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8 B. T. Fulmer, Director, Division of Gas and Oil

9
10 By Decision of the
11 Director, Division of Gas and Oil

12 Mr and Mrs. John Street
13 Surface Owner
14 vs.
15 Pocahontas Gas Partnership

16) Informal Fact Finding Hearing 9197
17) Application for Gas and Oil Operations,
18) Application #3005
19) Operations Name CBM PGP Z-38A Modification
20)
21)
22)
23)
24)

25 **Background:**

26 The Division of Gas and Oil received an application for modification of Permit #3525, File #BU-1250,
27 Operations Name CBM PGP Z-38A from Pocahontas Gas Partnership on November 13, 1997. On November 21, 1997, the
28 Division received a letter of objection from Mrs. Ruth Street on behalf of herself and her husband, Mr. John Street to
29 the proposed modification by Pocahontas Gas Partnership. The Letter of Objection stated concerns about
construction on the surface property of which they are the surface property owners. Under §45.1-361.G an Informal
Fact Finding Hearing was scheduled for December 18, 1997 to hear the issues in regards to the objections. On
December 16, 1997, the Division received a request from Mr. and Mrs. John Street for a continuance due to health
problems. Pocahontas Gas Partnership agreed to the continuance and the hearing was rescheduled for January 13,
1998, at the Division's Office at 230 Charwood Drive, Abingdon, Virginia. The time of the hearing was set for 2:00 PM.
IFFH 9197 came on for hearing on January 13, 1998, at 2:00 PM. Those present were Mrs. Ruth Street, Les Arrington,
Pocahontas Gas Partnership, and Mark Swartz, Counsel for Pocahontas Gas Partnership. Several witnesses were also
present to provide testimony and evidence.

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3 **Findings of Fact:**

- 4 1. That all parties required to be notified had been notified under the requirements of §45.1-361.30 and
5 that objections by Mr. and Mrs. John Street had been filed in accordance with §45.1-361.35.A;
- 6 2. That the objections as filed by the Streets for both applications were read and entered into the record;
- 7 3. That Pocahontas Gas Partnership had previously filed an application for the proposed CBM PGP Z38A
8 and was granted a permit on September 23, 1997 which included the drilling location and the access
9 road to the site which utilized an existing county road, C.R. 5465, which transverses the Street property;
- 10 4. That testimony at the hearing revealed that the parties disagreed as to whether C.R. 5465 had been
11 conveyed to Buchanan County;
- 12 5. That Pocahontas Gas Partnership has filed for a modification of the existing permit because of
13 unstable structures near and under the approved access road; and
- 14 6. That testimony and evidence provided at the hearing indicated that disturbance has occurred on the
15 proposed alternate route prior to the date of the hearing.
- 16
17

18 **Decision of the Director**

19 **THEREFORE, based upon the factual evidence and available testimony in regards to the permit application,**
20 **it is the decision of the Director that further evidence and testimony is not required and that the objections to the**
21 **proposed modification of Permit #3525, CBM PGP Z28A be dismissed. Neither Testimony nor evidence presented at the**
22 **hearing demonstrated that the proposed application did not meet the standards for construction of an access road as**
23 **required under the law and regulation governing gas and oil operations. The issue in the matter before the Director**
24 **is one of property rights by the surface owner and the mineral estate owner to which the Director has no authority to**
25 **rule on. It is further advised that the matter of ingress and egress onto surface property is more appropriately**
26 **handle in the appropriate judiciary court for any potential torte claims which the parties may have. Further, the**
27 **application for the CBM PGP Z-38A has been reviewed and found in compliance with the requirements of application**
28 **and, therefore, a permit shall be issued for the proposed gas and oil operations. Parties are advised that the**

29

1 granting of a permit does not grant access or use of surface property. The evidence in this matter does not warrant a
2 stay to be issued in this matter.

3 This order is issued pursuant to the authority of the Director granted under § 45.1-361.27.E and 4 VAC 25-150-
4 50 of the Gas and Oil Regulation.

5 **Right of Appeal**

6 Any party to the proceedings aggrieved by a decision of the Director may appeal the decision to the Virginia
7 Gas and Oil Board by filing a petition with the Board within ten days following the appealed decision. No petition of
8 appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by
9 application or objections, proposals or claims made and specified in writing at the informal fact finding hearing.

