

## *Julie Archer*

Interviewer: Michael Kline  
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Michael Kline: **0:00:01.5** Julie Archer.

Carrie Kline: Okay, well I think we established it may be the 5<sup>th</sup> of September, 2013, and we're in the Citizens Action Group back office. Beautiful sunny day. And I'm Carrie Kline here with Michael Kline. And would you introduce yourself, say your full name?

Julie Archer: Yes. My name is Julie Archer, and I work at Citizen Action, and I'm also project manager for the West Virginia Surface Owners' Rights Organization.

CK: Okay, and your date of birth to put this into perspective?

JA: I was born January 31, 1971.

CK: Okay, and tell me about your people and where you were raised.

JA: About my people. (laughs) Well, I'm a native West Virginian. I grew up near Parkersburg, kind of in the suburbs of Parkersburg, which my dad is from Vienna—grew up in Vienna. So, (laughs) but it was fun growing up there. But as I got older, you know, after I finished college, I moved to the country and so it was real different from the way I grew up, but it's—I like it a lot, so— (laughs)

CK: A little bit about your path to coming to where you are now.

JA: As far as working at Citizen Action or—? So, I guess it all kind of came out of when I was in college, I got interested in environmental issues and kind of maintained that interest through doing volunteer work. I have a degree in biology, so I did stuff through—internships after I graduated. And then I briefly had a job working as a lab technician here in Charleston, and when the plant—I worked at a plant—a dairy plant—and when it closed down, I got more active with Citizen Action and the West Virginia Environmental Council. And eventually as they had a little bit of money, I was fortunate to get kind of a paid position. But— (laughs)

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CK: Talk a little bit about your people and where you were raised.

JA: (laughs)

CK: Where do you come from? Your parents' names?

JA: **0:02:35.7** Oh, okay. (laughs) Sorry.

CK: You're doing fine.

JA: Okay. My dad's name is Gary Archer, and my mom is Karen Carpenter Archer. My mom is actually from Iowa, and my parents met in Washington, DC, when my dad was in the Navy and stationed at Quantico and my mom worked at the Pentagon. So— (laughs) in the '60s during the Vietnam War. And then, my dad was actually—he was supposed—he was supposed to go to Vietnam, and then he actually got jumped and mugged and had some very severe injuries, and so he didn't go overseas. But as a result of all of that, and then he got out of the military and they got married and moved to West—back to West Virginia.

CK: His home?

JA: His home. Yeah, my dad is from Vienna. He grew up in Vienna which is near Parkersburg.

CK: And what sort of a path did he follow then?

JA: (laughs) He—I know when I was really small, my dad worked at a heating and insulating plant in Parkersburg, and there were a lot of bad working conditions at the plant where he worked. And so, he got involved in organizing the union at the plant where he worked. And then after that, he ended up going back to college, and I think—and actually went to work organizing for different labor unions after that, so that really, I guess, is how he got on his path.

CK: Is that something you paid attention to?

JA: (laughs) Yeah, and he was involved a lot in political campaigns too, you know, related to that work, and when my brother and I were growing up, he involved us in those kinds of activities and things. (laughs)

CK: Your brother—his name?

JA: His name is Cary.

CK: Talk about that.

JA: So, I don't know. We just did a lot of like going door to door and things like that for campaigns and just getting out and meeting a lot of people.

CK: With your dad?

JA: With my dad, yeah. (laughs)

CK: And how was that?

JA: **0:05:32.5** It was fun. I still really like doing that kind of, I guess, kind of work—going out and talking to folks. (laughs)

CK: What sort of issues were you working on as a kid with your dad?

JA: It seemed like we did more stuff on actual—on political campaigns where we were working for different candidates that would—I don't know—(laughs)

CK: You're doing fine. Let me see if we can pause for a second here. So you were a door-to-door political campaign organizer as a girl.

JA: (laughs) Yeah.

CK: And who were you meeting? What was the—what sort of people? Was it in your own neighborhood? Who was—were you coming into contact with?

JA: Some of the—sometimes it was people in our neighborhood, but sometimes—I mean—we didn't live in the city when I was growing up. We lived out in the suburbs, so we tended to do—we did more stuff actually in town.

CK: Did it seem to leave a mark on you?

JA: Yeah, I think so. I mean, I guess I still like doing that kind of work, and I was very—I liked how personal it is, I guess, and being face to face with people. People always seem so surprised when you just show up at their— (laughs) Sorry.

MK: There's no way to unplug that I guess.

CK: So, talk a little bit about where you went then from that door-to-door political organizing girl in your family?

