



West Virginia Surface Owners' Rights Organization

Surface Owners' News

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House members of the legislature's Select Committee on Marcellus Shale hear from concerned citizens at a hearing in Wheeling. The hearing was one of three held around the state to receive input on new drilling regulations.

Hundreds Voice Concerns at Public Hearings

by Julie Archer, julie@wvsoro.org

Many thanks to all the WV-SORO members who attended and spoke at the July public hearings sponsored by the House members of the legislature's Select Committee on Marcellus Shale. Also thanks to those who could not attend but have called and written to members of the committee. More than 1,500 people attended the hearings. The Clarksburg meeting had the biggest turnout by far — nearly 1,000 people attended and more than 100 signed up to speak and voice their concerns. Many industry supporters and employees were there on the clock or given the afternoon off so they could sign up early to speak. They dominated the first half of the meeting, talking about the jobs and other benefits of the Marcellus Shale drilling boom. However, speakers during the second half of the meeting were primarily affected landowners and those concerned about health and the environment.

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Marcellus Shale Committee Making Progress on New Drilling Regulations, but Surface Owners' Issues Remain Unaddressed

by Julie Archer, julie@wvsoro.org

In June, the House and Senate leadership authorized the creation of a Select Committee to develop new drilling regulations and to prepare for a special session later in the year. This was largely in response to the outrage that resulted from the legislature's failure to pass a comprehensive bill during the 2011 legislative session and to mounting public pressure to address concerns related to Marcellus Shale and other gas well drilling. The committee has made significant progress over the past few months and has adopted several important amendments that improve the proposed regulations. This progress occurred because you took the time to share your stories and concerns. Thank you!

Although much has been accomplished, there are several important amendments pending before the committee addressing critical issues of concern for surface owners that need to be adopted. What follows is a brief summary of what has transpired thus far, what issues remain unaddressed and what you can do to keep the momentum going.

The committee met for the first time in July and held two meetings to seek input from various stakeholders on what should be included in new drilling regulations. In July, the House members of the committee also held public hearings in Wheeling, Morgantown and Clarksburg to get input on what should be included in a regulatory bill (for details see "Hundreds Voice Concerns at Public Hearings").

At the first meeting of the Select Committee following the public hearings, House members successfully offered seven amendments to strengthen the proposed regulations. The changes adopted by the Committee would require drillers to

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House Voice Concerns at Public Hearings

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Overall, the majority of speakers supported stronger regulations, which was the case at the hearings in Wheeling and Morgantown as well. **Your passionate, angry and heartfelt stories of ruined water wells, lost farms and pastures, polluted air and streams, as well as concerns about the health, safety and well being of friends and family were powerful.**

Your stories needed to be heard and they were heard. The committee has made significant progress over the past few months and has adopted several important amendments that improve the proposed regulations. This progress occurred because you took the time to share your stories and concerns. *Thank you!*

The Select Committee hopes to complete its work in October and legislative leadership is considering a November special session if the Select Committee can deliver a bill. There are several important amendments pending before the committee that address critical issues of concern for surface owners. To insure that these issues are addressed, we must keep the pressure on. Please see the “Marcellus Shale Committee” article on page 1 for more details on what the committee has accomplished so far, what issues remain unaddressed and what you can do to keep moving things forward. Thanks again for all that you do.

Marcellus Shale Committee

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take drilling waste to an approved landfill rather than bury it on-site on a surface owners' land and require the Department of Environmental Protection (DEP) to study the safety of large waste pits and impoundments to evaluate whether further rules are needed regarding radioactivity and other toxins held in the pits. Other amendments give the DEP Office of Air Quality the authority to regulate air emissions from drilling sites and, if appropriate, issue permits to help control those emissions. When issuing such permits, the DEP must consider cumulative impacts of “multiple wells in a localized geographic area.”

However, after getting off to a good start, progress slowed at a second August meeting where the committee spent two hours discussing whether

to eliminate the controversial, industry dominated Oil and Gas Inspectors Examining Board and allow the DEP to hire oil and gas inspectors the way it hires other environmental inspectors within the agency. The committee delayed a vote on an amendment to abolish the Board until its next meeting.

