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**Governor's Appointment  
to Oil and Gas Conservation Commission Blasted.**

*Industry leader appointed to "public" seat on Commission.*

(Charleston, WV)

A representatives of surface owners and mineral owners today blasted the Governor for appointing a long time leading oil and gas industry member, a person who is still a consultant and expert witness for the industry, to the seat designated for the public on the Oil and Gas Conservation Commission. The Commission is responsible for forced pooling of deep wells, including Utica Shale wells. It also oversees aspects of the implementation of the cotenancy statute that can force minority share owners of mineral tracts to accept leases made by other owners and has other responsibilities.

According to Dave McMahon, a lawyer and co-founder of the West Virginia Surface Owner's Rights Organization, "The qualifications for the chairman of the Commission pretty much assure he or she will be from the big producers. The small producers have a designated seat by statute. The head of the DEP and its Office of Oil and Gas each sit on the Commission. The fifth member appointed by the Governor is supposed to represent the public the statute says. The public includes the consumers who are the ultimate consumers of the gas, mineral owners who are force pooled into units, mineral owners next to those units, mineral owners with partial ownership of a mineral tract who are forced by the 2018 Cotenancy Statute to accept one of the leases entered into by other owners. The indirect result of good decisions by the Commission can protect surface owners. The gentleman that the Governor appointed and the Senate approved is an industry guy all over, and should not be the public member."

The website for the Commission says that the public member is Mike McCown who has had a "a 40-year career in the oil and gas industry," was once President of the Independent Oil and Gas Association, was once President of the West Virginia Oil and Natural Gas Association, and was the 2014 Oil & Gas Man of the Year. It says he currently provides consulting and expert witness services for the industry!

McMahon said he and other interested parties had contacted the Governor's Office many months ago and suggested two people for the position. One was Woody Ireland, a former member of the House of Delegates who was chair of the House Energy Committee, and is a farmer and a mineral owner and a surface owner. They also recommended a former head of the Office of Oil and Gas who is a registered professional engineer, has even international experience, and most recently managed mineral holdings for large landowners.

"I suppose we should have caught this when it came before the Senate Confirmations Committee," said McMahon. "But it had been so long with no action that I assumed the Governor was just not going to fill it. And no one from the Governor's office or anyone else who knew we were interested did us the courtesy of saying our suggestions were rejected, and why." The Governor submitted the industry guy's name in a letter to the Secretary of State on September 3, 2019. The first public notice of his nomination was when he was number 107 on a list of 137 nominations sent to the Senate dated September 18, 2019. And the Senate approved him on September 23rd.

McMahon said he was not sure what actions he and other members of the public would take now, except, "I do know that every time I am involved in anything in front of the Commission and I lose, then I am going to challenge the validity of the decision, because this gentleman clearly does not qualify as a member of the public as required by the statute." McMahon added, "The Senate's confirmation does not override the requirement that was placed in the statute by both houses of the Legislature after public airing by three separate readings on three days in each house."

### END ###