

THE WILDCATTER

MICHAEL LATE BENEDUM CHAPTER

AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN



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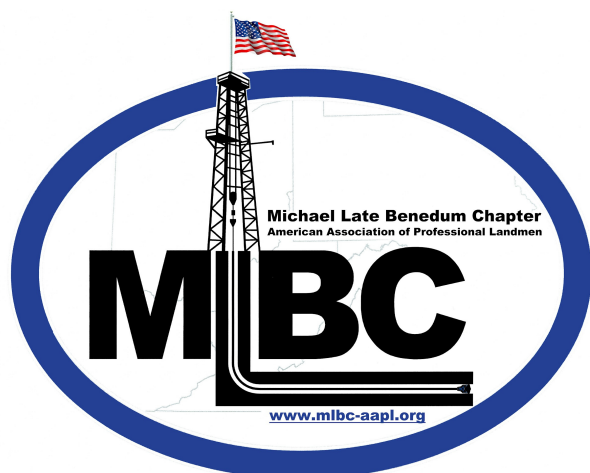
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Sport Coats and a Farewell

I would be remiss not to acknowledge that for this letter, in this issue of the Wildcatter, I had complete and total writer's block. I just could not get over the mental hump of putting words to paper — or pixels or whatever. It really is hard to believe that this is my last letter as President of the MLBC. It seems like such a short while ago I was being inducted at the Bridgeport Conference Center, in a room filled with veteran landmen to whom I have always looked up, middle of their career landmen like myself, as well as several newer faces. At the same time, it seems like a lifetime ago. So much has changed and so much has occurred since June 2019.

I bought some new sport coats last year. You know how every so often you get that email advertising a sale and it just entices you to pull the trigger on whatever product they're pitching? Really - it's just me? Well, I received one of those emails late last summer from a men's clothier, whose products I enjoy and advertising deals I couldn't pass up. I thought, "I'm the new President of the MLBC. If I'm going to be speaking multiple times throughout the year and going to educational events, I might as well have a fresh new sport coat...or two..." Or as it turned out in fact, three. Hey - don't judge. It was a good sale.

As you may have already deduced, I didn't end up having the opportunity to sport all three of those new sport coats. Best laid plans —right? In fact, if I'm completely honest, I feel as if I haven't been able to serve much as President for several months now. I know, that sounded like a sad statement. Rest assured — it is not. A disappointed statement it may be, but not sad. We did some damn fine work this year. In the midst of a market shifting downturn, the MLBC raised a record amount to donate to the Big Brothers Big Sisters at the fall golf outing. That wasn't my doing — that was Steve Carr and his band of fine volunteers. I did have fun riding around in a golf cart, although no sport coat was involved. A few days prior to that we had an MLBC happy hour, free of charge, at Tropics. It was WELL attended by around 100 folks. Thanks to Ben McKinney, the Membership Committee, and Steptoe & Johnson for helping us out with that!

"What matters most is making sure our members have the opportunity to network, be educated, and be presented with the greatest opportunities to stay employed. We will get back there."



MLBC President, Jeremy White

On October 3rd and 4th, in conjunction with AAPL and NALA, we had a well-attended Appalachian Land Institute. Jay Beavers, our National President, came to town and demonstrated what a down to earth, quality Texas landman he is. I just like that guy. There again, the success of ALI was not my doing. Chuck Saffer and the Education Committee, along with NALA and AAPL, are to be credited with that. In case you were wondering — there were no new sport coats worn by me at this two-day event.

It was only one week later, on October 11th, that the MLBC celebrated 60 years. I honestly could not have been more honored to have served during this milestone year. There were more past Presidents of the MLBC in one location than at any other time — at least that was the claim I asserted, and no one has countered it. Thank you to Stacy, Abby, and Bill who faithfully stood by you and support you (no matter how hard I tried to get him to come listen to the band front and center — I know he was enjoying it!). Justin Trawick and the Common Good played a few great sets, and a really good time was had by all along the Pittsburgh waterfront., I wore an older sport coat to this event. I'm not sure why — maybe I knew Asa Bowers and Steve Perdue were going to be there, so I wanted to feel older.

LETTER FROM THE PRESIDENT

In November, unbeknownst to our members, we had an internal meeting dedicated to how we could best serve our membership in the downturn and the difficult times in which we face. We also had a nice lunch and learn at the Bridgeport Country Club and really had a decent turn out. I did not, however, wear a sport coat to that occasion.

As the calendar year turned, we had our first event of the year in Southpointe on January 16th. I was excited after that meeting. For me, that meeting was pivotal. You see, I was personally having trouble staying positive in this downturn. Just a few months prior, I had seen my entire team laid off, as well as many friends, and there was nothing I could do about it. I had watched many of them try to find work in this industry to no avail. I think there were only around 60 or so at that January meeting, but it sounded like 160. Everyone was laughing and talking, and overall upbeat and positive. One person even landed a new job that night! It was just what I needed and I wrote a little about it in the February 2020 newsletter. In case you were wondering, I believe a new sport coat was in fact worn on this evening.

