



pipeline will unreasonably infringe on the surface owner's use of the surface, provided that a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

5. Relief Denied: The Petitioner's requested relief in this cause is hereby denied:

- a. The Board found that the Petitioner had failed to provide evidence the soil and erosion plan was inadequate.
- b. The Board found that the Petitioner did not provide evidence that the water protection measures in the permit application was inadequate.
- c. The Board found that the Petitioner did not provide adequate evidence that the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided that a reasonable alternative site is available within the unit.

6. Conclusion: The decision of the Director of the Division of Gas and Oil dated August 21, 2018, in IFEC 1007, and attached hereto are hereby affirmed, and the appeal of Arnold Bailey is denied. The Director of the Division of Gas and Oil is directed to issue the well permits for Application Modification #31013, Haysi 87 with Pipeline, and IT IS SO ORDERED.

7. Appeals: Appeals of this Order may be filed by an adversely affected party within thirty days after service of the Order, pursuant to the provisions of Va. Code Ann. § 45.1-361.9 that provides that any order or decision of the Board may be appealed to the appropriate circuit court where interlocutory relief may also be sought. Any appeal shall be filed in compliance with the provisions of the Administrative Process Act (Va. Code Ann. §§ 2.2-4000 et seq.) and the Rules of the Supreme Court of Virginia.

8. Effective Date: This Order shall be effective as of the date of the Board's decision on April 16, 2019.

DONE AND EXECUTED this 24 day of April, 2019 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

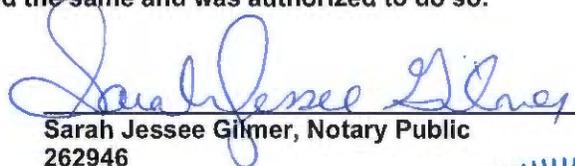
DONE AND PERFORMED this 24 day of April, 2019 by Order of the Virginia Gas and Oil Board.



Rick Cooper  
Principal Executive to the  
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 24<sup>th</sup> day of April, 2019, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.



Sarah Jessee Gilmer, Notary Public  
262946

My Commission expires: July 31, 2021



Page 2 of 2

9-7-2018

To: Virginia Division of Gas and Oil  
P.O. Box 159  
Lebanon, Va. 24266  
Telephone (276) 415-9900  
FAX (276) 415-9671  
Rick Cooper, Director  
Division of Gas and Oil  
Sally Helton - Permit Specialist Division of Gas and Oil.

From: Arnold Bailey  
7294 Louans Gap Rd  
Vansant, Va. 24656  
(Objector) Surface, Mineral and Gas, Oil, Coal, Stone, etc.  
(615) 489-5784 Telephone

This is to notify the VA. Gas and Oil Board of an application for appeal to be heard before the full Board. Arnold Bailey vs Evervest Operating, L.L.C. permit application #31013. I Arnold Bailey object to the decision made by Director Rick Cooper!

Thanks

Arnold Bailey

Arnold Baker  
7294 Lowers Gap Rd  
Vansant, Va. 24656.

Virginia Division of Gas and Oil  
P.O. Box 159  
135 Highway D Drive  
Lebanon, Va. 24646  
Attn: Rich Cooper, Director

REGISTERED MAIL  
28 SEP 2018 PM 2 L



24255-015953



TOTAL PIPELINE LENGTH: 2,217 FT.

NOTE: IF SUFFICIENT RESIDUE MATERIALS ARE NOT GENERATED DURING CLEARING OPERATIONS, SILT FENCING OR STRAW BALE BARRIERS WILL BE PLACED AROUND THE PERIMETER OF THE DISTURBED AREA.