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11 Signed this 27th day of January, 1998

12 Raymond J. DePina (signature)

13 Director, Division of Gas and Oil

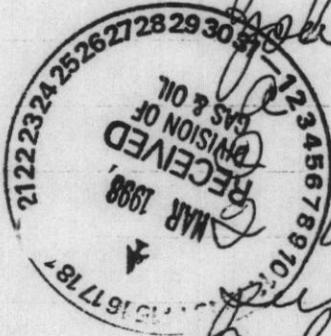
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so are 2 wires still
 see you the property
 you want to fly it also see
 the other mineral I have on 110 PM
 3 wires be home of us long man.

3-17-1998
 PO Box 158
 Rowle, VA 24644

Department of Mines & Minerals Energy
 att Mr Gulmer

I received these papers Sat.
 about the hearing I had seen
 there for 13 so you
 said our hearing would be
 before the 24th this month Mr.



you must said if I could have
 a jury trial all that just
 just wanted you to know
 I would like for this to be
 put off for a while until
 you get started he had

a major heart attack Fri.
 13th he been in intensive care
 Richland Hosp. so I felt ad was
 afraid that was going to happen
 since the Dr told me he wasn't
 suppose to be upset all merry

fast things. I told you all that
 I was afraid that would happen
 he had been so nervous a upset
 was since he went up there on shot
 got some how you all told our
 plot up. besides the way could not turn
 up all thing was hour here on York Creek

Mrs John Strout

INFORMAL FACT FINDING HEARING

IFFH 9197

JANUARY 13, 1998

DIVISION OF GAS AND OIL
230 CHARWOOD DRIVE
ABINGDON, VA 24210

MR. & MRS. JOHN STREET, SURFACE OWNER

VS.

POCAHONTAS GAS PARTNERSHIP
PROPOSED OPERATIONS NAME - CBM PGP Z-38A MODIFICATION

Fulmer Good afternoon, my name is Tom Fulmer and I am the Director of the Division of Gas and Oil. To my left is Susan Korell who will be recording the proceedings this afternoon. This afternoon proceedings are being convened pursuant to Section 45.1-361.35.G of the *Code of Virginia*. For future reference the Case Docket Number for this Hearing is IFFH94.97 for the CBM PGP-Z38A, Permit #3525, the Division received on November 13, 1997 an application #3005 to modify the existing permit #3525. The modification sought involved amending the existing application in regards to the route of the access road to the permitted site. The modification called for the access route to cross surface property owned by Mr. & Mrs. John Street. On November 22, 1997 the Division received an objection from Mrs. Ruth Street on behalf of herself and Mr. John Street as to the proposed access road crossing their surface estate. The Director finding the objection valid under the criteria established under Section 45.1-361.35 of the *Code of Virginia* scheduled an informal hearing for December 18, 1997 at 10 a.m. in the conference room of the Division of Gas and Oil, 230 Charwood Drive, Abingdon, Virginia. By letter dated December 18, 1997 Mrs. Street requested a continuance of the hearing because of a medical situation. Pocahontas Gas Partnership agreed to the continuance and the hearing was rescheduled for January 13, 1997 at 2 p.m. at the Division of Gas and Oil's Office in Abingdon. As to the Z-38 modification application, the application lists John Street, among others, as surface owners of which the proposed application would disturb. This mornings proceedings will be conducted pursuant to Section 6.14:11 of the *Code of Virginia* regarding proceedings to be conducted under informal fact finding hearings. The evidence and testimony will be examined in accordance with the criteria set out in Section 45.1-361.35. As to this afternoon hearings, please confine your evidence and testimony to the issues which can be raised under 45.1-361.35. For this evening proceedings would you please acknowledge your presence and if you are being represented by counsel. Mr. & Mrs. John Street.

Response: No I don't have any counsel.

Fulmer Pocahontas Gas Partnership

Response Mark Swartz, Counsel for Pocahontas Gas Partnership (PGP), Les Arrington is here and if we need them a couple of other folks.

Fulmer Ms. Korell for the purpose of notification under the notice of hearing for these proceedings, was all parties required to be notified under 45.1-361.35.G been notified?

Response Yes, to the best of my knowledge all parties have been notified by certified return receipt mail.

