## VOL. 3 ISSUE 2 2022



AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN



CHUCK SAFFER MODERATES A PANEL DISCUSSION AT THE APPALACHIAN LAND INSTITUTE - ROB GREINER, THOMAS LONG, AND RENEE ANDERSON, PANELISTS

## INSIDE THE ISSUE:

Appalachian Land Institute, Basin Brief, June Clay Shoot, and MLBC/NALA Merger

TΗΕ	<b>NSS</b>
N N N	<b>PR</b>

	H. H.
3	LETTER FROM THE PRESIDENT
4	CORPORATE SPONSORS
5	SPONSORSHIP LEVELS
6	APPALACHIAN LAND INSTITUTE 2022
8	MEMBER SPOTLIGHT: STACY TICHY
10	AWARDS DINNER
11	2022 CHARITY CLAY SHOOT
12	AAPL DIRECTOR REPORT
13	AAPL UPDATES
17	MLBC AWARD NOMINATIONS
18	MLBC/NALA MERGER
19	BASIN BRIEF
22	LEG & REG UPDATE
25	FEBRUARY DINNER MEETING
26	UPCOMING EVENTS
28	EXECUTIVE COMMITTEE
29	COMMITTEE CHAIRS
30	MLBC MEMBERSHIP REPORT
31	MEMBERSHIP INFORMATION







# LETTER FROM THE PRESIDENT



MLBC PRESIDENT, ROB GREINER

In March, the MLBC and the AAPL hosted the Appalachian Land Institute in Washington, PA. You can read more about the event in this edition of the Wildcatter. The event was certainly well attended and I want to personally thank Abby Veigel, our MLBC Executive Director and both Chuck Saffer and Bill O'Brien, our Education Committee Chairmen. Their involvement provided for an exceptional educational and networking event. Also, special thanks to all involved including our speakers and sponsors.

The guest of honor was the AAPL President, Mr. James Devlin who shared various AAPL updates during his lunch presentation. In a follow up email, Mr. Devlin shared that the MLBC is an impressive group of professionals. Moreover, he shared that everyone he talked to has appreciated and respects the leadership of the MLBC. He went on to share that this is a great testament to the quality of the MLBC. I commend all who are involved in making this a quality organization as recognized by the President of our National Association.

If you haven't already, please register for the upcoming Spring Social. This is a free event for members while spouses and guests are invited to attend for a nominal fee. Abby is busy planning the event and it sounds like a great evening including live music, good food and an open bar! This is all made possible because of the sizable NALA donation and our gracious sponsors; Babst Calland, Blue Duck Resources, Dickie McCamey, and Haberl, Buell & Rice. Join your industry peers for a casual evening in Pittsburgh! Hope to see you there! Shortly after that, the MLBC will be hosting its annual Spring Charity Golf Event at Oglebay Resort. Through its Foundation, the MLBC is able to generously donate to the WVU Children's Hospital. Come out in support of a great cause and have a good time on the course.

Lastly, the MLBC will round out the 2021-2022 term year at Stonewall Jackson Resort. Join us Thursday, June 2nd for our Annual Awards and Officer Induction meeting, stay overnight and then join us for our Spring Charity Clay Shoot on Friday. I look forward to seeing you at one of our upcoming events:

- April 22, 2022
  MLBC/NALA Social-PNC Park
- May 6, 2022 Spring Charity Golf Event - Oglebay Resort
- June 2, 2022 Annual Officer Induction and Awards Dinner
- June 3, 2022 Spring Charity Clay Shoot- Stonewall Resort

# 2022 *MLBC CORPORATE SPONSORS* PLATINUM

Babst Calland







SILVER













Cassidy Anderson & Kane





## 2022 CORPORATE Sponsorship Levels



## PLATINUM: \$5,000 PER YEAR

- Logo on the corporate sponsor board at every meeting along with the meeting sponsor board (virtually or in person).
- Logo in every edition of The Wildcatter and the bottom of every membership email.
- Receive three meeting/dinner passes for each meeting for one year.
- Receive one free Full Page advertising ad in The Wildcatter per year.
- Receive one free Half Page advertising ad in The Wildcatter per year.
- Logo on Golf Outing sponsorship boards.

## GOLD: \$2,500 PER YEAR

- Logo on the corporate sponsor board at every meeting (virtually or in person).
- Logo in every edition of The Wildcatter and the bottom of every membership email.
- Receive one free Half Page advertising ad in The Wildcatter per year.
- Logo on Golf Outing sponsorship boards.

## SILVER: \$1,500 PER YEAR

- Logo on the corporate sponsor board at six meetings (virtually or in person)
- Logo in every edition of The Wildcatter and the bottom of every membership email.
- Receive one free Half Page advertising ad in The Wildcatter per year.

## **BRONZE: \$750 PER YEAR**

- Logo on the corporate sponsor board at three meetings (in person or virtually).
- Logo in every edition of The Wildcatter.

## ADVERTISING IN THE WILDCATTER:



## HALF PAGE AD: \$250/MONTH

## DINNER MEETING SPONSORSHIP: \$250/MEETING

Companies will receive advertising at the dinner meeting as well as your logo displayed on our website for the month of the meeting you sponsor.

For more information or to purchase a Corporate Sponsor package or advertise in the The Wildcatter, please contact Abby Veigel @<u>abbyveigel@mlbc-aapl.org</u>. Please contact Harry Heinbaugh at <u>harry.heinbaugh@percheronllc.com</u> for dinner meeting sponsorships.

## 2022 APPALACHIAN LAND INSTITUTE

WRITTEN BY: CHUCK SAFFER & BILL O'BRIEN

This year's Appalachian Land Institute event was attended by approximately 90 land professionals.

Both the chapter officers and the education committee were very pleased to have AAPL president Jim Devlin in attendance and appreciated the compliments he delivered regarding the program.

Nik Tysiak of the Babst Calland law firm kicked off the conference with an in-depth presentation on the West Virginia tax sale process and recent developments in that area from the state Supreme Court. Following Nik, the president of the Marcellus Shale Coalition, David Callahan, gave an update on the state of the industry; including the status of various industry-related projects in the basin. The morning session concluded with veteran speaker, Andy Graham of Steptoe & Johnson, presenting information on the differences between mineral leases and renewable energy transaction instruments.

