


THE WILDCATTER
MICHAEL LATE BENEDUM CHAPTER
AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN



Past and Present students of the WVU Energy Land Management Program gather for a photo at the October dinner meeting.



Vol. 2 Issue 6 | 2021

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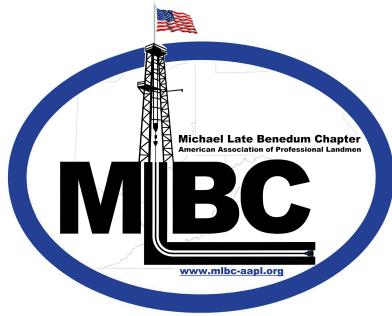
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Mike Holiday



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LETTER FROM THE PRESIDENT

Another year has nearly passed and yet again, I sit here and think, is it really December? As I reflect on the past year and the contributions by many, I am grateful to be a part of such a great organization. Did you know that the MLBC contributed \$26,700 in donations to various charity organizations in 2021? I realize this is significantly down from recent years, but this is nearly the 3 year total from 2009-2011 and when the MLBC kicked off its annual charity events and contributions to groups such as the West Virginia Children's Hospital. I only bring these comparisons to your attention because I want to applaud each and every contributor to the growth of this organization over the years. This includes our committee chairmen and its members, our executive committee and board members of the chapter and foundation, our numerous sponsors both corporate and individuals. Also, I am grateful to Abby Veigel, our Executive Director and her immeasurable contributions. This organization has grown into one of the stronger chapters of the AAPL and only because of the contributions by many.

As we look forward to 2022, I encourage you, if not already involved, to plug in and help your organization remain strong. As noted above, the strength of the MLBC is in its people. There are many opportunities to get involved and I welcome your contributions to help the MLBC grow in the year ahead!



MLBC PRESIDENT, ROB GREINER

Britney Crookshanks, our Regional Director recently sent a reminder that the AAPL Call for Nominations are out and due to the AAPL by January 10th. The process is simple and providing an award or officer nomination is a great way for us to represent Appalachia and the MLBC in the year ahead. Additional details regarding both Award and Officer Nominations can be found in this edition of the Wildcatter and I encourage you to submit an entry for consideration.

Our first event to kick off the new year will take place on January 20th and is a virtual education event titled 2022 JKPC Appalachian Basin Review. Timothy Knoblock of JKPC, Inc. will provide various basin updates in this free 1 hour virtual lunchtime event. Stay tuned for details of other upcoming events and may you enjoy the days ahead with your friends and family and have a blessed Christmas and a Happy New Year.

Rob Greiner
MLBC President
2021-2022

2021

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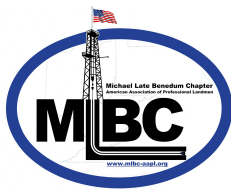

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2021 CORPORATE SPONSORSHIP LEVELS

PLATINUM: \$5,000 PER YEAR

Benefits of Platinum Sponsor:

- 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

Benefits of Gold Sponsor:

- 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

Benefits of Silver Sponsor:

- 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

Benefits of Bronze Sponsor:

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

ADVERTISING IN THE WILDCATTER:

Full Page Ad
\$500.00/month

Half Page Ad
\$250.00/month

Dinner Meeting Sponsorship

Cost \$250.00 per 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

MLBC

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To secure sponsorship or for questions, please email
abbyveigel@mlbc-aapl.org



Marietta College

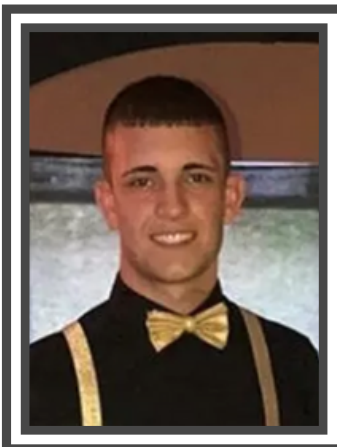
Marietta College Landman Association Update



DRAKE NEUBERGER

My name is Drake Neuberger. I am presently a senior at Marietta College. This past summer, I interned at Wagner Energy Services in Marietta, Ohio.

During my internship with Wagner, I helped with hydraulic torqueing and high pressure testing. This internship allowed me to gain hands-on experience while learning about the oil and gas industry. I assisted in working with snubbing units, drilling rigs, service rigs and much more. Interning with Wagner gave me a review of all the different stages of the oil and gas industry; which was an experience that I would not have gotten solely from the classroom.



AARON PETERMAN

Over the past summer break, I was hired at East Union Resources. East Union is a production company that has wells in southeastern Ohio. I was mainly stationed in their field office in Ellenboro, West Virginia. Over the internship, I experienced many different aspects of the oil and gas industry. I mainly was out in the field working on wells with plungers and control boxes. Other projects that I did while working there were fixing gas leaks in pipelines, working on pumping units, and various other objectives. In another part of my internship, I created maps of East Union wells and pipelines using ARC GIS. Overall, I was able to get a well-rounded experience of the local oil and gas industry.



BRYCE HILVERDING

During the summer of 2021, I was hired by Atwell Group as a Land Solutions Team Intern at their office located in Independence, Ohio. Atwell is an engineering consulting company that has operations in renewable energy, oil and gas, land development, and the power and energy markets. The land team for Atwell is spread throughout offices across the United States; this allowed me to work with different team members, including those outside the Independence office. My duties involved a lot of different tasks; but, for most of the summer, I worked with renewable energy and power and energy projects in states like Michigan, Illinois, and Colorado. Some of the tasks I completed were: creating and sending out DTE intro letters to prospecting landowners; updating Project Manager's budget sheets; and update budget summaries for different renewable projects. Overall, this internship was a great experience that will translate into me being more prepared to start my career after graduation.