Fulmer The proceedings will be conducted as follows. I will receive testimony and evidence on the proposed application from the objecting party, Mr. & Mrs. Street and the PGP will be allowed to cross examine. PGP then will provide their testimony and

evidence and Mr. & Mrs. Street will be allowed to cross examine. Both parties will be allowed to make final statements in regards to their position. The Director reserves the right to conduct any inquiry which would facilitate his decision in this hearing. Before we proceed, does either party wish to have the opportunity to conference with the opposing party to settle this matter.

Street To do what? I did not understand.

Fulmer To settle this matter. In otherwords would you like to talk to PGP or PGP like to talk to you to settle this matter before we proceed?

Street I will tell you, if they want to buy property which I offered to sell to them, if they want to pay us the worth....

Swartz We feel like \$100,000 is a little more than we want to pay.

Street \$100,000?

Swartz That is what I was told you were asking.

Street No, \$90,000.

Swartz That is still a lot more than we are willing to pay. So I think we just need to have the hearing.

Street That is what is was appraised for.

Fulmer O.k., if not I call upon Mrs. Street to state her objection and to present her testimony and evidence in this matter. You may go ahead and proceed Ms. Street.

Street Why that I was objecting to it?

Fulmer Yes mame.

Street Well, we own property on Garden Creek, eight tracts and Island Creek ruined all of it. We bought that property up there in 1992 in order to build us a house or put us a double wide trailer in. So just after we bought it we heard that they had drilled some wells on around the mountain. We did not think we could do anything until we seen, till they get through with what they were doing.

Fulmer This property that you are talking about is the property listed in the application?

Street You mean on Garden Creek?

Fulmer No name this is off State Route 671.

Street Yes, it is right by there.

Fulmer You have approximately?

Street A little over 17 acres.

Fulmer Seventeen acres.

Street 6/10ths or however you call it.

Fulmer Surface estate is that correct?

Street Sir

Fulmer Is it surface estate, surface property only?

Street Well we have never had the records searched out. We just both been so sick we thought later we would have it searched. I believe our deed says all would be excepted at what had been excepted hereto before.

Fulmer As I understand it, the proposal, the modification proposal which you are objecting to is a proposal where the surface road will cross your surface estate of 17 acres?

Street I don't know where you all was going to put the road, anyhow this notice I got was, anyhow they are calling it a county road but it was never no deed because there is no deed. We have done checked and there never was no deed for that road.

Fulmer County road 5465 is that what you are talking about?

Street I was going to see if it was on here. I can't never think of it. I know that other one is 681 the one that goes around the mountain.

Fulmer According to the application I have, it shows you owning this surface property listed as 2A and 2B. Is that correct Mr. Arrington.

Arrington 2A

Fulmer I am sorry, 1 D.

Arrington That is correct 1 D.

Fulmer Ms. Street do you have any objections to the way they propose to construct the road?

Street You mean where that road already is?

Fulmer Yes mame.

Street But it was never deeded now, you understand that because we had the records searched there was never no road deeded to that. They would be cutting down a lot of our timber which they have already a 50' wide strip of timber cut and laying up there on the ground where the power company cut and there already was a power line on us out to the Addison property. I got pictures of it if you want to see them. There is a good spring there. One spring has done went dry and the other spring that is there that road will be right over it because I got the pictures here. Do you want to see all these pictures?

Fulmer I will look at the pictures.

Street There is one where the mailbox is tore down where they were first starting and the post of it where they started in. I think I wrote on the backs of all of them.

Fulmer Who are you saying did this?

Street Well Consolidated Gas company opened up that road through there. Here is the road and you can see how close it is to our driveway. How much property would we have left between that road and our driveway. It goes all the way through. I wrote on the backs of them. Our road was left with big tracks of dozers and things, our driveway no gravel put back and even sowed grass seed and fertilize in our road and on each side and cut the bushes on each side of the driveway. Right there is some of them we made pictures of before they covered them up. I don't know how they think anybody would get in and out in the winter time over grass.

Fulmer These pictures that you have handed me are they of the existing road?

Street No, that is our driveway and also the road the gas company made all the way through our property and so I forget how many feet, I guess you know how many feet you made through there. It is all the way through it and you can see how close it is to our driveway and there ain't nothing we could do with that much property in between our driveway and that road, you can see that. This was a big flat right there where they started down in with the road.

