

Relief Sought:

Cheryl Keen Tucker, has appealed the decision of the Director issued on 8/25/2020, for IFFH number 1015 regarding application number 38515 from Pocahontas Gas LLC for proposed well CBM CC35B W/PL, located in the Maiden Spring Magisterial District, TAZEWEEL County, Virginia.

Comments:

I am appealing the recent decision of the Division of Gas and Oil and maintain that the rights of the G.W. McGlothlin Heirs (herein called the Heirs) in their ownership of both surface and mineral rights are currently being impinged upon by the co-owner Pocahontas Gas, LLC (formerly known as CNX Gas Company, LLC) herein called The Company. The Heirs have had ownership in the property since before 1896 by inheritance according to the testate laws of the Commonwealth of Virginia. The Company has used the property for its benefit and commenced gas production upon the lands in question as of 2001 and received compensation for "First point of sale" meaning, for oil, the point at which the oil is sold, exchanged or transferred for value from one person to another person, or when the original owner of the oil uses the oil, the point at which the oil is transported off the permitted site and delivered to another facility for use by the original owner; and for gas, the point at which the gas is sold, exchanged or transferred for value to any interstate or intrastate pipeline, any local distribution company, any person for use by such person, or when the gas is used by the owner of the gas for a purpose other than the production or transportation of the gas, the point at which the gas is delivered to a facility for use.

There is not or has been any deed, contract, or agreement has or had been signed by the current parties involved for with the Company with the Heirs considering their undivided interest in the surface and mineral interest. Note the first pooling request for the Heirs was sent by the Company in March/April 2020 on all four tract of land consisting of 16 wells in addition to the additional well being considered.

This property has purposed development and use of pipelines, facilities, roads, and such infrastucture on four tracts of land being co-owned by the Company not provided information to the co-owners (gas claimant) in regards to the mineral interests protected in 45.1-361.9 since notification in April 2020 upon repeated requests. The Heirs have not had access to availability of the unit records to date other than what is on the DMME public website. Pocahontas Gas, LLC to date has not in good faith provided information to further our negotiations outside of the DMME for purposed of reaching an agreement within the statutory guidelines. In addition The Company is making this contingent with Heirs to sign a confidentiality agreement. The heirs have not received to date any detailed information regarding disturbances to the surface and the gas production made since 2001 prior to the current permit request. This impinges on the rights of The Heirs as to their rights in the information provided to the DMME. The heirs assert that there are errors on the Application for permit # 38515 submitted to the DMME for the operations of CBM CC35B W/PL. The surface owners affected by the proposed application for pipelines and facilities is out of date the names from previous Heirs that they began negotiations with in 2012 and signed the rights by deed in 2014. non-owner The gas claimant has the right to be given the unit information regarding calculation of their interests that have been used on the permit in question under

the code of Virginia section 45.1-361.30. There was an error claiming that the CC-35 pooling had been voluntary instead of forced. Therefore, the Heirs claim that due diligence may not have been executed in its entirety based on the current permit.

The Heirs received a certified letter after the appearance of Cheryl Keen Tucker at the Informal Informational hearing on August 24, 2020 for the notification of the interests in the well recorded in the Russell County Clerks office.

Pursuant to Sections 45.1-361.9B and 45.1361.22.B of the Code of Virginia, the Virginia Gas and Oil Board will held its scheduled monthly hearing commencing at 9 a.m. on Tuesday, June 16, 2020. This will be a virtual call-in meeting only. Those wishing to call in please dial 1-866-845-1266 (Passcode: 52769596#) The Company has not provided information to the co-owners (gas claimant) in regards to the mineral interests protected in 45.1-361.9 since notification in April 2020 upon repeated requests. The Company to date has not in good faith provided information to further our negotiations outside of the DMME for the purpose of reaching an agreement within the statutory guidelines. In addition, the communications have alluded to the information regarding the transactions of the property contingent with Heirs to sign a confidentiality agreement. The heirs have not received to date any detailed information regarding disturbances to the surface and the gas production made since 2001 prior to the current permit request. This impinges on the the Heirs rights in the information provided to the DMME. The heirs assert that there are errors on the Application for permit # 38515 submitted to the DMME for the operations of CBM CC35B W/PL. The surface owners listed that are affected by the proposed application for pipelines and facilities is incorrect. The gas claimant has the right to be given the unit information regarding the calculation of their interests that have been used on the permit in question under the code of Virginia section 45.1-361.30. There was an error claiming that the CC-35 pooling had been voluntary instead of forced.

The Heirs received a certified letter after the appearance of Cheryl Keen Tucker at the Informal Informational hearing on August 24, 2020 for the notification of the interests in the well recorded in the Russell County Clerks office.

Under Code of Virginia, Section 45.1-361.30 The heirs attest that the Affidavit of Due Diligence omits Bernie Gene Adams receipt of the notification. Pocahontas Gas sent a certified notice to the incorrect address not only once but twice. The correct address was listed in the Exhibit B-3 of the permit filing and was not used to notify him. Under COVID-19 there have been inconsistent delivery methods of the USPS, including leaving documents at the door without obtaining a authorized signature. This was the case regarding the decision of the informal information hearing sent to Cheryl Keen Tucker.

The Heirs received the pooling application and called the DMME and spoke with Rick Cooper regarding our wishes to not be pooled of which he acknowledged. During this period of time, the COVID-19 pandemic changed the methods and notifications of acknowledgement of hearing dates. The Heirs did check the DMME website and noticed the Cancellation of the Hearings for April and May 2020. Our family did not get notified nor saw the change that a hearing would be held on June 16, 2020 for the pooling of interests in the Unit CC-35. This was recorded in the Russell County Courthouse on July 30, 2020. The Heirs received a by certified mail the Virginia Land Record Cover Sheet instrument date June 18, 2020 Book 872 page 268 from Docket number 20-0421-4230 pursuant to VA Code 45.1-361.21 and 45.1-361.22 Drilling Unit CC-35. The hearing was held by a telephone conference at 9:00 am. The Heirs contend that they should have been notified by the Company and/or DMME to participate or give us directions as to our rights under this hearing by telephone under COVID-19. The order states that only Mark Swartz, Esquire, of the firm Hillard & Swartz LLP, appeared for the applicant; and Jerald Hess, Assistant Attorney General, was present to advise the Board. The Heirs were not represented. Of note, until this date, the Heirs have not been included on any pooling orders for any of the co-owned land since the Company came upon the property to commence gas production for profit assuming they owned 100% of the surface and mineral interest in the property. We assert that the notification and approval for the pooling which was requisite for the application for the Drilling Permit exception that has been objected to and now appeals did not give the Heirs reasonable notice of the hearing. This is impeding on the rights of the Heirs and we did not have effective communication regarding the pooling hearing.

The Heirs are not sure when this was posted thus not giving the Heirs lead time to attend or prepare.

Pursuant to Sections 45.1-361.9B and 45.1361.22.B of the Code of Virginia. The Virginia Gas and Oil Board will hold its scheduled monthly hearing commencing at 9 a.m. on Tuesday, June 16, 2020. This will be a virtual call-in meeting only. Those wishing to call in please dial 1-866-845-1266 (Passcode: 52769596#) This is per the DMME website.

The heirs request that a statutory remedy be considered regarding this case being finalized by the Division of Gas and Oil hearings. Please note that the attachments to be considered are already on file with the DMME for the permit application and pooling order.

Respectfully,

Cheryl Keen Tucker

**VIRGINIA DIVISION OF GAS AND OIL
NOTICE OF INFORMAL FACT FINDING HEARING**

In regard to Pocahontas Gas LLC

Proposed Permit for New Coalbed/Pipeline

Application 38515 for CBM CC35B W/PL

Located in the Maiden Spring District of Tazewell County, Virginia

Docket Number IFFH 1015

In Accordance with §45.1-361.35.H. of the Code of Virginia, the Director of the Division of Gas and Oil has scheduled an Informal Fact Finding Hearing (IFFH) to consider objections received from Cheryl Keen Tucker, to be affected by the above-named operation(s). The objection by the Royalty Owner and Surface Owner was received at the office of the Division of Gas and Oil in a timely manner and in accordance with §45.1-361.35. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.1-361.30. All parties are entitled to be represented by counsel at the hearing, if desired. Those receiving notice of this proceeding and who did not object to the application are not required to attend.

The objections have been filed by a Royalty Owner and Surface Owner against the permit applications for Pocahontas Gas LLC for operation CBM CC35B W/PL in accordance with:

§45.1-361.35. Objections to permits

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

4. The location of the coalbed methane well or coalbed methane well pipeline would unreasonably infringe on the surface owner's use of the surface. Note: This is only considered grounds to object, if 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.

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.

All testimony in this conference must be relevant to objections allowed for and detailed in the Gas and Oil Act in this section.

Date and Location of Conference:

The hearing is scheduled for **Monday, February 24, 2020, beginning at 10:00 AM.** The hearing will be held at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266. Contact the Division of Gas and Oil at (276) 415-9700 with any questions.

Specific directions and other important information can be accessed from the Department of Mines, Minerals, and Energy website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

Informal Fact Finding Hearings are to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§2.2-4019). In reaching a decision, the Director may rely upon any public data, field research, documents, and testimony given at the hearings.

This notice was prepared on Tuesday, August 11, 2020, and will be sent by certified mail, return receipt requested, to every person with standing to object as prescribed by §45.1-361.30.

Rick Cooper, Director

Virginia Division of Gas and Oil
P.O. Drawer 159
Lebanon, Virginia 24266

**VIRGINIA DIVISION OF GAS AND OIL
NOTICE OF EXTENSION OF INFORMAL FACT FINDING HEARING**

In regard to Pocahontas Gas LLC

Proposed Permit for New Coalbed/Pipeline

Application 38515 for CBM CC35B W/PL

Located in the Maiden Spring District of Tazewell County, Virginia

Docket Number IFFH 1015

The Informal Fact Finding Hearing originally scheduled for Tuesday, July 21, 2020 beginning at 03:30 PM at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266 has been rescheduled due to limitations on gatherings, due to the COVID 19 pandemic.

In Accordance with §45.1-361.35.H. of the Code of Virginia, the Director of the Division of Gas and Oil has scheduled an Informal Fact Finding Hearing (IFFH) to consider objections received from Cheryl Keen Tucker, to be affected by the above-named operation(s). The objection by the Royalty Owner and Surface Owner was received at the office of the Division of Gas and Oil in a timely manner and in accordance with §45.1-361.35. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.1-361.30. All parties are entitled to be represented by counsel at the hearing, if desired. Those receiving notice of this proceeding and who did not object to the application are not required to attend.

The objections have been filed by a Royalty Owner and Surface Owner against the permit applications for Pocahontas Gas LLC for operation CBM CC35B W/PL in accordance with:

§45.1-361.34. Objections to permits

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

4. The location of the coalbed methane well or coalbed methane well pipeline would unreasonably infringe on the surface owner's use of the surface. Note: This is only considered grounds to object, if 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.

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.

All testimony in this conference must be relevant to objections allowed for and detailed in the Gas and Oil Act in this section.

Date and Location of Conference:

The hearing is rescheduled for **Monday, August 24, 2020, beginning at 10:00 AM**. The hearing will be held at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266. Contact the Division of Gas and Oil at (276) 415-9700 with any questions.

Specific directions and other important information can be accessed from the Department of Mines, Minerals, and Energy website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

Informal Fact Finding Hearings are to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§2.2-4019). In reaching a decision, the Director may rely upon any public data, field research, documents, and testimony given at the hearings.

Due to COVID-19 restrictions and limited use of regional offices, this hearing may be held virtually. Parties wishing to attend a hearing virtually, must provide written consent, by letter or email, to the Division of Gas and Oil, **prior to the hearing**. An in-person hearing may also be held at the location, date and time indicated above, which all other parties (not consenting to a virtual hearing) may attend. Everyone attending the hearing will be required to wear a mask at all times and adhere to the six foot social distancing guidelines, as outlined in Executive Order Number 67 and Order of Public Health Emergency Seven.

This notice was prepared on August 11, 2020, and will be sent by certified mail, return receipt requested, to every person with standing to object as prescribed by §45.1-361.30.