I really was hoping to continue the momentum into February – AND WE DID! The Membership Committee once again put on a nice spread – free of charge for members – at the Parlay Lounge in Washington. It was well attended and positivity abounded. A new sport coat was worn. Rumblings of a Coronavirus were there, but I felt things were turning towards the positive side, and honestly I wasn't that concerned about a virus. We had an awesome seminar scheduled for March, and I really was looking forward to it.

As you know, by the time March rolled around, things were different. Chuck Saffer and his Education Committee had put MUCH work into the March MLBC seminar. We waited until the very last moment, even considering a virtual seminar, but ultimately cancelled it. I can't tell you the time and effort it takes to plan these events. If you've never been a part of it – you'll just not understand. For that reason, I felt bad for the Education Committee, and also for that reason - I encourage you to get involved and help when possible in the future.

Every event since then – the April Social, the Dinner Meeting at Wheeling Island, the Spring Charity Golf Outing, the June Awards Ceremony and Officer Induction – have been cancelled due to the COVID-19 pandemic. That being said, if that's the worst thing that happens to us, rest assured we will be just fine. What matters most is making sure our members have the opportunity to network, be educated, and be presented with the greatest opportunities to stay employed. We will get back there.

As evidenced by my previous statements, this organization is made up of people who work hard



for you – our members. John and the Marketing Committee continue to come up with ways of reaching out. Danny and the Newsletter Committee successfully transitioned our “Take Off” newsletter to “The Wildcatter” that you are reading today. Behind the scenes, the MLBC Board and various committees are doing their best to stay active and communicate with each other about how best to provide for our members, even if we still can't hold public events. Currently, our hopes are that we will be able to have a combination social event and awards ceremony in July. This is tentatively scheduled at Tropics in Morgantown. With their expansive outdoor seating area, we feel it's our best chance at having a well-attended MLBC meeting while still practicing a measure of social distancing. Let's all keep our fingers crossed for that!

As I close out this letter, my last letter as President, I encourage everyone to stay positive. Reach out to your fellow land professionals. Shoot out an email or a text, or pick up the phone. Stay connected. In reality, Appalachian gas futures are looking up. Capital is creeping back into the market. There WILL be opportunities. If you don't stay connected and educated, however, you may miss out. I don't want that for you.

Speaking of reaching out – a couple of landmen I've known for years, who I respect, while engaging in social distancing, dropped off a bottle of locally made Manncave whiskey at my house the other day along with a “COVID care package.” That was a nice gesture. I believe I'll sign off now, for the last time, and pour myself a glass of that whiskey. I raise a glass to all the MLBC members out there reading this. Thank you for allowing me to serve as your President this rocky past year. I will see you in the future at our next event. I have one more new sport coat to wear, and you can be absolutely sure I'll be there wearing it!

LETTER FROM THE PRESIDENT

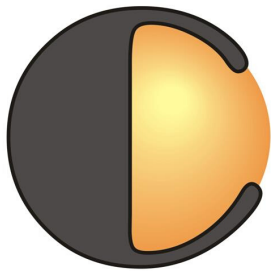
MLBC CORPORATE SPONSORS ²⁰²⁰

PLATINUM

Babst | Calland
Attorneys at Law



GOLD



Campbell Development L.L.C.



Cabot Oil & Gas Corporation



SILVER



KIEFABER & OLIVA
L L P



2020 CORPORATE SPONSORSHIP LEVELS

PLATINUM: \$5,000 PER YEAR

Benefits of Platinum Sponsor

- 4 meeting passes for every MLBC event in 2020 (excluding charity events)
- Logo in every membership email
- One full page ad in the Wildcatter
- One half page ad in the Wildcatter
- Recognition at every educational event
- Full page ad on sponsorship page on website
- MLBC swag bag (including 4 polos)

GOLD: \$2,500 PER YEAR

Benefits of Gold Sponsor

- 3 meeting passes for every MLBC event in 2020 (excluding charity events)
- Logo in every membership email
- One full page ad in the Wildcatter
- One half page ad in the Wildcatter
- Recognition at every educational event
- Full page ad on sponsorship page on website

SILVER: \$1,500 PER YEAR

Benefits of Silver Sponsor

- 2 meeting passes for every MLBC event in 2020 (excluding charity events)
- Logo in every membership email
- One full page ad in the Wildcatter
- One half page ad in the Wildcatter
- Recognition at every educational event

BRONZE: \$750 PER YEAR

Benefits of Bronze Sponsor

- 1 meeting pass for every MLBC event in 2020 (excluding charity events)
 - Logo in every membership email
 - One half page ad in the Wildcatter
 - Recognition at every educational event
-
-

To secure a corporate sponsorship, advertise in The Wildcatter, or if you have questions, please contact Abby Veigel at abbyveigel@mlbc-aapl.org. Please contact Harry Heinbaugh at Harry.Heinbaugh@percheronllc.com for dinner meeting sponsorships.