Fulmer In this particular picture here, let me ask you, to your knowledge, I see two roads here. I got one road here and one road here.

Street Yes the lower road is the one the gas company made and that other road is our driveway.

Fulmer That is your driveway.

Street Yes and the one above it is that road you are talking about. I don't know if it shows on this picture or not. No it is on up. Here is one of our gates laying on the ground. I have got about three gates laying up there tore down some posts. I believe I brought about 42 of the pictures and I have got about twice that many more made. I didn't think you all would want to take the time to look at all of them.

Fulmer This picture here, is this your driveway?

Street Yes, see how they sowed grass seed and put fertilize below the road and above, pushed all that good rich top soil over which it said in them papers you all sent for us to sign, that the top soil would be pushed up and saved for resurfacing and I have made pictures of a lot of it. It is pushed over the roads and over the bank. None of it was stock piled.

Fulmer Let me ask you this, so I can get this straight in my mind. This road right here you say is your driveway? That is the one you just looked at?

Street Yes, I have got different ones of it. I have got some there where the brush where the trees was cut before. We have been up there different times and made pictures.

Fulmer This was done in November 1997. This road you say they disturbed?

Street Well now, right here is the brush. We didn't want that brush cut below our road on account of holding the banks. You know how banks get. I believe it is that one right on the upper side.

Fulmer Let me phrase it a little differently. This road here that you show here.

Street It is on out closer to where that big tree was cut down, that big cedar. It is not right where you start in that one there. See you can see the cedar on out there, the top of it.

Fulmer What I am asking you is this road right here they also disturbed and this was your driveway.

Street Yea

Fulmer My question is did you allow them on the driveway?

Street No, we had up no trespassing signs. They went over it and we put up no trespassing signs three times and they were tore down and I don't know what about the last time because me and my husband have both been so sick we have not been back up there for awhile.

Fulmer This one right here is the upper road?

Street Let me come over there and you can ask me. I need to stand up anyway because when I sit very long....I will show you these others, I hate to bother you.

Fulmer What I am asking you is this picture right here shows me two roads, there is a road here and a road here.

Street This is our driveway right there.

Fulmer That is this right here.

Street Yes, this is the road where they made one down in there. See how much space is left between these roads. Right up here above this patch of woods below this Deskins property is where that other road, where they are saying it is a county road and nobody ever made a deed for it.

Fulmer O.k.

Street Here is one of the gates laying on the ground and the posts. Here is when they started in. The timber was cut and it looked like it was sawed up in wood lengths but we didn't get any of it. Here is another one going down. See this is our driveway. This is right up the road where it started in. Here is where I am talking about this pump house, that is the front of it. I stood up here and my husband made a picture of it. This is Eddie Baldwin's station wagon. That is where that road is and it is right over this spring and here is back in it. We took a flash light, the old woman that use to live there, her canned stuff in there. Here was the spring. Back under, on back. It goes under the road and it is never knowed to ever be dry. There have been different witnesses told that they hauled water from there to drink and to cook with. If they want to look at them. Me and my husband are both awful and awful old to start over and we bought that up there and thought we would have a safe place to live, which everything is tore all to pieces on Garden Creek and we have been beat out of since 87 and we never did get a dime from Island Creek. Which Mr. Gillenwater, I have talked to him when Consol bought them out and I asked him what about these cases where people were ruined and he said well when we bought out Island Creek we bought there troubles with it.

Fulmer Have you gone to court and filed charges against trespassing or anything of that nature?

Street About this?

Fulmer Yes

Street No, I was just going to wait. I was trying to do fair about it and see here are different signs we had up, no trespassing signs along the roads at different places and here now is where that road you are talking about, this timber. Down at the road we made different pictures, here is one on this big cedar, there is a no trespassing. That is my husband there by it. We went back in a day or two and that is the shape it was in, laying on the ground and it was 91" around the bottom of it. Here is the stump of it. I just got proof. I don't want to tell nothing that is not right. I don't want nothing dishonest.

Fulmer I understand.

Street This big holly tree was right behind the cedar and I don't know if it has been cut down since we were up there or not. We have not been back since we got so sick. Here is was the power line that was already up. Goes through our place and out to the Addison's.