BEG. PROPOSED 4" PIPELINE  
 @ STA 0+00  
 @ PROPOSED WELL NO. HAYSI-87

END PROPOSED 4" PIPELINE  
 @ STA 22+17  
 @ EXISTING 6" BF-159PL

Haysi-87  
 Proposed Well Site  
 & Pit Location

Existing 4" VC-537056PL

Approx. Loc.  
 VC-537058

VC-537056 Existing  
 Well-Access Road

Existing 6" BF-159PL

Old Logging Road  
 to be Upgraded

STA	GRADE
0+00 - 1+00	BURIED + 7%
1+00 - 4+00	BURIED - 6%
4+00 - 5+00	BURIED + 12%
5+00 - 7+00	BURIED + 4%
7+00 - 10+00	BURIED - 11%
10+00 - 10+86	BURIED + 5%
10+86 - 11+00	BURIED ± 0%
11+00 - 12+00	BURIED - 3%
12+00 - 13+00	BURIED + 6%
13+00 - 14+00	BURIED - 1%
14+00 - 16+00	BURIED - 10%
16+00 - 18+00	BURIED + 16%
18+00 - 20+00	BURIED + 3%
20+00 - 22+00	BURIED - 14%
22+00 - 22+17	BURIED - 1%

NOTE: Compass Surveyed on 2014  
 Magnetic Meridian with Slope Distance  
 Along Proposed Pipeline

LEGEND	
	DIVERSION DITCH
	STRAW BARRIER
	BRUSH BARRIER
	SILT FENCE
	DRIP

RANGE RESOURCES-PINE MOUNTAIN, INC.

## SITE PLAN FOR PROPOSED GAS PIPELINE

PIPELINE NO. HAYSI-87PL	PRATER QUADRANGLE
BUCHANAN COUNTY	PRATER DISTRICT
SCALE: 1" = 400'	DATE: 11-20-2014

5,435'

Well Coordinates: (Geographic N83)  
37.171970° -82.185287°

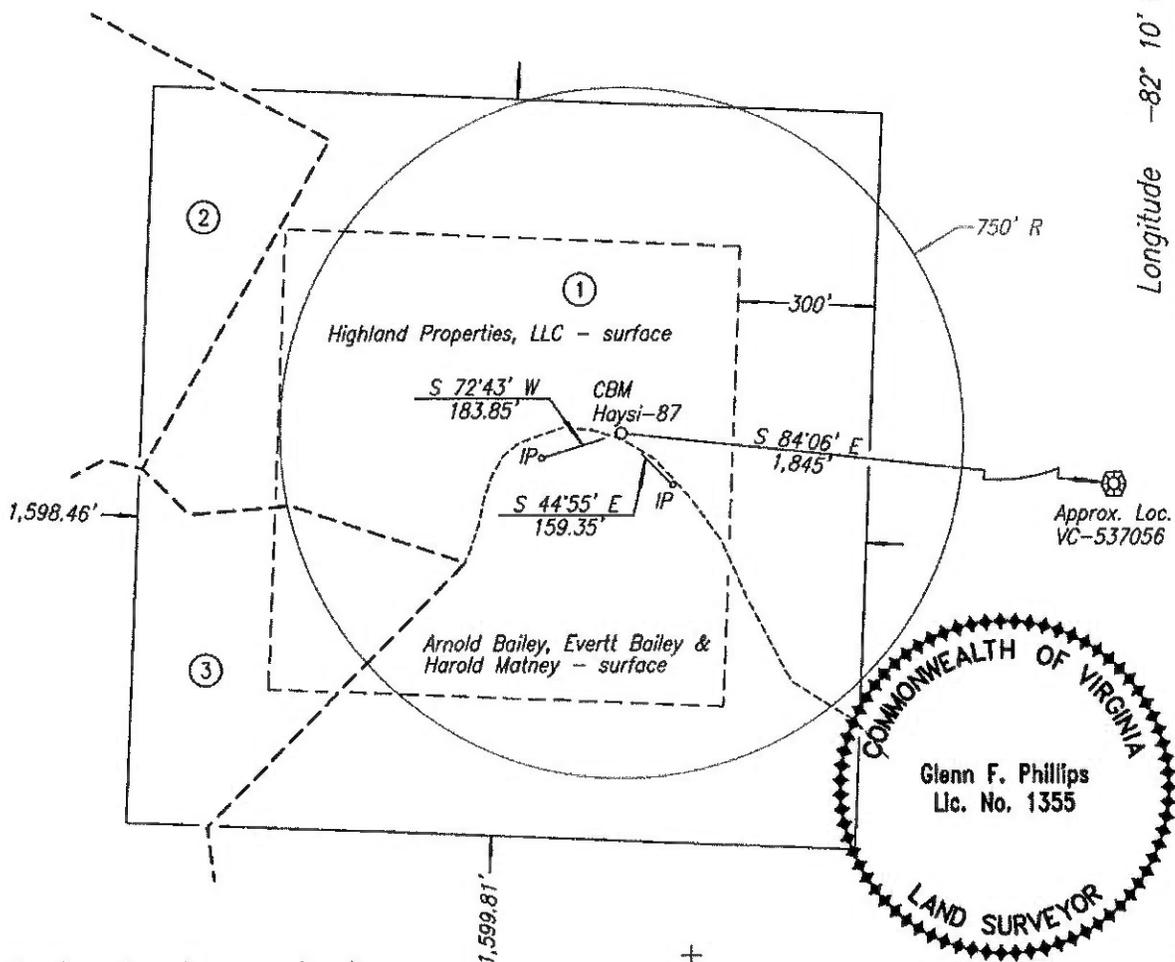
Well Coordinates: (UTM N27, Zone 17)  
N 13,498,633.98 E 1,295,137.23