JA: Well, I went away to college, but I always stayed interested in politics and activism. But I got interested in—one thing I hadn't really been, I guess, exposed to growing up was sort of like environmental issues. I mean, I guess I did spend time with my grandfather who only went to school through 8<sup>th</sup> grade, and we would go—but he knew so much about nature, like what all of the different trees were and different flowers and things like that. So I did have an interest in that, and I studied biology and then got interested in environmental issues when I was in college. After I graduated from college, I spent about a year in Wyoming, which is the (laughs) first time I ever—not that we didn't take vacations or things like that, but it was the first time living

outside of West Virginia for any extended period. And I was only there for about a year and then moved back to West Virginia.

CK: **0:09:14.2** That was doing environmental work?

JA: I actually, during my time away, I was trying to—I had tried to get an environmental internship, and I actually ended up working for a coalition of organizations on—I worked on a legislative accountability initiative—Wyoming has initiative and referendum, and so they were working on getting something passed to hold their legislators more accountable like recording their votes and opening up meetings and things like that, which I was just sort of like, they don't already do these— (laughs) you know—these things? So that was a really—it was an interesting experience. I don't—and part of that was going out and spending a lot of time again talking to people, because we had to get all of these signatures from voters in order to get our issue on the ballot. So all of that stuff that I did as a kid with my dad (laughs) kind of came in handy in that situation.

CK: But you just stayed 1 year in Wyoming?

JA: Yeah, and well—and I always thought I would come back to West Virginia, and I'm glad that I did come back to West Virginia.

CK: Talk about that.

JA: Why I came back or— (laughs) I don't know if I want to—

CK: Why did you think that you would always come back?

JA: I don't know. It's—I mean—it's home. (laughs) Not to be—I don't mean to be cliché, but I just always—I never imagined like I would live long-term anywhere else. So, my family's here, so—

CK: Vienna in particular then?

JA: Parkersburg. My parents are in Parkersburg, and my brother is still in West Virginia too. He lives in Martinsburg, so—

CK: So you did come back?

JA: Yeah.

CK: To Parkersburg?

JA: Briefly, and then I got a job in Charleston and moved to Charleston and reunited with a college friend who I ended up marrying, (laughs) and we moved to Lincoln County where he's from.

CK: Talk about your path to working in oil and gas then. With Surface—

JA: **0:12:14.0** With Surface Oil? Well, I mean, part of it was from having worked at Citizen Action, but I started working at CAG in 2001, and then I left briefly in 2006 to work for another organization. And during that time, my husband and I live in Lincoln County and we have some land there, and we had some problems—personal problems—with dealing with the oil and gas company. And I knew Dave McMahon from my time working at CAG previously, and we got in touch with him. He was very helpful to us in dealing with the problems that we were having. But about—I guess—around that time, there was just a huge increase in gas prices, so there was a huge increase in drilling all—I mean—all over the state. The DEP was issuing like 3000 permits—drilling permits—per year. And this was before the Marcellus drilling that we’re having now. And CAG was getting—and Dave—were getting a lot of calls from landowners who were having problems dealing with the gas companies, and they decided to try to form an organization of landowners to try to push for some changes so that landowners could have their rights recognized and respected. I was asked to come back and work on that project.

CK: Tell me all about that if you don’t mind.

JA: About—?

CK: The project.

JA: The project. So, we did start—like I said, it was before the Marcellus boom that we’re having now, and there was just a huge increase in drilling. We saw from—based on what we were hearing from landowners just about their—not so much that they were against the drilling, but they just were very frustrated that they were—it was like they didn’t exist. It’s like this company could just come in on their land and do whatever they wanted and not involve—the landowners were not being involved in the process. They were given no say. It wasn’t like the companies even said, “Well, we have a right to drill. Can we talk to you about where to put the well site and the access roads and things like that?” So, there definitely was a need there to try to get something in place to, I guess, facilitate what landowners were saying they wanted, which was, “Okay, we recognize people—that the drillers—can do this, but we just want to have a say in it.” And so we started trying to work to get a Surface Owners’ Bill of Rights passed, which would basically say that if they’re going to drill on your land, that they have to come and meet with you first and try to negotiate an agreement about where are they going to put the well sites and the access roads and how are they going to be built and maintained and what are they going to pay you in compensation for that and that type of thing. And then, just as we were getting started working on that, then that’s when the interest in the Marcellus shale started.

CK: When was that?

JA: That was around 2007, 2008.

CK: So it took between 2001 and 7 to really develop that bill of rights?

JA: Well no, I guess I wasn't real clear on the timeline. Our organization, or the Surface Owners Rights Organization, just started in 2007. So it was within the first year of our existence that the interest in the Marcellus started. And so, over the next couple of years after that, we really saw, even though there had been this huge increase in the conventional drilling, I mean, things really transitioned. And right now, there's hardly any conventional drilling. It's all Marcellus.

CK: How did the bill of rights go? You were trying to get it passed?