At lunch, the attendees were provided with a moving update on the state of the AAPL from president Devlin. The afternoon session began with a panel comprised of Renee Anderson, Thomas Long, and the current chapter president, Rob Greiner, who discussed the do's and don'ts of negotiation. The talk was moderated by Chuck Saffer.

The afternoon continued with petroleum engineering professor, William O'Brien Sr., providing a look at the technical aspects of enhanced oil recovery. The afternoon concluded with Maureen Sweeney of Steptoe & Johnson presenting on zoning issues that affect oil and gas development. A happy hour followed.

We were pleased that most attendees made it back the next morning; they were first joined by Natalie Jefferis of Peacock Keller for a presentation on West Virginia co-tenancy issues and the new ancillary administration processes in that state. Thereafter, the attendees heard panelists Bill Haas, Matt Pasquinelli, and Erik Leech discuss renewable energy projects; the discussion was moderated by Jon Beckman of Steptoe & Johnson. Josh Abrams of the Kiefaber Oliva law firm provided a case update on title matters with a focus on recent Ohio cases involving the Dormant Mineral Act and Marketable Title Act. The conference concluded with Kevin Pierson of Blue Duck Resources providing a dose of ethics.





## 2022 APPALACHIAN LAND INSTITUTE











## Member Spotlight: Stacy Tichy, RPL

#### Tell us a little about yourself.

I reside in Davisville, West Virginia with my husband, Steven, our 6-year-old daughter, Payson, and 3-month-old son, Lucas. I graduated with my bachelor's degree from California University of Pennsylvania in December of 2020. I majored in jurisprudence and minored in land management. In my spare time, I love boating, camping, and traveling with my family.

#### Who are you currently employed or contracted with?

I currently work for Percheron as a Title Supervisor in the company's title department. I am very fortunate that I have been with Percheron (previously Mason Dixon Energy) since February of 2008. I began my career with Percheron/MDE as an abstractor.

## How long have you worked in the oil and gas industry? And what states do you have experience in? And tell us about any other land organization you belong to.

I have worked in the industry for just over 14 years. Most of my experience is in West Virginia, Ohio, and Pennsylvania. I also have limited experience in North Carolina and Texas.

In addition to the MLBC, I am also a member of the West Virginia Chapter of the Women's Energy Network.

#### Tell us about your first position in the industry.

My first position in the industry is quite different than the role I am currently working. I started working in the industry during my senior year of high school in 2006. I had an abbreviated schedule at school that allowed me to go straight to work right after my lunch period. This was a great experience for me that allowed me to get my foot in the door in the industry at a young age. My career in the industry began with a secretary role that rolled over into a lease analyst position as the company expanded. I'll be honest that there were several times I felt overwhelmed being so young working in the industry, however, I am glad I gained a solid foundation at such a young age.

#### What areas of the industry do you have experience in?

I have experience with title, due diligence, curative, lease acquisition, and project management.

#### Do you have a mentor in the industry? Can you provide details?

My sister, Sabrena McKinney and brother-in-law, Eddie McKinney, both project managers for Percheron, have been two of my biggest mentors. I look up to both of them and admire all the qualities they possess as managers/leaders. I'm sure they enjoy all my phone calls and texts anytime I have a question or a situation I may not be familiar with. They never hesitate to take time out of their day to help me understand something I may not be familiar with. I have worked alongside them in some capacity since 2008.

(Continued)

#### How long have you been a member of the MLBC. Do you currently have any certifications through the AAPL?

I have been a member of the MLBC since 2008. I received my RPL certification in 2015. I plan to sit for my CPL exam in the near future now that I have completed my bachelor's degree.

#### What benefits have you found as a member of the MLBC? What are your favorite aspects?

Networking is certainly a major benefit to being a member of the MLBC. The MLBC gives me ample opportunities to meet and network with other individuals in the industry. The educational opportunities that we are given as members is also a major benefit. The industry is ever changing, so it's important to continue learning whenever possible. I often find myself saying, "well I learn something new every day", even after 14 years. For me, there couldn't be a truer statement about the industry.

## Do you serve the MLBC, AAPL, or any other organizations in an executive capacity and/or serve as a committee chair? Are you a member of any committees?

Yes, my first role with the MLBC was on the planning committee. After a short time working on the committee, I became the planning committee chair in 2018. I was planning committee chair until the committee was dissolved. I currently serve on the executive committee as local director as well as the marketing committee chair. I have also previously served in several roles for WEN-WV, including, sponsorship director, president-elect, president, and immediate past president.

## WANT A LANDMAN BROKER WITH NATIONAL EXPERTISE AND A HOME TOWN FEEL?

You CAN have the best of both worlds.

Speak with a Dudley manager to learn about our nationwide network of regional experts at dudley-land.com



# 2 DAY EVENT

Join us Thursday night for our Annual Awards and Officer Recognition Dinner and stay over night and participate in our Spring Charity Clay Shoot on Friday

## JUNE 2-3 Stonewall Resort



OFFICER INDUCTION



ANNUAL AWARDS PRESENTATION



SPRING CHARITY CLAY SHOOT

REGISTER FOR AWARDS AND OFFICER INDUCTION DINNER





**REGISTER FOR CHARITY** 

**CLAY SHOOT** 

## June 3rd | 10 A.M.



## 401 Goosepen Road, Roanoke WV

# 2022 SPRING

CLAY SHOOT

## Benefitting the MLBC Scholarship Fund

#### WHEN:

**Friday, June 3, 2022** 10:00 AM – 12:00 PM: Wave 1 [48 shooters]

12:00 PM – 1:30 PM: Lunch, Raffles & Auction

2:00 PM – 4:00 PM: Wave 2 [48 shooters]

#### WHERE:

Stonewall Sporting Clays 401 Goosepen Road Roanoke, WV 26447

#### **REGISTRATION:**

\$125 per shooter [MLBC Members] \$150 per shooter [non-members]



#### Don't have a shotgun or ammo?

Stonewall Sporting Clays has you covered! Shotgun rentals are available for \$20, and ammo is available for \$10/box

#### Want to make a weekend out of it?

We have discounted rates available at Stonewall Resort. Contact Tyler Murray for more information: tylermurray.land@gmail.com

#### About the MLBC Scholarship Fund

The MLBC Scholarship Fund awards scholarships to outstanding students enrolled in WVU or Marietta College's AAPL-accredited 4-year degree programs.