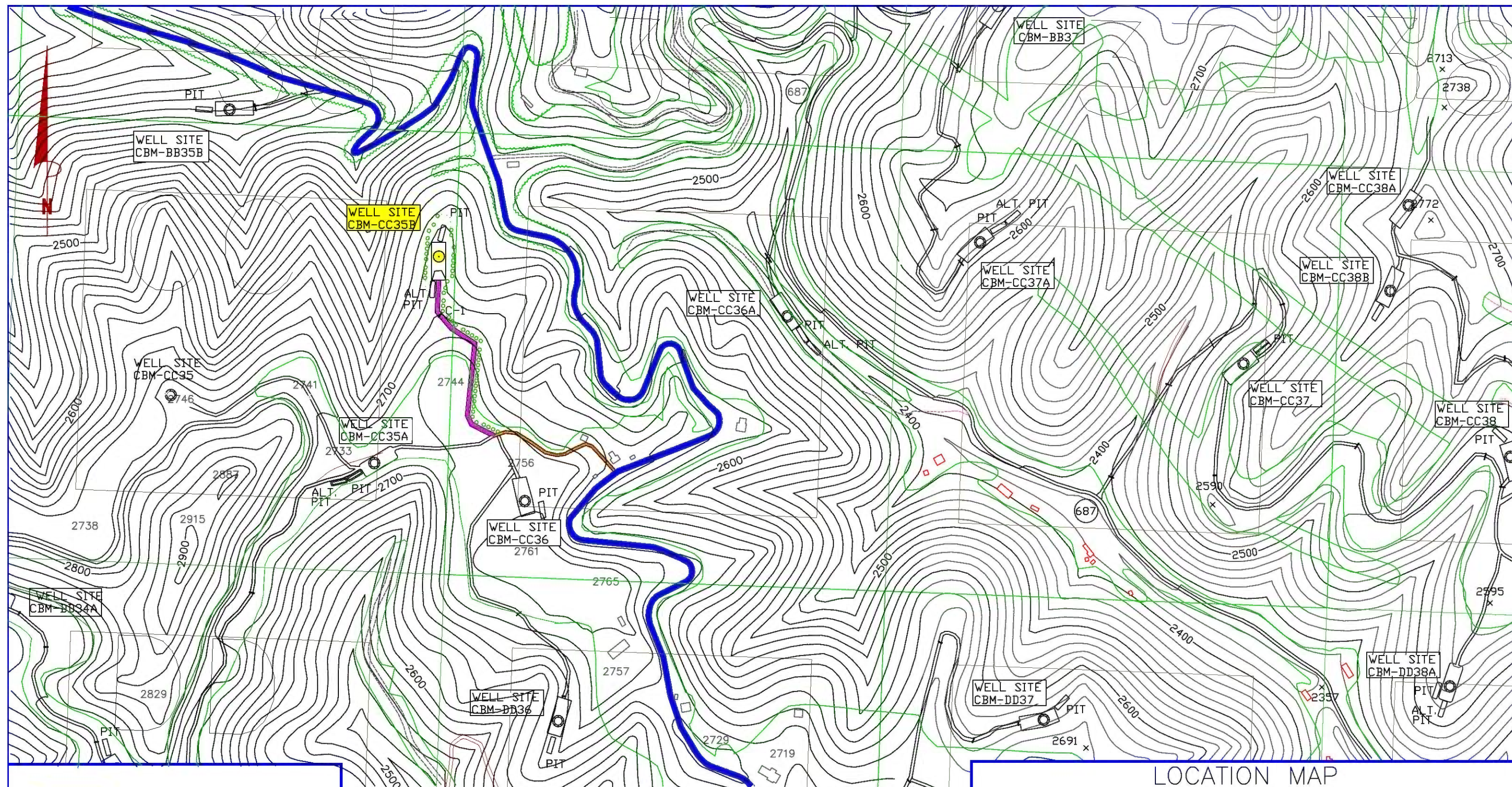
Rick Cooper, Director

Virginia Division of Gas and Oil
P.O. Drawer 159
Lebanon, Virginia 24266

Pocahontas Gas LLC
UNIT CC35
Tract Identifications

- 1A. Coal Mountain Mining Company, LLP (177 Acres Tract 36) – Coal
Buchanan Mining Company LLC – Below Drainage Coal Leased
RAMACO Resources Land Holdings, LLC – Coal in the Tiller and Above Leased
CNX Gas Company LLC, et al – Surface, Oil, and Gas (88.0952% Owned)
0.03 acres 0.0375%
- 1B. Coal Mountain Mining Company, LLP (177 Acres Tract 36) – Coal
Buchanan Mining Company LLC – Below Drainage Coal Leased
RAMACO Resources Land Holdings, LLC – Coal in the Tiller and Above Leased
CNX Gas Company LLC, et al – Surface, Oil, and Gas (98.2143% Owned)
9.14 acres 11.4250%
2. Coal Mountain Mining Company, LLP (160 Acres Tract 34) – Minerals
Buchanan Mining Company LLC – Below Drainage Coal Leased
RAMACO Resources Land Holdings, LLC – Coal in the Tiller and Above Leased
Pocahontas Gas LLC – Oil, Gas, and CBM Leased
65.89 Acres 82.3625%
- 2A. Unknown Surface Owner
- 2B. CNX Gas Company LLC, et al – Surface
3. Coal Mountain Mining Company, LLP (40 Acres Tract 37) – Coal
Buchanan Mining Company LLC – Below Drainage Coal Leased
RAMACO Resources Land Holdings, LLC – Coal in the Tiller and Above Leased
CNX Gas Company LLC, et al – Surface, Oil, and Gas (98.2143% Owned)
TM 63 Parcel 3
2.04 Acres 2.5500%
4. Coal Mountain Mining Company, LLP (319 Acres Tract 38) – Minerals
Buchanan Mining Company LLC – Below Drainage Coal Leased
RAMACO Resources Land Holdings, LLC – Coal in the Tiller and Above Leased
Pocahontas Gas LLC – Oil, Gas, and CBM Leased
Ricky H. McGlothlin, et al – Surface
TM 63 Parcel 5
2.90 Acres 3.6250%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)



STATE ROAD
 COUNTY ROAD
 EXISTING ROAD
 NEW ROAD
 CULVERT
 CULVERT NUMBER
 WELL BORE
 NEW ROAD SEGMENT
 SILT FENCE AND OR
 BRUSH BARRIERS

NOTE:
 STRAW BALES SHALL BE INSTALLED
 & MAINTAINED AT THE INLET AND
 OUTLET OF ALL CULVERTS AND AT
 ALL DRAINAGE WINDOWS UNTIL THE
 DISTURBED AREA IS STABILIZED.
 NOTE: SILT TO BE CONTROLLED BY
 BRUSH BARRIERS AND/OR SILT FENCE, ETC.
 STRAW BALES TO BE PLACED AT INLET/OUTLET
 END OF ALL CULVERTS AND DRAINAGE WINDOWS.

ACCESS ROAD LOCATION FROM
 HANDHELD GPS BY
 POCAHONTAS GAS LLC.

NEW ROAD INFORMATION
 □ LENGTH % GRADE
 1 795' 0-15

LAT: 37° 08' 40.72271"
 LONG: 81° 54' 02.60236"

LOCATION MAP WELL NO. CBM-CC35B

SCALE: 1" = 400'

DATE: 1-17-20

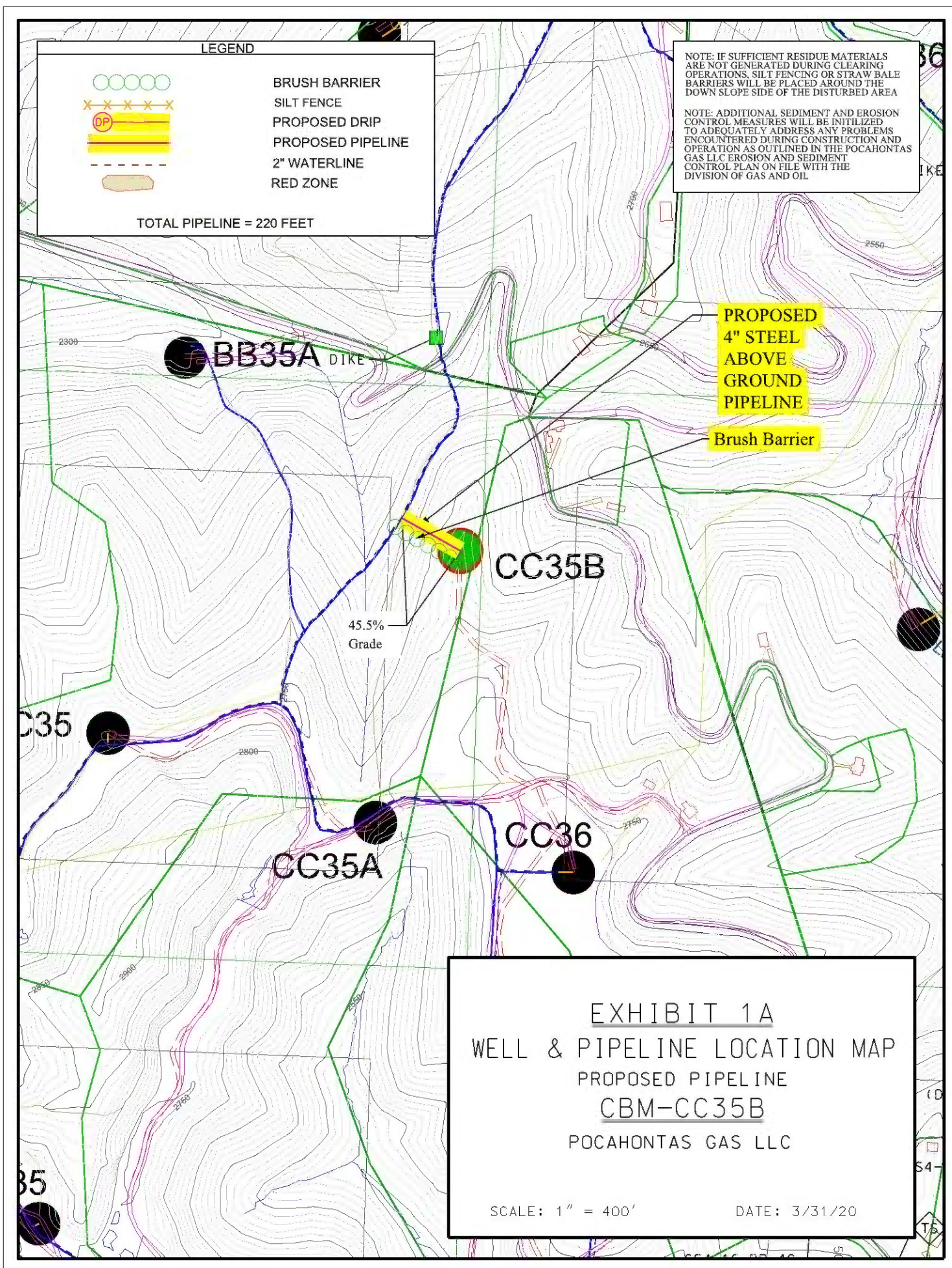
POCAHONTAS GAS LLC
 PO BOX 570
 POUNDING MILL, VA. 24637

DRAWN BY: DC

FILE: CC35B EXHIBIT 1

D. R. PRICE ENGINEERING & LAND SURVEYING, INC., PC
 P. O. BOX 1270, HONAKER, VA 24260
 PHONE: (276) 991-9100 FAX: (276) 991-9103

EXHIBIT 1



PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY
POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED
DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT
REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION
HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.