JA: **0:17:13.1** Yeah, we were working, trying to organize landowners and working trying to get that passed at the legislature. And unfortunately, we were— (laughs) we weren't successful. I mean, we thought that—after the Marcellus drilling started, I mean— It's kind of like drilling on—it's really like drilling on steroids, and so people still have all of the same problems they have with conventional drilling and then some. There's just a plethora of issues related to this development, and there was some effort and discussion about, "Well, we need to do something comprehensive to try to address all of these issues," and so we were hoping that Surface Owners Rights would be part of that. And unfortunately when the legislature finally did pass legislation in 2011, that was really one of the big parts that got left out of the legislation that was passed.

MK: What got left out?

JA: Anything—something to help surface owners have their rights recognized and respected.

CK: What were some of the points you were advocating for?

JA: I'm trying to think. A big component of it was actually requiring negotiations between the landowners and the companies and making them come up with written agreements about what they could and couldn't do when they came onto someone's land to drill. And it was really modeled after laws that had been passed in Colorado and New Mexico.

CK: Which were?

JA: Which were—I mean—they had different names, but Landowner Protection Act or Surface Owners Protection Act.

CK: **0:19:45.3** So you—

JA: So, sorry.

CK: No, you go on.

JA: Sorry. (laughs) So yeah, I mean, I guess a big part of it was requiring these negotiations and trying to ensure that the landowners are compensated for what's happening on their land and giving them more say in the process instead of them just basically being run over top of. I mean, they just—a lot of the landowners just feel like they don't—it's like they don't exist on their own land, and the companies just kind of come in and take over.

CK: What do you mean? Tell us some examples.

JA: I don't know. It just seems like we just hear the same story—I mean—the same thing over and over again. There's no requirements that they negotiate with the landowners, so the companies come in and make all the decisions, and the landowners don't have to—they don't have to like it. Or if they don't like it, then they're kind of—there's—a lot of times their best option is to go to court if they can afford to get an attorney and kind of go down that route, and most people just either don't have the financial resources, or they just simply don't—I mean—it's just exhausting to try to do that kind of thing even if you have the money to do it. I don't know. People need to have some other recourse or some other way to just have their rights recognized and to be respected.

CK: **0:22:01.9** So you started the organization just before we had drilling on steroids.

JA: (laughs)

CK: Is that right?

JA: Yes. (laughs)

CK: So what—talk about some of the cases you began to see then.

JA: I'm trying to—

CK: Or are beginning to see now, with or without names, as is appropriate. And if you want, we can pause and you can think.

JA: Yeah. I'm just trying to think of ones that would be—

CK: Want to take a little break?

JA: One of the things I would say is as far as the Marcellus shale drilling, we didn't know about all of the impacts and how bad it was going to be until it actually really was basically going full tilt. I mean, we knew that the sites were going to be much larger than what people were used to seeing with the conventional drilling, going from 1 to 3 acres to now—I mean—there are sites that take up 15 acres of people's land. We knew there was going to be—they were going to use a lot more water, up to 6 million gallons per well, but just the—

CK: What did you say about 6 million?

JA: Six million gallons. Up to 6 million gallons for each horizontal well.

CK: And there's one well per—

JA: Well, the—part of the reasons the pads are larger is because they drill multiple wells on a pad. And in theory, you could have overall less surface disturbance if they planned them right

and spaced them right, but that's not really what we're seeing with the drilling. I've been up to Wetzel County, and you'll go to someone's farm, and you'll go up on the hilltop and you'll look around, and there will be a well site on every other ridge top all around, either a well site or a compressor station, something associated with the oil and gas development. So, I don't think they're making—I mean—there could be advantages to the technology, but I don't think they're making the best (laughs) use of it as far as spacing them out and limiting the impacts.

CK: Which they could?

JA: **0:25:04.5** They could.

CK: What are you seeing then in Wetzel County? What are you hearing? What are people going through?

JA: Well, I mean, one of the things about this drilling is the impacts aren't limited to the people whose land they're drilling on or just to their most closest neighbors. It's just affecting entire communities. Entire communities are having to deal with the impacts. I would say probably one of the biggest, I guess, impacts that affects the most number of people is there's a lot a lot of trucks. I mean, up to like—I don't remember the number, but it's just huge numbers of trucks going to the well sites and trucks—large trucks that our rural roads aren't designed to handle, and it has a big impact on the community. There are also kind of socioeconomic impacts that are less visible than some of the—like the infrastructure, the environmental impacts. One thing that's going on in the northern panhandle, for example, is with all of the workers coming into the state from other places to work in the—at the gas wells and doing other related work, it's driving up rent and making it—and pricing out local people, not being able to afford it, or people who are victims of domestic violence that are trying to transition out of shelters. They can't—people can't find places for them to go, because they're just being priced out of it—of affordable housing.

CK: And this is temporary housing for the workers?

JA: Yeah, in some case. Yeah, I mean, it's—they come in and they need some place to stay temporarily, and people who have rental properties are like, “Oh, I can really make some money here off of these workers.”