### SPONSORSHIP OPPORTUNITIES

**[\$1,500] Lunch Sponsor** one available **[\$1,000] Raffle Sponsor** – two available **[\$500] Station Sponsor** – ten available



**AAPL DIRECTOR'S REPORT** 

By: Britney Crookshanks, Regional Director



On March 13, 2022 the AAPL hosted a quarterly Board of Directors meeting in Oklahoma City, Oklahoma at the Omi Hotel. The AAPL asked all members to be made aware that anyone who registers for the RPL/CPL Review Course needs to also schedule their Scantron exam at the same time to ensure they have a timeslot as soon as possible following their review. There is also a new option available called "Live Remote Proctoring" if there are no desired time slots available. AAPL is developing a Renewable Energy Certificate program which will be offered to members and is scheduled to launch this fall.

There was discussion regarding the degree requirements for obtaining the Certified Professional Landman designation. There is not a formal motion in discussion and after further research and analysis by the Certification Committee no motion was brought forward, therefore no changes will be made to the current requirements of CPL's. A motion was made to dissolve NALA as a local affiliate and the motion passed.

The 68th AAPL annual meeting will take place in Chicago Illinois June 15-18th. The meeting's keynote speakers are Alex Epstein who is the New York Times bestseller author of "The Moral Case for Fossil Fuels" and David Ramsden Wood who is the Co-Founder and COO of OneEnergy Partners. The event provides an opportunity to earn up to 17 education credits during the conference. The educational topics are diverse with the entire energy spectrum covered with renewable and fossil fuels. The party of the year being the Landman Bash, is going to take place on the "Spirit of Chicago Yacht" for a private cruise on Lake Michigan. There are a ton of networking opportunities during the conference with happy hours and a golf tournament. A new addition to this event is the Local Association Round Table where members of local AAPL affiliates can participate in discussions relevant to each local association. The AAPL is offering registration discounts to the annual meeting, and you can learn more about how to apply by reaching out to their Membership Services Team.

If you have any questions or would like to become involved in AAPL I encourage you to contact me. It is important that Appalachian Land Professionals are represented within leadership at AAPL. There are different committees and different levels of involvement you can volunteer for. Make sure to reach out to me or your colleagues who are already involved if you would like more information. We hope to see a large presence of Appalachian Land Professionals in Chicago!



# MEMBER NEWS

## AAPL PRESIDENT SENDS OPEN LETTER TO PRESIDENT BIDEN March 21, 2022

On behalf of the over 11,500-member American Association of Professional Landmen (AAPL) and our 38 affiliated local associations across North America, I am writing to you to express our opposition to recent statements by your administration implying domestic oil and gas producers could provide more U.S. energy but for the actions of the industry. This assertion is not only inaccurate but fails to recognize energy policy decisions that have contributed to the precarious position in which we now find ourselves due to the conflict in Ukraine.

Although we wholeheartedly applaud the Administration's decision to ban imports of Russian produced oil, the cumulative impact of the Administration's other decisions, such as: canceling the Keystone XL pipeline permit; suspending or rescinding previously granted drilling leases; stalling approvals for LNG export facilities; and failing to hold a single federal onshore oil and gas lease sale since taking office, have had the chilling effect of disincentivizing decisions to make current and future investments in safe, dependable, and affordable American oil and gas supply. Less than two years ago, the United States achieved energy independence, but that is no longer the case, and we now find our government calling upon adversarial nations like Venezuela, Iran and Saudi Arabia to produce more energy for Americans when we could do it at home — safer, more efficiently and with less risk to the environment and to national security.

Unfortunately, such energy supply deficiencies were predicted as early as January 2021. According to the bipartisan Center for Strategic & International Studies (CSIS) statement on the President's inaugural day moratorium on federal oil and gas leasing, "[w]ith nearly 25 percent of U.S. oil and gas production coming from federal lands, the policy shift may have significant implications for future investment and production."1

And just last week, President Biden's press secretary, Jen Psaki, made a questionable claim when asked by a reporter why the administration is not doing more to tap into domestic energy supply, including restarting lease sales on federal lands. Psaki responded that the United States is already producing oil "at record numbers" and said, "there are 9,000 approved drilling permits that are not being used." She continued that, "the suggestion that we are not allowing companies to drill is inaccurate. I would suggest you ask the oil companies why they're not using those if there's a desire to drill more."2 Strangely, Psaki refers to drilling "Permits" rather than "Leases." Oil companies may own a lease on federal land but must subsequently obtain a permit to drill. This process to obtain a drilling permit can take months or even years to acquire.

Although Psaki's statements may have been intended to reference the pace at which new permits to drill are being issued, her statements are not only misleading but show a lack of understanding of how domestic oil and gas exploration and production functions. "That accusation is a complete red herring," said American Exploration & Production Council CEO Anne Bradbury. "It's really a distraction from the fact that this administration has paused leasing on federal lands, something that we're concerned about and something that we think needs to continue right away. The fact is that industry is producing at a higher level on existing leases on federal lands than in the last 20 years and these leases take many years to explore, to develop and produce on," Bradbury added.



This sentiment has been echoed by the American Petroleum Institute as well as other energy trade groups. "This represents a fundamental misunderstanding as to how this process works," API president and CEO Mike Sommers said of Psaki's comments. "Once you lease land there is a whole process that you have to go through. First you have to actually discover whether actually there is oil and gas in that land. Second of all, you have to get a permit to actually develop that land." Sommers added, "Right now we actually are developing more leases than we have in two decades so the White House certainly doesn't have their facts straight on this." Energy Workforce and Technology Council CEO Leslie Beyer similarly said, "some permits are viable and some are not," as a reason for why many are sitting unused. The federal leasing moratorium also isn't helpful in the current energy environment, she said.3

As to why companies are not using the 9,000 approved oil drilling leases, API's Vice President of Upstream Policy, Kevin O'Scannlain, explains in The Red Herring of Unused Leases report:

Oil companies have financial incentive to produce oil on leased federal lands, because they have to pay "rent" and are at risk of losing their leases until they begin producing. The law already requires companies to either produce oil and/or gas on leases or return the leases to the government — the so-called "use it or lose it" provision generally in the first 10 years. When a company acquires a lease, it makes a significant financial investment at the beginning of the lease in the form of a non-refundable bonus bid and pays additional rent until and unless it begins producing. What's more, it can even be illegal to simply sit on excess federal land leases. For federal onshore, the Mineral Leasing Act prevents any one company from locking up unproductive excessive federal acreage. Plus, it's not as quick and easy as merely flipping a switch since it takes years of work to determine whether the leased land even holds enough oil to be commercially viable. Then, there's the long process of overcoming "administrative and legal challenges at every step along the way." The lengthy process to develop them from a lease often is extended by administrative and legal challenges at every step along the way. The argument about "unused" leases is a red herring, a smokescreen for energy policies that have had a hamstringing effect on oil production. Ultimately, energy policies affect the energy investment climate. Government policies can either discourage or encourage oil producers to take the risk of investing billions of dollars, plus considerable time and effort, to find out whether or not the lands they lease are viable sources of oil. Psaki has made the claim about "unused" federal leases before. It has become a line the White House pivots to when pressed to explain why it isn't doing more to support American oil and gas production."4

The *Wall Street Journal's* editorial board has made similar arguments noting that, "regulatory uncertainty and political hostility to fossil fuels discourage long-term investments." The editorial board explained that "President Biden's anti-domestic energy policies have made his the first administration in at least twenty years to go an entire year without selling a single onshore lease. The Biden Administration isn't just refusing to grant additional leases — it has actually revoked a permit that could bring 830,000 barrels of crude oil daily to the U.S.5 In a controversial move during his first day in office, President Biden revoked the permit allowing extension of the Keystone XL pipeline to Alberta, Canada. If completed, the pipeline could potentially provide the U.S. with more oil than it currently buys from Russia."6 Moreover, according to a Department of Interior report, the U.S. had more than 37,000 oil and gas leases just last year — so 9,000 is a small number comparatively — and just because an oil company has a lease doesn't mean they can just start drilling.7 They must organize and safely manage their reservoir and satisfy several regulatory requirements, such as an onsite inspection, environmental review and permit approval. This process can actually take up to 10 years. Experts say even if these companies start drilling more oil wells today, it could take anywhere from six months to years for that oil to start flowing.8

AAPL's advocacy to increase domestic energy supply — whether on federal leases or otherwise – is a mainstream position supported by a majority of Americans. In a recent Morning Consult poll released March 1, 2022, "90 percent of American voters support the U.S. developing its own domestic energy resources rather than relying on foreign energy sources."



Moreover, "85 percent believe producing natural gas and oil here in the U.S. helps America maintain a leadership role during a period of global uncertainty" and "84 percent agree that producing natural gas and oil here in the U.S. helps make our country and allies more secure against actions by other countries such as Russia."9

Above all, AAPL and its members, along with the remainder of the oil and gas industry, stand ready to provide safe, affordable, environmentally sound and abundant domestic energy production for the American people. We are committed to working with the Biden administration to promote sound energy policies that can immediately begin to offer stability and confidence in making investment decisions while alleviating the current supply issues and restoring America's energy independence.

Respectfully,

James T. Devlin, CPL President American Association of Professional Landmen

cc: The Hon. Jennifer Granholm Secretary U.S. Department of Energy 1000 Independence Ave., SW Washington, DC 20585

The Hon. Debra Haaland Secretary U.S. Department of the Interior 1849 C Street, NW Washington, DC 20240

The Hon. Tracy Stone-Manning Director Bureau of Land Management U.S. Department of the Interior 1849 C Street NW Washington, DC 20240

1 Ben Cahill, Biden Makes Sweeping Changes to Oil and Gas Policy (CSIS, January 28, 2021); https://www.csis.org/analysis/biden-makessweeping-changes-oil-and-gas-policy

2 Tyler Olson, Energy industry swipes back at Psaki 'red herring' comment on oil and gas leases (Fox Business Network, March 8, 2022); https://www.foxbusiness.com/politics/energy-industry-psaki-oil-and-gas-leases-ceraweek 3 Id.

4 Craig Bannister, API Explains How Psaki's '9,000 Unused, Approved Drilling Permits' Is 'Red Herring' to Distract from WH Policies (CNSNews, March 8, 2022); https://www.cnsnews.com/blog/craig-bannister/api-explains-how-psakis-9000-unused-approved-drilling-permits-red-herring

5 Biden's Fossil-Fuel Blockade (Wall Street Journal Editorial Board, March 4, 2022); https://www.wsj.com/articles/joe-bidens-fossil-fuel-blockade-onshore-drilling-leases-oil-gas-russia-11646409502

6 Janae Bowens and Konner McIntire, Fact Check Team: Why isn't the US producing more oil? (ABC News, March 4, 2022); https://katv.com/news/nation-world/fact-check-team-why-isnt-the-us-producing-more-oil 7 Id.

8 Id.

9 9 in 10 U.S. Voters Support American Energy Production Over Reliance on Foreign Energy: New API Poll (API, March 1, 2022); https://www.api.org/news-policy-and-issues/news/2022/03/01/new-api-poll-highlights-support-for-american-energ

AAPL & EMLF JOINT LAND INSTITUTE CORAOPOLIS, PA

> DATES: APRIL 27-28

## VENUE: PITTSBURGH MARRIOTT AIRPORT HOTEL



Credits: CLE credit hours approved for CO, IL, IN, KY, OH, OK, PA, TN, TX VA and WV

**Course Overview:** AAPL and the Energy & Mineral Law Foundation are excited to join forces for a full day of educational programming featuring industry leaders speaking on legal and practical issues for landmen and land attorneys.

## **Topics:**

- Case Law Update
- Update on Ohio Dormant Mineral Act and Marketable Title Act
- · Comparison of Oil and Gas Leases to Renewable Leases
- New Opportunities: Maximizing Your Acreage with Solar
- Fostering a Climate of Inclusion
- What's in the Pipeline?
- Accommodating Multiple Surface Uses in a Modern Energy Land Environment
- Latent Title Issues
- Ethics

## Luncheon and Networking Happy Hour Included

**REGISTER NOW** 



The MLBC Awards Committee is calling for volunteers and nominations for our 2021-2022 Awards Program. The MLBC established its awards program in order to recognize members for achieving excellence in the land profession here in the Appalachian Basin.