5 THINGS YOU NEED TO KNOW ABOUT LAND ADMINISTRATION

By: Paula M. Rauchfuss – Director of Land Administration – Steptoe & Johnson

I have spent a good deal of my professional career working in or running a land administration department. Through my roles of Receptionist, Lease Analyst, Land Coordinator, Curriculum Developer, Land Negotiator, and Land Manager, Land Administration remains my favorite. Why, you ask? Because Land Administration is the spine of every compliant company, the source of truths, the keeper of the asset, and the best puzzle for any puzzle junky there is.

I was recently asked the question, “What are the 5 things that everyone should know about Land Administration?” It stopped me in my tracks. Only 5? But there are so many, how do I pick only 5? So, I decided to brainstorm and select the first 5 thoughts that came to mind. Below, in no special order, are 5 things everyone should know about Land Administration.

1. Land Administration is Underappreciated

Land Administration is critical, and I’d be willing to suggest that any analyst in a Land Administration Department would also agree that Land Administration is the most thankless role in an exploration and production company. Surely others would argue their role is more thankless than Land Administration, and surely that could be true. Here is what you need to know about your Lease and Division Order Analysts: (1) These people are relentless. They will not stop until they believe they’ve reached the answer, being the only correct answer, and that every stone has been turned over, and every rabbit hole has been researched. (2) Analysts are the best puzzlers known to man. They can take a knot apart, identify all components, research for truths and answers and re-tie a complete and more accurate “knot”. (3) Analysts have heart. They care for and about land, mineral, and royalty owners. They appreciate kindness from a royalty owner who praises their efforts, and they truly want to do right by these owners. They find joy in releasing suspended funds, seeing their acreage number in the corporate investor filings, and the continued learning curve. And (4) Analysts are not clerks. If you have clerks, then you don’t have Analysts. If your people don’t have the traits listed above, then you have clerks, and you probably need Analysts. Certainly, a mistake in Land Administration can be serious, but their accuracy can also be the difference of your tail in a sling or not. So, if you work with good Analysts, take a moment to thank them, show your appreciation regularly and keep them close. They are a valuable and important resource.

2. Incomparable Skills

I have always said my favorite Landmen are the ones who work themselves up through the Land Administration team, maybe even as far back as the file room. These are the Landmen who fully understand what it takes to pay royalties, administer accurate lease data, unravel complicated chains of title, decipher state rules and statutes, understand heirship and would rather die than miss a rental payment. Landmen who think beyond the closing of the deal and how such a complicated deal will be administered in the records are priceless. Knowing how to properly administer complex arrangements between 2 partners and being able to negotiate with those considerations in mind



5 THINGS YOU NEED TO KNOW ABOUT LAND ADMINISTRATION (continued)

By: Paula M. Rauchfuss – Director of Land Administration
Steptoe & Johnson

can save the company money. If you have never had the opportunity to complete a rotation in Land Administration, find yourself a Lease or Division Order Analyst-mentor, spend a lunch hour (or several) and ask them if you can set up a well or a lease with their supervision (in the test environment, OF COURSE). The simplicity of that exercise will make you appreciate your Analyst and make you a more robust Land employee.

3. It's Complicated

The work product is complicated, and the lease terms are more rigorous, contentious, and complex than they have ever been. It does not seem to matter what basin you are in, with the onset of horizontal, pad and directional drilling, varied ownership by depth, and creative deal structuring, this work is complicated(!) and headier than ever before. Therefore, white board companies will always be in business - Analysts will always want to draw a picture, plat, or write out the scenario to demonstrate their understanding. Tract participation factors are more different today than they were yesterday in the vertical well drilling world. This is why Analysts love their work: technology advancements cause complete change and disruption on old methods of completing work and tasks, thereby making a brand-new puzzle.

4. Stop Blaming Technology

I am always taken back when people complain about their land management system and as such, that thinking rolls to their Land Administration team. Did you know that the same data system can be the same software but look completely different based solely on the configurations your company has decided upon? Faulty configurations can cause double the work and triple the number of spreadsheets. And as fast as those configurations were set, your company may sell the assets that made those certain configurations work and those same configurations may not work in a new basin or asset base. If that is the case, stop using them and stop the chaos. Don't blame the technology that doesn't seem to work - fix the configuration. You don't necessarily have to buy a new land system for millions of dollars. Instead, consider first re-reviewing the current land management system, assimilating new or updated configurations that can support your business more effectively, and spend the money there. Technology in Land Administration is advancing at lightning speeds. Get on the train or get left behind, but don't throw out the baby with the bath water. Finally, encourage your Land Administration colleagues to adopt new tools such as artificial intelligence, robotic process automation, single versioning, and digital files. Maybe there is still tweaking to be done, but to avoid it is only stalling the foreseeable reality.