CK: Who are the workers?

JA: There's a lot of out-of-state workers from Oklahoma and Texas and—I mean—I think some of it is because some of the work is very specialized, and I know with the drilling rigs, they tend to have crews that travel around and work with each of the rigs. But it's kind of unfortunate that it doesn't seem like more local people are getting jobs as a result of all of the development.

CK: Do the Texans and Oklahomans move here then?

JA: I don't know. I don't know if we really have good numbers on that. I think maybe some of them do, but—or maybe they will relocate their families here temporarily, but I don't know if they ever move here.

CK: What is the nature of the work? Is that work that you want West Virginians to have? What's the work like? Is that a goal?

JA: I mean, I don't know that it's a primary goal of SORO, but I think certainly if we're going to have all this development, then this seems like the jobs should go to local people and that we need to do to make sure that local people and the communities where this is going on—that they benefit from it somehow. And then if they're not going to benefit, then you have to kind of say, “Well, is it all worth it?”

CK: And how—so do you have thoughts about how they could benefit?

JA: **0:30:08.4** (laughs) I'm not sure.

CK: And is it all worth it? (laughter) I mean, I'm not pushing you toward that.

JA: I know. Yeah, sometimes I feel like I don't have a good answer or good solutions, but it just—one of the things that really frustrates me about all of this is there's kind of this notion or this idea that particularly with surface owners who don't own the minerals, so they don't have the control or say that those who are fortunate enough to own their minerals do—but there seems to be this notion that it's all just like sour grapes and they're mad because they're not getting the money from the leases. And it's about more than that. It's about their quality of life and it's just really—I don't know. It's frustrating for the industry and some politicians to just act like it's all about sour grapes and that they're just mad because they're not getting the big bucks from the royalty checks or whatever.

CK: Interesting. So, are there people who you deal with who have not in any way consented to anything happening on their land or being—do you use the word victimized?—who are having them drill on there?

JA: I mean, sure. Anybody who's a surface owner, they don't have to consent to the drilling, although it's interesting that you phrased it in those terms, because one of the things that our organization is involved in now—mostly Dave McMahon is working on this. But one of our members who lives in Marion County, and a gas company came in and he has 105 acres. And they want to put three 15-acre well sites on his land all to drain and develop primarily neighboring mineral tracts. So they want to take the best parts of his land over—what?—45 acres of his 100 acres and turn it into well sites mostly to develop—most of the gas that would be developed isn't even under his land. And so, there are legal treatises and things out there that support the position that they don't have a right to do—to come onto your land and use it to develop neighboring mineral tracts without your consent. So that's a case that's pending in US District Court right now. But that could—I mean—that could really change the dynamics of this development and put landowners on better—firmer ground—and they would have more—they

would be better positioned when they're approached about this kind of stuff happening on their land, because they can say no to it.

CK: If the gas was under their neighbors primarily?

JA: Right.

CK: **0:34:02.7** So you helped him launch a suit?

JA: Uh-hunh (affirmative). Yeah, Dave McMahon is representing him, and he's getting some help also from Isak Howell and Joe Lovett at the Appalachian Mountain Advocates are helping with that, as well.

CK: Isak?

JA: Isak. Isak Howell.

CK: Howell?

MK: McMahon , M—?

CK: H-A-L?

MK: C-M—?

JA: M-C-M-A-H-O-N.

CK: And where is he?

JA: Dave is in Charleston. And then Isak and Joe are—you probably know them, but they're—or at least Joe. (laughs) But they're in Lewisburg.

MK: Isak?

JA: Howell.

MK: H-O-W-E?

JA: H-O-W-E-L-L.

MK: And—?

JA: Joe Lovett.

MK: I know Joe Lovett.

CK: So folks who have—maybe whose folks signed—what happens there? Say like 50 years ago, or any time, I guess, before Marcellus came in—?

JA: Yeah, I mean, that's tough, because it's—and you know, that's one of the things that we tried to do early on when the Marcellus drilling was starting is, we don't have—I would say the majority of people in West Virginia don't own their mineral rights. They only own the surface. But we do have people that still own those mineral rights. And with all the interest in Marcellus, of course, people are thinking, ooh, I'm going to get—I'll sign a lease, and I'm going to get rich. And we try to get out and educate people about the—I don't know—try to get them to think about it long term and not just think about the money and think about, what is the impact this is going to have on your land? And whatever you do now is going to affect—if you pass this land on to your children and your grandchildren, it's going to affect them. And we don't try to tell people lease or don't lease. We just try to give them the information and hope that they would make informed decisions about it. And let them know that if you do want—if you decide that this is what you want to do, you can build protections into your lease, but don't expect the law to protect you, because the protections aren't there. And basically once you sign that lease, then you're—even if—maybe you'll get a royalty check or something, but you basically become a surface owner.

MK: **0:37:05.5** Become what?