### MLBC AWARDS PROGRAM

If you are interested in volunteering for the Awards Committee or you wish to nominate a deserving member, please submit all nominations to the MLBC Awards Committee Chair, Patrick McQuiggan at pmcquiggan@gmcounsel.com or Abby Veigel at abbyveigel@mlbc-aapl.org. Nominations should include the name of the individual making the nomination, the name of the nominee and a brief description in support of the nominee. Descriptions or letter of support for the nominee should be limited to one page.

## THE MLBC AWARDS CONSIST OF THE FOLLOWING:

<u>Best Member Communication</u>: The award for Best Member Communication was established to recognize the best single communication by an MLBC member during the 2021 calendar year. The communication may be written or oral, but if oral, a written transcript must be submitted. The communication may be to the MLBC, to AAPL, or to the industry but must pertain to the land profession. The individual must be a member of MLBC for his or her entry to be considered.

<u>Friend of MLBC Award</u>: The Friend of MLBC Award was established to recognize a company or individual that has made significant contributions to the betterment of the MLBC in any way deemed worthy of recognition.

J. W. Findley Lifetime Achievement Award: The J. W. Findley Lifetime Achievement Award was named after the organizer of the inaugural MLBC meeting held on July 17, 1959, and the organization's first President. The award is the highest and most distinguished honor of our association. The award was established to recognize an MLBC member who has demonstrated excellence and integrity in contributing to our association and our profession. Current MLBC officers are excluded from nomination.

**Landman of the Year Award:** To be presented to a MLBC member who honored and distinguished the land profession through demonstrated leadership, integrity, and his/her contribution to the industry, the community, and the profession during calender year 2021. Current MLBC Officers are excluded from nomination.

If you are interested in volunteering for the Awards Committee or you wish to nominate a deserving member, **please submit all nominations to the MLBC Awards Committee Chair, Patrick McQuiggan at pmcquiggan@gmcounsel.com or Abby Veigel at abbyveigel@mlbc-aapl.org.** If you have any questions, feel free to reach out. Thank you.

## WE INVITE YOU



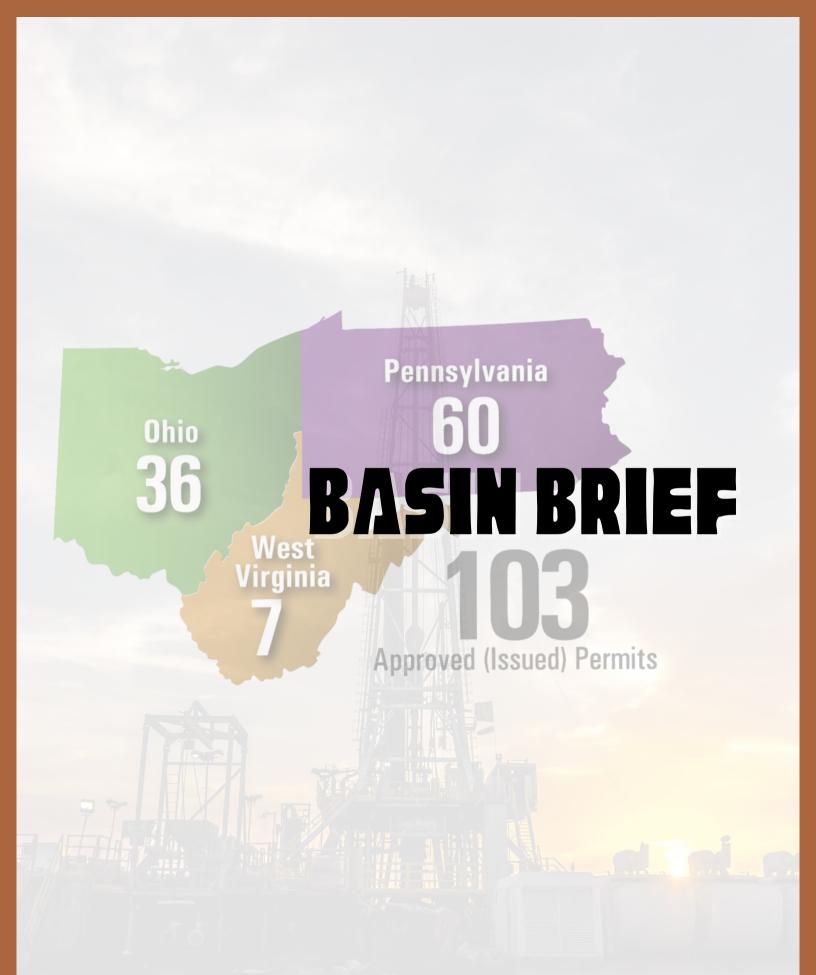
## MLBC NALA MERGER CELEBRATIO

## **CLUB 3000 AT PNC PARK**

APRIL 22, 2022 AT 6PM FEATURING LIVE MUSIC BY TERRANCE

VAUGHN

1.4



BASIN ACTIVITY INFORMATION PROVIDED BY JKPC PETROLEUM CONSULTANTS AND IS CURRENT AS OF FEBRUARY 27, 2022.



