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Lawmakers call for Marcellus moratorium

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CHARLESTON — Officials kicked off the second round of fighting for increased regulation of the Marcellus shale in West Virginia after the failure to pass a bill intended to regulate drilling in the increasingly popular gas source.

This time, lawmakers and surface owner groups met to announce the signing of a letter urging Randy Huffman, secretary of the Department of Environmental Protection, to use his emergency authority to halt the issuance of new horizontal drilling permits in the Marcellus shale.

Acting Gov. Earl Ray Tomblin has thus far expressed no interest in calling for a moratorium or a special session. Tomblin did add the caveat that a special session would be considered if there was an agreement reached between the House and Senate versions of the Marcellus regulation bill.

In a news conference earlier this week, he asked legislators to budget for additional inspectors, but the final version of the bill did not include the \$2 million request.

In lieu of regulation, a group of delegates say a temporary moratorium on new permits, to last until regulation is developed and passed, is necessary. Several expressed interest in entering the special session this summer.

“It’s our position that is the only logical course given that the legislation for Marcellus drilling failed,” said Delegate Barbara Fleischauer, D-Monongalia.

Fleischauer was one of 19 delegates to sign the letter before the Friday announcement. Delegate Rick Snuffer, R-Raleigh, added his name to the list during a news conference calling for the moratorium Friday morning.

“I would be hesitant to say call for a moratorium, but if the only option is that and turn it over to the DEP and hope we can find a little more funding for inspections, than I say let’s put the moratorium on,” Snuffer said at the news conference. “We don’t need a study group. We study too much in government. We need a working group that will get on this and work on it.”

Snuffer and other delegates pointed out that regulation had been a bipartisan effort. Snuffer said a special session is necessary for regulation, and he has heard serious concerns from many of his constituents.

“We can’t just let the industry regulate itself, and we can’t just let the DEP do the job for us,” Snuffer said. “If we can’t get a special session, we need a moratorium until we can get a leader that will join our leader and we can get this right.”

Fleischauer said many elements of the bill that should not have even been controversial ended up as points of disagreement among lawmakers and interest groups.

“This is very serious business,” she said. “It’s very lucrative; it stands to be very important for our state, both in terms of jobs and incomes for individuals and state tax coffers. Like any other state, our resources are limited and we have to make difficult choices, however, this has to be done responsibly.”

Delegate Mike Manypenny, D-Taylor, said in his home county he has seen operations build roads in streambeds and create floodplains where well pads are built. He added that industry is going largely unregulated under current law.

“I’ve talked to oil and gas drillers who haven’t seen an inspector in three years,” Manypenny said. “With the minimal oversight this industry has, we need regulatory framework now. We can’t be waiting another year.”

Manypenny also responded to public criticism that environmental groups may have pushed too hard, resulting in the bill’s failure to pass.

“I don’t think you can push too hard when it comes to clean water, land and air. Those are the most important things we have in this state that make it such a great place to live,” Manypenny said. “I’m willing to fight for those rights and I’m willing to fight for the citizens, but I don’t want to hurt the industry. That’s why we made concessions.”

Delegate Nancy Guthrie, D-Kanawha, said lawmakers knew there was going to be plenty on their plate for the Marcellus shale regulations. One of things the industry promises, jobs, she said, has not been as apparent as many hoped.

“If you look at Wetzel County, their unemployment rate was still at 14 percent,” she said. “So, it was pretty easy to determine that jobs and lots of them, good paying jobs, weren’t exactly happening. They were going out-of-state and bringing people from Texas, etc.”

She said that despite all of the complexities of the issues, until the last part of the session, she was convinced an agreement on the bills had been reached. Now, she said, industry will be free to conduct drilling as it pleases.

“Without regulation, it’s a wildcat industry, just like the coal industry used to be,” Guthrie said.

Larry K. Matheney, secretary and treasurer of West Virginia AFL-CIO, said the Marcellus shale, isn’t just a labor issue, but a West Virginia issue.

“We want to see this shale developed to its fullest extent,” Matheney said. “We want to see jobs created as a result of it for people that want to live in West Virginia. We want to have the opportunity to see it responsibly developed.”

Matheney said the industry lobby was a strong, powerful and loud voice this session, a voice he said, which largely originated from big, “multi-national” corporations “who don’t live in West Virginia.”

"I think it's about time we start respecting our resident landowners," he said.

Delegate Harold Sigler, R-Nicholas, is a lot closer to the issue than many of the delegates. Drillers from Chesapeake are drilling on surface property he owns with his brother.

"We had no input into the location, no input on how they built roads across our property," Sigler said.

Since moving onto his property, Sigler said, hayfields have been flooded, landslides buried forested land and an access road has disconnected him and his brother from one of the fields on their property.

"I have had minimal contact with Chesapeake representatives, and that (contact) being here when they were lobbying to improve their situation," Sigler said. "I've had a little lip service of 'what we will do for you,' but lip service is all that's been."

Sigler said to those who are focused on the riches that may come with the Marcellus shale, "look at what you're going to lose in the process. "

Julie Archer of the West Virginia Surface Rights Organization, said the Senate and House were not far from reaching an agreement. A special session she said, would give lawmakers plenty of time to reach an agreement.

"Until regulations are in place to protect property owners and the environment and to ensure adequate staffing, enforcement and responsible development of this resource, we do not believe the DEP should issue any new permits until the DEP can responsibly and reasonably review, inspect and enforce," Archer said.

John Manchester, mayor of Lewisburg, where city council members recently passed a resolution expressing concern about the failure to pass Marcellus legislation also spoke at the event Friday.