LATITUDE: 37° 10' 00"

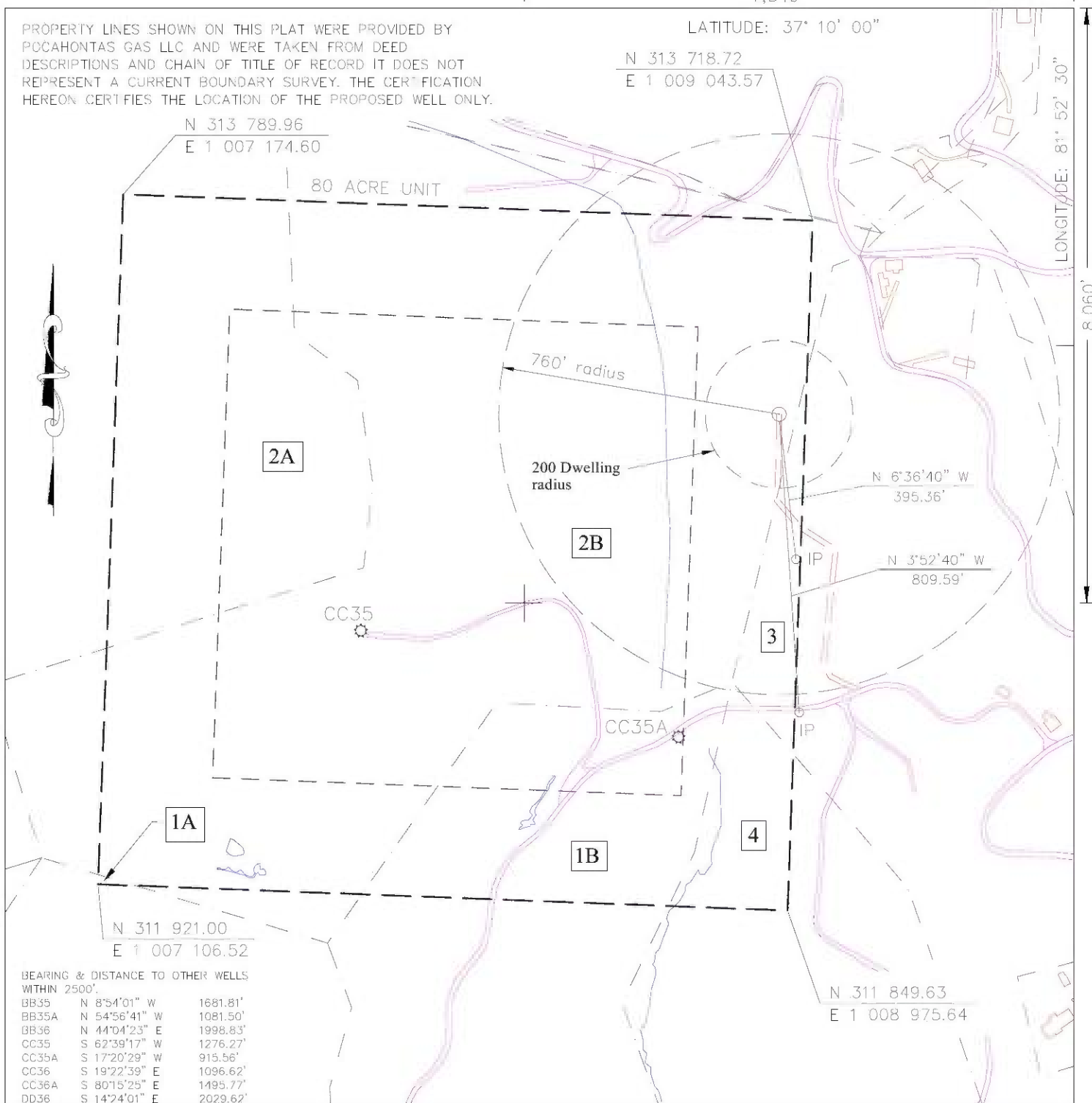
N 313 718.72
E 1 009 043.57

N 313 789.96
E 1 007 174.60

80 ACRE UNIT

LONGITUDE: 81° 52' 30"

8,060'



BEARING & DISTANCE TO OTHER WELLS
WITHIN 2500'.

BB35	N 8°54'01" W	1681.81'
BB35A	N 54°56'41" W	1081.50'
GB36	N 44°04'23" E	1998.83'
CC35	S 62°39'17" W	1276.27'
CC35A	S 17°20'29" W	915.56'
CC36	S 19°22'39" E	1096.62'
CC36A	S 80°15'25" E	1495.77'
DD36	S 14°24'01" E	2029.62'

THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-290 AND 45.1-361.30.

WELL LOCATION PLAT

Company POCAHONTAS GAS LLC Well Name or Number CBM-CC35B
 Tract No. COAL MOUNTAIN MINING COMPANY, LLP (160 ACRES TRACT 34) Scale: 1" = 400'
 County TAZEWELL District MAIDEN SPRINGS Quadrant KEEN MOUNTAIN Date _____
 Elevation 2686.70' Well Elevation Determined By Trig. Leasts From Pocahontas Gas LLC Benchmarks
 Well Coordinates N 313,194.15 E 1,008,952.74 Virginia State Plane South Zone - NAD' 27)
 Well Coordinates N 3 594.073.30 E 10 491 940.60 Virginia State Plane South Zone - NAD' 83)
 This plat is a new plat X ; an updated plat _____ Allen Mitchell, Lic. No. 2289

+ 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.

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Professional Surveyor (Affix Seal)



Operations Name: CBM CC35B W/PL
Application Number: 38515

NOTICE OF APPLICATION FOR A PERMIT OR PERMIT MODIFICATION

Take Notice of Pocahontas Gas LLC, pursuant to Code of Virginia, Section 45.1-361.29, is filing this Notice and Application of a permit with the Virginia Division of Gas and Oil with respect to an operation on the Coal Mountain Mining Company LLC tract of 160 acres, more or less, CNX Gas Company LLC tract of 56 and 37 acres, more or less Maiden Spring District, TAZEWELL City/County, Virginia.

Attached to this Notice of Application is a copy of the required plat or map, operations plan and other information required by the Director. The operations plan describes the work to be done and meets the requirements of Regulation 4 VAC 25-150-100.

You may have the right to file an objection to the proposed operations within fifteen (15) days from the receipt of this notice pursuant to the Code of Virginia, Section 45.1-361.35. A copy of this Code section is attached for your review. You must describe the specific practices you are objecting to and reference the appropriate part of Section 45.1-361.35 when submitting any objection.

If you wish to object to this permit application, then you may file your objections with the Director of the Division of Gas and Oil, electronically in the Client Services Section of the DGO Data Information System at the following address: <https://www.dmme.virginia.gov/DgoInquiry>. You may also file objections at the address listed below.

Section 45.1-361.35.A "Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections."

After receipt of a valid objection, an informal conference will be scheduled pursuant to the Code of Virginia Section 45.1-361.35.H.

Section 45.1-361.35.H "The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after an objection is filed."

City/County: TAZEWELL	District: Maiden Spring	Quadrangle: KEEN MOUNTAIN
Waterway: Levisa River	Farm Name: Coal Mountain Mining Company LLP	
State Plane NAD 83 East / X	State Plane NAD 83 North / Y	Surface Elevation
10491940.6000	3594073.3000	2686.70

OBJECTIONS MUST BE FILED WITH

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF GAS AND OIL
P.O. Drawer 159
Lebanon, VA 24266
276-415-9700

SECTION 45.1-361.35 - OBJECTIONS TO PERMITS; HEARINGS

A. Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections.

B. The only objections to permits or permit modifications which may be raised by surface owners are:

1. The operations plan for soil erosion and sediment control is not adequate or effective;
2. Measures in addition to the requirement for a well's water-protection string are necessary to protect fresh water-bearing strata; and
3. The permitted work will constitute a hazard to the safety of any person.
4. Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided; however, 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.

C. The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:

1. Directly impinges upon the royalty owner's gas and oil interests; or
2. Threatens to violate the objecting royalty owner's property or statutory rights aside from his contractual rights; and
3. Would not adequately prevent the escape of the Commonwealth's gas and oil resources or provide for the accurate measurement of gas and oil production and delivery to the first point of sale.

D. Objections to permits or permit modifications may be raised by coal owners or operators pursuant to the provisions of Sections 45.1-361.11 and 45.1-361.12.

E. The only objections to permits or permit modifications which may be raised by mineral owners are those which could be raised by a coal owner under Section 45.1-361.11 provided the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question.

F. The only objections to permits or permit modifications which may be raised by gas storage field operators are those in which the gas storage operator affirmatively proves that the proposed well work will adversely affect the operation of his State Corporation Commission certificated gas storage field; however, nothing in this subsection shall be construed to preclude the owner of nonstorage strata from the drilling of wells for the purpose of producing oil or gas from any stratum above or below the storage stratum.

G. The Director shall have no jurisdiction to hear objections with respect to any matter subject to the jurisdiction of the Board as set out in Article 2 (Section 45.1-361.13 et seq.) of this chapter. Such objections shall be referred to the Board in a manner prescribed by the Director.

H. The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after the objection is filed. The Director shall prepare a notice of the hearing, stating all objections and by whom made, and send a copy of such notice by certified mail, return receipt requested, at least ten days prior to the hearing date, to the permit applicant and to every person with standing to object as prescribed by Section 45.1-361.30.

I. At the hearing, should the parties fail to come to an agreement, the Director shall proceed to decide the objection pursuant to those provisions of the Administrative Process Act (Section 9-6.14.1 et seq.) relating to informal fact finding hearings.



Commonwealth of Virginia
Department of Mines, Minerals, and Energy
Division of Gas and Oil
P.O. Drawer 159, Lebanon, VA 24266
Telephone: (276) 415-9700

Operations Name: CBM CC35B W/PL

Application Number: 38515

TECHNICAL DATA SHEET FOR PERMIT APPLICATIONS UNDER SECTION 45.1-361.29

☐ the information is related to the conversion of a VVH to a CBM under 4 VAC 25-150-580.

Geological Target Formation: Pocahontas

Estimated Depth of Completed Well : 2240.0

GEOLOGICAL DATA (ESTIMATE)

Predict:

Description	FileName
Predict	CC35B Predict .pdf
Schematic	CC35B SCHEMATIC.pdf

Consent to Stimulate:

Description	FileName
Buchanan Mining Company CTS	CC35B CTS Signed.pdf

Proposed Casing and Tubing Program

	Size	Depth	Cement Details
Conductor	9 5/8 - 13 3/8	0 - 75	Cemented to Surface
Surface/Water Prot. Casing	7 - 4 1/2	300 - 2397	Cemented to Surface
Coal Protection Casing	4 1/2	2397	Cemented to Surface
Other Casing			
Other Casing			
Other Casing			
Production Casing	4 1/2	2397	Cemented to Surface
Tubing	2 3/8	2457	

Centralizer Plan:

Description	FileName
Centralizer Plan	CC35B Centralizer Plan.pdf

Request a variance to the Cement Bond Log requirement for the water protection casing string:

☒ Yes ☐ No

Description	FileName
Cement Bond Log Plan	1 Cement Bond Log Plan.pdf

POCAHONTAS GAS LLC

PO Box 570
Pounding Mill, VA 24637
Phone: 276-596-5137

March 24, 2020

Mr. Rick Cooper, Director
Department of Mines, Minerals and Energy
Division of Gas and Oil
135 Highlands Drive
Lebanon, VA 24266

Re: CBM Well Application CC35B

Dear Mr. Cooper;

Pocahontas Gas LLC is requesting a location exception for the above referenced proposed well. The proposed well is strategically placed to de-gas the Buchanan Mining Company, 7 South Panel development headings, in the Pocahontas 3 Seam, and is necessary for the safety of the underground mining personnel. This will be the third CBM well in the drilling unit. The proposed well is approximately 232 feet outside of the drilling window. Fiberglass casing will be installed across the Pocahontas 3 Seam to facilitate mining. A borehole directional survey will be conducted prior to the completion of the well.

Therefore, based on these conditions, we hereby request a drilling unit location exception be granted for this well; for the prevention of waste of the natural resource, to protect correlative rights of the gas owners, and maximize the recovery of gas reserves beneath the unit. (see attached exhibit).

Sincerely,

Bob Staton

Bob Staton, M.S., P.G.
Permitting Agent III

Cc: Sherri Scott, file CC35B

SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Tazewell Co. Admin. 197 Main St Tazewell VA 24651-1026	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>HS Spood</i> C19 ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>M. Pate</i> C. Date of Delivery <i>4-8-20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Daniel William McGlothlin 947 Baptist Valley Road Cedar Bluff VA 24609	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>T. Little</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>KBR+IC-9</i> C. Date of Delivery <i>4-8-20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Johnny Dwight McGlothlin 820 Baptist Valley Road Cedar Bluff VA 24609	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>J. McGlothlin</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>KBR+IC-9</i> C. Date of Delivery <i>4-8-20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
9590 9402 4290 8190 5282 26 CC35B 7017 3040 0001 0925 8096	9590 9402 5003 9063 5551 51 CC35B 7017 3040 0001 0925 8126	9590 9402 5003 9063 5551 51 CC35B 7017 3040 0001 0925 8126	9590 9402 5003 9063 5551 20 CC35B 7017 3040 0001 0925 8126	9590 9402 5003 9063 5551 20 CC35B 7017 3040 0001 0925 8126	9590 9402 5003 9063 5551 20 CC35B 7017 3040 0001 0925 8126
SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Buchanan Mining Company LLC Kevin Elkins PO Drawer L Oakwood VA 24631	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>Victor Elkins</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Victor Elkins</i> C. Date of Delivery <i>4/2/20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Gene Adams 14309 Phoenix Rd Phoenix MD 21131	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>Gene Adams</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Gene Adams</i> C. Date of Delivery <i>4/2/20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Mary R. Barnett 170 Charleston Pl Daleville VA 24083	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>Casey Barlee</i> C19 ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Casey Barlee</i> C. Date of Delivery <i>4/2/20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
9590 9402 4290 8190 5282 19 CC35B 7017 3040 0001 0925 8102	9590 9402 5003 9063 5551 44 CC35B 7017 3040 0001 0925 8133	9590 9402 5003 9063 5551 44 CC35B 7017 3040 0001 0925 8133	9590 9402 5003 9063 5551 13 CC35B 7017 3040 0001 0925 8133	9590 9402 5003 9063 5551 13 CC35B 7017 3040 0001 0925 8133	9590 9402 5003 9063 5551 13 CC35B 7017 3040 0001 0925 8133
SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Coal Mountain Mining Co LLC PO Box 675 Tazewell VA 24651-0675	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>Carl H</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Carl H</i> C. Date of Delivery <i>4/2/20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Janet Lavonne Little 960 Baptist Valley Road Cedar Bluff VA 24609	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>T. Little</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>KBR+IC-9</i> C. Date of Delivery <i>4-8-20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Michael Adams 595 S. Sandlake Ct Mount Dora FL 32757	COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>SD C2-C19</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>SD C2-C19</i> C. Date of Delivery <i>4/2/20</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
9590 9402 5003 9063 5551 68 CC35B 7017 3040 0001 0925 8119	9590 9402 5003 9063 5551 37 CC35B 7017 3040 0001 0925 8140	9590 9402 5003 9063 5551 37 CC35B 7017 3040 0001 0925 8140	9590 9402 3679 7335 3776 95 CC35B 7017 3040 0001 0925 8140	9590 9402 3679 7335 3776 95 CC35B 7017 3040 0001 0925 8140	9590 9402 3679 7335 3776 95 CC35B 7017 3040 0001 0925 8140

