thanks to the following Delegates:

Mike Ross (D-Randolph) for sponsoring companion legislation to SB 369 (HB 2982), which would have allowed many Marcellus vertical wells (those drilled

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more than 20 feet into the Onondaga) to legally steal gas from neighboring mineral owners.

Troy Andes (R-Putnam), **Tim Armstead** (R-Kanawha) **Craig Blair** (R-Berkeley), **Mitch Carmichael** (R-Jackson), **Bill Hartman** (D-Randolph), **Mike Ross**, **Patti Schoen** (R-Putnam) and **Ron Walters** (R-Kanawha) for voting against HB 4513.

No Thanks to the following Senators:

Mike Green (D-Raleigh) for not putting the Surface Owners' Recognition Act (SB 529) back on the Energy, Industry and Mining (EIM) Committee agenda after the committee ran short on time to take up the bill the previous week. This is no surprise since, after killing our bill last year, the Senator told Beckley news media that he was working with us. He never had any talks with us. So much for making expended rights for surface owners "a priority."

Senator Green was also the lead sponsor of SB 369, which would have essentially legalized stealing of gas from neighboring mineral owners. And it was Green's committee (EIM) that amended the provisions of SB 369 into HB 4513, after SB 369 stalled in the House of Delegates. In addition, the committee also weakened important provisions in HB 4513.

Joe Minard (D-Harrison) for keeping his colleagues and the public in the dark about a hallway deal he negotiated between industry lobbyists and DEP staff over the Oil and Gas Rule. The deal changed the language in the rule that requires all oil and gas well drilling pits and impoundments to use impermeable synthetic liners by adding language authorizing the Office of Oil and Gas to issue exemptions to the requirement. Senator Minard also co-sponsored SB 369.

Walt Helmick (D-Pocahontas) for co-sponsoring SB 369.

Most Senators and many Delegates represent more than their home county. If your county isn't listed, visit the "Educate Your Legislators" page (<http://www.wvsoro.org/contact/legislators.html>) at our website and use your zip code to find out who your legislators are and if they made our list.

Disappointing Session *(continued from page 1)*

The bill also contained regulations requiring identification of the contents of fracturing fluids and tracking the disposal of those fluids.

Here's how things played out during that final week:

The House Judiciary Committee essentially held SB 369 hostage in order to encourage the Senate Energy, Industry and Mining (EIM) Committee to act on HB 4513. However, in an unfortunate turn of events, EIM amended the provisions of SB 369 into HB 4513. In addition, the committee also weakened important protections for our water resources, specifically a requirement that operators have a plan to maintain minimal instream flows. What started out as a good bill aimed at protecting our water resources, turned into something that WV-SORO could not support.

The bill ended up in a conference committee on the last night of the session. Delegate Tim Manchin (D-Marion), lead sponsor of HB 4513, tried convince the Senate conferees to agree to restore critical language needed to protect our waters. When it became clear no compromise could be reached, HB 4513 died, and SB 369 died along with it.

Please know we appreciate your continued support, dedication and enthusiasm for this issue. **We couldn't keep going without YOU.** Many legislators mentioned they received calls and e-mails from WV-SORO members. **Thanks for all you do!**

Oil and Gas Rule Passes on Last Day

(from the WV Environmental Council's

GREEN Legislative Update, 3/29/2010)

After what can only be described as a rough start, DEP's Oil and Gas Well Drilling Rule was passed by both chambers on the last day of the session. It took some butting of heads and a couple of conference committees (see *Thanks (and No Thanks)* starting on page 1 for more details), but the rule as finally adopted begins to address drilling for Marcellus Shale natural gas in some positive ways.

The rule provides construction standards for large volume pits and impoundments. Amendments adopted make it highly unlikely that drillers will not use impermeable synthetic pit liners. And amendments were accepted that require notice and opportunity for a hearing for the surface owner, should a driller opt to use just a clay liner.

While we would have liked to see other protective measures included in the rule, this is a good first step at protecting the state's water resources from Marcellus Shale drilling operations.

Strategic Use of Water Wells to Protect Your Rights as a Surface Owner

by Dave McMahon, wv david@wv david.net

Oil and gas drillers are only supposed to do what is “fairly necessary” to a surface owner’s land to get to and develop the minerals. (If a surface owner also owns the minerals and a lease has been signed, then a court’s interpretation of the language of the lease will control what the driller can do.) Unfortunately, in the real world, many drillers do mostly as they please and have the strategic upper hand in many ways.