JA: A surface owner.

CK: What do you tell them when you go out? What are the issues that you try to caution people about to give them a realistic view? What is the picture they're looking at?

JA: We haven't done a lot of meetings lately, and I think I was saying before, there were certain things we knew going—kind of going into it just as it was getting started. But I guess it's that whole hindsight thing. There's a lot of impacts that we know about now that I wish we knew about 5 years ago and could have warned people about. One of the things that—well, I mean, we always sort of knew, and there's a lot of I think legitimate concern about the effects on our water and the whole reason that we even have—I mean, we have laws in place that say—that require casing for the wells and say that they have to do testing before they drill. I mean, that's because there's real potential there for contamination to happen. But one of the issues that's emerging now is that some of the air pollution is maybe a bigger problem and a bigger concern than the threats to the water.

CK: Can you talk about that? Interesting.

JA: Yeah. And there are other—it was interesting because there are other organizations that are trying to look at—because there's concern about how this is also affecting people's health. And so there's an organization in Pennsylvania called the Southwest Pennsylvania—I'm trying to remember if it's Southwest Pennsylvania Environmental Health Project or something to that effect. But their whole thing has—

CK: Say it again, the name.

JA: I think it's the Southwest Pennsylvania Environmental Health Project. But their whole thing is trying to assist people who believe that their health has been impacted or affected by the drilling and just trying to evaluate and assess that. And they came out with a—I don't know if it was like a formal report—but they released some data that they had collected and basically more—a lot more of the health impacts that people were seeing could be linked back to—or potentially linked back to exposure through the air as opposed to things that were happening with the water, although there was some of that too.

CK: Are we seeing West Virginia cases that go along those lines?

JA: **0:40:45.3** Some. I mean, it seems like in the media you hear more about stuff that's happening and maybe in Pennsylvania. (laughs) And I'm not quite sure why that is, but— (laughs) So, I don't know. Maybe we need to do a better job of getting the stories out there of our people here in West Virginia.

CK: Are you aware of them? Do people come to you very often?

JA: I wouldn't say it's real often, but we do hear from people occasionally.

CK: I keep thinking about you and your history as an environmental advocate and just wonder, you're also a landowner. You bought land in a very beautiful rural county. Do you have feelings of stewardship? I mean, what's your role and what's your relationship and other obligations toward the land or toward any water on it?

JA: I think so. I don't like seeing the—I don't like seeing the land town up and, I guess, abused (laughs) may be the best way to put it. I don't know. I guess at the same time, we all consume energy, and so I recognize that. And I don't think it's right to say, "Well, I'm going to use this energy, but then I want to put all of—I don't want to be—I don't want to deal with the— personally deal with the, I guess, effects of impacts of developing that even though I want to consume it." I mean, I think that's wrong to say, "Well, don't do it in my backyard. I'm going to put it all off on somebody else." But I think that there's a lot of room for improvement in the way that the companies conduct themselves as far as the environment and how they deal and treat the landowners. I guess I don't want to—I guess I don't like to think that there's a way to make it balance out, but it seems like it's a—finding the balance is like an uphill—is a bit of an uphill battle.

CK: What's your vision for what that balance would be or what the room for (laughter) improvement is? Want to think about that?

JA: Yeah. You know, there are—I mean, I know there's like a wide range of opinions about whether or not we should even be doing this drilling. A lot people would just like to say fracking, and I don't necessarily put myself or our organization, and we're not in the—we're not against it, but again, I mean, we just want to try to find that balance and it's just really challenging. But I mean, we hear from our members, and I think it's hard—lot of our members. We do have people that are just flat out, "We shouldn't be doing this." But more of what we hear from people is,

again is just about they want to have a say in it. They want to have their rights recognized and respected, and it's just like right now, the way it is now, it's like they don't exist as far as the gas companies are concerned. I don't know. (laughs)

CK: So what do you do when you get a call? The phone rings and it gets handed to you.

JA: (laughs) Yeah.

CK: What do you say to people?

JA: **0:46:25.7** It's hard. I mean, I wish that we were in a position to do more to help people, but the best thing that we can do is just kind of educate them about, "Here's the state of the law and what is in place now that you can try to use to your advantage." And we know that it's not ideal, but it's what we have, and we need to work—I guess—do what we can to work within that existing framework but then try to come together and push for changes to make it better. That's really—

CK: What is the state of the law? What is a surface owner's right?