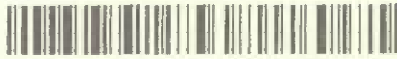
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. Shelby Ann White Finney 195 Finney Drive Cedar Bluff VA 24609		A. Signature x S Finney ☐ Agent ☐ Addressee	
		B. Received by (Printed Name) ROBERT C-19	
		C. Date of Delivery 4-18-2	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
9590 9402 5003 9063 5551 06		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Collect on Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail	
2. A CC35B		7017 3040 0001 0925 8812	
PS Form 3811, July 2015 PSN 7530-02-000-9003			

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RAMACO Res. Land Holdings LLC
c/o George Farley
250 West Main St. Suite 1800
Lexington KY 40507



9590 9402 3679 7335 3776 88

2.

CC35B

PS Form 3849

2-000

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

05-08-00

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

7017 3040 0001 0925 8782

Operations Name: CBM CC35B W/PL
Application Number: 38515

PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT APPLICATION OR PERMIT MODIFICATION

For the purposes of an application for a new permit or permit modification, list such persons by name and address on additional sheets as needed with the title, "Supplemental Sheet for Persons Receiving Official Notice of Permit Application" and indicate the category for each person or group affected.

Application for Well Work Permit:

- ☒ Surface, coal and mineral owners on the tract to be drilled
- ☒ Surface owners of record on tracts where the surface is to be disturbed
- ☒ Gas, oil and royalty owners within
 - ☐ (1) one-half the distance specified in Section 45.1-361.17
 - ☐ (2) one-half the distance to the nearest well completed in the same pool or
 - ☒ (3) within the drilling unit established by the Virginia Gas and Oil Board
- ☐ Coal operators who have a registered operation plan with the Department for activities located on the tract to be drilled
- ☐ All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500' of the proposed well location
- ☐ All coal or mineral owners on tracts located within 500' of the proposed well location
- ☐ All Storage Field Operators Within 1250'
- ☒ Local Government pursuant to Section 45.1-361.30.E
- ☒ Public notice pursuant to Section 45.1-361.30.E, such as an affidavit of publication from the newspaper

Coalbed Methane Well Applications (In Addition to Above)

- ☒ All coal operators, coal owners or mineral owners within 750 feet of the proposed well location
- ☐ All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 750 feet of the proposed well location

Applications for Pipelines and Facilities

- ☒ All surface owners affected by the proposed operations

Applications for Ground Disturbing Geophysical Operations

- ☐ Surface owners on tracts where the surface is to be disturbed
- ☐ Coal owners, coal operators, and mineral owners on the tract(s) to be drilled
- ☐ Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled

**SUPPLEMENTAL SHEET(S) FOR PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT
APPLICATION PURSUANT TO SECTION 45.1-361.30**

APPLICATIONS FOR WELL WORK PERMIT

A. Surface, coal and mineral owners on the tract to be drilled

Buchanan Mining Company LLC, Kevin Elkins, PO Drawer L, Oakwood, VA 24631
CNX Gas Company LLC, , PO Box 570, Pounding Mill, VA 24637
Coal Mountain Mining Co LLP, , PO Box 675, Tazewell, VA 24651-0675
Daniel William McGlothlin, , 947 Baptist Valley Road, Cedar Bluff, VA 24609
Gene Adams, , 14309 Phoenix Rd, Phoenix, MD 21131
Janet Lavonne Little, , 960 Baptist Valley Road, Cedar Bluff, VA 24609
Johnny Dwight McGlothlin, , 820 Baptist Valley Road, Cedar Bluff, VA 24609
Mary R. Barnett, , 170 Charleston Pl, Daleville, VA 24083
Michael Adams, , 595 S. Sandlake Ct, Mount Dora, FL 32757
Pocahontas Gas LLC, , PO Box 570, Pounding Mill, VA 24637
RAMACO Res. Land Holdings LLC, c/o George Farley, 250 West Main St. Suite 1800, Lexington, KY 40507
Shelby Ann White Finney, , 195 Finney Drive, Cedar Bluff, VA 24609

B. Surface owners of record on tracts where the surface is to be disturbed

CNX Gas Company LLC, , PO Box 570, Pounding Mill, VA 24637
Daniel William McGlothlin, , 947 Baptist Valley Road, Cedar Bluff, VA 24609
Gene Adams, , 14309 Phoenix Rd, Phoenix, MD 21131
Janet Lavonne Little, , 960 Baptist Valley Road, Cedar Bluff, VA 24609
Johnny Dwight McGlothlin, , 820 Baptist Valley Road, Cedar Bluff, VA 24609
Mary R. Barnett, , 170 Charleston Pl, Daleville, VA 24083
Michael Adams, , 595 S. Sandlake Ct, Mount Dora, FL 32757
Shelby Ann White Finney, , 195 Finney Drive, Cedar Bluff, VA 24609

C. Gas, oil and royalty owners within

1. one-half the distance specified in Section 45.1-361.17

N/A

2. one-half the distance to the nearest well completed in the same pool

N/A

3. within the drilling unit established by the Virginia Gas and Oil Board

Buchanan Mining Company LLC, Kevin Elkins, PO Drawer L, Oakwood, VA 24631
CNX Gas Company LLC, , PO Box 570, Pounding Mill, VA 24637
Coal Mountain Mining Co LLP, , PO Box 675, Tazewell, VA 24651-0675
Pocahontas Gas LLC, , PO Box 570, Pounding Mill, VA 24637
RAMACO Res. Land Holdings LLC, c/o George Farley, 250 West Main St. Suite 1800, Lexington, KY 40507

D. Coal operators who have a registered operation plan with the Department for activities located on the tract to be drilled

N/A

E. All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500' of the proposed well location

N/A

F. All coal or mineral owners on tracts located within 500' of the proposed well location

N/A

G. All Storage Field Operators Within 1250'

N/A

H. Local Government pursuant to Section 45.1-361.30.E

Tazewell County Admin, , 197 Main Street, Tazewell, VA 24657-1026

I. Public notice pursuant to Section 45.1-361.30.E, such as an affidavit of publication from the newspaper

BDT, , PO Box 1599, Bluefield, WV 24701

COALBED METHANE WELL APPLICATION IN ADDITION TO ABOVE

J. All coal operators, coal owners or mineral owners within 750 feet of the proposed well location

Buchanan Mining Company LLC, Kevin Elkins, PO Drawer L, Oakwood, VA 24631

K. All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 750 feet of the proposed well location

N/A

APPLICATIONS FOR PIPELINES AND FACILITIES

L. All surface owners affected by the proposed operations

CNX Gas Company LLC, , PO Box 570, Pounding Mill, VA 24637
Daniel William McGlothlin, , 947 Baptist Valley Road, Cedar Bluff, VA 24609
Gene Adams, , 14309 Phoenix Rd, Phoenix, MD 21131
Janet Lavonne Little, , 960 Baptist Valley Road, Cedar Bluff, VA 24609
Johnny Dwight McGlothlin, , 820 Baptist Valley Road, Cedar Bluff, VA 24609
Mary R. Barnett, , 170 Charleston Pl, Daleville, VA 24083
Michael Adams, , 595 S. Sandlake Ct, Mount Dora, FL 32757
Shelby Ann White Finney, , 195 Finney Drive, Cedar Bluff, VA 24609

APPLICATIONS FOR GROUND DISTURBING GEOPHYSICAL OPERATIONS

M. Surface owners on tracts where the surface is to be disturbed

N/A

N. Coal owners, coal operators, and mineral owners on the tract(s) to be drilled

N/A

O. Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled

N/A

Attachment

I

PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.

LATITUDE:

N 313 718.72

E 1 009 043.57

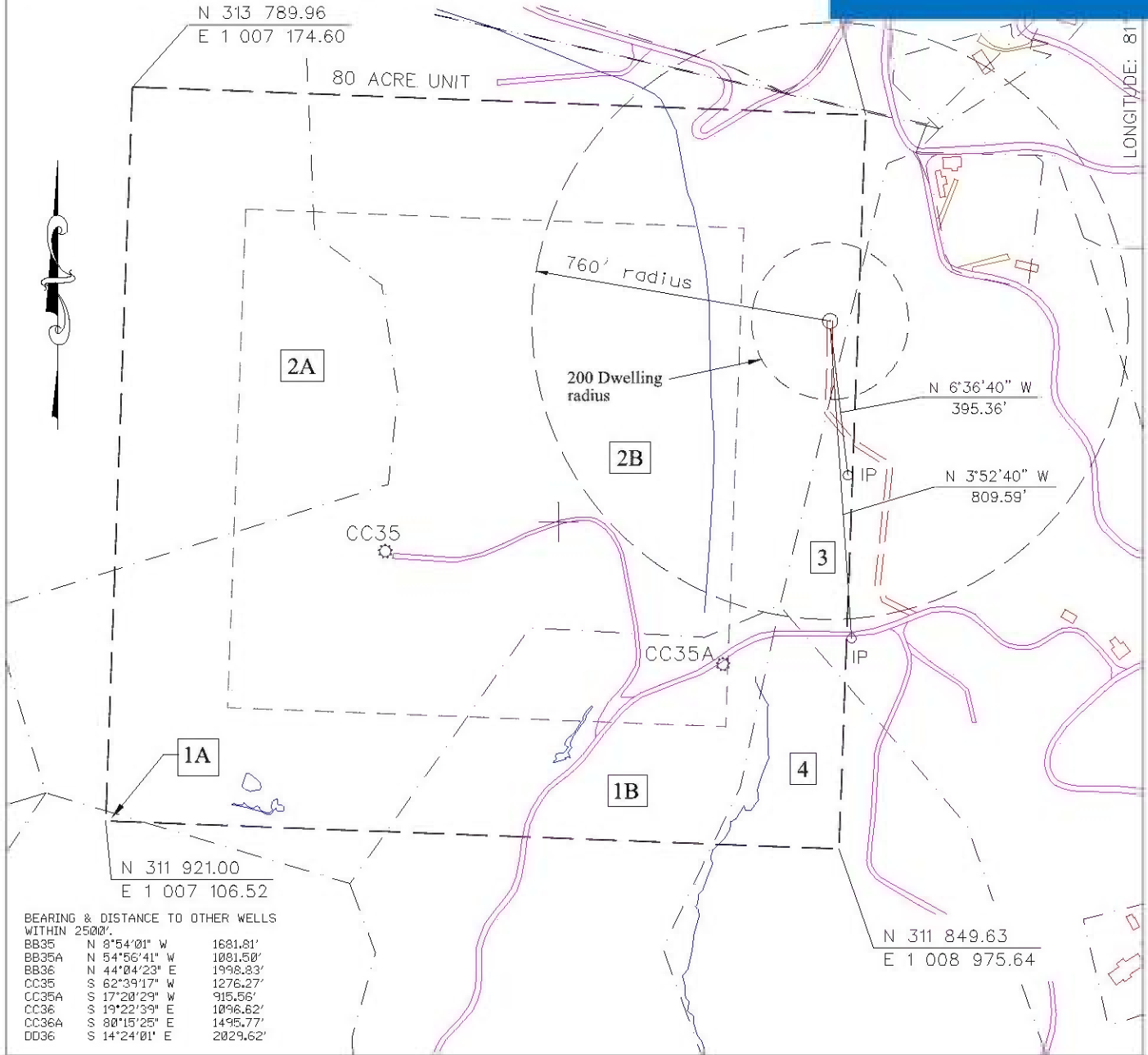
N 313 789.96

E 1 007 174.60

80 ACRE UNIT

LONGITUDE: 81

8,060'



BEARING & DISTANCE TO OTHER WELLS WITHIN 2500'

BB35	N 8°54'01" W	1681.81'
BB35A	N 54°56'41" W	1081.50'
BB36	N 44°04'23" E	1998.83'
CC35	S 62°39'17" W	1276.27'
CC35A	S 17°20'29" W	915.56'
CC36	S 19°22'39" E	1096.62'
CC36A	S 88°15'25" E	1495.77'
DD36	S 14°24'01" E	2029.62'

THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-290 AND 45.1-361.30.