First, a driller has money, experience, lawyers and surprise on their side. In addition, the state permitting process, including a surface owner’s right to comment on the permit application, does not recognize what rights the surface owner has under the “fairly necessary” rule. Instead, the process is concerned about soil erosion and sediment control, and down hole drilling practices. A surface owner’s comments that a well site and access road are taking the surface owner’s most valuable property, or a future home site, for example, cannot be used to deny or change the permit. In short, the permitting process only responds to a surface owner’s comments on HOW the road and well site will be built, not WHERE it will be built. (Although, commenting on a permit can be used strategically to get some leverage -- see *the WV Surface Owners’ Guide to Oil and Gas* at www.wvsoro.org.)

The only way a surface owner is sure to get his or her rights under the “fairly necessary” rule recognized is to seek an injunction in Circuit Court (a risky and expensive law suit that must be brought immediately) or sue for damages later (when all they can get is money for their losses and inconveniences).

While there are some other minor strategies that can be used (see the *WV Surface Owners’ Guide to Oil and Gas*), our newest and best advice has to do with the strategic drilling of water wells.

The strategic use of water wells

Drilling a water well is the most important, though still limited, strategic advantage that surface owners have.

West Virginia code (§22-6-21) says, “No oil or gas well shall be drilled nearer than two hundred feet from an existing water well or dwelling without first obtaining the written consent of the owner of such water well or dwelling.” (So be VERY CAREFUL not to sign anything without getting what you want and/or reading it carefully.)

This is an absolute rule. If you get your water well drilled before a driller starts drilling their gas well, they cannot drill their gas well within 200 feet of your water well! So if you have a future home barn or pasture for

animals, hunting camp or cabin site, or plans for a wildlife refuge, viewing or feeding area, pasture or anything that needs water – then drill a water well!

What if the driller has already survey and marked the gas well site?

The driller has to survey the well site before applying for a well work permit. The surveyor will generally leave a surveyor’s stake at the well site. It is not too late! It has been our experience, and we believe DEP policy in applying that statute, that DEP will not issue a permit if the well site is within 200 feet of a water well.

In addition, at least one Circuit Court Judge has ruled that it cannot order the DEP to issue a permit, and it cannot order a surface owner to remove a legal water well, even though the water well was drilled after the driller surveyed and marked the proposed gas well location (see *Diversified Resources, Inc., et al. vs. Bradley R. Phillips et al.*, Circuit Court of Upshur County, West Virginia No 09-C-117 (Keadle, Judge, March 17, 2010) at www.wvsoro.org). Even though “defendants motives to drill water wells on their lots may have been in part to prohibit drilling of a gas well” the judge ruled in favor of the surface owner. In this case the DEP inspector would not sign off on the permit due to the closeness of the new water well to the proposed gas well, even though the driller and surveyed the site first. The driller sued and Judge Keadle, “weighing all the equities of this case,” ruled against the driller.

The judge relied on a West Virginia Supreme Court case arising out of a dispute between two adjoining landowners [*Hendricks v. Stalnaker*, 380 S.E.2d 198 (W. Va., 1989)]. One landowner was getting ready to put in a septic system. A second landowner got a permit for a water well before the first landowner was able to get his septic system permit, and later had the well drilled. The county would not approve the first landowner’s septic system because it was too close to the permitted water well. The Supreme Court said that drilling a water well was not a private nuisance even though it precluded neighboring landowners from developing a septic system since the septic system would not meet health department regulations governing noninterference with a well water. Note that in making this ruling the Supreme Court relied on a broad principle of law, called a Syllabus Point, which says that, “An interference with

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Strategic Use of Water Wells

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the private use and enjoyment of another's land is unreasonable when the gravity of the harm outweighs the social value of the activity alleged to cause the harm.” The second landowner won because his water well was not an unreasonable use. The water well was not an unreasonable use because the gravity of harm (precluding the septic tank) did not outweigh the social value of having the water well.

Because Judge Keadle’s ruling was based on this particular Supreme Court case, a surface owner probably would NOT win a suit in which the surface owner drilled a water well every 400 feet across his or her land. Unless the wells had some social value other than blocking the location of gas wells, the harm caused by the wells in preventing the mineral owner from producing the minerals might be held unreasonable by a court.

What if the driller already has a permit?

What if the surface owner drills a water well, but not until after the driller has gotten a permit from the state? Will the driller still be blocked from actually drilling the gas well?

Although it is a little less certain, we think that a water well drilled after the permit was issued will still prevent the drilling of a gas well. The statute does not say that it is illegal for the state to give the driller a permit if the proposed well is within 200 feet of a water well. The statute says “No oil or gas well shall be *drilled* nearer than two hundred feet from an *existing* water well . . . [emphasis added].”

We think that if the surface owner drills a water well **after** the permit is issued **but before** the driller starts drilling the gas well, and the surface owner notifies the oil and gas inspector that the water well has been drilled, then the inspector will prevent the gas well from being drilled. (If they do not, call us!) If the state will not stop it then you could sue in court to stop it.