Member Spotlight: Mike Holiday

Tell us a little about yourself.

Born and raised just north of Indiana, PA. Between 2002 and 2007 I was a summer Roustabout with Phillips Production based out of Marchand, PA and going to college at The Pennsylvania State University majoring in Environmental Studies, graduated in 2007. Spent 8.5 years in the Army National Guard with the 1/104th Attack Helicopter Battalion HHC based in Johnstown, PA. I married my wife Sarah, who was my high school sweetheart, in the summer of 2007 and we put roots down in Creekside, PA for a few years. In 2014, Sarah and I headed south to Bridgeville, PA. I enjoy spring turkey hunting, archery hunting, fly fishing, and golf occasionally.

Who are you currently employed or contracted with?

CNX Gas Company LLC.

How long have you worked in the oil and gas industry? What states do you have experience? Tell us about any other land organization you belong.

Going on 15 years in the oil & gas industry. Most of my work has been in Pennsylvania, West Virginia, Ohio, and New York. I'm currently a member of AAPL and IRWA.

Tell us about your first position in the industry.

I started in the oil & gas industry working summers as a Roustabout helping the Production department and Meter Foreman for Phillips Production. It was a good paying summer job and helped get basic field exposure working with SOG wells and setting up meter runs for production. Painting wells all day was part of the job too. That job provided an opportunity to network with the Landmen at Phillips which presented an opportunity with Dominion Exploration & Production as a Landman a few years later.

What areas of the industry do you have experience in?

Most of my experience is with lease and right-of-way acquisition.

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

Casey Moore, Retired Senior Production Foreman – He was influential early in my professional career as a Landman and still is. He led by example and handled situations with professionalism, calmness, and listened attentively no matter how small the task or where you ranked. I learned from him the level of calmness and focus needed to handle high stress situations to take care of the issue. He was and still is a resource that I can depend on for guidance. Hard to pass up asking questions to a gentleman that was in the industry for 40+ years and has been through many cycles.

(Continued)

Timothy P. Evans, CPL – He opened the door for my first opportunity as a Landman and helped me cut my teeth on acquisitions. Tim never hesitated to provide guidance or “shake a tree” for you. Being green to land work he was a solid resource from day one which helped develop the skill set I have today. I don’t get a chance to talk with Tim as much these days but the quote he liked sticks with me to this day; “The steel of a man is tempered in the fire of adversity”.

There are several Landman that I have worked beside and still work beside that have been and continue to be an influence on my career as a professional Landman. I don’t take them for granted and value the time and discussions we have shared.

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

I’ve missed a few renewals along the way, but it should be close to 10 total years. I currently hold the RPL certification.

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

Networking with other professionals throughout our industry is the biggest benefit of being part of MLBC. MLBC provides access to the network and the opportunities to network with other professionals.

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?

I’m on the sponsorship team led by Harry Heinbaugh.

Trusted Legal Counsel to Energy Companies

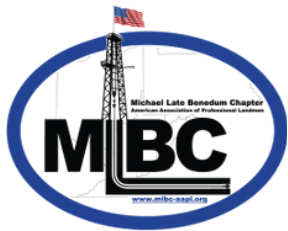
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OCTOBER DINNER MEETING: TABLE 9, MORGANTOWN, WV



Dave Boyer speaks to the attendees.

Table 9, a restaurant located right along the banks of the Monongahela River in Morgantown, WV, served as the host venue for the October dinner meeting. The meeting site was chosen due to the proximity to West Virginia University campus so that members of the Energy Land Management program that the MLBC supports could attend. Five students from the program along with some alumni attended the meeting along with many other MLBC members. The food was very good and the waterfront setting attracted many to the outdoor deck to socialize and network. Attendees were treated to an interesting presentation from Dave Boyer at Mudrock Energy, LLC on geologic formations present in the Monongahela valley called the Third Elk and Benson formations along with an education on geologic features within those formations called turbidite reservoirs. The education committee led by Chuck Saffer certainly deserves a lot of credit in 2021 for bringing such interesting speakers to our lunch and dinner meetings! After the presentation, the WVU program gave some updates. There are currently 70 students in the program. See picture below for additional information.



Thank you to our sponsor, Blue Duck Resources!



Stefanie Hines provides an update on the WVU Energy Land Management program.

WVU DAVIS COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND DESIGN

ENERGY LAND MANAGEMENT

Energy land managers are key players in the effective development of land resources. West Virginia University's Energy Land Management program is:

- One of 10 energy land management programs accredited by the American Association of Professional Landmen.
- The second largest land program in North America.

As an energy land management student, you'll participate in internships, industry mentorship and compete for the best land jobs in the United States.

Energy Land Management is a great field if you like:

- Great paying jobs and internships
- Natural resources
- Outdoor settings
- Renewable energy
- Real estate
- Negotiations and contracts

Potential Careers:

- Land Manager
- Land Services Representative
- Project Designer
- Landowner Relations Specialist
- Land Acquisition Manager
- Right-of-Way Agent
- Lease Analyst

Successful WVU Alumni

-  Tara Forno (BS '21)
Associate Gas Marketing Representative
Chief Oil & Gas LLC
-  Joshua Rebholz (BS, '21)
Land Service Representative
NextEra Energy Resources
-  Quintin Little (BS, '20)
Land Service Representative
Chevron
-  Emily Bailey (BS, '20)
Customer Project Designer
Dominion Energy
-  Deonte Hill (BS, '19)
Real Estate & Renewable Energy Specialist
National Grid Renewables
-  Gary Short (BS, '17)
Director of Marketing
Morris Mountaineer Oil & Gas

Contact Us:
Please visit go.wvu.edu/elm for more information or email shawn.grushecky@mail.wvu.edu.