WELL LOCATION PLAT

Company POCAHONTAS GAS LLC Well Name or Number CBM-CC35B
 Tract No. COAL MOUNTAIN MINING COMPANY, LLP (160 ACRES TRACT 34) Scale: 1" = 400'
 County TAZEWELL District MAIDEN SPRINGS Quadrangle KEEN MOUNTAIN Date _____
 Elevation 2686.70' Well Elevation Determined By Trig. Levels From Pocahontas Gas LLC Benchmarks
 Well Coordinates N 313,194.15 E 1,008,952.74 Virginia State Plane - South Zone - NAD' 27)
 Well Coordinates N 3 594 073.30 E 10 491 940.60 Virginia State Plane - South Zone - NAD' 83)
 This plat is a new plat X ; an updated plat ALLEN MITCHELL or a final 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.

Form DGO-GO-7

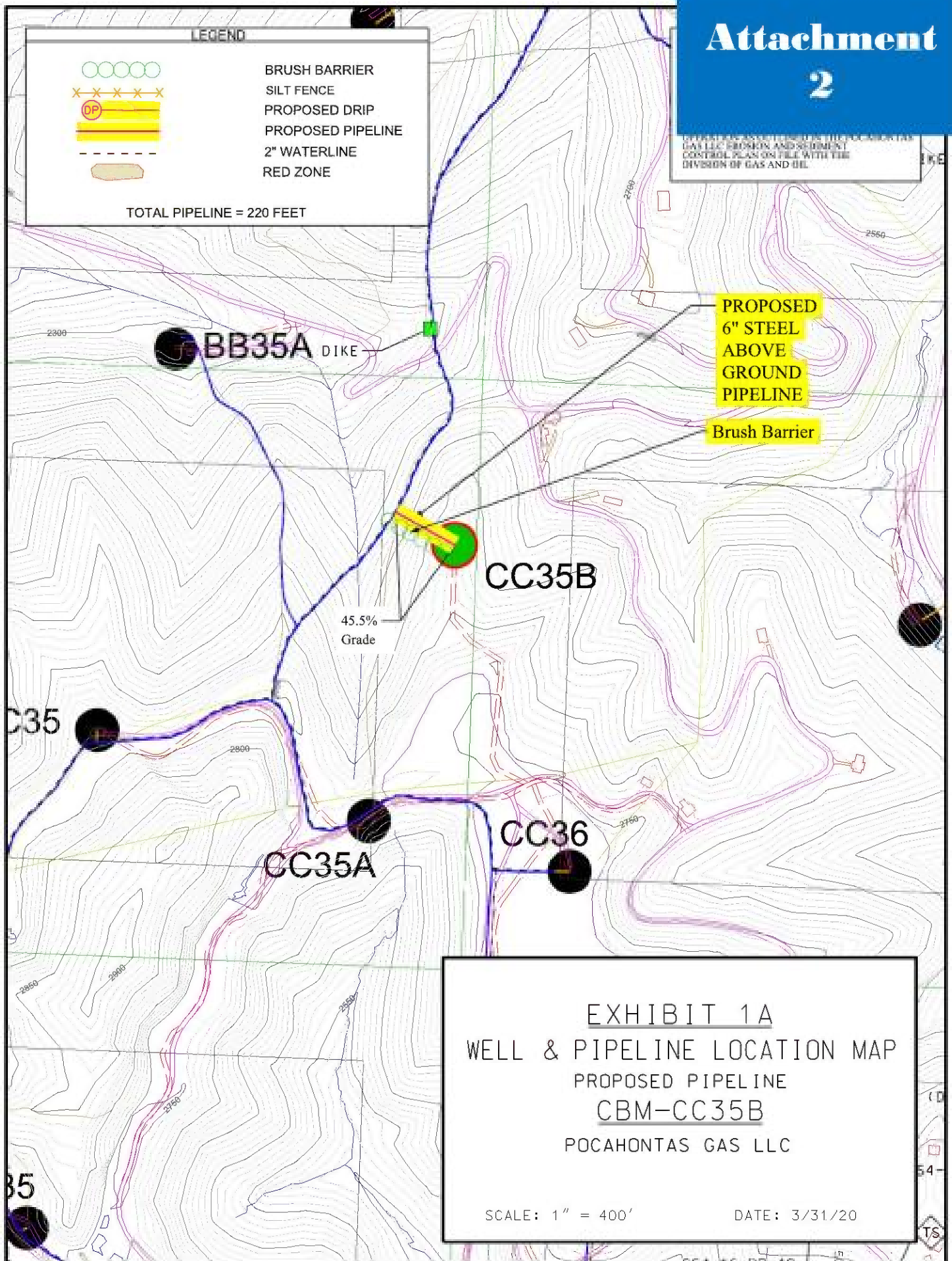
Rev. 9/91

4/1/20

Licensed Professional Engineer or Licensed Surveyor (Affix Seal)

Attachment 2

EXHIBIT 1A
WELL & PIPELINE LOCATION MAP
PROPOSED PIPELINE
CBM-CC35B
POCAHONTAS GAS LLC



Attachment 3

CC35B



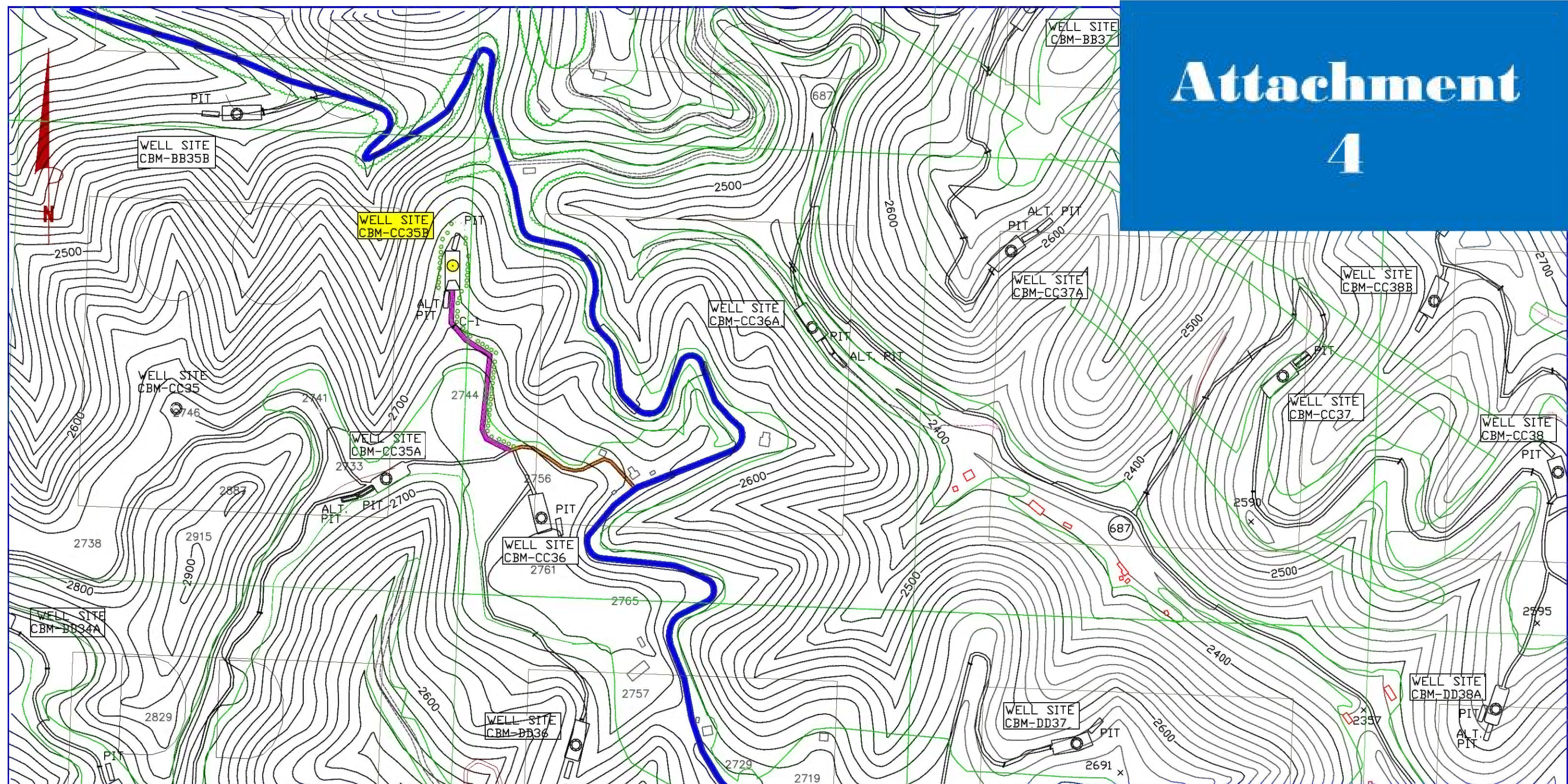
Google Earth

© 2020 Google



1000 ft

Attachment 4



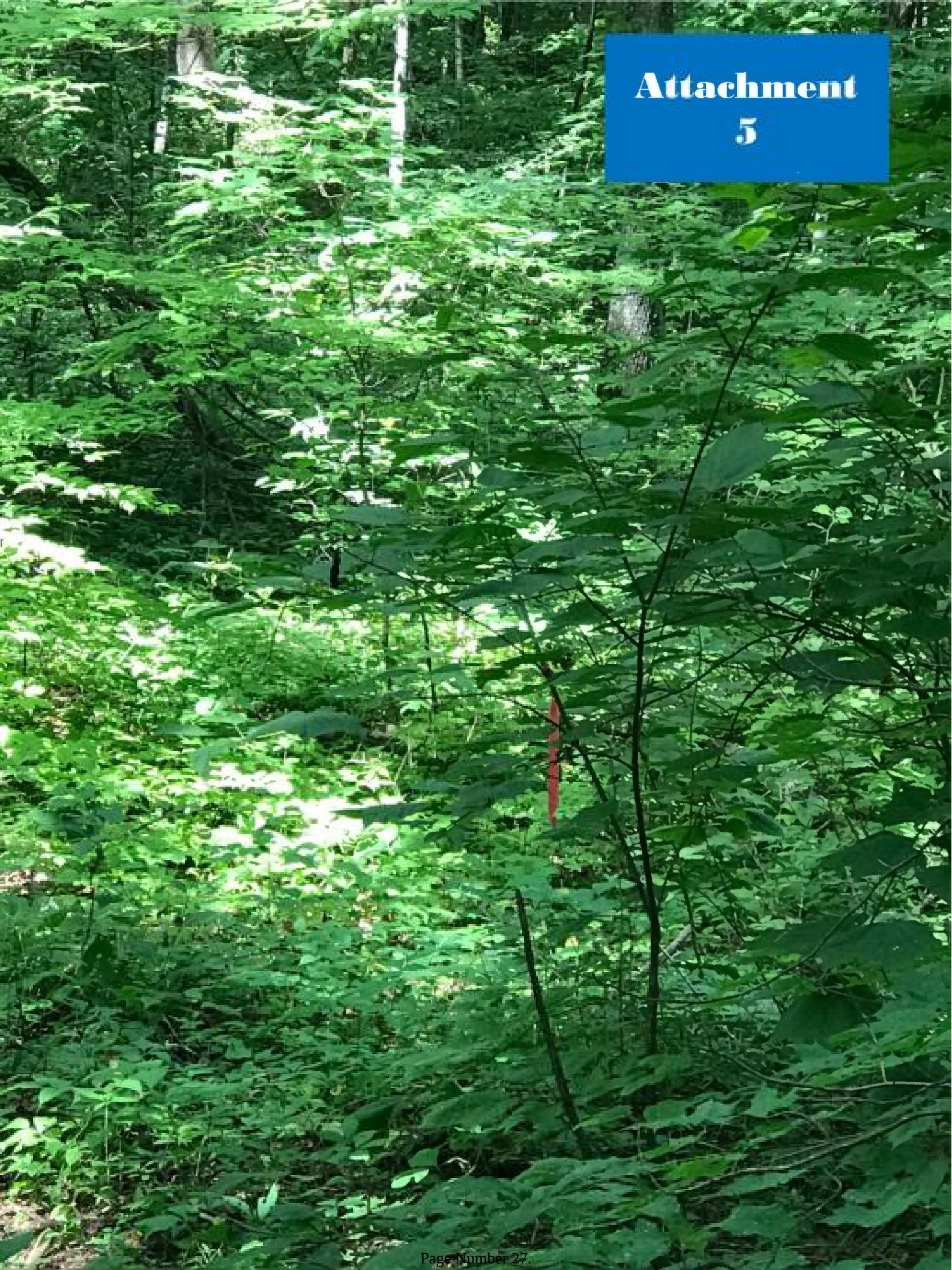
- STATE ROAD
- COUNTY ROAD
- EXISTING ROAD
- NEW ROAD
- CULVERT
- CULVERT NUMBER
- WELL BORE
- NEW ROAD SEGMENT
- SILT FENCE AND OR
- BRUSH BARRIERS

NOTE:
STRAW BALES SHALL BE INSTALLED
& MAINTAINED AT THE INLET AND
OUTLET OF ALL CULVERTS AND AT
ALL DRAINAGE WINDOWS UNTIL THE
DISTURBED AREA IS STABILIZED.
NOTE: SILT TO BE CONTROLLED BY
BRUSH BARRIERS AND/OR SILT FENCE, ETC.
STRAW BALES TO BE PLACED AT INLET/OUTLET
END OF ALL CULVERTS AND DRAINAGE WINDOWS.

