

Landowner takes drastic steps to stop gas drilling on property – 7/18/07

By Scott Finn, West Virginia Public Broadcasting

Studio lead: Natural gas prices are at near-record highs, and there's been a 65 percent increase in the number of permits for new wells since 2004.

There's been an increase in tension between landowners and natural gas producers, too. Last month, a Roane County judge upheld a four-hundred million dollar verdict in favor of residents who said that Chesapeake Energy was shorting them in royalty payments.

Here's a story of another battle between a landowner and a gas driller, where the landowner took drastic steps to keep a well off his property. Scott Finn reports.

Finn: John Snyder had a dream for this little hollow in Roane County. He planned to build houses here for his daughter and son. He says that can never happen now.

Snyder: You're looking at a leveled out spot in the side of the hill. All the forest in a rectangle approximately 400 foot by 300 foot has been cleared. The stumps have been dug out and pushed over the hill. You've got exposed rock that will not grow grass. The cut's probably about 30 foot deep from the top of the cut to where we're standing right now.

Finn: Now on that spot, the sound of natural gas competes with the cicadas and the birds. A gas driller has dug a new well and built a new water tank about 100 feet from where Snyder wanted the houses to go.

Snyder: This used to be my kids' hundred acre wood. Cool, peaceful, the sun was filtered by the trees. It literally drove my daughter to tears when she saw what they were doing to what she wanted for a house site.

Finn: It started a couple of years ago, when Stalnaker Energy of Glenville wanted to drill a new well on Snyder's land. Owner Ron Stalnaker says the company did what it always tries to do – work with the landowner.

Stalnaker: What we typically try to do is bring the surface owners in the loop very quickly, and start working with them if they have preferences where the road is located, preferences where the roads go in, where the pipelines go in, and try to work with them along that manner.

Finn: Snyder says he tried to work with Stalnaker Energy, too. He asked the company to dig the new well on top of the ridge – close to another existing well.

But Stalnaker says the terrain was too steep for that to work. Each side went around and around on where the road and the well should be, and Stalnaker thinks he knows why.

Stalnaker: Mr. Snyder did not want a well drilled on his property. He made comments to the survey crew that he'll keep up jumping through hoops until we finally give up.

Finn: In August, Snyder says he was shocked when he received a notice from the state Department of Environmental Protection. It said that the gas well would be built right next to where he wanted to build the houses.

According to state law, he had 15 days to reply. Snyder scrambled to respond.

Snyder: These people drill wells all the time. They know what they can do and what they can't do. The surface owners have no idea.

Finn: So Snyder decided to take some immediate steps to make his dream a reality.

Stalnaker: Mr. Snyder brought a ditchwitch into the site, and from the county road started ditching, and put two pieces of pipe in the ground, up the little access road to our well site, and left the ditchwitch parked in the middle of the road.

Finn: The bulldozers hired by Stalnaker Energy tore out the gas and water lines. They weren't connected yet, but Snyder says he lost several hundred dollars.

Now, the dispute has landed in Roane County Circuit Court. Snyder says he wants more than money. He wants the court to tell him who was right – the surface owner or the drilling company.

That's complicated, says Dave McMahon. He's a lawyer with a public interest law firm, Mountain State Justice. He's also written a book on surface owner rights in West Virginia.

The state Department of Environmental Protection gives out drilling permits, but McMahon says the agency is limited in what it can do.

McMahon: The state can't move it just based on what's better for the surface owner, what would be more reasonable. The surface owner can only comment on would the well constitute a hazard to the safety of persons, is the erosion and sediment control plan adequate, would there be damage to public lands. Very limited things upon which the surface owner can comment. So if the driller has time, they can wait out the surface owner and do pretty much what they want.

Finn: Snyder is part of the "Surface Owners Rights Organization", a new project of West Virginia Citizens Action Group. They plan to ask the Legislature for several changes in the law. The most important – extend the amount of time landowners have to challenge a permit. But Stalnaker says more time isn't necessary.

Stalnaker: It would be a bad idea, it would just prolong the permitting process, 15 days is ample time to respond. You know, any time over that would just be dragging the process out for no particularly good reason.

Once a drilling rig comes and starts drilling for us, if we do not have locations ready for the rig, we either have to pay the rig thousands of dollars a day to sit there idle, or we else we lease the rig to another company, and then it's anyone's guess when we would get it back again. So yes, it's very time sensitive.

Finn: Snyder says he plans to take the fight all the way to the state Supreme Court, if necessary. But he says it's taken a toll on him.

Snyder: If I could retire, I was going spend my time working on the house and building the houses for them. But right now, my retirement's kind of scrambled up in moneys for this lawsuit, and their college educations expenses are scrambled up in moneys for this lawsuit, so it's a tough time.

Finn: It's a story as old as West Virginia – the clash between landowners and the companies that mine the coal, cut the timber and drill for natural gas. And as long as energy prices stay high, it's a story we'll be hearing a lot more of in the future. For West Virginia Public Broadcasting, I'm Scott Finn.

Studio outcue: You can find Dave McMahon's "Surface Owners' Guide To Oil and Gas" on the West Virginia Citizen Action Group website. Or you can find a link at our site – www.wvpubcast.org – just click the "news" link in the upper left hand corner of the page.