No court has ruled on this particular situation. If the inspector does prohibit the driller from drilling a well, the driller may try to sue the surface owner in court. (If they do, call us!) However, we think the surface owner will win because we believe all the reasoning that was relied upon by the Circuit Court in *Hendrix v. Stalnak* applies here. A drilling permit is good for two years – and sometimes drillers get permits and then never drill the wells. How hard is it to move a gas well 200 feet? The mere issuance of a state permit should not make a difference.

New on the Website!

[DEP doing total review of oil and gas drilling regulatory program](#) (4/29)

[W. Va. Geologic and Economic Survey site with plats and completion reports for wells on line](#) (4/20)

[One company doing frac jobs allows its frac water composition to be posted on OOG web site](#) (4/16)

[Different explanation of frac fluids \(See page 10\)](#) (4/16)

[Pennsylvania discloses frac fluids: article from Delaware Valley](#) (4/16)

[Dawson Geophysical wants permission to do seismic testing on my land! What should I do?](#) (4/5)

[Drill water wells as a strategy to protect your rights as a surface owner!](#) (4/5)

We continue to add resources on issues of interest to surface owners to the website. Recent additions to the site include information about horizontal drilling, seismic testing and water well drilling as a strategy to protect your rights as a surface owner. Please visit www.wvoro.org and let us know if you have any suggestions.

Information on Seismic Testing by Dawson Geophysical in Upshur County

We have just learned that Dawson Geophysical will have surveyors out in the Rock Cave/French Creek area beginning **Monday, May 3, 2010**, to start laying out the grid for the seismic surveys it will conduct this summer in Upshur County. **Landowners need to be present to point out the location of wells and springs so that survey stakes, which will later be replaced with explosive charges, can be placed the appropriate distance from water supplies, etc.** If you cannot be present during this phase of the project, you should contact **Dawson Geophysical** at:

Address: PO Box 2377, Buckhannon, WV 26201

Phone: 304-460-2508

Office Location: Across from Kroger's, next to the Middle School (in what used to be Dave Cook's used car lot).

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Information on Seismic Testing

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Sometime later, after the grid is laid out, helicopters will bring in drilling equipment for land crew to place the charges. For more information on Dawson's plans and your rights with regard to seismic testing, visit www.wvsoro.org or call us at 1-866-WVB-FAIR. **Note: Whether or not Dawson has the legal authority to come onto your land to survey and conduct seismic testing depends on your situation.** The following excerpt on your legal rights is taken from www.wvsoro.org. We encourage you to visit the website or call us to get more details.

Your legal rights

This is a massive project. Dawson is asking every surface owner for permission to do the work without necessarily investigating who owns the minerals or who has leased them. It's cheaper to pay \$3 an acre to everyone than it is to check all the titles of all the tracts of surface land to see if they already have permission (see below). They have sued surface owners unwilling to allow them access.

Situation #1. If you own the surface and minerals and no lease has been signed, Dawson cannot come on your land without your permission. You can just say "No." and there is nothing they can do. They do not have eminent domain to do this. They can walk across your land unless you put up "No Trespassing" signs or you ask them to leave.

Situation #2. If you own surface and minerals and a lease has been signed, the leaseholder (or its agent/contractor) can come on your land to do geophysical testing permitted by the lease or that only causes surface disturbance that was in the contemplation of the parties at the time of the lease. Just because someone has the right to do this does not mean that just anybody can come on to your land. Unless the person doing the testing can show you the lease, can show you that the person who signed the lease once owned your land, and can show you the chain of the assignments of that lease that proves they now own the lease or work for whomever does, they cannot come onto your land without your permission. If they still come on your

land, and you ask them to leave and they do not, they are trespassing. If someone is trespassing and you call a law enforcement officer, the officer should ask them to leave and tell them it is a civil matter to be settled in the courts.

Situation #3. If you own the surface but not the minerals, and if the mineral owner signed a lease, then the company that currently has that lease (or its agent/contractor) can come on your land to do the seismic testing if: 1) what they are doing only causes surface disturbance that is "fairly necessary" and that was in the contemplation of the parties at the time that the surface was separated from the minerals, and 2) it was allowed in the mineral owner's lease. Again, this does not mean that just anybody can come on your land – they have to have the mineral owner's lease. However, note that if that lease is owned by Exxon, for example, and Chesapeake wants to do the testing, then Chesapeake can do the testing if they show proof of Exxon granting them permission to do the testing.

We are working to arrange a meeting with Dawson and Chesapeake Energy officials so that community members can get more information on the companies' planned activities in Upshur County. We hope to be back in touch with more details soon.

Again, please visit www.wvsoro.org for more information, including news and personal accounts about similar testing conducted in Wetzel County in 2008.

