

## West Virginia Regulation

In December of 2011 the West Virginia Legislature passed new regulations that will be enforced by the West Virginia Department of Environmental Protection. Permits are issued by the WV DEP.

Counties and municipalities have very limited control of drilling. Throughout the Northeast citizens' groups and local government have challenged laws and tried to ban drilling. The concerns cover the noise caused by drilling/fracturing, failure of cement casings that may leak fluids into aquifers, gases leaking into the atmosphere, high water consumption and destruction of highways and nature habitats.

## The Future of Oil Shale

Marcellus oil shale under parts of New York, Ohio, Pennsylvania and West Virginia contain 141 trillion cubic feet of gas. This represents approximately 6 years of energy use for the United States. However, the total gas/oil supply in the US may be enough for 100 years.  
<http://allenergyallthetime.blogspot.com/2012/02/natural-gas-prices-and-shale-estimates.html>

## Economic Impact for West Virginia

The number jobs and longevity of employment created by drilling is not easily estimated. Most skilled jobs are still being filled by out-of-state workers. The influx of people increases the need for housing and services in addition to possible industry employment.

The State also benefits from revenue from the Severance Tax on oil/gas production. Some of this tax is distributed to the counties.

### West Virginia Surface Owners' Rights Organization

1500 Dixie Street, Charleston, WV 25311  
Phone: 304-346-5891  
<http://www.wvsoro.org>

### West Virginia Oil and Gas Association

PO Box 3231, Charleston, WV 25332  
Phone: 304-343-1609  
Toll Free: 866-343-1609  
<http://www.wvonga.com>

### West Virginia Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304  
Phone: 304-926-0440  
<http://www.dep.wv.gov>

### Frack Check WV

<http://www.frackcheckwv.net/about/what-is-fracking/>

### Potomac River Keepers

1100 15th St NW #11, Washington D.C. 20005  
Phone: 202- 222-0707  
<http://www.potomacriverkeeper.org>

### Sample Lease Information

<http://www.lookbeforeyoulease.org>

This pamphlet was developed by the Morgan County Commission's Marcellus Shale Committee. It is not legal advice. Any person that receives an offer related to the lease or sale of mineral rights is urged to seek legal advice

[www.morganshale.com](http://www.morganshale.com)

# SALE AND LEASING OF GAS & MINERAL RIGHTS

## Morgan County WV

Mineral rights in West Virginia are being solicited from land owners for leasing and drilling. The most recent activity is for the rights to drill or extract shale oil/gas from layers of the Marcellus and Utica Shale by hydraulic fracturing or to build a pipeline to transport gas.



## Do I Own My Mineral Rights?

If you do not know if you own or have a lease on your mineral rights, take your most current tax bill to the country clerk's office and start a search of the documents in the Morgan County Court House. Explain your search and the employees will guide you to the proper area to begin your search of land and leasing documents.

## What If You Do Not Own Your Mineral Rights or Hold The Lease?

You should contact a lawyer that has experience in property law. You must allow reasonable

access to your land for drilling if a permit is granted by the West Virginia DEP.

## Protect Your Rights

1. **Do not be rushed to sign a lease in a few days.** No one can force you to sell or lease your mineral rights. Future generations will be bound by what you sign. **SEEK LEGAL ADVICE.** You can request your lawyer fees be paid by the leasing /drilling company.

2. **Understand what you are signing.** Educate yourself about leases and mineral rights sales.

3. **Each lease is an individual contract.** Most gas and oil leases are not covered by consumer protection laws. You and your legal counsel can write your own lease.

4. **Test your water before drilling.** If your water becomes contaminated, it will be important to be able to have proof that it was safe before drilling. Have your water tested shortly before drilling is started and continue to have it tested while drilling and pumping continues. West Virginia requires that drilling companies must offer to test your water if you are within a state mandated distance from well drilling. However if you are not in that area you may still want to test your water. Carcinogenic, radioactive and toxic chemicals may be found if there is improper disposal of fracturing liquids or well casings fail. A certified testing facility must be used for the tests to be valid. See [morganshale.org](http://morganshale.org) or contact the West Virginia Department of the Environment for certified testing facilities.

5. **Consider pooling** with other land owners to maximize your income and minimize the surface disruption caused by drilling pads and truck

traffic. Income from pooling may be different for each owner.

## If your or a nearby property is a drilling site consider:

- The impact of drilling on home owner quality of life such as water, air and noise pollution
- The possible calling of homeowner loans from mortgage holders and/or obtaining homeowner's insurance
- The change to property values with a drilling pad on your or adjoining property
- The assessment of property assessments/taxes based on a commercial rating rather than home or farm value.

- The placement of road or pipeline access by drillers onto your property

## Marcellus and Utica Shale

Marcellus and Utica Shale are layers of rock approximately 1 to 2 miles below the surface. They contain large amounts of natural gas that has become financially feasible for extraction using hydraulic fracturing. This involves using large amounts of water (as much as 5 million gallons per fracturing event) with added chemicals that is injected into a well under pressure to fracture the shale and release the gas.

The liquid that is returned to the surface must be recycled or disposed of properly. If best management practices are not followed, the water, laced with chemicals, salts and radon, may pollute soil, water and air.