Fulmer Whose power line is this?

Street Well, it is whoever who put it up. I don't know if it is Appalachian Power Company or who. But it goes out to the Addison property and Eddie Baldwin's out in there.

Fulmer This is sitting on your property?

Street Yea, and then they come down right here and cut another strip of timber and it is 50' wide, I got a man to measure it for me and it goes on you don't see one third of it here. It goes on down behind this hill here where this pole is sitting right here. I made the pictures there at the power line. Here is the other no trespassing signs. Right here is one right on the corner next to the Addison property. Ours goes right here at this corner and there is a fence all the way on our line. Right here is another one of the same one. This is Eddie Baldwin and this is my husband standing here, that is the same corner. Here is one across from Eddie Baldwin's house on the big tree. We have had them up everywhere. This is the building now right by the road up there. Right beside that road you are talking about. This is where that cedar was cut down, that is the top of it. Now that is more gate posts and this is another gate. This I got down in the road yall made here just a little ways and made a picture up hill of it. This is along that road you are talking about. I finished snapping what film I had so I could send them off. I think I wrote on the backs of about all of them what they were.

Fulmer Is there anything else you would like to say?

Street I was wondering why they did not have a hearing on them first cases I got. I objected to them and just right away they started that road. They were never no hearing on it.

Fulmer I would have to check.

Street It was the one I found in there where the top soil, if any was disturbed was suppose to be put back, piled up to be over the ground that was resurfaced. I have never seen nothing resurfaced. I have got pictures, I guess another 100 of where that top soil and stuff was pushed over the banks before they got through with it. We went different times and made some pictures. We have been told, I don't know, we have not been down in there that that well was drilled on our property. I don't know cause we have not been down in there. We have a map, the people we bought it from had it surveyed. We have the map of it and also when I called the power company about cutting that timber they said Eddie Baldwin and his wife gave permission for them to cut it it belonged to them. I told them they could come look at my deed and look at our map. That I didn't want to claim a foot of nobody elses land.

Fulmer Do you know a Sandra Counts?

Street Who

Fulmer Sandra Counts

Street I don't think so.

Fulmer Danny Clevinger

Street Yes

Fulmer According to this that is who the well is drilled on, Sandra Counts and Danny Clevinger.

Street Did you survey that? They have drilled two on the place I lived and me and my husband ain't be able enough to get up there in the top of our field back in the holler where I live. The man that lives on the other side of the hill told us he could see where they were drilling, he worked for us a lot of times. He knew where ours was and we have not been able to get up there to check it out since we have both been so sick. His heart is bad and he in any shape to be worried and upset. He has been to the doctor, since we have been up there and seen that, he has been to the doctor I believe four or maybe five trips.

Fulmer Anything else you would like to say.

Street I noticed on some of them papers where it said "surface" John Street and some it said "surface and oil". I just wondered about that.

Fulmer I would have to ask PGP in regards to those. The ones I have seen in this particular case they note John Street as the surface owner on which is to be disturbed. This includes only the access road. This is what we dealing with, the surface estate. We are talking about drilling and producing gas....

Street Right here.

Fulmer Again, I will refer that to PGP and I will ask that question. Maybe it will help clarify your question. Is there anything else you would like to say Ms. Street?

Street Yes, when they were sending people to look at these damages last summer, Randy Albert, Jackie Stump, Tom Hoffman and I don't know how many different ones are in that group and they went down there to our brick house where it was damaged and we went on up to our garage and they wasn't a one of them went inside of it. Nobody went inside. Jackie Stump went to the gate where it goes in it. So I called Randy Albert after that and asked how come they didn't go in there. They went on out Pauline Childress. He said it looked to him like the old building was ready to fall down. I said, let me tell you we rented that building until 87 and we use to have a service station and we rented it. I said since 87 it has been setting empty. We could not rent it because it was damaged so bad. Everybody told us when we went to repair something that was damaged like that from the mines, you were just throwing money away. So we didn't try to get it painted or fixed up. Then here just a few months, I have all the dates down at home, why they called me that there was gas in there. David Elswick, I guess you are acquainted with him.

Fulmer With the Division of Mines?