ACCESS ROAD LOCATION FROM
HANDHELD GPS BY
POCAHONTAS GAS LLC.
NEW ROAD INFORMATION
□ LENGTH % GRADE
1 795' 0-15
LAT: 37° 08' 40.72271"
LONG: 81° 54' 02.60236"

LOCATION MAP
WELL NO. CBM-CC35B

SCALE: 1" = 400'	POCAHONTAS GAS LLC PO BOX 570 POUNDRING MILL, VA. 24637	DRAWN BY: DC FILE: CC35B EXHIBIT 1
D. R. PRICE ENGINEERING & LAND SURVEYING, INC., PC P. O. BOX 1270, HONAKER, VA 24260 PHONE: (276) 991-9100 FAX: (276) 991-9103		EXHIBIT 1

A photograph of a dense forest with lush green foliage. Sunlight filters through the leaves, creating dappled light on the forest floor. A red survey tag is visible on a tree branch in the foreground. The background shows more trees and a path leading into the woods.

Attachment 5

POCAHONTAS GAS LLC

Attachment

6

Phone: 276-336-5117

March 24, 2020

Mr. Rick Cooper, Director
Department of Mines, Minerals and Energy
Division of Gas and Oil
135 Highlands Drive
Lebanon, VA 24266

Re: CBM CC35B

Dear Mr. Cooper;

Pocahontas Gas LLC is requesting a location exception for the above referenced proposed well. The proposed well is strategically placed to de-gas the Buchanan Mining Company, 7 South Panel development headings, in the Pocahontas 3 Seam, therefore it cannot be located within the drilling window. This will be the third CBM well within the drilling unit. The proposed well is approximately 232 feet outside of the drilling window. If required, fiberglass casing will be installed across the Pocahontas 3 Seam to facilitate mining. A borehole directional survey will be conducted prior to the completion of the well.

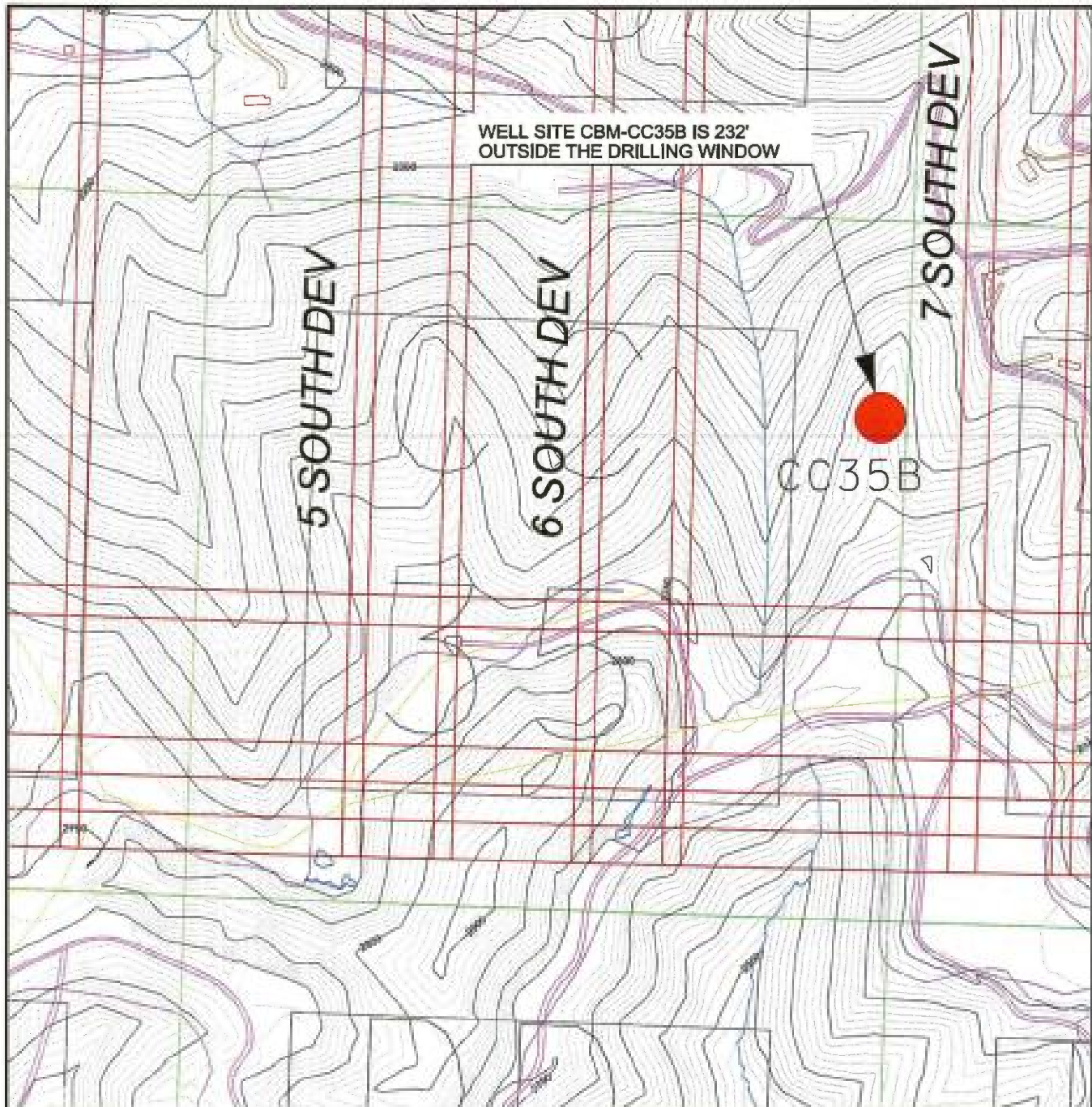
Therefore, based on these conditions, we hereby request a drilling unit location exception be granted for this well; for the prevention of waste of the natural resource, to protect correlative rights of the gas owners, and maximize the recovery of gas reserves beneath the unit. (see attached exhibit).

Sincerely,

Bob Staton

Bob Staton, M.S., P.G.
Permitting Agent III

Cc: Sherri Scott, file CC35B



LOCATION EXCEPTION EXHIBIT WELL NO. CBM-CC35B

SCALE: 1" = 400'

DATE: 03-24-2020

POCAHONTAS GAS LLC
P.O. BOX 570
POUNDING MILL, VA 24637

DRAWN BY: PSD

FILE: LOC-EXCEPTION-CC35B



BUCHANAN MINING COMPANY
BUCHANAN NO. 1 MINE 7 SOUTH PANEL - P3 SEAM

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 1015

Cheryl Keen Tucker

vs.

Pocahontas Gas LLC

Permit Application for Gas and Oil operations:

Coalbed/Pipeline Operations CBM CC35B W/PL, Application 38515

Background

Coalbed/Pipeline operations CBM CC35B W/PL, Application 38515, Pocahontas Gas LLC was received at the Virginia Division of Gas and Oil (DGO) on 4/16/2020. 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 **Cheryl Keen Tucker** against the permit application **#38515** 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:

4. The location of the coalbed methane well or coalbed methane well pipeline would unreasonably infringe on the surface owner's use of the surface. Note: This is only considered grounds to object, if 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.

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.

Hearing Date and Place

IFFH 1015 was convened on Monday, August 24, 2020 at 10:00 AM, 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 #38515 were notified of the time and place by United States Postal Service, certified mail, return receipt requested.

I. TESTIMONY BY THE APPLICANT

- Mr. Swartz provided evidence that the well was in a remote area and no structures were close to the well.
- Mr. Swartz provided evidence that the pipeline was approximately 250 feet in length and should not infringe on the use of the property.
- Mr. Swartz presented testimony and exhibits that due to the steep topography, Pocahontas Gas, LLC was not constructing on flat or very usable real estate.
- Mr. Swartz presented testimony and evidence that the well and associated facilities were in a forested area.
- Mr. Swartz stated the location of the well protected correlative rights and degas the mine for mine safety.

- Mr. Swartz stated the interest for the objecting party was pooled in June 2020, at the Virginia Gas and Oil Board meeting (VGOB 20-0421-4230).

II. TESTIMONY BY THE SURFACE OWNER

- Ms. Tucker stated they (Family) had owned this property for over 20 years.
- Ms. Tucker stated they were not objecting to the location of the well.
- Ms. Tucker stated she was disappointed that Pocahontas Gas was not responding to them on requests about their share of royalty interest.
- Ms. Tucker stated she felt that Pocahontas Gas was infringing on her owner interest.
- Ms. Tucker pointed out some items in the permit, such as voluntary or non-voluntary pooling, were incorrectly indicated.
- Ms. Tucker also pointed out that the location exception did not state mine safety, or worker safety as Mr. Swartz stated was one of the reasons for the well and well location.
- Ms. Tucker said she did not feel her correlative rights were protected.

Decision of the Director

After thorough research and consideration:

The Director is satisfied the proposed development plan by Pocahontas Gas, LLC is undertaken with the intent of minimal damage to the property and environment.

The Director is satisfied the erosion and sediment control plan meets best practice standards for the construction activities proposed for this site under current law.

The Director is further satisfied that the location of the well site does not unreasonably infringe on the surface owners' use of the property. (See Attachments 1-6)

The Director is satisfied that the unit has been pooled by the Virginia Gas and Oil Board (VGOB).

The pooling was allowed under Virginia Statute: § 45.1-361.21. Pooling of interests and protecting correlative rights in the drilling unit. The Virginia Gas and Oil Board approved the petition and pooling at their regular monthly hearing on June 16, 2020 (VGOB 20-0421-4230).

Permit Applicant apparently has rights to use surface owner's property. If these concerns are in dispute, it must be contested in a court of proper jurisdiction.

Therefore, after consideration and review of testimony provided and consideration of the objections,

decision and VGOB decision in August 2020, it is the decision of the Director, to rule in favor of the Applicant and to proceed with the review and issuance of the permit for **Application # 38515 Coalbed Methane Gas Well CC35B with Pipeline.**

Based on testimony and the permit application, it is, therefore, the decision of the Director to deny objections to permit Application 38515 for operations CBM CC35B W/PL. The Permit Application for operations CBM CC35B W/PL 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 25, 2020

Rick Cooper, Director
Virginia Division of Gas and Oil

INFORMAL FACT FINDING HEARING 1015

August 24, 2020

Department of Mines, Minerals and Energy

Division of Gas and Oil Office

Lebanon, Virginia

via teleconference

APPEARANCES:

Rick Cooper – Director of the Division of Gas and Oil

Sally Ketron – Permit Specialist – Division of Gas and Oil

Mark Swartz – Attorney for Pocahontas Gas LLC

Mary Beth McGlothlin – Land Manager for Pocahontas Gas LLC

Beverly Webb – Permitting Agent for Pocahontas Gas LLC

Cheryl Keen Tucker – Surface Owner (Objector)

1 **Rick Cooper:** Today is Monday, the 24th, 2020. 10:33 a.m. The case docket number for
2 Informal Fact Finding Hearing 1015. This hearing is convened under the Virginia Gas and Oil
3 Act, 45.1-361.35, which allows objections to permit applications to be filed by those, with
4 standing under Section 45.1-361.30. Objections under this statute, have been filed by a surface
5 and royalty owner, against the permit application, for Pocahontas Gas, LLC, for permit
6 application CC35B w/ pipeline. Application Number 38515. An objection was filed by Cheryl
7 Keen Tucker, on behalf of her mother, Ruth Barnette. The objection was filed in a timely
8 manner, as required by 45.1-361.35. Notice to all parties, regarding gas operation, to protection
9 of the environment, are important elements of the Virginia law. Today's hearing is part of that
10 process. Sally, was notification sent to all parties to appear before this conference as required by
11 Section 45.1-361.35H?