5. Land Administration is FUN

I asked my soon-to-be college freshman to read my article and provide feedback. His response was "so what is FUN about Land Administration??" and I searched his shoulders for the multiple alien heads I thought I saw and finally replied, "all of it!" Truth. All of the complexity, land data, and responsibility is every bit as fun and challenging as the other disciplines within an exploration and production company. Not everyone is meant to be a Landman, but many people fill and carry the other critical role of Analyst in a Land department.



AAPL 2020 Virtual Annual Meeting Registration is Open

It is more important than ever for land professionals and AAPL to unite and power the profession to new heights in the years ahead. At AAPL, we believe continuing education is vital in advancing not just our members, but the the entire industry. We also know that it takes time and money, so we want to help!

Due to the impact of COVID-19 on the economy, the Board of Directors voted to eliminate the registration fee and provide the 2020 Virtual Annual Meeting as a complimentary benefit (a total value of \$600+) for all AAPL members.

AAPL's 2020 Virtual Annual Meeting is accessible from anywhere so there's no need to worry about travel or hotel accommodations — attend general and education sessions from the comfort of your home or office all while earning continuing education credits to propel your career to the next level. Nonmembers are also welcome to register to attend for a fee.

Thank you for your support of this event and your patience as we navigate this unprecedented situation.

SESSION SCHEDULE AND LINEUP: THURSDAY, JUNE 18

REGISTRATION REQUIRED. THESE PRESENTATIONS WILL BE PRERECORDED AND AVAILABLE TO VIEW ON-DEMAND AFTER THE SCHEDULED LIVE RUN TIME.

Horizon Keynote & Awards Ceremony

Time: 11 a.m. CDT

Duration: 60 minutes

Speaker: Pamela Feist, CPL

CEU: 1

Annual Keynote

Time: 1:15 p.m. CDT

Duration: 45 minutes

Speaker: Colin Fenton

Membership & Business Meeting with Q&A Session

Time: 3 p.m. CDT

Duration: 60 minutes

CEU: 1

ON-DEMAND EDUCATION SESSIONS:

REGISTRATION REQUIRED. ALL EDUCATION SESSIONS WILL BE PRERECORDED AND AVAILABLE TO VIEW ON-DEMAND STARTING THURSDAY, JUNE 18, 2020.

Inverse Condemnation Exposure and Management for the Energy Industry

Speakers: Bradford B. Kuhn, Esq. and Willis Hon

CEU: 1

Advanced Due Diligence

Speaker: Christopher Heasley

CEU: 1

If I Own Mineral Rights, Can I Do a 1031 Exchange?

Speaker: Jim Miller

CEU: 1

When One Agreement Isn't Enough: Ancillary Oil & Gas Transaction Agreements

Speaker: Andrew Graham

CEU: 1

Cover Your Assets: How to Defend Against Title Problems

Speaker: Renee Anderson

CEU: 1

Dealing with Distressed Parties Under the AAPL 610 Joint Operating Agreement

Speaker: Gerald Walrath

CEU: 1

This is Not Your Father's Producer 88 - Continuous Development, Retained Acreage & Other Pitfalls In the Modern Oil & Gas Lease

Speaker: Brad Gibbs

CEU: 1

Shedding Light on Solar Leasing

Speakers: Sylvia Arostegui, Esq. and Eric Martin, Esq.

CEU: 1

Natural Gas Storage Projects: Identification and Acquisition of Property Rights

Speaker: Ralph Nevis, Esq.

CEU: 1

The Negotiation Before the Negotiation: Confidentiality and Non-Disclosure Agreements

Speaker: Marita Morris, CPL

CEU: 1

Evolution of Produced Water Management in the Permian Basin

Speakers: Dalton DeWinne, Brendan LaValle and Colin Kowal

CEU: 1

Transferable Land Skills for the Professional Landman

Speakers: Brent Broussard, CPL, Amanda Van Deusen, CPL and Jeffrey Klam, CPL

CEU: 1

Legal and Ethical Pitfalls: Lessons Learned the Hard Way

Speakers: Sandra Safo, Jamie Bryan and Katherine Gafner

CEU: 1

Field Landman's Guide To Working Contract In-House

Speakers: Nash Bell, CPL and Jeffrey Klam, CPL

CEU: 1

Land Technology - The Future is On Its Way

Speakers: Art Ensley, Robert Nunmaker, Rakhee Das and Cole Weathers

CEU: 1

**CHECKLIST TO NOTARIZE USING VIDEO CONFERENCE IN WEST VIRGINIA
FOR WET SIGNATURES
EXECUTIVE ORDER 11-20
W. VA. C.S.R. § 153-45-27
(Effective March 31, 2020)**

By: Joshua L. Jarrell – Of Counsel – Steptoe & Johnson PLLC

NOTE: Emergency Rule will expire when Emergency Declaration is rescinded, and West Virginia will revert to in-person requirements for notarial services.