COUNTY	ОН	PA	WV	TOTAL
Susquehanna	-	25	-	25
Lycoming	-	14	-	14
Columbiana	10	-	-	10
Belmont	8	-	-	8
Harrison	6	-	-	6
Tioga	-	4	-	4
Wetzel	-	-	4	4
Jefferson	4	-	-	4
Carroll	4	-	-	4
Guernsey	4	-	-	4
Westmoreland	-	3	-	3
Allegheny	-	3	-	3
Greene	-	3	-	3
Washington	-	2	-	2
Bradford	-	2	-	2
Wyoming	-	2	-	2
Doddridge	-	-	1	1
Beaver	-	1	-	1
Brooke	-	-	1	1
Marshall	-	-	1	1
Armstrong	-	1	-	1
TOTAL	36	60	7	103

## PERMIT SUMMARY BY COUNTY BY STATE

### PERMIT SUMMARY BY OPERATOR

OPERATOR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ост	NOV	DEC	TOTAL
Ascent	9	22	-	-	-	-	-	-	-	-	-	-	31
Repsol	7	15	-	-	-	-	-	-	-	-	-	-	22
Range Resources	18	4	-	-	-	-	-	-	-	-	-	-	22
Seneca	8	13	-	-	-	-	-	-	-	-	-	-	21
Tug Hill	20	1	-	-	-	-	-	-	-	-	-	-	21
EQT	15	4	-	-	-	-	-	-	-	-	-	-	19
Coterra	3	14	-	-	-	-	-	-	-	-	-	-	17
Hilcorp	7	7	-	-	-	-	-	-	-	-	-	-	14
SWN	10	4	-	-	-	-	-	-	-	-	-	-	14
Antero	12	1	-	-	-	-	-	-	-	-	-	-	13
Other (21)	49	18	-	-	-	-	-	-	-	-	-	-	67
TOTAL	158	103	-	-	-	-	-	-	-	-	-	-	261



### PRODUCING MARCELLUS WELLS BY OPERATOR BY STATE

OPERATOR	ОН	PA	wv	TOTAL	
EQT	-	1,430	641	2,071	
Range Resources	-	1,408	-	1,408	
SWN	26	742	528	1,296	
Antero	-	-	1,071	1,071	
Chesapeake	-	1,018	-	1,018	
Coterra	-	902	-	902	
Seneca	-	766	-	766	
Repsol	-	614	-	614	
Rice	-	499	-	499	
CNX	1	390	66	457	
Others (67)	16	2,210	890	3,116	
TOTAL	43	9,979	3,196	13,218	

### PRODUCING UTICA WELLS BY OPERATOR BY STATE

OPERATOR	ОН	PA	wv	TOTAL	
Encino	861	-	-	861	
Ascent	653	-	-	653	
Gulfport	405	-	-	405	
Antero	224	-	1	225	
SWN	180	2	3	185	
Rice	143	1	-	144	
Seneca	-	122	-	122	
Hilcorp	23	92	-	115	
CNX	45	18	5	68	
XTO Energy	57	3	-	60	
Others (21)	195	95	75	365	
TOTAL	2,786	333	84	3,203	

#### PERMIT SUMMARY BY STATE

STATE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ост	NOV	DEC	FEB 2021
OH	23	36	-	-	-	-	-	-	-	-	-	-	31
PA	78	60	-	-	-	-	-	-	-	-	-	-	62
WV	57	7		-	- 2	5 <b>-</b> 23		24	-	-	3 <b>-</b> 3		19
KY	0	0	-	-	×	-			-	-	-	-	0
VA	0	0	-	-	-	-	-	-	-	-	-	-	0
NY	0	0	-	140	2	-	12	22	140		3 <b>-</b> 2	<u>.</u>	0
TOTAL	158	103	-	.=.		1e							112



## LEGISLATIVE & REGULATORY UPDATE

By Nikolas Tysiak, Legislative and Regulatory Chairman

#### There is much to report in Leg/Reg land this go around! Let's dive right in...

#### **PENNSYLVANIA**

<u>Murrysville Watch Committee v. Municipality of Murrysville Zoning Hearing Board</u>, 2022 WL 200112 (Comm. Ct. Pa. January 24, 2022). The Murrysville Watch Committee sued appealing a decision of the Zoning/Hearing Board on the validity of the municipality zoning ordinances relating to oil and gas development. Specifically, the MWC alleged that the use of property zoned as residential for oil and gas development was improper – oil and gas development in residential zones was unconstitutional "spot zoning" (the "unreasonable or arbitrary zoning classification of a small parcel of land, dissected or set apart from surrounding properties, with no reasonable basis for the differential zoning . . ."), and that the allowance of oil and gas development in residential districts violated the Environmental Rights Amendment to the Pennsylvania Constitution ("ERA"). The Commonwealth Court found that the MWC failed to introduce evidence to establish that the oil and gas drilling was incompatible with the "uses or overall character" of the residential zoning districts in question and failed to adduce competent evidence that the ordinances at issue were unreasonable. The court further found that the MWC failed to present any credible evidence that the zoning ordinance violated the rights established under the ERA. The Commonwealth Court accordingly affirmed the decision by the Zoning/Hearing Board and denied the MWC's legal challenges to the zoning districts.

### <u>OHIO</u>

<u>French v. Ascent Resources-Utica, L.L.C.</u>, 2022-Ohio-869 (March 24, 2022). In this case, the Ohio Supreme Court determined that a suit seeking the determination that an oil and gas lease expired by its own terms is a controversy "involving the title to or the possession of real estate" and therefore is exempt from arbitration clauses as a matter of Ohio law, overturning a decision of the 7th District Court of Appeals, and affirming a trial court case on the issue. The French family had executed a lease (as amended) containing an arbitration clause and sought to have the lease invalidated. Citing numerous cases, the Supreme Court determined that oil and gas leases clearly involve the use and title to real estate, and concluded that arbitration was not required, even if called for in the lease document.

<u>Peppertree Farms, L.L.C. v. Thonen</u>, 2022-Ohio-395 and 2022-Ohio-396 (February 15, 2022). It appears that the Ohio court system split the matter in controversy into two separate decisions. The first decision addresses the question of whether a reservation without language of inheritance creates merely a life estate benefiting the reserving party, or a "fee interest" in the real estate interests reserved. The second decision applies the Ohio Marketable Title Act ("MTA") to the land in question. Landowners conveyed the land in question in 1916, excepting and reserving a portion of the oil and gas rights without words of inheritance benefitting the Landowners.

The Court in <u>Peppertree I</u> found that the interest retained by the Landowner in the 1916 deed was inheritable, because the interest she held prior to the deed reservation was already inheritable – the Landowner kept an interest in the same nature that she owned at the time of the conveyance. Nevertheless, in <u>Peppertree II</u> the court determined that the interest so reserved was not preserved in the Landowner's separate chain of title. The only document at issue was a will executed by the successor to the original Landowner/reserving party from 1961. The will did not expressly devise the reserved oil and gas interest and did not include a residuary clause. Consequently, while any residual interests (including the reserved oil and gas in question) did pass by intestacy due to the failure of the will, the intestate succession at issue was not recorded within the necessary 40-year period, which was also required by the statute. Therefore, the surface owner was able to prevail on its claim that the MTA operated to his benefit and effectively divested the reserved oil and gas interest.