 @wvuelpa

 West Virginia University
DAVIS COLLEGE OF AGRICULTURE,
NATURAL RESOURCES AND DESIGN

WVU Energy Land Management program update

Serving Those Who Served Us

The WVU Veterans Advocacy Clinic provides pro bono legal services to veterans across the state.

WHO WE SERVE

When John Doe¹ came to the WVU College of Law Veterans Advocacy Clinic (VAC), he was looking for help with his military discharge status. He served in Vietnam; and after spending 13 months in combat, he struggled when he returned home at the end of his deployment. In his words, “I just didn’t want to play soldier.” He was absent without leave and was discharged without receiving an honorable discharge. Ever since, he lived his life questioning the service he provided and anguished over the status of his departure.

By Jed Nolan



Returning from service, he was given the diagnosis of “nervousness” and received a 0% disability rating, which meant no compensation. It wasn’t until decades later that he received the proper diagnosis — post traumatic stress disorder — and obtained the correct 100% disability rating, but he was still burdened with his less than honorable discharge. He didn’t know if anything could be done, but with his array of decorations — a Bronze Star, Vietnam Campaign Medal, Army Commendation Medal with Valor, Vietnam Unit Citation, Vietnam Service Medal and Marksmanship Badge (Rifle) — surely he must have served his country honorably to receive all of those. The VAC proudly took his case and applied for the discharge upgrade.

But they did not stop there. As the interview continued, Mr. Doe began discussing his financial issues that arose while taking full-time care of his grandchildren. Before long, law students had begun preparing a bankruptcy packet that would provide much-needed financial relief to Mr. Doe so that he could focus his resources on his grandchildren.

THE NEED FOR SERVICE

John Doe’s story, unfortunately, is not unique. West Virginia has one of the highest concentrations of veteran residents of any state,² with approximately 140,000 veterans, nearly half of whom are over the age of 65.³ With only 29 accredited veterans’ lawyers located in 11 of West Virginia’s 55 counties,⁴ local veterans often struggle to access affordable legal services. This problem is further exacerbated by the intricacies of the VA benefits system. Attorneys have to devote significant resources and time to learn and practice in this area. Although the VA’s stated goal is to be pro-claimant and assist veterans in obtaining the benefits they earned through meritorious service, the reality is a system that often takes many years for a veteran to successfully navigate in order to obtain the benefits they are due.⁵

The WVU Veterans Advocacy Clinic seeks to fill this void for veterans. While the VAC has specialized knowledge of the VA benefits and discharge status



Nicole McConlogue is director of the WVU Clinical Law Program and has initiated a renewed commitment to outreach across the state.

systems, it also works to provide a holistic approach to representing veterans. This means that although an applicant might only seek help with a benefits application, the student attorneys will probe to see if there are other legal issues present, related or unrelated. If the VAC doesn’t have the time or expertise to grapple with what the students uncover, then it works to find a suitable referral for the veteran.

This approach provides in-depth services to veterans while also training the next generation of attorneys to treat the law not only as a way to earn a living, but also as a way to serve those in need. Each year, a new group of students feels called to serve those who served them. WVU never has issues finding students to work

the veterans clinic. The dilemma becomes figuring out how to best serve the veterans, many of whom do not even know that the VAC exists.

HOW SERVICES ARE DELIVERED

Under the leadership of new Director Nicole McConlogue, the WVU Clinical Law Program has a renewed commitment to outreach across the state. In addition to their work on individual cases, Veterans Advocacy Clinic students have undertaken outreach as a part of their curriculum. The focal point will be Charleston. Located at the foot of the bridge to South Charleston, the Equities House provides ample access with a parking garage, a pedestrian walkway and large classroom spaces for the VAC to host outreach events for those veterans located in the southern part of the Mountain State. Although the VAC has always taken clients from across the entire state, many in the far-flung areas may not have been able to access the services. That is no longer the case. With the help and guidance of dedicated Charleston attorneys, including Dave Hendrickson of Hendrickson & Long, PLLC, veterans will receive greater access than ever before to the free legal services the clinic provides.

A major benefit of adding a Charleston location will be to increase access to the West Virginia legislative process. Professor McConlogue’s project-based focus will allow the VAC students to devote some of their

clinic hours to identifying needs and proposing legislation that could benefit veterans statewide.

That is not the only service the VAC brings to the Kanawha Valley. The program has begun plans with the City of Charleston Coordinated Addiction Response Effort (CARE) office regarding the most desperate in need: homeless veterans. Through veterans' pensions and other resources, the VAC can help some of these veterans obtain assistance that could dramatically affect their lives. The VAC is also seeking to reach veterans in need by collaborating with the United States Attorney's Office and Federal Magistrate Judges in Clarksburg, Beckley and Huntington to provide representation at the Petty Offense Docket. Oftentimes, veterans receive tickets for violating federal law while at a VA hospital, such as by possessing alcohol on the premises. Rather than collect the fine, prosecutors and judges enlist the VAC to contact veterans and seek to provide services for those individuals. The goal is to intervene before a problem escalates and identify needy veterans, whether homeless or facing tickets. These resources are a great confluence of opportunities to serve.

With the new space in Charleston, the WVU Veterans Advocacy Clinic now has dedicated space across the state in Morgantown, Beckley and Charleston. Now that COVID-19 vaccines are available and there are more options to work around the ongoing pandemic, the VAC plans to get out and about across the state with informational presentations as well as pop-up clinics where veterans can come and meet with student attorneys

Although the VA's stated goal is to be pro-claimant and assist veterans in obtaining the benefits they earned through meritorious service, the reality is a system that often takes many years for a veteran to successfully navigate in order to obtain the benefits they are due.



of the VAC to allow greater access not only for the veterans, but also for the students to get access to resources that only the Capitol can offer. Coupled with the ongoing support of the Michael Late Benedum Association for Professional Landmen, the legal and professional community has shown a commitment to serving deserving veterans.