Latitude 37° 12' 30"

Note: See Attached Tract  
Ownership Information Schedule

--- Mineral Line  
- - - Surface Line  
- · - Lease Line

Longitude -82° 10' 00"



Note 1: The boundary lines shown hereon are based on deeds, plats, maps of record, and certain lines shown on the well plat "Range Resources-Pine Mountain, Inc. ... Haysi-87 ... 11-17-2014." They are not based upon a current field survey.

Note 2: The well will be drilled within 10' of the permitted coordinates.

Well elevation determined by GPS survey from HARN Monument P-424

Area of Unit = 58.71 Ac.

Well Coordinates: (VA St. Plane S. Zone, NAD 83 (1993))  
N 3,607,125.24 E 10,409,447.43

Well Coordinates: (VA St. Plane S. Zone, NAD 27 Calculated from NAD 83 (1993))  
N 326,247.94 E 926,461.71

Well Coordinates: (Clinchfield Coal Co.)  
N 26,184.53 E 57,754.26

WELL LOCATION PLAT NORA GRID AK-73

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER Haysi-87  
TRACT NO. J. E. Arrington ELEVATION 2,109.99' QUADRANGLE Prater  
COUNTY Buchanan DISTRICT Prater SCALE 1" = 400' DATE 3-26-2018

This Plat is a new plat ; an updated plat ; or a final location plat

+ Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

~~Licensed Professional Engineer or Licensed Land Surveyor~~

Glenn F Phillips

Digitally signed by Glenn F Phillips  
DN: cn=US, o=IdenTrust ACES Business Representative, ou=GLENN F. PHILLIPS COMPANY P.C., cn=Glenn F Phillips,  
0.9.2342.19200300.100.1.1=A010980  
0000013B66E8B375000060D  
Date: 2018.04.11 11:34:15 -0400

**HAYSI-87 PLAT**  
**TRACT OWNERSHIP INFORMATION SCHEDULE**  
**3/26/2018.**

- 1 . J. E. Arrington  
165.85 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-A1, L.P., &  
EnerVest Energy Institutional Fund XIV-WIC, L.P. - oil, gas & CBM  
Gas 47.30 Ac. 80.57%
  