Siltstone Resources, L.L.C. v. Ohio Public Works Commission, 2022-Ohio-483 (February 23, 2022). The Ohio Public Works Commission ("OPWC") oversees and administers a state environmental conservation program seeking to maintain green spaces within Ohio. As part of that program, the OPWC sometimes transfers land to county development corporations for the same purpose. In so doing, the OPWC places certain restrictions on the use and transfer of the properties to ensure that they are used in a manner consistent with the goals of the conservation program. In this case, OPWC conveyed land subject to various restrictions to a development corporation in Belmont County, OH ("CDC"). These restrictions included anti-transfer clauses and a restriction on the use and structures to be located on the land. The CDC subsequently leased the land for oil and gas production and conveyed out mineral interests from the land to other third party mineral purchasers. Upon realizing there were covenants on the land restricting its use, the oil and gas lessees and owners became concerned and sought a declaratory judgment as to their acquired oil and gas rights. The trial court found that the oil and gas rights so acquired did not violate the covenants and restrictions. On initial appeal, the 5th District overturned the trial court decision and found the covenants and restrictions did prevent oil and gas development. The Supreme Court analyzed the OPWC deed and determined that the 5th District was correct - the transfer of oil and gas rights by lease and by deed violated their restrictive covenants and were effectively nullified. The Court also found that the OPWC had statutory and contractual rights of damages from the parties that violated the restrictive covenants. The case was remanded for further consistent proceedings.

<u>Fonzi v. Brown</u>, 2022-Ohio-901 (March 24, 2022). Another Dormant Mineral Act (DMA) case. Here, surface owners argued that the 2006 amendments to the DMA actually created to separate ways to enforce the law. They could either go through the notice and administrative procedures or file a quiet title action. The administrative procedures give the severed mineral owners time to respond and preserve their severed minerals, while filing a quiet title action effectively would not. The Supreme Court rejected the argument of two parallel ways to utilize the DMA, finding that only the administrative procedural route is called for under the statute. Therefore, that method of enforcement is the only valid method under Ohio law. Applying this standard, the court concluded that the surface owners failed to meet the required notice requirements under the DMA and upheld the previous court's decision to find title to the oil and gas at issue remained vested in the severed oil and gas owners.

#### WEST VIRGINIA

Significant legislative changes have arisen in West Virginia. The state house and senate passed Senate Bill 694. While it contains several changes to the West Virginia Oil and Gas laws, the biggest change would be the addition of Section 22C-9-7a to the West Virginia Code, entitled "Unitization of interests in horizontal well drilling units." This new section establishes procedures and methodologies to created production units for all horizontal oil and gas wells, even in the face of opposition, recalcitrant, or unknown oil and gas owners. The law allows an operator to file for a unitization order with the West Virginia Oil and Gas Commission, after meeting various initial requirements.

First, the applicant must secure the consent or agreement to pool/unitize from at least 75% of the net acreage in the formation targeted for production. Second, the operator must control 55% of the operating interests in the proposed unit. Third, the operator must have made good faith offers and negotiated in good faith with all known and locatable royalty owners and operators to obtain the necessary consents to unitize and operate jointly. The application must include a significant amount of title information for all tracts in the proposed unit, whether controlled by the operator, controlled by other operators, or owned or controlled by unknown or unlocatable parties, including the names and last known addresses of all known or unknown royalty owners and operators. The application must include information relating to the proposed operator's attempts to identify and unknown or unlocatable owners and must include a list of proposed allocation between all relevant owners. The Commission is also empowered to select an "independent third party" to perform an evaluation of the economic factors included in the application for completeness and accuracy. The new statute establishes that unknown or unlocatable royalty owners are to be treated as being leased upon approval of the unit application, and unknown working interest owners will be treated as having elected to participate in the well or wells within the unit. The statute also provides an avenue for surface owners to acquire the interests of unknown or unlocatable oil and gas owners whose rights underlie their surface land. The bill was sent to Gov. Jim Justice of West Virginia on March 15th. At the time of writing, he has not signed the bill, but it is anticipated that he will do so.

Senate Bill 650 also passed both houses on March 5, 2022. This bill would amend the Co-Tenancy Modernization and Majority Protection Act that was enacted in 2019. For those unfamiliar, the prior act serves to provide a way to operate for oil and gas on lands with uncooperative, unknown, or unlocatable oil and gas owners without the fear of committing statutory waste under West Virginia law. West Virginia is unique in that it has traditionally provided no avenue toward production for oil and gas operators who are unable to obtain appropriate leases from 100% of the owners of the oil and gas under any given tract of land. This law was designed to provide the opportunity for such production without 100% lease right acquired under certain limited circumstances, including control of at least 75% of the "royalty owners", when there are 7 or more of such owners. The amendment under SB 650 eliminates the need for 7 royalty owners before the statute can be applied. In all other respects, the Co-Tenancy law would remain the same.

That sums it all up.

#### Regards,

Nik Tysiak - Legislative and Regulatory Committee Chair

## FEBRUARY DINNER MEETING FROEHICH'S CLASSIC CORNER STEUBENVILLE, OH



The first MLBC dinner meeting of 2022 was held at Froehlich's Classic Corner Restaurant on February 17, 2022. Those in attendance had the chance to catch up with their fellow industry colleagues after the holidays. The Education Committee once again provided high level educational content in bringing Jason Lucas from Steptoe & Johnson to speak on the Ohio Dormant Mineral Act and the Marketable Title Act. Jason provided an overview of the background of both Acts and provided details on past court decisions and also currently pending court cases involving these Acts. As always, Jason has a unique ability to mix humor and laughter into his presentations which make them equal parts enjoyable and educational. A robust Q&A session ended the evening with many in attendance staying later to continue discussions with Jason after the conclusion of the event. Great job to everyone involved with this event!



Thanks to our dinner meeting sponsor, RKG Consulting Services, LLC We agree!