12 **Sally Ketron:** Yes.

13 **Rick Cooper:** And did that notice include the date, time and place of the conference?

14 **Sally Ketron:** Yes.

15 **Rick Cooper:** What formats of notification did the Division of Gas and Oil utilize to notice?

16 **Sally Ketron:** Certified Mail and email.

17 **Rick Cooper:** So, at this time, will each person in attendance, who will be taking part in the
18 conference, please state your name and your position relative to the conference? Mrs. Tucker, we
19 will go with you.

20 **Cheryl Tucker:** My name is Cheryl Keen Tucker and I am a...one of the heirs to.... My mother
21 is one of the heirs to the G.W. McGlothlin Estate. And I'm here to represent her interest.

22 **Rick Cooper:** Mark? Beverly?

1 **Mark Swartz:** Mark Swartz. I'm an attorney. I'm here on behalf of the permit applicant.

2 **Beverly Webb:** Beverly Webb. Permitting agent for CNX.

3 **Mary Beth McGlothlin:** Mary Beth McGlothlin. Land manager for CNX and Pocahontas Gas.

4 **Rick Cooper:** So, one thing I would point out, when you speak... so, this is a recording... so if

5 you would say your name right before you speak. It would be appreciated. Section 45.1-361.35

6 of the Virginia Gas and Oil Act allows objections to permits by surface owners and royalty

7 owners, who are entitled to notification of the proposed operations. According to the permit

8 application, the previously mentioned surface owner and royalty owner is included in the subject

9 drilling unit. As such, she has standing to object to this permit. The objections have been filed by

10 surface owner, against the permit for Pocahontas Gas, LLC, in accordance with 45.1-361.35

11 Objections to Permit. Location of the Coalbed Methane Well or Coalbed Methane Well with

12 Pipeline will unreasonable infringe on the surface owner's use of the property, provided that at

13 reasonable alternative to the site is available within the unit. And second, the only objections to

14 the permit or permit modifications that may be raised by the royalty owners, are whether the

15 proposed work will...and one under that section to proposed operations would directly impinge

16 on the royalty owner's gas and oil interest. And just a reminder: this is an Informal Fact Finding

17 proceeding under the Administrative Process Act. At any time, we can recess, if the parties

18 mutually agree that they would like to negotiate off-record. So as a matter of record, do we need

19 to recess at this time?

20 **Cheryl Tucker:** No.

21 **Mark Swartz:** This is Mark Swartz. No.

22 **Rick Cooper:** Remember to say 'Cheryl Tucker'.

1 **Cheryl Tucker:** My name is Cheryl Tucker and no.

2 **Rick Cooper:** Okay. So, we will proceed by allowing the objecting parties to provide testimony
3 or exhibits and ask questions related to the basis of the objection, to the permit application. The
4 permit applicant will then have the opportunity to provide testimony or exhibits and ask
5 questions related to the permit application on the record. Because this is an Informal Fact
6 Finding Hearing, there are only questions and no cross-examination is allowed. After
7 questioning, each party will have time for closing statements. And with that, do you have any
8 questions, Mrs. Tucker? Before we move forward?

9 **Cheryl Tucker:** This is Cheryl Tucker. No.

10 **Rick Cooper:** Okay, so I guess we would start with you...your position on the location of the
11 coalbed methane well or pipeline, will infringe on the use of your property.

12 **Cheryl Tucker:** Yes, my name is Cheryl Tucker and for that specific objection, we do...would
13 like to have acknowledged that we own the surface rights in that property. We...it is on...we
14 have it on record and we have not... we do not have any deed, contract or agreement for the
15 surface...for the surface ownership. Ownership...rights. Sorry.

16 **Rick Cooper:** Right. I understand. So, that's all you really have to say on that particular...

17 **Cheryl Tucker:** On that particular one, yes.

18 **Rick Cooper:** Right. So, while we are here, we are also talking about the...

19 **Cheryl Tucker:** And I know that...is there another location that they could move the well? We
20 are not going to object against that.

21 **Rick Cooper:** Right, so and you also objected that the proposed operation would directly
22 impinge upon the royalty owner's gas and oil interests.

1 **Cheryl Tucker:** Yes. And we assert we have had...for the last twenty years, a ownership in
2 those tracts of land, along with three others. And we have never... our family...the remaining
3 family has not ever had any agreement, deed or contract for any gas royalty rights for surface.
4 We've not been included in the decisions.

5 **Rick Cooper:** Are you saying, in the discussion with the gas company?

6 **Cheryl Tucker:** Yes, we have not received...we do not have any written deed, document or
7 contract that...with them, for being... for remedy, for what we are...for our ownership. They
8 have not acknowledge that in any...we have not had a formal contract, deed or agreement.

9 **Rick Cooper:** And I understand something may come up, if you think of something, so...

10 **Cheryl Tucker:** Yes, sir.

11 **Rick Cooper:** So, that's pretty much your testimony?

12 **Cheryl Tucker:** That is my testimony. That we assert that we do have documentation that we
13 have ownership in the properties and this... we've had the ownership in the properties, before the
14 purchase out of the other heirs. And we still have that ownership. We were not included in any of
15 those negotiations. Or any subsequent contract, deed or agreement.

16 **Rick Cooper:** Understood. So, Mark, I guess I would ask you to speak on behalf of the location
17 of the well or coalbed methane well will unreasonably infringe on the use of the property.

18 **Mark Swartz:** Well, I guess, before I get into my exhibits, if I understand what Mrs. Tucker is
19 telling us...is she simply raising a contractual objection...she's saying that her mother has
20 not...or her mother's predecessors of interest have not leased or deeded this acreage and that's
21 her entire position. I mean have I misunderstood?

1 **Cheryl Tucker:** You have been operating on that land and property since 2001, without any
2 resolution.

3 **Mark Swartz:** Right. So I'm saying is your argument, simply...if I understand it...is you are
4 raising a title issue. You are saying there is no deed...

5 **Cheryl Tucker:** Yes well...

6 **Mark Swartz:** ...there's no lease...

7 **Cheryl Tucker:** I'm sorry. Go ahead.

8 **Mark Swartz:** Right. My question is... am I correct in my understanding that your objection
9 today is simply one of title?

10 **Cheryl Tucker:** No.

11 **Mark Swartz:** Okay. What else is it?

12 **Cheryl Tucker:** Again, that we have ownership in the property, but have not been notified or
13 discussed what we've been drilling and putting infrastructure on the land, since 2001 and have
14 not acknowledged our... any piece of our rights in that.

15 **Mark Swartz:** Okay so let me...this is Mark, again. Let me put it in a different way. Are you
16 saying that your complaint is that you own property that CNX has used to build the roads,
17 pipelines, drill wells and is proposing to do more by this permit application...and your
18 contention is that without a written agreement...you object?

19 **Cheryl Tucker:** No, not entirely. That may be one piece. But you are impinging upon the rights
20 of the surface owner, for drilling and continuing to drill and you are also impinging on the rights
21 of the gas and oil owners interests.

1 **Mark Swartz:** How?

2 **Rick Cooper:** He said 'how'?

3 **Cheryl Tucker:** How?

4 **Rick Cooper:** Yes.

5 **Mark Swartz:** Right. How is that...what's happening?

6 **Cheryl Tucker:** You have gone onto the property and drilled sixteen other wells, to my
7 knowledge... along this will be the seventeenth... along the surface and have been
8 extracting...producing gas for the last almost twenty years. And that is impinging on our rights,
9 since we have an undivided surface and mineral title... or not title, but... interest in the lands.

10 **Mark Swartz:** Do you understand that any revenues have been escrowed. You understand that,
11 right?

12 **Cheryl Tucker:** I have looked and reviewed what was on the website. And I have not seen...I
13 have yet to see...we have requested numerous times...specifically what has been escrowed for
14 our properties. The property and...

15 **Mark Swartz:** There is an escrow account...

16 **Cheryl Tucker:** And how...again, we have not been informed on how that escrow account has
17 been calculated or seen or... we've not had any correspondence with CNX to notify us of that.

18 **Mark Swartz:** Okay, so your complaint, as a royalty owner is that you need more information
19 about the escrow account? Is that what you are telling me?

20 **Cheryl Tucker:** In part. But we have not had any communication since 2001.

21 **Mark Swartz:** With whom?

1 **Cheryl Tucker:** You. Or your company and its successors, Pocahontas Gas, CNX Gas and it
2 was at one point CONSOL.

3 **Mark Swartz:** Well I have a collection of emails, between you and Mary Beth McGlothlin...
4 most recent one I'm looking at is July 29th. You are not actually saying that you haven't been in
5 contact with CNX for 19 or 20 years? Is that your contention?

6 **Cheryl Tucker:** I am saying....no. I'm trying to get information from Mary Beth McGlothlin,
7 regarding details of what the amount of...the sales price and of the gas that has been extracted to
8 date. I've also been trying to get the actual amount of infrastructure that you have put on the
9 property since 2001, including roads, pipelines, wells and infrastructures. But, I do not have a
10 number or direct...we have had correspondence but not resolved to any satisfactory...we've not
11 had the documentation in detail, yet. And we would.. yes, those correspondences with Mary
12 Beth, were with the intent to...before this hearing... and with the objection pending...for us to
13 be able to gather the information, to make a fair and accurate assessment of what is the value of
14 our interests.

15 **Mark Swartz:** Okay. I think I'll probably just leave off and just go ahead and go through my
16 exhibits. Mr. Cooper...if that's appropriate at this time.

17 **Rick Cooper:** Okay.

18 **Mr. Swartz:** I'd like to start with the permit application. Pages 1 and 2. Just to sort of lay a bit of
19 basic groundwork. There are...this would be the third well in this unit and the first page of the
20 permit application indicates that this is for an increased density well. And then there is also,
21 toward the... page 1 of 2 of the permit application... there's a question.. is the location exception
22 due to mining? It confirms that there is a location exception required and the question is: is it due
23 to mining? And the answer to that question is 'yes'. And then page 2 of the application is the

1 certification by the permit applicant that the applicant named above has the right to conduct
2 operations set forth in the application operations plan... the required certification on all permit
3 applications. Then, I would like to move to Exhibit 2, which is the plats...it's identified in the
4 files that I sent you as the plat certificate for CC35B and it's the map...let me blow this up a little
5 bit so I can read it... this is the plat map. It was certified by Alan Mitchell. It's got a
6 stamp...April 1st, 2020. And it shows the location of the well, outside of the drilling window,
7 inside of the red boundary...on the East. The well location is on...looks like Tract 2B and the
8 road and pipeline are part on Tract 3 and Tract 2B. The next exhibit is related to that, is the Tract
9 ID...I'm going to go to that one. That shows, I believe, that... it looks like Tract 1A...I'm sorry
10 Tract 1B and Tract 3 are the tracts that Mrs. Tucker may be talking about today. And they are
11 identified on the Tract ID and obviously reference back to the well plat... for the Tract
12 boundaries and the well location. Exhibit 4, I had the mapping people do a sort of base tract map.
13 What I would call Exhibit 4 is a map... that is a map that is colored yellow, Rick.

14 **Rick Cooper:** Got it.

15 **Mark Swartz:** It has a pretty large green dot, which indicates the well location. It has the unit
16 boundaries, drilling window and so forth...but it is the map of the base tracts that this comes out
17 of, so you can see how the well falls...how the unit falls, within those tracts. And the reason for
18 this...I wanted you to look at this first, because then when we go to the Google map, we've kind
19 of outlined these tracts on a Google Earth map, which would be my next exhibit. Which I think
20 would be number 5. Yes. And if you look at the Google Earth map, you can see that we have put
21 the yellow tracts that were on the prior exhibit...those outlines on this Google Earth map. We've
22 also put the green dot for the well location and the point of this is to show in context, where the
23 proposed well location is, relating to uses of the land. And you can see that we're in a forested

1 area, well away from buildings, roads....what I would call pasture or farm land. This is off in an
2 area that is quite a ways away from things or uses that this land has... and the land adjacent to it,
3 has been put to. So, it's basically in a rough area. And just to sort of document that further, we
4 have four photographs that I have submitted, and I would respectfully ask that you mark those as
5 5a, 5b, 5c and 5d. And let's start with 5a... would be the IMG0032 photo.