Standing Room Only

(Excerpted from *the Record Delta*, 4-23-10

by *Amanda Hayes/Senior Staff Writer*)

About 200 people filled the meeting room of the Banks District Vol. Fire Department Thursday for a presentation about surface owners' rights.

Dave McMahon, a public interest attorney and co-founder of the West Virginia Surface Rights Organization, presented an overview of surface owners' rights in the Mountain State and some steps he recommends surface owners take. ...

... McMahon touched on several issues, including seismic and geophysical testing.

For surface owners, McMahon offers the following advice.

"Buy a percentage of minerals," he said, "if you can find out who owns the minerals. It's tough."

Second, drill a water well. The statute says an oil and gas well cannot be drilled within 200 feet of a water well. However, McMahon said that drilling a water well every 200 feet across one's property would not be looked at favorably.

McMahon also spoke briefly about leasing. ...

... The W.Va. Department of Highways also had two representatives who gave an overview of the road system in Upshur County and the state budget and answered a few questions related to damage possibly caused by heavy gas and oil drilling trucks. ...

...If residents have concerns about a road, they may write Ron Hooton, W.Va. Department of Transportation, P.O. Box 1228, Weston 26452 or call 304-269-0400. ...

...Representatives from Chesapeake Energy and Dawson Geophysical were in attendance but did not make formal speeches. Local legislators Del. Bill Hamilton (R-Upshur) and Sen. Randy White (D-Webster) also attended the meeting but did not speak.



April 22, 2010 meeting at Banks District Volunteer Fire Department in Rock Cave, Upshur County, WV.

Follow Up from April 22, 2010

Meeting in Rock Cave

Thanks to everyone who attended the April 22 meeting in Rock Cave and to those of you who have sent us feedback. We realize that we tried to cover a lot in a short amount of time and that it was difficult at times to hear due to a malfunctioning PA system. As a result, we may not have covered information you were interested in or you may have questions that went unanswered. If you have questions or need additional information e-mail info@wvsoro.org or call 1-866-WV-B-FAIR and we'll do our best to get back to you ASAP. Also, as mentioned earlier, we are hoping to arrange a meeting with Dawson and Chesapeake Energy officials in the near future to get more information on the companies' planned activities in the area. **Thanks for your support and understanding.**

DEP Conducting Review of Oil and Gas Regulatory Program

DEP Secretary Randy Huffman has initiated a total review of the state's regulation of oil and gas drilling in light of the increase in activity and the new techniques related to Marcellus Shale development. WV-SORO was invited to participate and provide a "laundry list" of issues that need to be addressed.

Our laundry list includes many of the provisions of the proposed Surface Owners' Bill of Rights, many of the needed changes we identified when we submitted comments on DEP's rule changes last year, and much more. In addition to surface owners' rights issues generally, major areas of concern include water use; management and disposal of both solid and liquid waste generated in the process of drilling and fracturing wells; and soil erosion and sediment control issues related to the construction of well sites and access roads.

Special thanks to WV-SORO members George Monk and Molly Schaffnit for their help in developing the list and providing supporting documents for many of our recommendations.

We are particularly encouraged that the Office of Oil and Gas already has a draft revision of the Soil Erosion and Sediment Control Field Manual.

The Independent Oil and Gas Association (IOGA) submitted its position paper the same day WV-SORO did. Both are available at www.wvsoro.org.

We do not believe the West Virginia Oil and Natural Gas Association (WVONGA), has made its positions public.

We'll continue to keep you posted.



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Permit No. 1440



We've Got Mail!

"Thanks so much for these important communications. I can quickly respond and send messages to lawmakers because you make it so easy. I also value the summary of legislation and the manner in which you provide a quick recap and the present standing." —**Theresa, Harrison County**

Thank you for all your work and efforts. I have tried to stay informed and contacted the politicians you asked. I have been working to inform my neighbors as we attend the gas company public meetings. Your guide book is great and I carry it with me and show it off.

Thank you again...

—**Kevin, Monongalia County**

These are just a couple of e-mails we received during and following the recent legislative session.

A big THANK YOU to all our members. Please know we appreciate your continued support, dedication and enthusiasm for this issue. We couldn't keep going without YOU. Many legislators mentioned they received calls and e-mails from WV-SORO members. Your calls, e-mails and letters, as well as your financial support, sustain and enhance our efforts. **Thanks for all you do!**

If you haven't given us your e-mail address, we hope you will. E-mail updates are faster, more frequent, and often discuss something that needs action before paper mail can get to you. Send an e-mail to info@wvsoro.org to get on our e-list.

Please contact us anytime at 1-866-WV-B-FAIR if you have questions or concerns.

Thanks again for your support!