

# SURFACE OWNERS' NEWS

The latest news and updates from WV Surface Owners' Rights Organization



One example of pond subsidence from mining.

## WV SORO and Allies Sue Over WV DEP Carbon Capture Oversight

WV SORO, along with the Sierra Club, the West Virginia Rivers Coalition, and the West Virginia Highlands Conservancy, has filed suit in the US District Court challenging the EPA's decision to grant West Virginia primacy over permitting and oversight of carbon dioxide injection wells used for carbon capture and underground sequestration. The petition argues that the state's proposed program does not meet federal minimum standards and that EPA exceeded its statutory authority in approving it.

WV SORO is concerned because the Legislature and the Department of Environmental Protection have done a miserable job overseeing similar environmental programs, including oil and gas well regulation, leaving more than 12,000 wells unplugged and underfunded, with too few inspectors. If granted primacy, critical oversight of carbon injection wells will be underfunded, posing serious risks to public health and property values.

## Court Grants WV SORO Amicus Role in Mine Subsidence Appeal

The West Virginia Supreme Court has agreed to allow WV SORO to file a "friend of the court" amicus brief in the appeal of an Ohio County couple whose case was dismissed for waiting too long to file for compensation for harm to their land caused by longwall coal mining subsidence.

The Circuit Court and the Intermediate Court of Appeals held that the couple had two years from the date that the coal company did longwall mining under their house and land to file for compensation, even though the couple had no way of knowing just when that was occurring and even though subsidence might occur for months or years after the mining happened.

The lawsuit relies on the Surface Mining Control and Reclamation Act and the WV Surface Coal Mining and Reclamation Act, which provide compensation for subsidence harm and do not include a statute of limitations.

Read the full story in our latest newsletter at [wvsoro.org/2026news](https://wvsoro.org/2026news)

### THE WV LEGISLATURE

## Looking Back on 2025, Looking Ahead to 2026

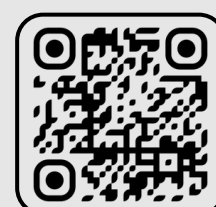
Because it was a new Governor's first legislative session, the 2025 WV Legislative session ran from the second Wednesday in February to the second Saturday in April. That gave us extra time to prepare, but we hate being trapped inside the Capitol, looking out the windows at a beautiful spring. This year, and the next two, it will run from the second Wednesday in January to the second Saturday in March. With your help, we made a difference in 2025, though not all of our efforts were successful.

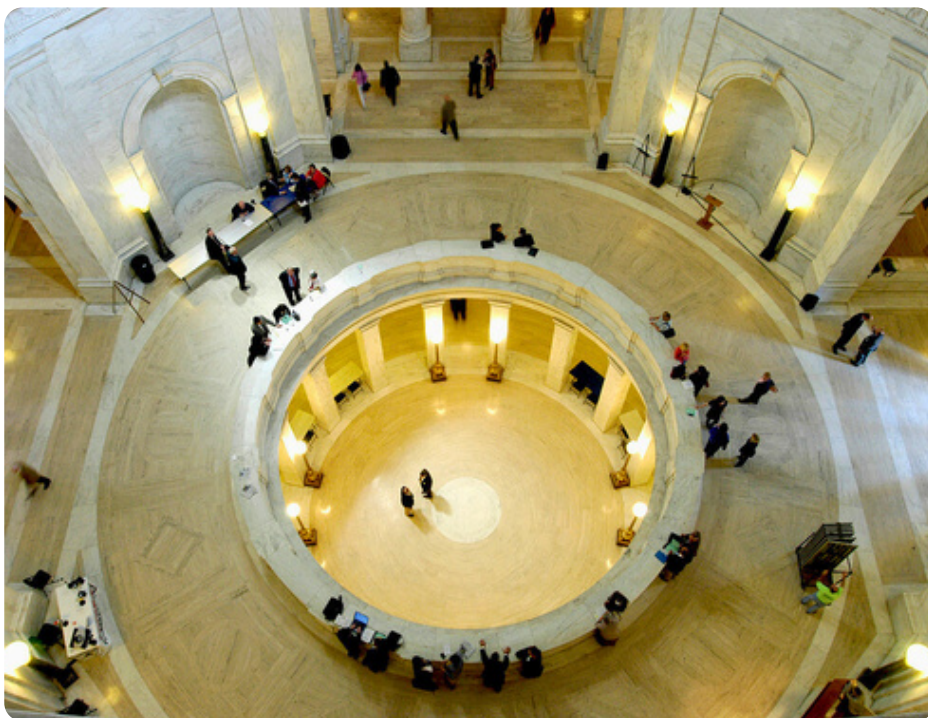
Continue reading on page 2



Winter start for Legislature this year.