Street Yes, and said there was gas in there and we would have to put up no trespassing signs and hazard signs. That gas had come in it. So I was wondering who was suppose to pay me for my building to be set there locked up from now on?

Fulmer I don't know, I couldn't answer that question.

Street That is one reason I tried to come over here. I wasn't able but I thought I would try to get some answers so I would know what to do.

Fulmer As far as what Mr. Elswick might have told you about the building, I am familiar with the area that you are talking about, the garage. I understand he went there and found methane gas.

Street Right, here is the letter he wrote if you want to see it.

Fulmer I understand he found methane gas. I think from his standpoint it was a matter of safety aspect.

Street I thought we had to leave it set there locked up from now on and pay a high tax on it....

Fulmer I do not believe that anybody from the Division of Mines can tell you to lock up anything or any government agency except maybe a health agency or some agency involved in that sort of thing.

Street He said it could blow up and they wanted them to plug the wells and we let them go in and plug the wells. But they said for us to put up hazard signs.

Fulmer I assume he was saying that from the standpoint, and I can't put words in his mouth, my speculation is only from the standpoint that it might have been a hazard that by putting up signs it my relinquish you of some liability in case something should happen.

Street Am I suppose to let it set there like that?

Fulmer I assume you can do anything with that property you want to do. That is pure speculation on my part. I think from his standpoint what he was saying was they had found gas there and that anything could happen. Somebody could spark it. A third party could spark it, whatever, and he was just trying to give you some advice as to posting maybe at least warning the public that this has been found. I am assuming that if they went in there and plugged the wells, then maybe there is not anymore gas in there. It is not a potential hazard.

Street It is just like Charles Bartlett, I thought he was suppose to be about one of the best. He come over there when he was working for Carl McAfee, he is the one we got to file our case against Island Creek, but then we didn't know what happened. Your guess is as good as mine. He went and we never did get no pay and Nick Pierson went right along with them. So Charles told me after that Mr. McAfee told him not to put down no damages against our brick house when anybody can see them big cracks in the brick and a lot of the doors that won't hardly close or anything. We could not understand that. We come up there and checked the well, we had trailer parks, five trailer parks and he checked that and he told us there was a submersible pump and it was overflowing, just like my daughters and them did, was overflowing and looked like pure rust coming out and he said the submersible pump down in it was what was pushing it up. I said if there is submersible pump in there I will eat it. There wasn't even no power on it. No pump in it. Then this other guy come, I meant to bring their name, they was with that Amanda Cox. He come and checked it some time back in the fall and there was gas in it where the trailers were. We have been told everything. I said I never knowed a company as dirty as Island Creek has done people or Consolidated. I said we have been treated like dirt and I can't understand when you work hard to get something and too sick and too old to start

over, how they can keep damaging you. We are still getting damages on our house we live in and our other property.

Fulmer In regards to the objection here I understand your objection is that you object to them going across your surface estate. I understand in looking at this, that there might have been some previous construction going on and you are objecting to the fact that they are proposing to cross your property and you do not want them to do that, right?

Street No, I don't want it. Unless they can show me a deed for that road.

Fulmer But you have not filed any trespassing charges or anything of that nature.

Street No, I have up no trespassing signs which they crossed them to go in and make that road and things and I didn't get no notice about no hearing on that which it was suppose to been a lot less than 20 days where you object against it. We never got no notice of no hearing on it. They went ahead with the road. When I called Randy Albert and asked him how come about that gas down at our garage and I asked him who gave them permission to go ahead and put that road through up there like they had. He said well he gave the go ahead and I said where did you have the right? I just want to be treated fair and right.

Fulmer I understand. Mr. Swartz do you want to ask any questions. Go ahead and start.

Swartz Les there is a map attached to the application, to the modification and what we are talking about here is an application for a permit modification, correct?

Arrington Right

Swartz Which permit are you trying to modify?

Arrington Z-38A.

Swartz Is there also another well in the vicinity here?

Arrington Yes there is a well, AA38B.

Swartz In referring to the map that was submitted with this application, is it kind of under one of the stickers?

Arrington Yes, it goes further on out there. I don't know the distance.

Swartz Show Mr. Fulmer by pointing at the map where it might be.

Arrington Tom might actually have it on their map there.

Swartz O.k. he has it.