We thought the Select Committee might continue their work in mid-August, when the Legislature had to reconvene in special session to fix the House of Delegates redistricting bill. House co-chair Delegate Tim Manchin (D-Marion) was anxious to use the special session to get some work done and proposed the committee hold two meetings. However, Manchin's Senate counterpart, Senator Doug Facemire (D-Braxton) refused to schedule any meetings and the committee did not meet again until September. When the committee reconvened, the first order of business was consideration of the amendment to do away with the Inspectors' Examining Board. A reporter with the Dominion Post summed up the meeting as follows:

“After 45 minutes of debate — on top of the two hours spent on it at a previous interim — the amendment [to eliminate the Board] squeaked by in a 5-4 vote, reflecting the pro-con House-Senate split on the issue. Early in the meeting, it appeared the amendment might go down in a 4-4 tie, but Delegate Tom Campbell, D-Greenbrier, arrived late with the swing vote. Sen. Karen Facemyer, R-Jackson, was absent.”

The committee also passed two other amendments. In addition to notifying surface owners, one amendment would require drillers to notify adjacent landowners and owners of known drinking water supplies within 2,500 feet of a proposed horizontal well. The amendment would also require drillers to notify the general public by publishing a legal notice in local papers in the county where the well is proposed. The other amendment provides for a public comment process and gives the DEP the discretion to hold a public hearing.

At a subsequent meeting two days later, the committee adopted several more amendments and continued to make improvements to the draft legislation. The most significant amendment would increase drilling permit fees from \$600 to \$10,000 for the first horizontal well on a multi-well pad/site and \$5,000 for each additional well.

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Marcellus Shale Committee

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The Select Committee will be meeting again on October 12th and 13th and hopes to complete its work at that time. There are a number of critical protections for surface owners missing from the bill and at least four pending amendments to add these needed protections. These include amendments dealing with:

- **Surface Use and Compensation** – Would require drillers to negotiate a surface use and compensation agreement with landowners. If no agreement can be reached, the driller must post a surety bond of \$25,000 to protect the landowner in case of damage from drilling operations.
- **Well Location Restrictions** - Keeping wells and well pads a safe distance (1,000 feet) from homes, water wells, springs, and buildings used to house or shelter livestock.
- **Protection of Water Supplies** - Expanding the driller's presumptive liability for water contamination from 1,000 feet to 2,500 feet and clarifying water replacement requirements.
- **Casing and Cement Requirements** - Bolstering casing and cementing requirements. Groundwater is at risk when casing and cementing are not adequate or are not done properly.

Unfortunately, these amendments are likely to be contentious.

You can help ensure that these issues are addressed in a meaningful way by contacting members of the Select Committee (see list of members and contact information in the next column).

Many of you have personal stories that exemplify the need for legislation to protect surface owners and our land and water from Marcellus Shale and other gas well drilling.

Please call or write committee members on or before October 11th to share your stories and concerns. **Thank you!**

Send letters to: The Honorable (Member's Name)
Room ____, Building 1
State Capitol Complex
Charleston, WV 25305

Select Committee on Marcellus Shale

Senate Members

Senator Doug Facemire, Co-Chair

Room 217W

douglas.facemire@wvsenate.gov

(304) 357-7845

Senator Karen Facemyer

Room 441M

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(304) 357-7855

Senator Orphy Klempa

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orphy.klempa@wvsenate.gov

(304) 357-7918

Senator Corey Palumbo

Room 210W

corey.palumbo@wvsenate.gov

(304) 357-7880

Senator Herb Snyder

Room 217W

herb.snyder@wvsenate.gov

(304) 357-7957

House Members

Delegate Tim Manchin

Room 212E

tmanchin@manchin-aloi.com

(304) 340-3166

Delegate Bill Anderson

Room 151R

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(304) 340-3168

Delegate Tom Campbell

Room 472M

tcampbell@grcs.com

(304) 340-3280

Delegate Barbara Fleischauer

Room 201E

barbaraf@wvhouse.gov

(304) 340-3169

Delegate Woody Ireland

Room 151R

woody.ireland@wvhouse.gov

(304) 340-3195

DEP Accepting Comments on Horizontal Drilling Rules

In July, Senator President Earl Ray Tomblin, acting as Governor, signed an executive order directing the Department of Environmental Protection (DEP) to develop rules to regulate Marcellus Shale gas drilling. The plan is a positive first step, but is no substitute for legislative action, which is needed to address the problems surface owners face in their dealings with the drillers.

The DEP filed the emergency rules with the Secretary of State's office on August 22 and Secretary of State Natalie Tennant approved them on August 29. Then, on September 8, the DEP announced plans to make the rules permanent and submitted them to the Legislative Rule Making Review Committee for approval. As part of the rule-making process, the DEP is accepting comments on the rule through October 11 and will hold a public hearing at 6 PM that day in the Coopers Rock Conference Room at the WVDEP Headquarters located at 601 57th Street SE in Charleston.