JA: I'm trying to think. (laughs) There's—under the common law, what—under common law, if you own the surface and someone else owns the minerals, what the common law says is that they have a right to come onto your land and do what's fairly necessary or reasonable to get to and develop those minerals. But then that's where you start—you know—a lot of conflicts and problems arise, because there's no requirement that they negotiate or work with the landowners, so that fairly necessary or fairly reasonable and that right to access someone else's land and develop minerals—I mean—a lot of times they just kind of do what they want. Now they do have environmental—there are environmental laws in place. They do have to get permits, and within that—I guess—within that regulatory structure, there's notice to surface owners, and there's commenting on the permits. But a lot of times, the types of things that the Department of Environmental Protection and the things that they consider in the course of issuing a permit are not necessarily the things that a landowner might care the most about. I mean, they don't care if they're going to come in and put the well site in somebody's best hay field, or they're going to come in and put the well site where they were going to build a home or where they were going to give the land to their children to build a home or something like that. They don't have to, I guess, take those types of things into consideration. And so that was, I guess, one of the things we felt like could be addressed through getting that Surface Owners' Bill of Rights passed is that it would make the companies work with the landowners and give the landowners more ability to say where it was going to go, whereas the DEP really can't make those kind of determinations in their permitting.

CK: Are you still trying to get the bill passed?

JA: We're still—we are still working on that, but just after years and years of trying to influence things at the legislature, it was seeming more like we might be more—we might gain more ground by going to court. And that's one of the reasons that we worked with Mr. Cain on that lawsuit is—

CK: Cain?

JA: Yeah.

CK: Spell it?

JA: C-A-I-N. His name's Richard Cain. I think it's okay that I mentioned him. It's been—that case has been publicized in the media and stuff.

CK: It's in court locally here?

JA: **0:51:00.1** It's in US District Court in the northern part of the state.

CK: So maybe that will help organizationally?

JA: Uh-hunh (affirmative). We had—there was another lawsuit that we were—we intervened in a lawsuit—I think it was the year before last—about— The issue was whether or not landowners have a right to appeal decisions made by the DEP as far as issuing a permit on their land, because there's no statutory appeal process, and there's no—there are no hearings or anything like that. When DEP is issuing the permits, it's like they—the companies apply for the permits and there's a comment period, so there's some opportunity for landowners, and now even like the broader public, to have some input on that process. But then once they're issued, there's no appeal process. And so we went—we intervened in the case that went to the Supreme Court, and we were unfortunately not successful there.

CK: What does it feel like when—I'm guessing when people call you, they're in great emotional distress.

JA: Sometimes. I mean, not always. Sometimes people are calling just—are thinking ahead and calling and just trying to educate themselves about what might come down the road and what can—are the things that they can do to protect themselves and their land if they're faced with that?

CK: Are you dealing by and large with folks who haven't had a lot of education and that sort of sense of vulnerability?

JA: It's a pretty good—we deal with a really (laughs) diverse range of people. I mean, I—some of it is people that, yeah, don't have a lot of education, but then we also get a lot of calls from people who maybe they're not from West Virginia, but they came here at some point and fell in love with West Virginia, and they bought land here and they had plans to come here and retire. And they're having to deal with—they've made this investment for their future retirement, and now, oh, here comes—this company wants to drill on my land.

CK: So what are the hot areas right now? The hot counties that are calling in? (laughter)

JA: Doddridge, Harrison are the—are seeing a lot of activity, and really the north central part of the state—Marion some, Tyler County, Wetzel is still seeing some activity, and then up into the northern panhandle also. But I would say Doddridge and Harrison are the—where—are the real hot spots right now.

CK: Why? How does that get determined?

JA: Part of it is, I guess, not all of the Marcellus is created equal. And there are some parts of it that are what they call wet gas areas where there's a lot of other, I guess, components to the gas that's produced or maybe—I don't know—maybe they would be called byproducts. I don't know, but there's—it's the wet gas that's more valuable now, because these other components can be separated out from the gas and sold, and some of them are more valuable now than the gas. Because gas prices are fairly low right now. So that's where the focus is is on this wet gas area where they can get other things in the process that they can sell and make money on.

CK: **0:56:35.9** But it's still—

JA: And that was kind of related to like—you know—there's all the talk about the ethane—the ethane cracker. So, I mean, that's related to processing this wet gas, and then we can do things with the ethane, and then we can use that to make plastics and—

CK: Talk about that ethane cracker then.

JA: I don't know if I (laughs) know enough about it to talk about it in an intelligent way. There was a lot of interest in attracting—from the state—in attracting a cracker—a cracker plant here. And I guess at one point, I think it's Shell was looking at either locating in West Virginia or nearby in Pennsylvania. So the legislature did like a whole big bill to give them all these tax breaks and incentives to try to get them to come here, and then they ended up locating in Pennsylvania anyway. (laughs)

CK: And then there are pipeline issues. Is that right?

JA: Yeah.