The VAC strives to carry that commitment directly to the veterans we serve. **WVL**

instead of relying solely on telephonic communications or traveling to Morgantown. These clinics and public education events, such as those where the VAC teamed up with Jonathan Marshall and the Consumer Center for Law and Education, allow veterans to learn what resources are available. Generous donations from attorneys and veterans advocacy groups have allowed the VAC to expand its reach across the state to try to meet veterans where they are. Wootton, Davis, Hussell, & Johnson, PLLC, really paved the way to get the VAC into southern West Virginia, and Dave Hendrickson has played a key role in the expansion

Endnotes

1. Fictitious name used.
2. <https://www.politifact.com/factchecks/2020/oct/15/jim-justice/fact-checking-jim-justice-west-virginias-veteran-p/>
3. https://www.va.gov/vetdata/docs/SpecialReports/State_Summaries_West_Virginia.pdf
4. <https://www.va.gov/ogc/apps/accreditation/accredpeople.asp>
5. Michael P. Allen, *Justice Delayed; Justice Denied? Causes and Proposed Solutions Concerning Delays in the Award of Veterans' Benefits*, 5 u. Miami Nat'l Sec. & Armed Conflict L. Rev. 1, 11-13 (2015).

Jed Nolan is a 2008 WVU Law grad and is the director of the WVU VAC.

AWARD NOMINATIONS

AAPL invites members to submit award nominations, which recognize members and local associations achieving the highest standards of excellence in the land profession.



NOMINATE YOUR PEERS

The Awards Committee solicits nominations for awards November 1 through January 10. A member may make a nomination in multiple categories. The award winners are selected by the Awards Committee in March and are recognized at the next Annual Meeting. *Members must be logged in to access the nomination forms and online nomination submission process.*

[LOGIN TO NOMINATE](#)



Michael Late Benedum Chapter
American Association of Professional Landmen

AWARD NOMINATIONS

You are cordially invited to submit your nominations and entries for AAPL's 2021-2022 Awards, which recognize members and local associations achieving the highest standards of excellence in the land profession.

Nominations may be submitted online or by mail. Visit the Awards/Nominations section of our website for online award descriptions, submission process and downloadable entry forms.

Entries may be submitted online or mailed to:

Richard Hines, CPL
AAPL Headquarters
800 Fournier St.
Fort Worth, TX 76102

1. Deadline for all entries is Jan. 10, 2022.
2. Every individual nominated or submitted for an award must be a member of AAPL, except for the Pioneer Award.
3. Self-nominations will not be accepted for individual awards.
4. The categories are:
 - Lifetime Achievement Award
 - Landman of the Year Award
 - Local Association of the Year Award
 - Pioneer Award
 - Best Newsletter/Bulletins (Large/Medium/Small)
 - Best Member Communication
 - Best AAPL Director's Communication
 - Best Published Article in an AAPL Publication
 - Face of the Industry Award
 - Largest Growth Percentage of AAPL Membership (Large/Medium/Small)
 - Largest Percentage of AAPL Membership (Large/Medium/Small)



Michael Late Benedum Chapter

American Association of Professional Landmen

Special Awards:

- Education
- AAPL Committee Member
- Community Service
- Other

The committee will disqualify an entry if it does not meet the established guidelines. Read the description of each category carefully to ensure your entry belongs in that category.

1. By reviewing the Awards Nomination Forms posted on the website, you will see what criteria will be utilized for judging.
2. Each local association award entry must include a completed “Awards Nomination Form” attached to the top of the entry. Entries submitted without this form will be disqualified. Upload is available online.
3. Each nomination for individual awards should include the nomination form. Upload is available online.
4. Each entry for individual awards should also include an attached photograph (suitable for publication) of the nominee. Upload is available online.
5. Each local association entering any category should submit a copy of its logo. Upload is available online.
6. Please be as specific as possible in making your recommendations. While some Awards Committee members may be personally acquainted with the nominee or his/her achievements, other committee members will have to rely on the facts presented in the nomination to make their decisions.
7. All nominations are limited to one 8½-by-11 typewritten page with no smaller than 12-point font, unless otherwise stated on the entry form.

The 2020-2021 AAPL Awards will be presented at the 68th Annual Meeting in June 2022 in Chicago, Illinois.

OFFICER NOMINATIONS

The nominating committee accepts nominations for the slate of officers in each fiscal year. The current first vice president, will be nominated as president: therefore, recommendations and nominations are accepted for the following positions:

- First Vice President
- Second Vice President
- Third Vice President
- Treasurer
- Secretary



NOMINATE A LEADER

AAPL officers serve as the Executive Committee of the Board of Directors. The deadline to submit nominations for the 2021-2022 slate of officers is January 10. Information about the 2021-2022 Officer Slate will be posted in March. All Active AAPL members will receive an electronic ballot with a May 21, 2021 election deadline.



Michael Late Benedum Chapter
American Association of Professional Landmen

OFFICER NOMINATIONS

You are cordially invited to submit your nominations for the slate of officers for AAPL's 2021-2022 fiscal year. AAPL officers serve as the Executive Committee of the Board of Directors. Nominations may be submitted online or by mail. If doing so online, simply enter the AAPL website (www.landman.org); click on the GET INVOLVED button; click on Officer Nominations button in the drop down box; click on LOGIN TO NOMINATE button; login; click on ONLINE NOMINATION PROCESS button; fill out Officer Nominations Form; and click on SUBMIT button.