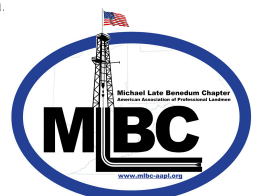
1. PRESCHEDULING. Before scheduling videoconference, confirm:

- ☐ Declared state of emergency exists
- ☐ Lawful suspension of W.Va. Code § 39-4-6 exists (removing in-person requirements for notarial services (e.g., via Executive Order))
- ☐ The Notary Public is commissioned by the West Virginia Secretary of State
- ☐ Video notarization is not otherwise expressly prohibited by law
- ☐ Parties have access to internet, email, computer with camera and/or smart device
- ☐ Signor/affiant and Notary will be located within the geographical boundaries of West Virginia when signing/affirming
- ☐ For real estate closings, advance receipt of a copy or picture of government-issued ID from individuals signing/affirming/acknowledging documents
- ☐ Lenders, if any, have authorized in writing use of notarization by videoconference

2. DOCUMENT PREPARATION

- ☐ Electronic delivery
 - Recipient will print
 - Original, wet-signed documents must be returned by mail or drop off
- ☐ Mailed delivery
 - Consider including prepared/prepaid return envelope
 - Original, wet-signed documents must be returned by mail or drop-off
- ☐ Pick-up delivery
 - Consider providing two copies, one to keep and one to return
 - Provide sealed envelope
 - Original, wet-signed documents must be returned by mail or drop-off

*Notary Public may perform notarial act for signer/affiant who is not within WV boundary if authorized as Out-of-State Commissioner per W. Va. Code § 39-4A-1- et.seq. (See Section 9).



CHECKLIST TO NOTARIZE USING VIDEO CONFERENCE IN WEST VIRGINIA
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3. PLATFORM. Select audio/video conferencing technology

- ☐ Rule is platform agnostic
- ☐ Must be able to record both audio and video simultaneously

4. SCHEDULING OF MEETING.

- ☐ Meeting invitation should be password-protected
- ☐ Meeting should have a unique meeting ID

5. VIDEO MEETING PROCEDURE.

- ☐ VERIFY IDENTITY. Emergency rule requires Notary Public to “reasonably” confirm identity by one of the following manners:
 - Personal knowledge
 - Identification with photograph, name and signature (e.g., driver’s License, passport). Request signors to physically show their ID to the camera so the notary public can see and record their information
 - Two different types of services or processes using a third-party to verify by review of public/private records
 - Oath or affirmation by a credible witness who is (1) in the presence of notary public or signor; or (2) able to participate in videoconference if such witness (a) has personal knowledge of signor and (b) has been reasonably identified by notary public
- ☐ VERIFY CONSENT, TIME, AND LOCATION. Request signors to state on video that:
 - They consent to conducting closing by video conference
 - They consent to recording of video conference
 - The date and time
 - They are located in WV
- ☐ WHEN SIGNING NOTARIZED DOCUMENTS.
 - Instruct signor to verbally state what documents they are signing, dating as necessary as of the date of the videoconference

6. POST-MEETING PROCEDURE.

- ☐ DELIVERY OF DOCUMENTS. Electronic transmission of the documents is not acceptable. Signors must return the original, signed documents to the notary as soon as possible by
 - Mail
 - Drop off (note: the rule states that transmission shall be by mail but drop off should “substantially comply”)

**CHECKLIST TO NOTARIZE USING VIDEO CONFERENCE IN WEST VIRGINIA
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☐ NOTARY RECEIPT OF DOCUMENTS

- Notary will affix their original signature and stamp to the original documents using the date and time of the video conference, not the date and time that the seal is affixed
- Time is not normally required to be recorded but the emergency rule states both date and time
- Consider revising acknowledgement to state the time of signing:

The foregoing instrument was acknowledged before me using audio and video conferencing technology on the ____ day of _____, 2020, at ____ a.m/p.m, by _____ [Name(s) of signor]. Signed and sworn to (or affirmed) before me using audio and video conferencing technology on _____ [Date] at ____ a.m/p.m, by _____ [Name(s) of affiant]

7. RECORD KEEPING REQUIREMENTS.

- ☐ Meeting must be preserved during the term of the notarial officer's office, subject to any other applicable laws
- ☐ At conclusion of videoconference, transmit the recording (audio and video) to the meeting organizer to be saved with appropriate file

8. RECORDATION OF DOCUMENTS.

- ☐ Only original, wet-signed documents may be recorded

9. OUT OF STATE NOTARIZATION. For individuals physically located outside the State of West Virginia, confirm that:

- ☐ The notary is commissioned as an Out-of-State Commissioner pursuant to W.Va. Code § 39-4A-1 et seq.
- ☐ The notary has no knowledge that the act of making the statement or signing the record is prohibited by the laws of the jurisdiction in which the individual is physically located, and
- ☐ The record:
 - Is intended for filing or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of West Virginia; or
 - Involves property located in the territorial jurisdiction of West Virginia or a transaction substantially connected to West Virginia; or
 - Is otherwise permitted by West Virginia law to be notarized outside the State of West Virginia.