Any person wishing to comment on the proposed rule is invited to be present or represented at the hearing. Written comments may be submitted to the following address:

Public Information Office
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Comments may also be e-mailed to dep.comments@wv.gov.

For a copy of the proposed rule visit <http://www.dep.wv.gov/oil-and-gas/>

From the perspective of WV-SORO and allied organizations, the emergency rules are inadequate to ensure safe, responsible development of the Marcellus Shale. A number of important issues remain unaddressed and therefore, it remains imperative for the Legislature to act. (See Julie's "Marcellus Shale Committee" article on page 1 for more details on what the committee has accomplished so far, what issues remain unaddressed and what you can do to keep moving things forward on the legislative front.)

WV-SORO and allied groups are preparing comments on the rules. More information and talking points will be forthcoming soon at www.wvsoro.org. You can also read WV-SORO's critique of the emergency rules at <http://wvgazette.com/static/watchdog/DrillingRulesCritique.pdf> and get the perspective of the West Virginia Environmental Council (WVEC) at http://wvhighlands.org/wv_voice/?p=4006.

Support EPA's Efforts to Clean Up Drilling Air Pollution

The U.S. Environmental Protection Agency (EPA) recently proposed new rules to reduce air pollution from hydraulically fractured wells. The agency wants to reduce harmful air pollution from the oil and gas industry. They need some help. Please speak out and show your support for their efforts.

The proposed rules are a win-win!

WIN #1: EPA estimates air pollution reduction of more than 25%

WIN #2: Industry will save about \$30 million annually by using technology already used in some states.

However, these rules aren't final. EPA is seeking public input on their proposal. If you care about clean air and our health, which relies on it, please voice your support. The drilling industry will oppose these rules and EPA's ability to follow-through on implementing them could depend upon the amount of public input they receive.

The EPA is accepting written comments on the proposed rules through October 24 (see details on page 5 on where and how to send them).

Our friends at the Earthworks Oil and Gas Accountability Project have quite a bit of info to help you (see enclosed talking points/fact sheet) but the message we need to send the EPA is simple:

1. **Thank you.** This is a good first step.
2. Oil & gas production should comply with the same clean air standards as other industries.

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Support EPA's Efforts to Clean Up Air Pollution (continued from page 4)

3. Public health needs to be protected from drilling toxics like benzene and other carcinogens.
4. **The rule should be even stronger.** Why should existing wells get a free pass?

Where and How to Submit Written Comments:

Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2010-0505, by one of the following methods:

E-mail: a-and-r-docket@epa.gov. Include Docket ID Number EPA-HQ-OAR-2010-0505 in the subject line of the message.

FAX: (202) 566-9744.

Mail: Attention Docket ID Number
EPA-HQ-OAR-2010-0505
1200 Pennsylvania Ave., NW.
Washington, DC 20460.

Please include two copies.

For more information see "EPA Issues Groundbreaking Proposal on Oil and Gas Air Pollution" below and visit the EPA's web page about the proposed rules at <http://epa.gov/airquality/oilandgas/index.html>.

EPA Issues Groundbreaking Proposal on Oil and Gas Air Pollution

by Amy Mall, Natural Resources Defense Council (NRDC), amall@nrdc.org

Dangerous oil and gas pollutants can be emitted into the air in various ways—from an oil or gas well, from the many pieces of equipment on a well pad, from a pipeline or compressor station, or from processing facilities. Due to historical laws governing oil and gas rights, these facilities may be located in backyards or schoolyards, sometimes as close as 150 feet or less, to someone's bedroom window. Unlike other chemical facilities and toxic waste sites, oil and gas production operations are not limited to areas zoned for industrial activity.

In addition, the oil and gas sector is one of the largest industrial sources of greenhouse gases — in this case methane, a highly potent global warming pollutant. Current estimates of sector emissions rank

the industry at the top of the list, along with power plants, oil refineries and cement plants. Even though methane capture makes these companies money, many of them still release huge amounts of methane directly to the atmosphere from wells during drilling and fracking, from well pad equipment, and via leaks throughout their systems. Presumably, this is because oil and gas companies can make more money faster by drilling without these controls.

