



**West Virginia Surface Owners' Rights Organization**  
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May 1, 2026

Dear Member/Friend,

Enclosed is our annual printed newsletter. We had hoped to get it out in January but, for one thing -- that weather! We are using a different format this year; saving money by just having short article summaries that, if they interest you further, will tease you onto the website. We are very proud of our website that gets hundreds and hundreds of visits. In fact, one of the stories in the printed newsletter points out just a few of the helpful features you may find there.

Another reason for not getting this out in January was that the Legislature started and it was full bore from the get-go. One bill that the coal companies wanted and that we worked against was Senate Bill 686 -- a bill industry called the "coal cotenancy" bill, but we called "forced surface subsidence".

WVSORO was OK in previous years with the "oil and gas cotenancy" bill, and the later "forced pooling" bill passed during previous legislative sessions. These laws allow *oil and gas* drillers to *drill horizontally* in gas bearing formations *under the ground* if they only have 75% of the ownership of a mineral tract or unit signed to a lease. We were OK because 1) the other 25% get the highest royalty and other best terms any of the 75% got, 2) because the 75% were perhaps unfairly being deprived of substantial royalties, and 3) because the royalties that did not get paid to missing and unknown mineral owners go to plug orphaned wells, and then after 7 years, to the surface owner! But more important than those reasons, we are OK with these other laws because they prohibit oil and gas drillers from disturbing the surface unless they get the surface owner's consent! SB 686, the *coal cotenancy* bill, promotes longwall underground mining with or without surface owner consent, and that guarantees that there WILL be disturbance on the surface. There will be damaged foundations and destroyed homes, ruined water wells and springs, broken pipelines, pastures no longer fit for cows or hay cutting. and much more. So we fought SB 686 as hard as we could.

Unfortunately, we were not successful. The bill was introduced on a Friday and passed out of the Senate Energy, Industry and Mining Committee the following Monday -- before we had a chance to inform ourselves about its details. WV SORO knows more about the abuses of oil and gas drilling, and it took us a little while to get up to speed on longwall coal mine subsidence practical and legal issues. The bill had a second Senate committee reference, and we met with the chair of that committee who said the bill was not on his radar, so we relaxed little. But then on the last day for bills to get out of committee, it was added to the previously published agenda only hours before the committee meeting. We did not have time to successfully arrange to explain to the committee our problems with the bill, and it flew out of the committee to the floor and passed the Senate.

In the House of Delegates, we were pleased that the bill got double referenced to both the Energy and Judiciary committees. In the Energy Committee we asked three different delegates to call on us to speak to the bill at the public hearing stage, but the bill was fast tracked again when the chair announced there was only a short time available for the committee to meet. At the next Energy Committee meeting, the passage stage, we asked a Delegate to offer an amendment that when someone's home is destroyed, they should get the replacement value, not just a limited repair cost. But the delegate made no argument in support of his amendment, and it was not adopted.

We thought we could still object to the bill next in the Judiciary Committee, but the Energy chair asked the Judiciary chair to waive the second reference and the bill went straight to the House floor. A Delegate told us he would try our amendment on the floor but changed his mind. The bill passed both the House and the Senate and became law.

We did have one small victory for surface owners' rights during the 2026 legislative session. The win relates to capture and sequestration, or "CCS". CCS captures carbon dioxide ("CO2") emissions from power plants and other producers and pumps it underground to permanently to "sequester" the CO2 to keep it out of the atmosphere. The law says that the pore space in the underground formations used for carbon sequestration belongs to the surface owner! And the law allows the entity injecting the CO2 into the pore space to force pool "hold out" surface owners who do not agree to sign sequestration leases to use their pore space used. We got an amendment to the rules governing CCS in West Virginia that says that the commission that decides how much the hold out surface owners will get paid can ask the injecting entity for not just the average that other surface owners agreed to be paid, but the value of the use of the pore space to the entity. After all, if you owned a meadow next to a highway, and Exxon wanted to put a gas station/convenience store there, should Exxon pay you what the land was worth to you as a meadow, or what it is worth to them as gas station/convenience store?

During the 2026 legislative session, we also helped stop bad amendments to a 2025 law passed to help royalty owners who are getting stiffed by small operators of conventional wells from being weakened. This new law is explained in the enclosed and on more detail on our website. But there were other bad bills we could not stop. One was similar to last year's HB 2014 that eliminates all local control over placement and operation of micro-grid powered data centers. This year's SB 648 overrides local control and allows infrastructure for processing "strategic and critical" substances like arsenic, lead, mercury, strontium, uranium etc. to be placed right next to your home, schools, hospitals, etc. (unless they are in "municipal or urban areas" – whatever that means). In sum, the 2026 Legislature left us feeling like West Virginia is a big company town where the people are dictated to and have no say.

The enclosed newsletter points out the good we did in 2025 during the legislative session, as well as some disappointments there. It also highlights our other accomplishments. We could not do these things without the financial support of our members. Unless you tell us different, once you are a WVSORO member, and we continue to count you as a member for whom we advocate and who we educate! But your continued financial support is important and appreciated. We have enclosed an envelope to send a contribution in any amount you see fit. (Because of our Legislative work donations not tax deductible.)

Feel free to call or email us, or check our website for advice, if you have questions or problems we can help with. Thank you for your continued support!

Sincerely,

A handwritten signature in black ink, appearing to read "Dave McMahon". The signature is fluid and cursive, with a large initial "D" and "M".

Dave McMahon, J.D., Co-Founder