LEGISLATIVE & REGULATORY UPDATE

By Nikolas Tysiak
Legislative and Regulatory Chairman

During the time of the COVID-19 pandemic, legislative and regulatory happenings have been fairly limited, at least insofar as the oil and gas sector is concerned. We are all aware of the COVID-19 related efforts, such as Paycheck Protection Program (“PPP”) loans to keep businesses going, as well as various measures designed to expand unemployment benefits to more people, have those benefits last longer, and increase the payout on unemployment, at least for the short term. Prior to the nationwide shutdown, there was a push to alleviate pressure on the oil and gas production industry brought on by the “Oil War” instigated by Saudi Arabia and Russia in early March. It seems like a long time ago now, but remember when Oil Commodity trading was a negative number? While that seems like a less pressing issue to some, it presents a significant problem that was only compounded by the pandemic.

In response to the oil war/COVID-19 double whammy affecting the oil and gas industry, the Federal Government has attempted to create several relief programs, designed for small- and medium-sized oil and gas production companies. The Bureau of Land Management (“BLM”) has relaxed environmental reviews necessary for various projects, including oil drilling. Additionally, in late April the BLM agreed to allow for the reduction of royalty payments under federal oil and gas leases (temporarily) or the cessation of royalty payments based on Force Majeure clauses. There are also several proposals to provide additional liquidity to the industry, especially to small operators. The Federal Reserve has been asked to expand the Main Street Lending Program to include oil producers. The EPA also loosened some enforcement of environmental violations in late March, stated as being in response to challenges presented by the pandemic (though there has been significant backlash against this in the form of lawsuits). The Treasury Department is looking to create a program for “bridge loans” to small companies, as well. State governments have also attempted to ease the pain. In early April, the Pennsylvania DEP indicated that it would consider temporarily suspending environmental requirements for companies that request such treatment due to COVID-19 challenges.

In local news, on March 26th, the U.S. District Court for the Southern District of Ohio denied a motion to dismiss a complaint which alleged lease expiration, failure to make bonus payments, and other claims. In Scenicview Estates, LLC v. Eclipse Resources I, LP (Case No. 2:19-CV-39), the defendants claimed the operation of wells within a unit extended the lease at issue without having to make additional bonus payments. The plaintiff claimed the unit was not properly unitized and the lease expired. The Supreme Court found the argument claiming that portions of the property were not validly unitized or pooled at the time the primary term expired to be properly pleaded and declined to dismiss the case on those grounds, but was careful to point out that the case could still be dismissed if it could be shown that operations were conducted or oil and gas produced from property not included in a unit prior to the primary term’s expiration.

In Pennsylvania, Governor Wolf signed an executive order in the fall directing the DEP to propose cap and trade regulations to cut pollution from Pennsylvania Power Plants that would enable Pennsylvania to participate in the Regional Greenhouse Gas Initiative (RGGI). The RGGI is a multi-state pact that sets a regional cap on carbon pollution that would gradually be lowered over time to reduce the amount of greenhouse gases emitted in the region. There is widespread concern that these regulations could spell the end of coal and gas fired powerplants, resulting in the loss of thousands of jobs across Commonwealth. Last week the proposed regulations failed to earn the advisory approval of the Air Quality Technical Advisory Committee in a split 9-9 vote that demonstrates how contentious the debate on this issue has

LEGISLATIVE & REGULATORY UPDATE

(continued)

become; however, failure to earn the Committee's approval will not stop the advancement of the regulations without legislative action. House Republicans have introduced a bill that would suspend implementation of the new regulations during the COVID-19 Disaster Declaration but, without a veto proof majority, stopping or even slowing the regulatory process is unlikely since the Governor is committed to moving forward.

The 2020 West Virginia Legislature passed HB 4091, which gives operators the option to pay an extra fee when submitting a permit application to the State in order to secure a "speedy" permit in 45 days or less. For a doubling of the application fee (i.e., from \$10K to \$20K for the initial well, and from \$5K to \$10K for subsequent wells), the State will approve or deny permits for shallow wells (Marcellus and above) on an expedited basis. If it fails to meet its deadline, the State will issue a refund which is to be calculated on a per diem basis. This law went into effect May 5, 2020.

Equitrans, L.P. (Equitrans) has filed an application with the Federal Energy Regulatory Commission (FERC) to abandon gas gathering facilities and services in parts of Pennsylvania and West Virginia. Counties include Fayette and Greene, in Pennsylvania and Braxton, Doddridge, Gilmer, Harrison, Marion, Marshall, Monongalia, Ritchie, Taylor, Tyler and Wetzell in West Virginia. The abandonment includes 191 miles of certified gathering lines, nine certified compressor station units, approximately 736 miles of non-certified gathering lines, 9 non-certified compressor station units and any appurtenant facilities located on or within the Equitrans Gathering System.

Equitrans' third-party review of the abandonment lists reasons including lack of drilling, declining production and low natural gas prices. Additional reasons included the relatively high cost for pipeline construction and replacement in West Virginia. If these Assets are not purchased by another Operator, Equitrans plans to abandon these gas gathering facilities. Presently, FERC is receiving public comments and completing the Environmental Assessment.