Entries may also be mailed to:

Jay Beavers, CPL
AAPL Headquarters
800 Fournier St.
Fort Worth, TX 76102

1. Deadline for all entries is Jan. 10, 2022.
2. Every individual nominated must be active AAPL members with a CPL or PLand designation and must have served as an AAPL Director or AAPL Committee Chairman in the past.
3. If you would like to make a recommendation, please discuss with your candidate to be sure that they are willing and able to serve next year (July 1, 2022 to June 30, 2023).
4. The current First Vice President will be nominated as the President. Nominations are accepted for the following:
 - First Vice President
 - Second Vice President
 - Third Vice President
 - Treasurer
 - Secretary
5. If you have any questions or need any assistance, please contact Jodi Gallegos at the AAPL.

MEMBER NEWS

INVEST in America Act

AAPL Governmental Affairs Fact Sheet

November 2021

On Nov. 15, 2021, President Joe Biden signed the more than 2,700-page \$1.2 trillion bipartisan infrastructure bill into law after stalled negotiations in Congress over the past few months. Known as the Investing in a New Vision for the Environment and Surface Transportation in America Act or the INVEST in America Act, the primarily Democrat-backed bill, [HR 3648](#), was ultimately supported by 13 U.S. House of Representative Republican members as well as 19 U.S. Senate Republican lawmakers, including Senate Minority Leader Mitch McConnell.

The law provides “federal money for several categories of infrastructure, including (a) roads, bridges and tunnels; (b) power infrastructure and clean energy transmission; (c) electric vehicle charging stations and electrification of vehicles; (d) rail, freight, ports, public transit and airports; (e) expansion of broadband; (f) clean drinking water and wastewater facilities; and (g) other U.S. infrastructure and economic development programs.”^[1]

During a bill signing ceremony attended by lawmakers on both sides of the aisle, Biden said the bill’s passage showed that “despite the cynics, Democrats and Republicans can come together and deliver results” and called the legislation a “blue-collar blueprint to rebuild America.”^[2]

While this bipartisan supported bill contains primarily infrastructure provisions unrelated to energy production and development, it does contain certain provisions that promote electrical grid resiliency, renewable energy storage infrastructure and solar siting studies, among other energy-related initiatives. Often discussed in tandem, Biden’s more ambitious multitrillion-dollar “Build Back Better” budget reconciliation package has struggled to garner the support necessary for passage to date, but we will continue to keep AAPL members informed of that legislation’s progress and any provisions that would adversely affect the traditional energy industry and landman profession.

What's in the INVEST in America Act:

- Extends FY 2021 enacted levels through FY 2022 for federal aid highway, transit and safety programs;
- Reauthorizes for FY 2023-2026 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety and rail programs;
- Addresses climate change, including strategies to reduce the climate change impacts of the surface transportation system and a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of federal resources;
- Revises Buy America procurement requirements for highways, mass transit and rail;
- Establishes a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities;
- Implements new safety requirements across all transportation modes; and
- Directs the U.S. Department of Transportation to establish a pilot program to demonstrate a national motor vehicle per mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system, which accounts for a predicted higher number of electrical rather than gasoline-powered vehicles on the roads and the loss of federal gasoline tax revenues.

Energy Specific Provisions:

- Authorizes \$5 billion over five years for resiliency grants to stakeholders in the electricity generation and distribution sector to supplement their own efforts to improve resiliency to disruptive events including natural disasters;
- Authorizes an additional \$9 billion for smart grid and grid resiliency research and programs;
- Provides \$500 million for energy infrastructure cybersecurity to assist small, municipal and rural utilities to prevent and respond to cyberthreats to ensure grid security;
- Provides specific wind and solar investments mainly focused on large-scale storage infrastructure and technology, including \$355 million through FY 2025 for an existing U.S. Department of Energy grant program to fund demonstration projects for commercial-scale renewable storage and another \$150 million for long-duration storage systems. It also provides additional appropriations through FY 2025 for existing energy research and development programs and requires the Energy Department to report on the viability and infrastructure needed for siting solar projects on active and inactive mining lands;

- Directs the energy secretary to develop a carbon capture and removal program within one year to provide grants to states, local governments or public utilities or agencies to procure products that capture manmade carbon oxides and that reduce lifecycle greenhouse gas emissions compared to other technologies or products; The law also establishes the Carbon Dioxide Transportation Infrastructure Finance and Innovation Fund to provide federally backed credit assistance for the development and construction of large-capacity common carrier infrastructure that has already been demonstrated to capture carbon dioxide from manmade sources or the ambient air and that are sited nearby existing pipeline infrastructure. The law also establishes a program to help develop four regional direct air capture hubs that have the capacity to capture and sequester, utilize or sequester and utilize at least 1 million metric tons of carbon dioxide from the atmosphere and demonstrates the processing, delivery or end-use of captured carbon;
- Provides a boost to wind and solar energy by developing the infrastructure to carry that energy to other areas of the country where it is less abundant. This more than \$65 billion investment in clean energy transmission makes “upgrades to our power infrastructure, including by building thousands of miles of new, resilient transmission lines to facilitate the expansion of renewable energy. It creates a new Grid Deployment Authority, invests in research and development for advanced transmission and electricity distribution technologies, and promotes smart grid technologies that deliver flexibility and resilience.”^[3]
- Authorizes \$8 billion over five years for a clean hydrogen regional hub program, similar to the one established for carbon capture, to demonstrate the end use of clean hydrogen in the electric power, industrial, residential and transportation sectors. The law also directs the energy secretary to develop a national strategy and roadmap for transitioning energy production to sources including clean hydrogen and to report to Congress on the strategy within three years;
- Directs the secretary of the interior to establish a program within 60 days of enactment to plug, remediate and reclaim orphaned wells on federal land. The bill appropriates \$4.68 billion over five years for this program;
- Authorizes \$3 billion over five years for grants through the Energy Department’s Office of Fossil Energy for demonstration projects to process battery materials and for constructing or retrofitting processing facilities to reduce carbon emissions from those facilities;
- Authorizes \$320 million over five years for a U.S. Geological Survey initiative to improve mapping of critical minerals by integrating several sources of surface and subsurface mapping and data;