CK: Talk about that. You're getting calls from people getting drilled, and then it's the other—

JA: Yeah, there is a lot of pipeline construction going on related to the development. I mean, I guess the one good side of that is that most of the pipelines that are being built are either gathering lines or production lines. So they're not transmission lines or specifically interstate transmission lines. So in most cases, the companies don't have— People always worry about eminent domain and are they going to use eminent domain and take my property and force this pipeline on me even if I don't want it. And they don't have that ability for most of the types of pipelines that they're putting in. So, I guess that's one advantage that landowners have is that they do have to get right-of-ways from the landowners to put in these pipelines. I mean, if you own the surface and somebody else owns the minerals, they can come in and they can put a well on you, and then they can put on pipelines to get that gas out to market. But they can't just put

pipelines across your land to transport gas from other mineral tracts, so they have to get agreements from the landowners.

CK: **0:59:33.2** And get money?

JA: And usually that involves coming to an agreement about compensation and—

CK: Do you get involved with the compensation side?

JA: It's—I mean—we do get a lot of calls from people when they're approached, whether it's a lease or a pipeline right-of-way or some other kind of—I mean—there are other activities that are going on where landowners might be approached to do a surface use agreement. And we do get a lot of calls, and people ask us, “Well, what—if I do this, how much money should I get and how much should I ask for?” And it's difficult to know what to tell people. And there are different websites and things that people have set up to try to facilitate the sharing of information, because having that information can put you in a better position. And we've tried to encourage people to be more forthcoming about sharing that kind of information, and it just doesn't seem like—I don't know. There hasn't been as much of that as we would like. So it's all kind of going on random reports that we get from landowners, and it's just kind of all over. It's—I think the compensation is just kind of all over the place from people that get—just basically get—I was trying to think of a way to say it politely, but people that physically get ripped off to people that get quite a bit of money.

CK: Do people pool their land? I don't mean in the sense of underground pooling, but do people work together to offer a bigger tract? Is that going on?

JA: I mean, that goes on. There has been some of that, and that really needs to be happening. People need to be talking to each other so that they can help each other and—I kind of lost my train (laughs) of thought there, but—

CK: Whether people should offer a bigger piece of land by working together—whether that's going on.

MK: You said people need to be talking more to each other.

JA: Uh-hunh (affirmative).

MK: In terms of—?

JA: Just sharing information. I think the more forthcoming people are willing to be about, what are they getting for compensation and things like that. I guess just generally I think the more information that's out there, then the more helpful it is to other people. I mean, if people just keep it to themselves, it's not going to help anybody else.

CK: I wonder why people do have that tendency?

JA: I don't know. I mean, I do think on some level, some of it is probably especially people that didn't get good offers on leases. I mean, early on there were people that signed leases for like \$5 or \$10 an acre, and then we saw stuff that went up to like literally thousands of dollars per acre. And I think some of those people that didn't get good deals maybe are not—I mean—they're embarrassed. They feel like, well, I got taken advantage of. Why do I want to subject myself to that or put that out there that I let myself get— (laughs)

CK: Yeah.

JA: They feel like well maybe they should have known better, and they just—I don't know.

CK: **1:04:15.0** Is the extension service an ally then as you're going around trying to educate people and trying to help them strike better deals or inform them?

JA: I mean, early on—we were doing a lot of meetings early on, and I would say that the West Virginia extension service at the time—I think they kind of came to the game late, but I do think that they're trying to do some good things. In Pennsylvania, there extension service was a lot more, I guess, proactive and got out there really, really early. And wanted— (laughs)

CK: So they're providing good information to people?

JA: It's been a little bit mixed, but some of the information is good.

CK: I was also curious about this future—they call it the future fund—we were hearing about this weekend. I guess it's some sort of a severance tax?

JA: I think the way it would work is they would set aside a portion of the severance tax to be invested in education and infrastructure and those types of things and try to plan for the future for when—you know—we're kind of in this boom now, but to kind of have this money set aside for when we're in the bust (laughs) I guess.

CK: So this is going to bust?

JA: Yeah, it's not going to last forever. And I think we're just now—I mean—one of the things that they have seen in some of the other shale plays— The Marcellus shale is just like one shale, and there are other big shale formations in different places all around the country. And one of the earliest shale places was in Texas in the Barnett shale. And their experience was that, these wells are very productive early on, and then the production declines very quickly, and in order to keep these wells producing, they're having to actually go back in and re-frac or re-stimulate them in 4 or 5 years.

CK: Means exactly?

JA: So, (laughs) potentially that's a lot of—I mean—it's not doing the whole process again, but it's like using more water, going back into the places you've already been with more trucks and equipment and things like that. So it's not like with the conventional wells where they would go

in and they would drill the well and it would go under production, and then basically you'd just have the well there. Sort of like, doing a lot more basically industrial activity to kind of keep them going, and that's all happening in rural areas that haven't had to deal with this kind of thing.

CK: Except that they may have had it 4 or 5 years before.

JA: (laughs)

CK: Where is the water coming from?

JA: **1:08:18.9** They mostly withdraw it from streams and rivers near—relatively close to where they're drilling.

CK: Are there legalities around that?