We on the Legislative and Regulatory Committee hope you are all well and hope that you stay safe during these troubled times.

Nik Tysiak





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MEMBER NEWS

A message from AAPL President Jay Beavers

Two proposed bylaws changes were sent to every AAPL Active member last week.

The first recommendation is to change the definition of “landwork.” As you know, the definition of landwork is central for determining applicant qualifications for Active membership and for certification. This recommendation was prepared by the Membership Committee because a large number of our members have been working as land professionals for alternative energy companies. Although many of these professionals may return to the oil and gas sector when its job market improves, the intent of the proposed change was to acknowledge that these AAPL members are still performing landwork — by definition — and to ensure AAPL’s bylaws reflect that these members fully qualify for all the benefits afforded to AAPL Active members.

We are not, in any way, trying to exclude any land professionals — whether existing members or potential new members — who are performing landwork in any phase of the energy or hard mineral industry. The proposed change was in no way intended to revise AAPL’s inclusion of members — or future members — who work in the hard minerals industry, regardless of whether they are working coal, lignite, gold, silver or any other metallic or non-metallic mineral. For that reason, “minerals” continues to be utilized as a broad term, not only inclusive of oil and gas but also including all other mineral substances.

A perfect definition of landwork may not exist, but the intent of the Membership Committee, with concurrence from the Executive Committee and the Board of Directors, is for AAPL to provide every professional landman — regardless of specialization — with the benefits of AAPL membership. Some of you have expressed concerns that we are opening the door for licensing and regulation under various real estate governing bodies. That issue was carefully considered and our attorneys firmly believe that this proposed change will not affect our ability to legally distinguish the work of AAPL members from that of a real estate agent/broker, nor will it adversely affect our ability to continue to fight licensing in any form.

The second item on the ballot is a proposal to change the definition of student membership in the bylaws so that it will be aligned with the policy manual. This proposal was prepared by the Accreditation Committee and blessed by the Membership Committee prior to going to the Bylaws and Policy Manual

Review Committee.

Both of these proposals were reviewed by the Bylaws and Policy Manual Review Committee prior to submittal to the Executive Committee in March. The ExCom discussed both of these proposals in great detail, made a few changes and delivered them to the round table the next morning. Both proposals were discussed at the voluntary round table discussion with approximately 50 board members, committee chairmen and assistant chairmen in attendance. The round table participants suggested a few changes to the definition of landwork.

The next day, the Board of Directors discussed the proposals for over an hour. Both proposals were approved by the Board of Directors after deleting one word from the landwork definition.

The purpose of this email is to let our voting members know that almost 100 AAPL members were involved in the process and to ask for your support by voting in favor of both proposals. AAPL's officers and board members firmly believe that AAPL must continue to ensure that its bylaws reflect the evolving nature of how its members use their professional skills. In the same way that many years ago AAPL voted to change its name from the American Association of Petroleum Landmen to the American Association of Professional Landmen, this proposed change will ensure AAPL represents the best interest of all its members.

You will each receive an electronic ballot during the week of the Annual Meeting. The proposed changes will be voted on separately.

Thank you for your participation.

CONTACT US

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landman.org
aapl@landman.org

GET CONNECTED



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Upcoming Events



Our Meeting Planning Chair, Stacy Tichy, along with the Executive Committee, continue to monitor the ever evolving situation surrounding COVID-19 and will work within federal, state and local guidelines in planning upcoming events. I know we all desire to see each other at an event very soon; however, we appreciate the diligence being given by Stacy and the Executive Committee to ensure we are complying with the multitude of guidelines and procedures being put in place. Please continue to monitor your email for the latest updates. Accordingly, we do hope to see some of you at the event still on the schedule, the joint golf outing with NALA at Southpointe on August 10, 2020.

STAY CONNECTED!

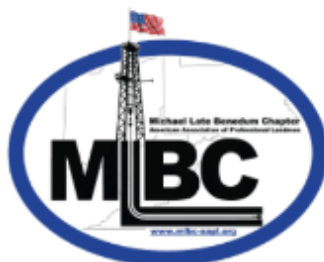
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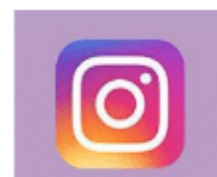
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Benedum
Chapter
of AAPL



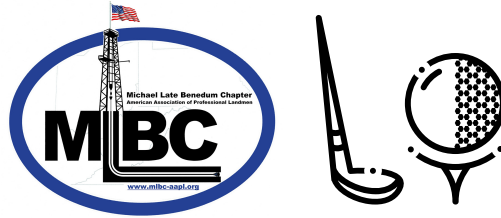
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MLBC/NALA 2020 Charity Golf Event

Monday, August 10, 2020
Shotgun : TBD
Southpointe Golf Club

SAVE THE DATE for the 9th Annual MLBC Fall Charity Golf Event! Due to the unfortunate events that have unfolded over the past few months, the MLBC is combining their Spring and Fall outings with the NALA Summer outing. This year's joint outing will be held at the Southpointe Golf Club in Canonsburg, PA. More information to come!