6 **Rick Cooper:** Excuse me, Mark. The photos we are looking at here, do not have the IMG
7 identification on them, so... they are numbered like '11 of 20' so just tell me which one you are
8 talking about, of the four.

9 **Mark Swartz:** Okay, um...I guess I'm going to have to sort of describe them. Because the way I
10 sent them...the way I put them in a folder was to...the only reference I have is the IMG number.

11 **Sally Ketron:** Hey, Mark. If you will just say that again...which exhibits you want them to
12 be...I am looking at the image numbers, so I can mark them. If you will just repeat what you
13 said.

14 **Mark Swartz:** Okay if IMG32 would be 5a...IMG2268 would be 5b... IMG2278 would be
15 5c...and IMG2280 would be 5d.

16 **Sally Ketron:** Okay. I will mark everybody's exhibits here.

17 **Mark Swartz:** Okay. And if you look at these exhibits, they are all pictures, basically of the
18 woods and some markings. Let me blow this up a little bit here. When you open the photo, the
19 first one is 11 of 22. Is that what you were referring to, Rick?

20 **Rick Cooper:** Yes, that's it.

21 **Mark Swartz:** Okay. Alright. And that shows...let me make this bigger here...okay there we
22 go. And that shows a... are you able to see that, Mary Beth and Bev?

1 **Beverly Webb:** Yes.

2 **Mark Swartz:** Okay and it appears that there is some pink tape on a tree, in the photograph. Do

3 you see that?

4 **Rick Cooper:** Yes.

5 **Mark Swartz:** And is that indicating that that tree lies within the pipeline path?

6 **Mary Beth McGlothlin:** It lies within the road path.

7 **Mark Swartz:** In the road path, okay. And then if we go to the next photograph...let me close

8 this one. And if we go to 5b, which is IMG2268, and that one shows a sort of...it's a kind of

9 flag. A pink flag. What is supposed to be located where that is?

10 **Mary Beth McGlothlin:** It's going to the... it's the road going to the site.

11 **Mark Swartz:** Okay, that's another shot further up the drain?

12 **Mary Beth McGlothlin:** Yes.

13 **Mark Swartz:** Okay. Let's close that one out.

14 **Rick Cooper:** So that was Mary Beth. Is that correct?

15 **Mary Beth McGlothlin:** Yes, this is Mary Beth. Sorry.

16 **Mark Swartz:** Okay, then let's go to...it would be Exhibit 5c. And this appears to...I'm just

17 guessing, Mary Beth. But could you confirm is this a stake indicating the well location?

18 **Mary Beth McGlothlin:** Yes, that would be the well location.

19 **Mark Swartz:** Okay. And again, it shows an area of vegetation. In the forest, right?

20 **Mary Beth McGlothlin:** Yes, it does.

1 **Mark Swartz:** Okay, so let's close that one out and go to the last Exhibit 5d. And this...if you
2 have it, Mary Beth....this shows the well location and also tape on a tree, down the way...I take
3 it, which would be the road as well.

4 **Mary Beth McGlothlin:** Yes, that is correct.

5 **Mark Swartz:** Okay, and this shot of the well location is more of the surrounding area and
6 shows that it's in the woods.

7 **Mary Beth McGlothlin:** Yes, that is correct.

8 **Mark Swartz:** Okay. Then, Exhibit 6 is part of the permit. It would be Exhibit 1A to the permit.
9 And this...the Director already has this, but it does show the proposed six inch steel pipeline,
10 from the well to an existing line. It shows the proposed brush barrier and if I'm not mistaken,
11 another part of the permit... oh, this actually show it...if you go up to the legend...the total
12 pipeline distance is two hundred and twenty feet. I am just including a reference to this part of
13 the permit application, as Exhibit 6. Then, Exhibit 7 is Exhibit 1 to the permit. Let me find that.
14 Okay, and this is a...this exhibit shows the blue line is the nearest state road. It shows the
15 existing roads, permitted roads...and it shows in kind of a purple, the proposed new road, that
16 would lead to CC35B. And it shows the same topography that we have on Exhibit 1A, but it's
17 just a larger area. But it does show the existing road that's going to be state road and the general
18 location of the well. And the last exhibit that I want to cover, would be Exhibit 8, and that is a
19 letter and a map...let me get that up on my screen here...back in March of 2020, Bob Staton
20 wrote a letter to the... to Mr. Cooper and the Department, requesting a location exception. And
21 the reason was a mining reason. And there was a map submitted in support of the location
22 exception that shows the proposed location of CC35B is in the 7 South development panel. It is
23 not quite in the middle of that panel, but it's close...looking at it from East to West. And it was

1 requested by the coal operator, and as a de-gas well. And it's location demonstrates that it would
2 be in a proposed long wall panel as a de-gas well. So, that would be the collection of my
3 exhibits. My observations, in response to the objections, in summary are: this is an increased
4 density well, it is being drilled to de-gas an proposed long wall panel that is roughly...is
5 proposed to be developed about a year or year and a half ahead into the future, so it needs to
6 happen to get the de-gas working before the mining gets there. It is in a location that the mining
7 company has requested as an efficient way to de-gas the coal in advance of mining. The location
8 is in an uninhabited, unimproved area, as demonstrated by the Google Earth map and by the four
9 photographs that we have submitted. From a topography standpoint, there is quite a grade here. It
10 is being proposed to be located in a drain, rather than on a side of a hill. But even that drain has a
11 pretty substantial gradient to it. So, in summary, with regard to location, it does not appear that it
12 would infringe on any existing use, and we haven't heard anything about any proposed uses. And
13 its location is driven essentially, by mining, and to some extent by topography. And then that
14 would be the response to the surface owner objection. With regard to the royalty interest
15 objection: this unit has been pooled...let me see if I can find the docket number...this unit was
16 pooled in docket number 2004-21-4230. The pooling order was entered June 20th, 2020. The
17 interests that were pooled were identified in the Exhibit B3 that was attached to the order. And it
18 shows that the heirs that Mrs. Tucker's mother claims under...were pooled...were force pooled
19 by Exhibit... by the order, as indicated in Exhibit B3. The interest is minimal, but never the less,
20 there is a small interest there, that was pooled, that Mrs. Tucker's mother apparently claims
21 under. To the extent that there will be production from this well, it would be subject to the same
22 pooling order... to the extent that we don't have an agreement. So, basically, there is no impact
23 on royalty. And that would be my response.

1 **Cheryl Tucker:** This is Cheryl Tucker. And I am looking at the application for a new permit. If
2 you notice, as you go down the first page, under pooling...is this pooling voluntary... you said
3 'yes', however, you just said that it was a forced pooling. And we agree, we did not... we were
4 not wanting to do that. We have questions on the Tract Identification. If you go to page 2 of 3 on
5 the Persons Receiving Official Notice of Permit Application or Permit Modification... and then
6 that second page...there are errors under Surface, Coal and Mineral Owner Rights. There is
7 listed a couple of other relatives that may or may not have that through another deed you have
8 issued back in 2014. So that would be an error.

9 **Rick Cooper:** So I would say...did you furnish exhibits to the group that you are going over
10 today?

11 **Cheryl Tucker:** These would be on file with the permit.

12 **Rick Cooper:** But are you presenting these as exhibits today? You should have furnished these
13 to the group.

14 **Cheryl Tucker:** I had not sent ahead... again, I'm not acquainted with this procedure...

15 **Rick Cooper:** Right, I would just say...

16 **Cheryl Tucker:** But there are errors on the permit...

17 **Rick Cooper:** I understand but you are supposed to send these things in advance... just to let
18 you know.

19 **Cheryl Tucker:** Okay. But anyway, I guess just the point being...we had some questions
20 regarding that.

21 **Rick Cooper:** So you are saying that the person receiving notice, is what you pointed out?

1 **Cheryl Tucker:** I'm saying that there was an error on the permit application about the pooling.
2 It was voluntary and it was not.

3 **Rick Cooper:** Correct. I understand what you are saying there.

4 **Cheryl Tucker:** I did receive the affidavit of information that you were putting out, prior to the
5 permit...one of my cousins did not receive one of them. But, again, you did, in good faith, do
6 that. So I acknowledge that.

7 **Rick Cooper:** So, Mark, do you have anything to add?

8 **Mark Swartz:** I don't think so.

9 **Cheryl Tucker:** I guess the only...this is Cheryl Tucker...

10 **Rick Cooper:** Just one second. Mark was speaking.

11 **Cheryl Tucker:** I'm sorry.

12 **Mark Swartz:** I don't think so. I think I'm satisfied with the exhibits and the information I have
13 provided.

14 **Rick Cooper:** Okay, Mrs. Tucker.

15 **Cheryl Tucker:** Yes, this is Cheryl Tucker, again. On the letter dated March 24, 2020, to Mr.

16 **Rick Cooper:** it is stated that you are requesting an exception... a strategically placed de-gassing
17 of the Buchanan Mining Company. Now, do you own interest in that, as CNX Resources?

18 **Mark Swartz:** What's the question?

19 **Cheryl Tucker:** Do you have interest...is this a subsidiary or significant interest of the mining?
20 The mine that we are talking about relieving in the Pocahontas 3 seam?

21 **Mark Swartz:** CNX does not mine coal.

1 **Cheryl Tucker:** No, but when the divestiture happened, I do know that there was a coal division
2 under CNX resources. Just asking that.

3 **Mark Swartz:** That's news to me.

4 **Cheryl Tucker:** That's why I'm asking.

5 **Mary Beth McGlothlin:** Mark, this is Mary Beth McGlothlin. CNX Resources does not have a
6 coal division.

7 **Cheryl Tucker:** Who is the holding of CNX Resources? Parent Company?

8 **Mary Beth McGlothlin:** CNX Resources is...this is Mary Beth...CNX Resources is CNX
9 Resources. There is no parent company.

10 **Cheryl Tucker:** Also, you mentioned safety. However, on this letter that you provided in your
11 exhibit, I do notice that...based on the...and again, you were doing a special purpose well...uh,
12 proposal...therefore based on these conditions, it says 'we hereby request a drilling unit location,
13 an exception to be granted, for this well...number 1...for the prevention of waste for the natural
14 resources....number 2....to protect correlative rights of gas owners...3...to maximize the
15 recovery of the gas reserves beneath the unit". There is no mention of safety in that particular
16 letter to Rick, dated March 24th. And you also specifically say that you...this is to be done to
17 protect the correlative rights of the gas owners, and I assert that we are one of the gas owners.

18 **Mark Swartz:** What about the second sentence in the letter?

19 **Cheryl Tucker:** "The proposed well is strategically placed to de-gas the Buchanan Mining
20 Company 7 South Panel Development headings...and the Pocahontas 3 seam, therefore it cannot
21 be located within the drilling window." There is no specific statement that it is a safety issue.

1 **Mark Swartz:** Okay so your intention is that de-gassing coal, in advance of mining, is not a
2 safety issue? Is that what you are telling me?

3 **Cheryl Tucker:** No, I'm saying you did not state that, as you had stated earlier, that it was a
4 safety issue discussion. It was not in your letter to Rick Cooper. And your primary reasons that
5 you wanted to request this drilling unit, was that you didn't want to lose any of the natural
6 resource of the gas...you wanted to protect the correlative rights of the gas owner and you
7 wanted to maximize the recovery of the gas reserves beneath the unit.

8 **Mark Swartz:** Okay, I guess my response to that, is that it says it's to de-gas that panel. I'll just
9 stick with what the letter says.

10 **Cheryl Tucker:** Yes, sir.

11 **Rick Cooper:** So, do you have anything else? Mark, do you have anything else?

12 **Mark Swartz:** No, I'm done.

13 **Rick Cooper:** Mary Beth, anything?

14 **Mary Beth McGlothlin:** I can't speak for Beverly, but I do not have anything.

15 **Rick Cooper:** Beverly?

16 **Beverly Webb:** I do not have anything.

17 **Rick Cooper:** So, at this time, we will conclude the hearing and I will get out a decision, as soon
18 as practical, and thank you all for attending.

19 **Mark Swartz:** I appreciate it, and goodbye.

20 **Cheryl Tucker:** Goodbye.

21 **Mary Beth McGlothlin:** Thank you.