JA: Well, they're not—that was one of the big issues that came up early on. They don't have to get permits for the water withdraws. And there's concern about how much water are they using and who's keeping track and what are we going to do to make sure they don't suck our little headwater streams dry? Because I mean, relatively speaking the oil and gas industry doesn't—there's some truth to the fact that, well, they don't use as much water as some other big industrial users, but a lot of the other industrial activity that's water intensive is on the Kanawha or the Ohio River or something like that. And these guys are going in and withdrawing it from our little smaller streams and rivers, and it's consumptive use. They aren't—they don't treat it and put it back. It's once they take it out of there, it's gone. They might reuse it, but then eventually they have to take it to an injection well or something and dispose of it. So it's totally being removed, I guess, from the cycle or from our streams.

CK: And that's okay?

JA: Yeah, because you were asking about the legalities of that, so (laughter) I really think that there have been some changes to the law made that, I mean, they still don't have to get permits, but I do think the state is trying to do a better job of keeping track of how much they're using, where they're getting it from, and trying to limit or keep them from withdrawing water when there's not a lot of water there to withdraw. Because they do have to have water management plans for their wells and they have to notify the DEP before they—when they get ready to actually take the water, and then DEP can say, “No, you can't get it from there right now. You have to go somewhere else.”

CK: So the DEP is able to keep track and monitor these things?

JA: To some degree. I mean, I think they are trying to, and they have—they are doing a lot more now than they were when this all started.

CK: Do you work with them?

JA: Some, yeah.

CK: And then just to follow the train, so these (laughter) when the water is used as much as it's going to be used, the water and, I guess, mix—chemical mix—it goes into an injection well where?

JA: There are a few. They call them underground injection control wells. There are a few in West Virginia. But a lot of the wastewater that's generated goes—actually goes to Ohio and is disposed of there. I don't know all of the technical side of it, but part of it has to do with our geology that doesn't really make it feasible to permit the wells here, so that's why there aren't as many of them as they have in Ohio and why they are taking more of it there.

CK: **1:12:46.4** Do you have a sense of the work force that's involved in that, or do you work with any workers?

JA: Not that much, no. I do think that there are a few injection well sites in West Virginia, and I think that is one of the aspects or one of the components of all of that where they do tend to have local people looking at those sites.

CK: Which is a good thing, you're thinking? **1:13:30.3** (???) (inaudible) (laughter) Hard questions.

JA: Yes. (laughs)

CK: You're going to be ready for a break after this interview. (laughter) And you don't have to answer if you don't want. (laughter)

JA: Well, I was—yeah, I mean, of course we want people to be able to have jobs and be able to provide for their family and things like that. I just wish that they had other alternatives, that they didn't have to—that we didn't have to rely so much on all of these extractive industries and things related to that.

CK: Do we?

JA: Huh?

CK: You were talking about being a consumer of energy too. What do you think about all of this? Do we have alternatives?

JA: (laughs) Sure we do. It just seems like there's not the—you know—it's like you were talking about with Alan and him talking about, "Oh well, we can do with solar energy." And you know, maybe West Virginia isn't like a hot spot for solar, but I think it's all having the political will to step out there and invest in the alternatives and put them on even footing with the fossil fuel industries better. Because I don't know. I started to say that we're subsidizing the fossil fuel industry, and I think that we are, but I really don't— (laughs) I just don't really have the numbers

myself to I guess support that statement. But it does seem like we're just clinging on to that and not thinking about what we're going to do when it's gone.

CK: What do you mean subsidizing?

JA: Through tax breaks and things like that.

CK: Yeah. We're not thinking about what we're going to do when it's gone, because it goes bust, you said.

JA: Yeah.

CK: **1:16:20.3** I think this has been a beautiful interview. Where should we go that we haven't gone yet?

JA: I don't— (laughs)

CK: If anywhere? I'll see if Michael has any—do you have any questions?

MK: No, I think this has been great. It reminds me of all the chapters in our extractive history coming back to when communities began to try to fight strip mining in the 1960s. I was in eastern Kentucky then doing community organizing. And then the evolution of that into mountaintop removal, all of it done with the telling lack of respect for the local community's health and wellbeing. It's a consistent extractive pattern, and an unwillingness to look to the right and left and see what else—I mean, we did a major interviewing project for the Huntington District of the Corps of Engineers. And the engineers explained why there was no hydroelectric component for any of the dams that they've built in West Virginia. They said, "Well, we can't compete with the coal industry. The coal industry would then go to its stable employers and sue the government for competing with taxpayer money for offering competition and the local residents." So yeah, it falls right in line with everything I've been hearing for 50 years.

CK: Thank you so much for doing what you're doing and for doing what you've been doing all these years and for finding time to try to unravel some it with us.

JA: Well, thank you for doing this project and— (laughs)

CK: Our pleasure, I think. (laughter)

**1:18:56.7** (end of audio)

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