- Directs states with ratemaking authority and unregulated utilities to consider measures to promote greater electrification of the transportation sector;
- Authorizes \$500 million over five years for a grant program for schools to make improvements that reduce energy costs, improve health and indoor air quality or involve renewable energy technologies or alternative fueled vehicles;
- Authorizes \$250 million for fiscal 2022 to create an Energy Efficiency Revolving Loan Fund Capitalization Grant Program for states to conduct energy audits and energy upgrades or retrofit projects;
- Authorizes \$11.3 billion for the Abandoned Mine Land Reclamation Fund for FY 2022, which would be available until expended. The funding would be used to provide grants to states and tribes for reclamation projects; and
- Directs the Energy Department to draw down and sell a maximum of \$6.1 billion or an estimated 88 million barrels of crude oil from the Strategic Petroleum Reserve from FY 2028 through 2031.

As always, AAPL members can find this and other legislative, as well as regulatory and judicial, information in our continuously updated Bill Tracking Summary spreadsheet available only to members on [AAPL's website](#) as well as both current and an archive of past Governmental Affairs reports. And continue to keep an eye on the [AAPLConnect Government Affairs Network](#) for breaking information exclusively for AAPL members.

[1] Congress Passes \$1 Trillion Bipartisan Infrastructure Bill: What is In It? (Crowell Moring, LLP; Nov. 8, 2021); <https://www.crowell.com/NewsEvents/AlertsNewsletters/all/Congress-Passes-1-Trillion-Bipartisan-Infrastructure-Bill-What-is-In-It>

[2] Biden signs \$1 trillion infrastructure bill into law (Reuters; Nov. 15, 2021); <https://www.reuters.com/world/us/biden-needing-boost-sign-1-trillion-infrastructure-bill-2021-11-15/>

[3] FACT SHEET: The Bipartisan Infrastructure Deal Boosts Clean Energy Jobs, Strengthens Resilience, and Advances Environmental Justice (The White House; Nov. 8, 2021); <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/08/fact-sheet-the-bipartisan-infrastructure-deal-boosts-clean-energy-jobs-strengthens-resilience-and-advances-environmental-justice/>

MEMBER NEWS



AAPL President James T. Devlin, CPL, Delivers Letter to U.S. Senators on Build Back Better Act

Dear Chairman Manchin, Ranking Member Barrasso, and Hon. Senators:

On behalf of the over 11,000-members of the American Association of Professional Landmen and our 40 affiliated local associations across North America, I am writing to you to express our strong opposition to numerous provisions of the nearly 2,500-page, multitrillion-dollar Build Back Better Act (H.R. 5376), which narrowly passed the U.S. House of Representatives on November 19, 2021.

While there are many provisions in this bill that put our country and economy at risk, AAPL urges you to specifically strike the methane fee, and the other detrimental provisions noted below. These provisions represent a never-before-seen assault on critical American industry, workers, and our profession, at a time when our nation is already suffering from crippling inflation and runaway gas prices. If these misguided provisions remain in the Senate version of the bill, the consequences for American consumers and our economy will be even more devastating than what we've see this past year under the Biden administration's targeting of traditional energy, especially oil, natural gas, and coal.

[READ MORE](#)



LEGISLATIVE & REGULATORY UPDATE

By Nikolas Tysiak, Legislative and Regulatory Chairman

Hello MLBC friends, family and colleagues! This time around, you get a **DOUBLE** dose of statutes, regulations and cases because your friendly, neighborhood Legislative and Regulatory Committee Chair was too busy to get an article finalized for the last issue of the Wildcatter. Luckily for us, there has not been a lot of activity to report on, so hopefully this article will fill in the gap in your life with fascinating legal and legislative developments.

PENNSYLVANIA

In Pennsylvania Environmental Defense Foundation v. Commonwealth (255 A.3d 289 (Pa. 2021)), the Pennsylvania Supreme Court was asked to determine if allocations of bonuses, yearly rentals and interest penalties for late payments under oil and gas leases on state forest and game lands were improperly allocated to the Commonwealth General Fund under the Environmental Rights Amendment (“ERA”) to the Pennsylvania Constitution (Art. I, Sec. 27). In a prior decision, the Supreme Court had determined that the ERA created a public trust subject to private trust principles, and that royalty revenue streams generated by the sale of gas extracted from Commonwealth lands represented the sale of trust assets that had to be returned to trust fund principal.

In that prior decision, it was determined that not enough information existed in the record to determine whether the bonuses, rentals and interest penalties were also improperly allocated. The issue regarding the non-royalty payments had been remanded to the Commonwealth Court, which decided these non-royalty revenue streams did not constitute the sale of trust assets and were instead “income” and were not required to be returned to the trust fund principal. The Supreme Court relied on contract principles to determine that the non-royalty payments were not compensation for trust assets (oil and gas in the ground), and therefore did not have to be returned to the trust fund principal in kind. Instead, the court designated the non-royalty payments as income streams. However, the court still found that the allocation of income streams to the general fund based on private trust principles and the language of the documents establishing the duty owed by the Commonwealth as fiduciary. In short, the Supreme Court found that the Pennsylvania constitution holds that the ERA effectively establishes a trust for conservation and environmental purposes for the benefit of all Pennsylvanians, whether currently living or not yet born. As such, all principal and income of the trust must be used for the stated purposes (conservation and maintenance of public natural resources), and cannot be allocated to the Commonwealth general fund, stating “to hold otherwise would permit the Commonwealth to use trust income to advance a non-trust purpose, an outcome we previously rejected.” The Supreme Court ordered that the trust income assets (non-royalty payments under the leases) be returned to the trust, accordingly.