**IT'S TIME.
DON'T DELAY.
RENEW YOUR
MEMBERSHIP TODAY!**

It is more important than ever for land professionals and AAPL to unite and power the profession to new heights in the years ahead. By renewing your membership, you support not only your personal career goals, but also the land profession and AAPL's work to strengthen the industry.

AAPL leadership has made some important decisions to help ensure that the association continues to meet your professional needs, including voting against increasing the membership dues from \$125 to \$150 — an increase that was approved in 2017 to take effect this year.

In addition, AAPL has increased its online education presence with new webinars and signed a contract to implement a new and improved job board, which will provide additional career-related information, such as networking, interviewing, resumes and more.

AAPL membership will continue to provide you with:

- The annual *Membership Directory* (printed and online), which connects you immediately to more than 15,000 fellow landmen
- Opportunity to earn and maintain a *professional designation*, CPL, RPL or RL*
- Up to \$600 annually in educational offerings and product discounts*
- The latest industry news and insights in the award-winning *Landman magazine* and *Landline* newsletter and much more. Visit our *website* to view all member benefits.

For more than 60 years, AAPL has been a powerful force for advancing the interests of land professionals. We appreciate and value your membership in AAPL. We hope that you make the decision to renew so that you can continue to access your AAPL benefits this upcoming year.

If you need assistance or have any questions, we are here to help at 817-847-7700 or membership@landman.org.

2019-2020

Executive Committee



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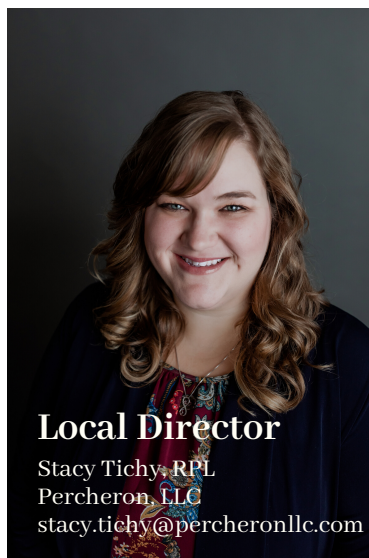
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Committee Chairs

2019-2020



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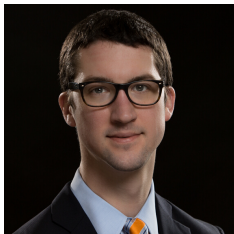
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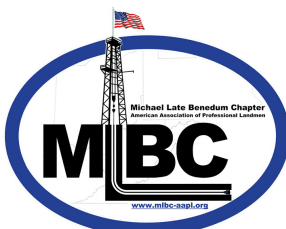
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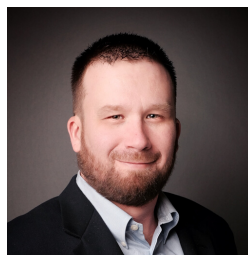
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Women of the MLBC:
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Sponsorship:
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Finance:
Robert Greiner
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NEW MEMBERS

and CERTIFICATIONS



June 2020

First Name	Last Name	Employer	Member Type	Sponsoring Member
Jason	Peddicord	JRP Land, LLC	Active	Long, Jeffrey
Bradley	Piko	Holland Services	Associate	Greiner, Robert
Kevin	Bogges	Arsenal Resources LLC	Active	Mather, Ryan

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 - abbyveigel@mlbc-aapl.org

SHOUT OUT!

Congratulations to the following members recently gaining their Certification through the AAPL:

CPL

Blake A. April
Lou Clark

RPL

Gary Short
Jason Peddicord

RL

Jonny Garner

Total Members: 1,050

Active: 704
Active PP: 29
Honorary: 10

Total Active: 733
% Active: 69.81%
Associate : 224
Student: 83

MEMBERSHIP INFORMATION



**This Chandor Portrait of Michael L. Benedum as well as the Photograph, Jennings Randolph with Michael L. Benedum on the occasion of the latter's seventieth birthday, 1939. Jennings Randolph Collection, West Virginia State Archives on the cover page have been reprinted with the permission of the West Virginia and Regional History Center, West Virginia University Libraries*

The MLBC membership application is located on the website at www.mlbc-aapl.org. Please check your information on the website prior to submitting your renewal. The MLBC website 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 abbyveigel@mlbc-aapl.org.

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.

Such objections to membership approval may be submitted to any member of the Executive Committee and shall be in writing. The Executive Committee shall take any such objection under consideration in the next regularly scheduled Executive Committee meeting. A decision regarding the objection shall be made after consideration and by a majority vote at such meeting. The Executive Committee shall notify the applicant in writing of rejection.

The names of any and all newly approved members shall be added to the membership roll after the thirty (30) day period.

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