Here is a brief summary of some of the information EPA published along with its proposed rules:

- There are several sources of oil and gas air pollution that are not regulated at all at the federal level, including hydraulic fracturing.
- Hydraulic fracturing of one well leads to emissions of approximately 23 tons of volatile organic compounds (VOCs) — roughly 200 times more than if the well was not hydraulically fractured. VOCs can be highly toxic and also contribute to regional air quality problems like smog. Nearly 95% of these emissions could be captured using existing technology.
- The oil and gas industry is a significant source of VOCs, yet rules to limit these emissions have not been updated since 1985.
- The pollutants from the oil and gas industry are linked to increases in cancer, asthma, premature death, hospital admissions and emergency room visits. In addition to VOCs, oil and gas pollutants include nitrogen oxide, hydrogen sulfide, and other carcinogens, such as polycyclic aromatic hydrocarbons.
- Current rules allow unacceptable cancer risks.
- While these new rules do not target greenhouse gas reductions, an indirect effect of these rules on greenhouse gases will be the equivalent of taking approximately 11 million typical passenger cars off the road.

New rules with tighter emissions controls are a win-win for both public health and industry. Industry will actually make money when it installs

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EPA Issues Groundbreaking Proposal

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new air control equipment, because it will capture and sell more of its product, product that would otherwise escape into the atmosphere. Under the EPA proposal, companies will make \$29 million each year.

EPA is proposing four new rules for the oil and gas industry that will reduce total VOC emissions by 25%, some toxic air pollutants by almost 30% and greenhouse gases by about 25%. Though the rules do not directly control methane, it will be reduced as a “co-benefit” of the controls because methane is released along with VOCs. We think the EPA could have, and should have, gone farther to protect public health from existing facilities and, as we digest the materials, we’ll be able to provide more details.

But what EPA has proposed is groundbreaking because it will help bring the oil and gas industry up to 21st century standards for clean air. Notably, these standards will save the industry money. The oil and gas industry’s power and influence in Washington has meant that important environmental protections have not been updated in decades and the industry has not been cleaned up. Families across the country have been crying out for assistance, but have had to resort to private lawsuits to protect their health and their children. Bravo to EPA Administrator Lisa Jackson and the dedicated staff at EPA who heard these cries, looked at the cold, hard facts, and realized that this industry pollutes too much. Jackson and the EPA recognize that current technology can clean up some of the oil and gas industry’s dirty mess, and that the industry can afford to do better by the people who have to live near its toxic facilities.

Editor’s note: *This article was excerpted from a post at the NRDC staff blog. Read the entire post at <http://switchboard.nrdc.org/blogs/amall/>.*

Does Natural Gas Drilling, Leasing Hurt Property Values?

We have been seeing stories from other states regarding how gas leases and the presence of gas wells are affecting property values, mortgage financing, homeowner’s/title insurance and financial institutions in a variety of ways. For example:

- Some homeowners in Texas who live near natural gas operations have seen the value of their property plummet.
- In Pennsylvania, potential homebuyers have been denied mortgages for properties with natural gas leases. Also, some banks have rejected loan applications from landowners because the company they leased to mortgaged the mineral rights in order to access credit to fund their drilling operations.
- In New York, some mortgage lenders are denying applications where the property has a natural gas lease, including major lenders like GMAC, Wells Fargo, and Bank of America, and may even reject an application if a neighbor has a lease.

These issues are very serious and have potentially serious consequences for West Virginia property owners. For many people, their property is their biggest asset. It may be part of their financial planning or they may use their property to help pay medical and other bills. As a result, property owners can be devastated to find their properties devalued or no longer bankable due to gas leases or gas wells on them. For the retired and elderly, there is no real time to recover such a loss.

We have heard from realtors that that many people refuse to look at properties if they don’t come with the mineral rights or if the minerals are already leased, and we are aware of at least one instance where a potential buyer was denied a mortgage because there was an oil and gas lease on the property. However, we have no documentation on how gas leases or the presence of natural gas operations are affecting property values, mortgage financing or people’s ability to get homeowner’s and title insurance in West Virginia. If you or someone you know has experienced problems similar to those described here or if you have any information on this to share, please call (304) 346-5891 or e-mail us at info@wvso.org with the details.

Case May Give Landowners Leverage in Dealings with Drillers

(excerpted from "Property, mineral rights conflict"
by Ry Rivard, *Charleston Daily Mail*, July 5, 2011)

In a case that may give West Virginia landowners a stronger bargaining chip in dealings with natural gas companies, a Marion County man is suing two of the state's largest gas producers to pay up or get off his land.