- 2 . N. B. Dotson  
84.37 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-A1, L.P., &  
EnerVest Energy Institutional Fund XIV-WIC, L.P. - oil, gas & CBM  
Gas 3.97 Ac. 6.76%
  
- 3 . N. H. Arrington  
178.81 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-A1, L.P., &  
EnerVest Energy Institutional Fund XIV-WIC, L.P. - oil, gas & CBM  
Gas 7.44 Ac. 12.67%

Virginia Division of Gas and Oil

P.O. Drawer 159  
135 Highland Drive  
Lebanon, VA 24266

Telephone: (276) 415-9700  
Fax: (276) 415-9671

Rick Cooper, Director  
Division of Gas and Oil



By Decision of the Director in

**Informal Fact Finding Conference 1007**

**Arnold Bailey**

**vs.**

**EnerVest Operating, LLC**

**Permit Application for Gas and Oil operations:**

**Coalbed/Pipeline Operations Haysi 87 w/PL, Application 31013**

## **Background**

**Coalbed/Pipeline operations Haysi 87 w/PL, Application 31013, EnerVest Operating, LLC** was received at the Virginia Division of Gas and Oil (DGO) on 5/10/2018. The evidence regarding the application and objections filed support the fact that the objections were timely and appropriate under Virginia statute.

The objections filed by **Arnold Bailey** against the permit application **#31013** were in accordance with objections provided by law under §45.1-361.35.

### **§45.1-361.35. Objections to permits; hearing**

B. The only objections to permits or permit modifications that may be raised by Surface Owners are:

1. The operations plan for soil erosion and sediment control is inadequate not effective.
2. There are not measures (in addition to the requirement for a well's water-protection string) necessary to protect fresh water-bearing strata.

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## **Hearing Date and Place**

IFFH 1007 was convened on Tuesday, July 31, 2018 at 1:00 PM, at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266. All parties with standing to object to Permit Application #31013 were notified of the time and place by United States Postal Service, certified mail, return receipt requested.

**Informal Fact Finding hearings are proceedings conducted under guidelines of the Administrative Process Act: *The hearing was recessed to allow the involved parties to negotiate off the record. The hearing was re-convened and the parties were unable to agree on a solution.***

### **I. TESTIMONY BY THE SURFACE OWNER**

- \* Mr. Bailey stated that approving this permit would violate his constitutional rights as a citizen of the Commonwealth.
- \* Mr. Bailey voiced opposition to the permit due to potential runoff from the well on his property.
- \* Mr. Church stated that the fracturing of the well would destroy the water and fracture the roof in the coalseam(s) whereas, the coal would not be minable.
- \* Mr. Bailey stated that unnecessary trees would be cut on his property.
- \* Mr. Bailey objected to potential noise that would come from the well to be installed by Enervest.
- \* Mr. Bailey stated that he did not think the property lines were correct. They have not been surveyed.
- \* Mr. Bailey stated allowing the well to be permitted was an infringement on their property.

\* Mr. Arnold Bailey stated that he was a likely Coal/Mineral owner.

## II. TESTIMONY BY THE APPLICANTS

\* Mr. Scott stated that Enervest was complying with their jurisdictional requirements for the permit.

\* Mr. Charles Akers stated that the law and regulation would require the operator to install proper sediment and erosion controls.

\* Mr. Akers stated Enervest did not see any conditions that would create a hazard to the safety of any persons.

\* Mr. Akers stated that when the well was drilled a 7-inch steel casing would be set at 300 feet for water protection and the casing would be cemented to the surface. Also, 2,500 feet of 4 ½ inch casing would be installed in the well and would be cemented back to the surface.

\* Mr. Scott stated a minimum amount of the land would be disturbed because the road and pipeline were in the same right of way.

\* Mr. Scott stated that the well location on the plat was certified by certified land surveyor and only a very small portion of the well site affects the surface owner (See Exhibit 1).