On September 14, 2021, the Sierra Club, PennFuture, Clean Air Council, Earthworks and other groups (Petitioners) submitted two parallel rulemaking petitions to Pennsylvania’s Department of Environmental Protection (DEP) asking the Environmental Quality Board (EQB) to require full-cost bonding for conventional and unconventional oil and gas wells, for both new and existing wells. The petitions do not address or consider the permit surcharges and other funding mechanisms for plugging wells, including the federal infrastructure bill that is expected to provide millions of dollars to plug abandoned wells.

The Pennsylvania General Assembly addressed and increased bonding in 2012. Under Act 13, well owners/operators are required to file a bond for each well they operate or a blanket bond for multiple wells. Currently, the bond amount for conventional wells is \$2,500 per well, with the option to post a \$25,000 blanket bond for multiple wells. 72. P.S. §1606-E. For unconventional wells, the current bond amount required varies by the total well bore length and the number of wells, and is limited under the statute to a maximum of \$600,000 for more than 150 wells with a total wellbore length of at least 6,000 feet. 58 Pa.C.S. §3225(a)(1)(ii). EQB has statutory authority to adjust these amounts every two years to reflect the projected costs to the Commonwealth of plugging the well.

(Continued)

Per the EQB Petition Policy, as set forth in the regulations at 25 Pa. Code Chapter 23, DEP has 30 days from receipt of the petitions to determine whether the petitions are complete and if they request an action that can be taken by the EQB that does not conflict with federal law. If the DEP determines the petitions meet the above conditions, the EQB will be informed of the petition for rulemaking and the nature of the request. At the next EQB meeting occurring at least 15 days after the Department's determination, the Petitioners may make a brief oral presentation and DEP will make a recommendation whether the EQB should accept the petition.

OHIO

A public hearing on HB 152, designed to amend Ohio's forced pooling statutes and accompanying regulations, was held on June 10, 2021. In Estella Roberts v. Roy C. Roberts, 2021-Ohio-3857 (6th Dist. Ct. App. 2021), the Court of Appeals was asked to adjudicate a dispute arising from an 1895 oil and gas lease in Sandusky County, Ohio. The lease had been in continuous operation until approximately 1979, after which production ceased until Roy C. Roberts re-commenced operations and sent royalty checks to Estella Roberts, which were accepted and cashed. In 2015, Estella asserted that the lease had expired and was operating the wells in question without a valid lease, requesting the negotiation of a new lease. At trial, it was determined that the lessee held a fee interest (fee simple determinable) the parties presented arguments on whether the interest created in 1895 constituted a lease that had expired due to lack of production, or whether the interest was saved by the Dormant Mineral Act. The trial court declined to decide on the nature of interest (fee vs. lease) but held that the Dormant Mineral Act applied and the interest held by Roy was saved by actual production. The Court of Appeals agreed with the trial court's analysis. It appears that Estella also failed to properly argue the Ohio's lease forfeiture law, ORC 5301.332, applied, as the Court indicated that the record contained insufficient allegations or pleadings that would allow for a decision on that basis. The Court upheld the trial court decision that Dormant Mineral Act preserved the Roy Roberts interest, but overturned on issues regarding payment of attorneys' fees by Estella.

In 4 Quarters, LLC v. Hunter, 2021-Ohio-3586 (7th Dist. Ct. App. 2021), the Court of Appeals heard (yet another) claim relating to the Ohio Marketable Title Act. In 1922, Hunter conveyed a tract of 78.9 acres in Belmont County to Carpenter, effectively reserving a ½ non-participating royalty interest. In August of 2019, 4 Quarters obtained the surface to the 78.9 acres and immediately filed a complaint under the MTA to extinguish the Hunter reservation. In October of 2019, Ruble, purported to be the sole successor to Hunter, was informed that he may be the sole successor to Hunter. In March of 2020, Ruble received notice from an oil and gas operator selected by 4 Quarters that his interest had been granted to 4 Quarters by default judgment and that royalties had been disbursed to 4 Quarters. In July 2020, Ruble brought an action to vacate the prior judgment in favor of 4 Quarters, which was denied. At issue on appeal was the reasonableness of 4 Quarters attempts to locate heirs or successors of Hunter for notice purposes as required by the MTA. The Court found that the search for Hunter and successors was reasonable under existing Ohio law and guidelines. Although Ruble claims there was ample evidence of his succession from Hunter in Marshall County, WV (adjacent to Belmont County) the Court found no evidence in the Belmont County records that Hunter, or any of his heirs, successors or assigns, may be found in a different locality. Consequently, a search limited to Belmont County was reasonable. Ruble's contentions were found without merit, and the trial court decision affirmed.

A similar fact pattern arose, also in Belmont County, in Mammone v. Reynolds, 2021-Ohio-3248 (7th Dist. Ct. App. 2021). In 2013, surface owners sought to regain title to severed oil and gas under their land but were unable to locate current owners of the interest (also known as the "Huddleston heirs"). Notice of the proceedings was served on the Huddleston Heirs by publication. Because the Huddleston Heirs never responded to the lawsuit, the trial court granted default judgment in September 2013 to the surface owners. In 2020, the Huddleston Heirs sought to have the 2013 judgment vacated, which was overruled by the trial court. On appeal by the Huddleston Heirs, the Court of Appeals agreed with the trial court and affirmed its judgment.