Read the full article and more updates like it in our latest newsletter at [wvsoro.org/2026news](https://wvsoro.org/2026news), or scan the QR code.





Inside the Capitol Upper Rotunda, also known as The Well.

### Legislature continued from Page 1

**The passage of SB 22 was a big win.** As production from thousands of conventional vertical wells continues to decline, many small operators stop paying royalties. Unlike royalty owners dealing with large horizontal operators, conventional-well royalty owners had little practical recourse because the unpaid amounts often weren't worth the legal cost. Now, after six months of non-payment, a royalty owner can sue for triple damages and attorneys' fees.

**HB 124 dying was another big win.** This bill would have changed the statute of limitations for suits over back royalties, including cases involving improper deductions from royalty checks. With a 12.5% royalty, drillers already keep more than 85% of the value of the gas—yet they still want to take additional “post-production” costs and other expenses out of royalty payments. Our testimony, along with opposition from the WV Association for Justice, helped stop the bill.

**We were not able to stop HB 3336,** pushed hard by Diversified Energy, which created a shortcut for plugging old wells. We argued that changes in plugging rules should wait until the Princeton/McGill study findings are fully reviewed, especially given evidence of leakage from some recently plugged wells. Despite that, the Legislature passed the bill. Before the end of session, we learned that one well plugged under this approach leaked and had to be re-plugged.

**SB 11 and HB 3415 never went anywhere.** These bills would have helped prevent new wells from becoming orphaned by requiring drillers to set aside money from the start of production in an interest-bearing account so it's there later when the well needs to be plugged.

This approach is practical and affordable. A horizontal shale well can produce roughly 60 times the gas of a conventional well, but only costs about one and a half times as much to plug. Only a tiny fraction of each well's yearly income would need to be reserved to cover plugging later, instead of leaving the public holding the bag. HB 3415 also addressed wells that are transferred. The oil and gas industry is powerful in the Legislature, but we are not giving up.

### 2026

We are back at the Legislature in 2026, trying to get our bills that did not pass in 2025 passed. And we will be ready to fight against the latest crop of bad ideas. Our presence prevents really, really stupid or greedy ideas from even getting introduced!

Legislators pay more attention to communications from back home than they do to our familiar faces. So be on the lookout for our email alerts asking you to contact your local legislators.

If you have never received an alert from us, please contact us at [info@wvsoro.org](mailto:info@wvsoro.org) with your email address so we can add you to our list.

## Updated Royalty Advice for Leasing and Lease Amendments

As we gain more experience, we have additional advice for mineral owners (and those who own both surface and minerals)

This info applies if the company is offering you a new lease for gas, oil, and/or liquids. It also applies if there is an old gas or oil lease on your land and the company wants you to sign an amendment to the lease because the old lease lacks a pooling/unitization clause. They need this clause to drill horizontal well bores through multiple mineral tracts—and that is about the only way wells are drilled now.

The guidance covers advice on royalty negotiations, warns against agreeing to lower royalties or signing under pressure, explains forced pooling and cotenancy, and cautions that the driller's lawyers draft the lease language and often include provisions that are not in your best interest.

**Read the full article at [wvsoro.org/2026news](https://wvsoro.org/2026news)**

### Have You Visited [WVSORO.org](https://wvsoro.org) Lately?

You'll find lots of information and resources, including:

- How a well is drilled and what can go wrong
- Why an old well is “plugged” and not “capped,” and why it is so tempting for pluggers to cheat in doing so
- A tour of gas wells in Kanawha State Forest
- Current issues and events
- New resources and advice
- Info on particular wells
- Info on buying land with mineral rights/gas wells
- The CBS News/ProPublica documentary on our WV Supreme Court victory

**And remember to click to listen to the West Virginia Land Reunion Song!**