\* Mr. Scott stated that the title work conducted by Enervest did not grant coal and mineral ownership to Arnold Bailey.

**Decision of the Director:** In the matter before IFFH 1007.

The operator's application states that adequate sediment controls will be installed around the construction location to protect the environment. The Director is satisfied that the erosion and sediment control plans in the proposed application meet best practice standards for the construction activities for this site under current laws and regulations.

The surface owner stated that the noise and dust from the drilling and the fracturing is a hindrance. The surface owner should contact the Division of Gas and Oil when this occurs. An assigned inspector will conduct an investigation on the site.

The Division of Gas and Oil (DGO) has no documented cases where hydraulic fracturing has damaged water sources and coal mines. The Director **does not** see any deficiency in the permit application that would materially affect the ground water due to hydraulic fracturing.

The permit detail includes ground water protection strings, planned to protect both ground water sources within 1,320 feet of the site and below drainage coal seams that may be encountered during the drilling and resource extraction process. The Director **does not** see any deficiency in the permit application that would materially affect the ground water.

The Virginia Gas and Oil Regulations 4 VAC 25-150-340, requires the operator to conduct an analysis of

groundwater within 1,320 feet of the drilling location prior to drilling. When the water analysis is submitted to the DGO the results are reviewed to assure the quality of water is adequate prior to allowing the drilling of the well. The Director **does not** see any just cause to deny the application on these grounds.

The Director does not see any items or conditions that would create an unsafe condition to any workers or public safety. The removal of trees on a property is handled through lease agreements. The DGO has no authority over leases.

The location of the well is certified by a land surveyor to be within 10 feet of the proposed location. The operator is required by 4 VAC 25-150-360 to re-survey the well location once drilled and submit the final location plat of the well to the DGO. The Director **does not** see any just cause to deny the application on these grounds.

The Virginia Gas and Oil Regulations 4 VAC 25-150-420 requires the permit applicant to adhere to standards prior to ground dispersing any drilling fluids. The Virginia Gas and Oil Regulations require the applicant to identify the final location of the disposal of any produced fluids. The applicant has provided these locations in the application. The Director **does not** see any just cause to deny the application on these grounds.

The permit applicant apparently has rights to use the surface owner's property to access their mineral estate. If this is in dispute, it must be contested in a court of proper jurisdiction. While it can be argued that any adverse use of the property is an infringement, § 45.1-361.35 only allows consideration of *unreasonable infringement*. **Interpretation and adjudication of leases and other contractual agreements is not within the purview of the Division of Gas and Oil or the Virginia Gas and Oil Board.** The issue must be handled by a proper court.

Based on testimony and the permit application, it is, therefore, the decision of the Director to deny the surface owner's objections to permit application 31013 for Coalbed Methane Gas Operation Haysi 87 W/Pipeline. The permit application for operation Haysi 87 W/Pipeline will be assessed and issued under standard Division of Gas and Oil permit procedures.

### **Right of Appeal**

**Any person with standing under §45.1-361.30 who is aggrieved by this decision of the Director may appeal the decision to the Virginia Gas and Oil Board by filing a petition with the Board within ten days following the decision (§45.1-361.36). No petition or appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by application or by objections, proposals, or claims made and specified in writing at the informal fact finding conference.**

Signed Tuesday, August 21, 2018

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Rick Cooper, Director  
Virginia Division of Gas and Oil