Richard Cain argues that gas producers don't have a right to put large Marcellus shale wells on his land in order to get at gas on his neighbors' property. If Cain prevails, it could become more difficult and expensive for gas companies to place multi-acre Marcellus well pads.

David McMahon, a lawyer who co-founded the West Virginia Surface Owners' Rights Organization, filed the lawsuit last week in Marion County Circuit Court. Cain is suing XTO Energy, a division of Exxon Mobil, and Glenville-based Waco Oil and Gas.

The lawsuit argues XTO can't take over up to 36 acres of Cain's 105-acre property just to put in Marcellus shale wells. The plans make Cain, a 61-year-old farmer and crane operator, "heart sick," McMahon said in a telephone interview last week.

Cain bought the land in 1989 to eventually give to his children. But he only owns the [surface] - more than a century ago, the mineral rights had been sold off.

Cain doesn't dispute that companies can use his land to get gas from beneath his 105 acres or even from the other 33 acres near him that were part of an original 138-acre tract.

But Cain argues the law doesn't give XTO or Waco the right to use his land as staging area for several large well pads that will drain gas from hundreds and hundreds of acres around his property that the companies have the mineral rights to.

The companies "do not have any rights at all to use his surface to drill horizontal wells to, or to explore for or produce gas from, any neighboring mineral tracts," the lawsuit reads. ...

... Cain's case is testing whether these horizontal wells should be treated differently in the eyes of the law. ...

... If Cain prevails, companies that don't own surface rights will have to spend more time negotiating.

...

... An XTO agent didn't give Cain any say on where the company would locate its wells or its access roads. But, according to the lawsuit, an agent

suggested XTO could pay Cain several thousand dollars for each pad - the highest offer being \$12,000.

An XTO agent also told Cain, "We will leave you a little," the lawsuit said.

On April 5 of this year, Cain sent XTO a letter that read, "You do not have permission to enter this property" to develop horizontal wells that would primarily take his neighbor's gas.

On April 14, XTO replied that they didn't need his permission.

When Cain went to his land April 17, he found part of his property had been cleared and his timber had been cut down.

Editor's Note: *XTO had the case moved to federal court. On Sept. 30, Federal District Judge Irene Keeley heard arguments on Mr. Cain's motion to move the case back to State Court. She asked many questions, primarily on the substantive law and fact questions raised rather than the procedural removal and remand issues. After an hour and a half of she concluded the hearing but allowed additional written briefs by the parties on the questions she had been asking. Stay tuned! More information on the arguments and legal authority involved in the case are available at www.wvsoro.org.*

Judge Allows Landowner's Appeal in [Permit] Dispute

(excerpted from an article by Ry Rivard, published
in the *Charleston Daily Mail*, July 14, 2011)

In the ongoing tug of war between landowners and natural gas companies, a judge in Doddridge County has at least temporarily handed a victory to surface owners.

Over objections from the state Department of Environmental Protection and EQT Production, Circuit Judge John Henning gave a surface owner the green light to appeal a gas well permit in court.

DEP and EQT, one of the state's largest gas companies, both argued landowner Matthew Hamblet didn't have a right to appeal a permit that already had been issued. Instead, both argued his chance to sway the DEP was limited to comments he filed with the agency before the permit had been granted.

DEP likely will appeal the circuit court decision to the state Supreme Court. But if the judge's ruling stands, landowners at odds with gas companies could add another wedge against gas companies to their legal toolbox. ... (continued on page 8)

Judge Allows Landowner Appeal

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... The Doddridge case represents one tactic surface owners hope to use against gas companies.

Hamblet's attorney argues state regulators didn't do enough to protect his land or the environment when they issued a permit to drill in the Marcellus shale beneath his land. So, Hamblet is appealing the permit in court.

But DEP and EQT both argue Hamblet's only chance to have his voice heard about the permit was during a comment period allowed by the DEP's Office of Oil and Gas.

EQT's attorneys said Hamblet was trying to do an "end run around" existing state laws. ...

... But court filings by Hamblet's attorney, Cynthia Loomis, allege DEP did little to hear his concerns.

"After submission of his detailed concerns to the (Office of Oil and Gas), Mr. Hamblet was only sent a brief letter from OOG which indicated that an OOG inspector had inspected the site and that the permit was still being issued," Loomis wrote in the court filing.

"The OOG did not even indicate what the inspector reviewed, when the inspector made the review, and what his findings were as to the issues presented in Mr. Hamblet's comments and despite Mr. Hamblet's photographic evidence." ...