Fulmer This one right here.

Arrington Yes, and the road is actually, the rest of the property is back here that we are referencing from here and the well that she is talking about the road is already built is AA38B. That permit was issued and if you will look in there she was noticed.

Fulmer That is this road?

Arrington Yes, actually it comes in more back there.

Swartz Les, with reference to the map that was submitted with this modification there is an orange and blue road, correct?

Arrington Yes there is.

Swartz Where does that?

Arrington The orange section of the road, the orange and blue section of the road is the county road 5465. Now, as Ms. Street said, there is, I have it marked as an old mine entrance, the old county road crosses over that right on top of it. I think her picture shows vehicles setting on top of that. Well, we did not care for the looks of that and we did not want to disturb that old opening or whatever it may be. Now she is saying it is a dairy or spring.

Street Yes, that is the only water source up there.

Arrington Yes mame, we did not want to disturb that and that is the reason we want down on this lower road. We don't want to bother that spring. We feel the old county road is not a safe situation. That is the reason we would prefer to come down low.

Swartz Below the orange, now the orange line on the plat map, is an existing county road.

Arrington That is the existing county road.

Swartz The yellow line, is that an existing old road as well?

Arrington That is an existing old road bed. I think it was grown up and even had a gravel base to it.

Swartz But it was an existing, generally speaking, existing road.

Arrington Yes it is.

Swartz Is the modification that you are proposing here to connect the old road, the yellow road to the orange road at a point beyond the old mine entrance or whatever that is?

Arrington That is correct. Our plans are to make that a better turn to tie it into that road and that way all the, any kind of heavy traffic can avoid this spring, I will call it now, because I did not realize it was a spring, I thought it was an old mine opening. We just did not want on top of it.

Swartz Just to show Mr. Fulmer on the map here what we are talking about is your permit modification that we have before us today is to toward the end of the existing yellow road, is to make a connection to the county road at a point north of this spring and so roughly how much new road, in terms of footage, are you talking about building here?

Arrington Actual new road, probably won't be 100' of it. Because, what we will be doing is using this old road bed and then getting right there, I think, I am not sure how she is calling that just right at the end where the road bed ends and tying it back into the county road with a little sweeping turn.

Swartz The entire distance covered by the permit, of course, is the yellow road, but the new area, if you take this scale that an inch equals 400 is clearly less than 100'.

Arrington The new section.

Swartz The new section, yes. Did anyone from your company have contact with Ms. Street before this modification was filed?

Arrington Yes we have.

Swartz Who was the fellow that had contact with them?

Arrington Carl Bales.

Swartz Would you pull out the picture that shows what you thought was a mine entrance.

Arrington Yes, Tom has pulled that one out now and as you can see there is a vehicle sitting on top of it.

Swartz And a gentleman standing up above it as well?

Arrington Yes, we did not want to disturb that. That is what we were trying to stay away from.

Street When you were talking about Carl Bales there, while I think about it he lied to us like a dog. He called me and he told me everybody up there had signed this lease and we went up there and there had not been anybody sign it.

Swartz Was Mr. Bales asking her to sign a lease?

Arrington No it is not a lease, it would be a surface easement for two access roads.

Swartz In any event, the proposed modification bypasses this structure.

Arrington Yes and that was our purpose in this.

Street I don't understand where you are talking about taking the road next to the spring.

Arrington This is, I believe, this is our new well going down to well AA38B and that is the access road...

Street This is our driveway.

Arrington Driveway, old access road.

Street No this is just driveway. That is the only road ever out there was just to that house.

Arrington The house that burned down.

Street No they tore it down. The people we bought it from tore it down.

Arrington O.k.

Street This was our driveway. This other road that was up there them posts I showed you where our gates is laying on the ground was right above that old house. They are tore down. This is just a driveway. There ain't never nobody ever traveled it. It just went to the house. That other old road above that spring that is the one they are calling the county road.

Arrington That is the county road.

Street Which it was never deeded.

Swartz I think this picture shows it was well as anything.

Arrington It is an existing road bed that was graveled and grown up when we got there.

Street I sure don't want no road in my driveway.

Swartz Basically the location of this photograph is about at this point where the yellow road and the existing access road to the other well will come off of state road 671.

Arrington That is correct.