# Exhibit I

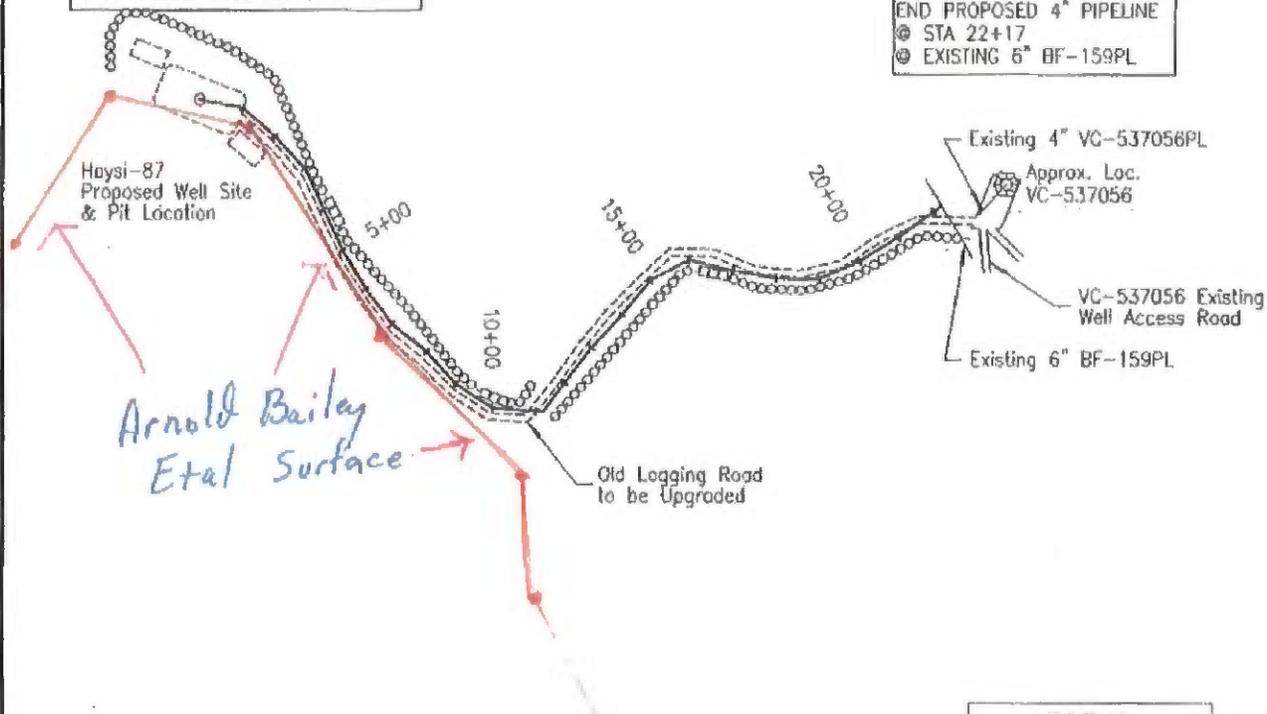
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Highland Properties Surface

BEG. PROPOSED 4" PIPELINE  
 @ STA 0+00  
 @ PROPOSED WELL NO. HAYSI-87

END PROPOSED 4" PIPELINE  
 @ STA 22+17  
 @ EXISTING 6" BF-159PL



STA	GRADE
0+00 - 1+00	BURIED + 7%
1+00 - 4+00	BURIED - 6%
4+00 - 5+00	BURIED + 12%
5+00 - 7+00	BURIED + 4%
7+00 - 10+00	BURIED - 11%
10+00 - 10+86	BURIED + 5%
10+86 - 11+00	BURIED ± 0%
11+00 - 12+00	BURIED - 3%
12+00 - 13+00	BURIED + 6%
13+00 - 14+00	BURIED - 1%
14+00 - 16+00	BURIED - 10%
16+00 - 18+00	BURIED + 16%
18+00 - 20+00	BURIED + 3%
20+00 - 22+00	BURIED - 14%
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NOTE: Compass Surveyed on 2014  
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LEGEND

- DIVERSION DITCH
- ▤ STRAW BARRIER
- ▨ BRUSH BARRIER
- \*\*\*\*\* SILT FENCE
- DRIP

RANGE RESOURCES-PINE MOUNTAIN, INC.

## SITE PLAN FOR PROPOSED GAS PIPELINE

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BUCHANAN COUNTY	PRATER DISTRICT
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