... Loomis said 23 acres of Hamblet's 442-acre property near Arnold Creek is being used by EQT.

... The DEP argues it did a thorough job of addressing his concerns. ...

... [DEP attorney Jody Jones] said the law about whether surface owners can appeal permits seems unclear, and the DEP may ask the state Supreme Court to review Henning's ruling.

Hamblet's appeal of the permit may hinge on a Supreme Court case from several years ago. Jones said in a court filing that the high court had "not only mistakenly examined the wrong statute but reached an erroneous conclusion."

Henning indicated during the hearing he understood that argument.

"But," the judge said, according to the transcript, "it's not for me to tell the Supreme Court, quite frankly one, that their case was a mistake..."

Either way, Jones said he thinks the law needs to be clarified.

Editor's Note: *The judge denied DEP and EQT's request to dismiss the case based on a 2002 Supreme Court case (Lovejoy v. Callaghan), saying that he was*

not going to tell the Supreme Court that it was wrong, but invited DEP and EQT to seek a certified question. They did and now the case is headed for the Supreme Court for clarification. We'll keep you posted.

More Seismic Surveys Planned for WV: What to Expect

by Dave McMahon, wvdavid@wvdavid.net

ION Technology is now doing seismic (geophysical) testing in Preston County, WV. They are working for a number of companies that own mineral rights in the area, including the entity that will own the mineral rights of the Preston County Alliance, if the deal they are negotiating goes through.

WV-SORO first was asked about 3D seismic surveys in early 2010 when Chesapeake Energy hired Dawson Geophysical to do seismic testing in Upshur County. It was a difficult learning process for us because Chesapeake representatives always had to go up the chain of command to be able to give us any answers. What we learned during that process is available on our website www.wvsoro.org and we updated it recently to include a person account from one landowner who signed a permit for Dawson.

Like Dawson, it appears that, rather than doing title work in the courthouse deed room, ION is using the surface tax map information and sending permit requests to the people who get the property tax bills for the tracts indicated on the maps. In fact, their permit requests ask whether the people receiving the requests are just surface owners or also mineral owners. So, you will get a permit request regardless of whether you own surface and minerals or just surface. However, ION has been better than Chesapeake/Dawson at revealing their plans and we have information provided by the company at our website.

While you are at the website, be sure to read the page on the we created when Dawson Geophysical was doing 2D and 3D seismic testing in Upshur County for information on your legal rights. It explains in detail when you must let ION (or another company) on to conduct seismic testing and when you can deny them access to your property.

If ION (or another company) has the right to conduct the testing, you must decide whether or not to sign their permit. Our website discusses considerations and the implications of signing versus

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WV Surface Owners' Rights Organization
1500 Dixie Street
Charleston, WV 25311
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More Seismic Surveys Planned for WV

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not signing. If you do not sign the permit, you should contact to them and let them know where your house, other buildings, water wells, springs, and any pipelines are so they avoid setting charges off near them. Like Dawson, ION is only offering \$3.00 an acre, which is not much of an incentive to sign.

However, there is an addendum to the permit that the Preston County Alliance (PCA) has negotiated. It is better than the basic permit and ION directly agrees to repair or reimburse any landowner at fair market value for any damages that would occur. If you are someone who has to allow ION to conduct seismic testing on their property, it might be worth signing if you can get the PCA addendum for clarity of ION's responsibility to reimburse you for damages.

If you are someone who can keep ION from doing the testing on your land, you must decide whether or not you want to allow the testing to be done. Various considerations are discussed on our website and you should decide based on your goals.

Something that is not mentioned in ION's seismic permit request or in the addendum is a requirement that

they give you notice when they are coming through to survey, to bring helicopters or other equipment in to place charges, or to set off the charges/shots. ION says that its company policy is to let people know a week or two before they are going to each of these processes. However, if you have farm animals like horses that need to be put in barns when spooky things happen, you may need to insist on more notice so you can take care of your stock. If you are someone you does not have to allow the testing, then you are in better negotiating position to insist on having notice that is timely enough for you to protect your stock and get the PCA addendum.

The most important fact to know: seismic testing on your land or in your neighborhood means that Marcellus Shale horizontal drilling could well be coming your way! You should be educating yourself about what that means to you in your particular situation and what you want to do about it.

Editor's Note: *If you don't have internet access, call us at (304) 346-5891 and we can send you more information.*