WEST VIRGINIA

The West Virginia Supreme Court of Appeals has accepted four questions certified to it by The United States District Court for the Northern District of West Virginia in Charles Kellam, et al. v. SWN Production Company, LLC, et al., No. 5:20-CV-85. The Court will hear oral argument during the January 2022 term. The Court will address four questions: (1) Is Estate of Tawney v. Columbia Natural Resources, LLC, 219 W.Va. 266, 633 S.E.2d 22 (2006) (Tawney) still good law in West Virginia; (2) What is meant by the "method of calculating" the amount of post-production costs to be deducted; (3) Is a simple listing of the types of costs which may be deducted sufficient to satisfy Tawney; and (4) If post-production costs are to be deducted, are they limited to direct costs or may indirect costs be deducted as well?

At the time of the District Court's certification in Kellam, defendants' Motion for Judgment on the Pleadings asserting that the Kellams' lease complied with Tawney and that the District Court was bound by the decision in *Young v. Equinor USA Onshore Properties, Inc.*, 982 F.3d 201 (4th Cir. 2020) was pending. In *Young*, the 4th Circuit Court of Appeals reversed Judge Bailey and held the lease clearly and unambiguously allowed the deduction of post-production expenses and noted that "Tawney doesn't demand that an oil and gas lease set out an Einsteinian proof for calculating post-production costs. By its plain language, the case merely requires that an oil and gas lease that expressly allocates some post-production costs to the lessor identify which costs and how much of those costs will be deducted from the lessor's royalties." *Young*, 982 F.3d at 208. Moreover, the 4th Circuit noted recent criticism of Tawney by the West Virginia Supreme Court of Appeals. See *Leggett v. EQT Prod. Co.*, 239 W. Va. 264, 800 S.E.2d 850 (2017).

Until next time,

MLBC Legislative and Regulatory Committee
Nik Tysiak, Chair



When it Comes to Energy Law, Companies Trust Babst Calland.

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2021 NOVEMBER LUNCHEON

The November luncheon was held at the Bridgeport Country Club. Our featured speaker was Katie Monroe, an attorney who practices with the Jackson Kelly firm in Charleston. Prior to her current position, Ms. Monroe worked as a land manager with various corporate iterations of Columbia Gas and as a land/title analyst with EQT Production Company. She began her career as an estate planning attorney in private practice. Following lunch, Katie spoke about the creation of land estates in West Virginia, Pennsylvania and Ohio generally and then spent time detailing some of the differences in the estate administration processes of each state. She took a number of audience questions including what authority estate administrators/executors have to execute instruments affecting a decedent's property and the recently enacted short form ancillary administration process in West Virginia.



UPCOMING EVENTS



APPALACHIAN LAND INSTITUTE

EVENT DATE: MARCH 16TH AND 17TH

LOCATION: THE MEADOWS CASINO IN WASHINGTON, PA



VIRTUAL EDUCATION EVENT

Topic :

2022 JKPC APPALACHIAN BASIN REVIEW



January
20,2022



Zoom



12:00 PM

Speaker: Timothy Knobloch of JKPC, INC

1CE Available

REGISTER NOW AT :
www.mlbc-aapl.org

FREE VIRTUAL EVENT!

The presentation will review Burkett, Marcellus, and Utica Activity in Ohio, Pennsylvania, and West Virginia including:

- Overview of Wells Drilled By Year
- Overview of Wells Drilled by Formation
- Overview of Wells Drilled by Operator
- Smaller Operator Review
- Product Pricing: Oil, Gas, and NGL
- General Trends in drilling and fracing
- Bankruptcies
- Mergers and Acquisitions
- Operator Plans for 2022

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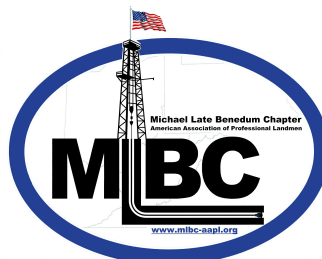
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2021-2022

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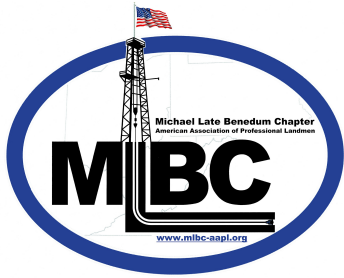
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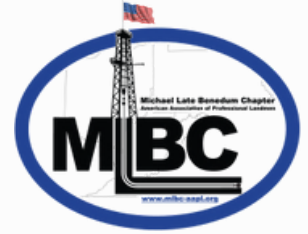
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NEW MEMBERS

and CERTIFICATIONS



DECEMBER 2021

First Name	Last Name	Employer	Member Type	Sponsoring Member
Craig	Croskey	Self Employed	Associate	Sean Jasionowski
Andrew	McLain	Self Employed	Active	Steve Carr

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 :

Tyler Sayre, CPL



Total Members: 578

Active: 366
 Active PP: 30
 Honorary: 10

Total Active: 396
% Active: 68.51%

Associate : 90
 Student: 85

MEMBERSHIP INFORMATION



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](http://www.mlbc-aapl.org) 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.

Thank You!

We have reached the end of our 2nd Volume of the Wildcatter. We sincerely hope you have enjoyed reading the issues we have put together in 2021. We have endeavored to focus this volume on the composition of the MLBC and how we serve our community and our industry through our charitable efforts. We hope we achieved our goal. This committee was incredibly honored to have been recognized by our peers at the AAPL this past June with the Newsletter of the

Year; however, we do want to note that we could not have reached that pinnacle without the content provided by our executive committee, committee chairman and countless others in our membership ranks. We sincerely thank you for your continued support and wish everyone in the MLBC a wonderful holiday season and a safe and prosperous 2022!

Sincerely,
 Newsletter Committee - Danny, Scott, Matt and Anna