Justin Nixon, Harry Heinbaugh, Rob Greiner, Seth Jarvis and John Catsonis

# UPCOMING EVENTS



## APRIL

Event: MLBC/NALA Merger Celebration Date: April 22, 2022 Time: 6:00 - 10:00 PM Location: Club 3000 - PNC Park: 115 Federal St. Pittsburgh, PA 15212

## 

MAY Event: Annual MLBC Spring Charity Golf Outing Date: Friday, May 6th, 2022 Time: Registration opens: 9:00AM, Shotgun start: 10:30AM Location: Oglebay Resort: Wheeling, West Virginia

## 

## JUNE

Event: Annual Awards and Officer Induction Dinner Date: June 2, 2022 Time: 5:00 - 9:00 PM EST Location: Stonewall Resort: 940 Resort Dr. Roanoke, WV 26447

Event: 2022 Spring Clay Shoot Date: June 3, 2022 Time: 10:00 AM Location: Stonewall Resort: 401 Goosepen Road Roanoke, WV 26447

# **STAY CONNTECTED!**

Follow us on our social media channels for news & updates!





@mlbc-aapl



Chapter of AAPL



@mlbc-aapl





2021-2022

Executive Committee



## President

Robert Greiner, RPL RKG Consulting Services, LLC <u>rgreiner@rkgconsultingservices.com</u>



Vice President Justin Nixon, CPL Northeast Natural Energy jnixon@nne-llc.com



Secretary Lhag Bowers, RPL Percheron, LLC. <u>lhag.bowers@percheronllc.com</u>



Treasurer John Catsonis RHDK Oil and Gas jcatsonis@kimblecompanies.com



Sergeant of Arms Kevin Pierson Blue Duck Resources <u>kp@blueduckres.com</u>



Local Director Stacy Tichy, RPL Percheron, LLC <u>stacy.tichy@percheronllc.com</u>



Local Director Ben McKinney Steptoe and Johnson ben.mckinney@steptoe-johnson.com



Local Director Daniel Cooper, RPL Amecos Resources, LLC daniel.cooper82@gmail.com



Executive Director Abby Veigel MLBC <u>abbyveigel@mlbc-aapl.org</u>



Regional Director Britney Crookshanks Infinity Natural Resources bcrookshanks@infinitynr.com



**President Emeritus** 

Anthony Romeo, CPL Northeast Natural Energy <u>aromeo@nne-llc.com</u>



# 2021-2022 COMMITTEE CHAIRS



TECHNOLOGY: JEREMY PRESTON JPRESTON@EQT.COM



SPONSORSHIP: HARRY HEINBAUGH



HISTORIAN: DAVID AMAN



SCHOLARSHIP/UNIVERSITY LIASON: **ROB GREINER** HARRY.HEINBAUGH@PERCHERONLLC.COM DAVID.W.AMAN@DOMINIONENERGY.COM RGREINER@RKGCONSULTINGSERVICES.COM



CO-EDUCATION: CHUCK SAFFER CSAFFER@BABSTCALLAND.COM



CO-EDUCATION: BILL O' BRIEN BILL.O'BRIEN@STEPTOE-JOHNSON.COM



LEGISLATIVE: NIKOLAS TYSIAK NTYSIAK@BABSTCALLAND.COM



AWARDS: PATRICK MCQUIGGAN PMCQUIGGAN@GMCOUNSEL.COM



WOMEN OF THE MLBC: BRITNEY CROOKSHANKS BCROOKSHANKS@INFINITYNR.COM



MARKETING: STACY TICHY STACY.TICHY@PERCHERONLLC.COM



CLAY SHOOT: TYLER MURRAY TYLERMURRAY.LAND@GMAIL.COM



MEMBERSHIP: MATT WHITE MATT.WHITE@STEPTOE-JOHNSON.COM



NEWSLETTER: DANIEL COOPER DANIEL.COOPER82@GMAIL.COM



ETHICS: THOMAS LONG THOMASLONG03@GMAIL.COM



SPRING GOLF: JIM KANE JKANE@CASSIDYPC.COM



FALL GOLF: STEVE CARR



FINANCE: LHAG BOWERS STEVECARR@DUDLEY-LAND.COM LHAG.BOWERS@PERCHERONLLC.COM



## MLBC MEMBERSHIP REPORT APRIL 2022



## **NEW MEMBERS:**

First Name	Last Name	Employer	Member Type	Sponsoring Member
Anthony	Hoehler	Antero Resources Company	Active	Kuhn, Brian A.
Duane	Maust	Ridgeway Resources	Active	Garner, Jonny
Ryan	Stewart	Kiefaber & Oliva LLP	Associate	Abrams, Josh
Pat	Morrison	Blue Duck Resources	Active	Pierson, Kevin

MEMBERSHIP BY THE NUMBERS						
<b>Total Membe</b>	rs: 606	Total Active	e: 420			
Active:	390	% Active:	69.3%			
Active PP:	30	Associate :	91			
Honorary:	10	Student:	85			

New members are approved on a monthly basis. If the need arises to move along membership approval (ex. Ohio Landman Registration), please email Abby Veigel - <u>abbyveigel@mlbc-aapl.org</u>

## NOTICE OF DECISION

Pursuant to Article XIII, Section 10 of the MLBC By-laws, and after motion and unanimous vote during a meeting held March 24, 2022, the MLBC Executive Committee hereby notifies the membership of the committee's decision:

## **EXPULSION:**

Anthony Dale Farr

#### THE WILDCATTER

## **MEMBERSHIP INFORMATION**



Members of the MLBC and AAPL President Jim Devlin, far back left, met for dinner at Arlecchino's Ristorante in McMurray, PA



The MLBC membership application is located on the website at <u>www.mlbc-aapl.org</u>. Please check your information on the website prior to submitting your renewal. The <u>MLBC website</u> has an updated version of the membership listing. Please use this resource if you cannot find yours or others information in the directory. Please report any errors or omissions to Abby Veigel at <u>abbyveigel@mlbc-aapl.org</u>.

Application for membership in the Association shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting and shall require the signed approval by the acting President of the Executive Committee, as evidence of the Committee's approval.

Notice of the approved application(s) of all potential Association member(s) shall be printed in the next regularly scheduled publication of the Association. Members shall have the opportunity for a period of thirty (30) days following the publication to object to the potential member's application.