Street Could I have a copy of that map?

Arrington You should have one in there.

Street This one?

Arrington If that is not AA38...

Street This is the first one.

Arrington It should be one of your other packages then. I believe this is it right here. This would be the second one.

Street Here is one of some kind.

Arrington No mame, this is it right here. If you would like, I will get some highlighters and highlight this.

Street That is what I said, I would like to have where you are talking about yellow.

Arrington Sure, this one right here. I will just highlight that one this way.

Street I believe that it said that they would disturb just a reasonable amount. It looks to me like our whole place is ruined. I said if they are going to take it over and use it like that, I don't see why they don't go ahead and buy it and then sink ever how many gas wells they want or whatever they want to do with it.

Fulmer Let me ask you another question. The orange line that you have there whose property is that on?

Arrington The orange?

Fulmer Yes

Arrington Ms. Street it will be pink on your sheet, he is talking about the pink one on yours. That is a county road and it is on, I believe that...

Swartz It looks like the boundary between 2B and 2A if I am not mistaken.

Arrington That is what it looks like.

Fulmer Parts of 2A is John Street and 2B is Deskins. The pink road does that lie all the way on John Street?

Arrington The orange (pink on hers) again is county road and since it was county road, I can't tell you.

Fulmer O.k. you have designated also on this map going through 1C and I guess 1D, 1A, 1B a county road.

Arrington That is correct.

Street I believe it says here an additional 1700' don't it?

Arrington Crossing those other tracts, that is correct. She is talking about the blue.

Fulmer The yellow is what you have proposed outside the county road?

Arrington That is correct and it is what Ms. Street references that as her driveway.

Fulmer Now, about the county road, is it in the county system, with the county?

Swartz We don't know.

Arrington They maintain it.

Swartz We treat it as if it was there's but we haven't really done the title work or the dedication to determine if they did it right.

Street We had it checked out and there never no road deeded.

Swartz The reason we are proposing to use this existing road and tie it into the county road past here is there is a concern with regard to safety issues hauling heavy equipment over what we see in this picture, which is a road that has about three feet of cover over, we are not sure what is under there. The reason for this is a safety concern that we don't want some serious construction equipment and heavy equipment going over that structure and the risk associated with that.

Fulmer My question then is why are you proposing to upgrade the old road, her driveway?

Swartz It needs to be tied in, it does not connect up here. They want to be able to access it from Route 671. Then tie it in to county road 5465. It is not currently connected. So they want to regravell this.

Fulmer Who does?

Arrington We do.

Swartz That is what this permit modification is seeking and connect it to the county road at roughly this point so they do not have to drive over this problem.

Unknown How can you go in on her driveway to start with?

Street I have been bothered enough with drunks and dope heads around where I live, I don't want no driveway in my door for other people to travel.

Fulmer So you are not planning on using the old mine entrance.

Swartz Correct. The whole point of this to stay away from it.

Arrington We didn't realize that even though would be a spring.

Street You can go in there and look anytime you want to and see that there are plenty of water in there and it has never knowed to be dry. I have different witnesses that has told me they haul water from there in the summer to drink. One spring has done went dry. This one is the only source of water we would have.

Fulmer Sorry, I had to get to that point to figure out what you were doing. I was thinking you were using both roads. But you are only using one road. We got to that point, now I know where I am headed. Mr. Swartz, continue.

Swartz The only other, to keep this really simple, quite possibly if I can. Carl Bales here, Carl you are a landman I take it?

Bales Yes sir.

Swartz Did you talk to Ms. Street on the telephone from time to time?

Bales On numerous occasions, yes I did.

Swartz I have an outline that you provided in terms of your telephone contacts and your trys. It started in February 1997, is that about right?

Bales That is right.

Swartz The last try to get a hold of her was October 1997, does that seem about right?

Bales That is correct.

Swartz In between, would it be fair to say that you talked to her and/or tried to contact her on 8 to 10 occasions?

Bales Yes sir

Swartz What were you asking her to do?

Bales That is when I was trying to have a conversation with her about trying to obtain these easements that we have been discussing here. I have tried to get her and Mr. Street to agree to signing a road right-of-way for two access roads.

Swartz The one we are talking about today and another one.

Bales Yes sir.

Swartz Were you ever able to reach an agreement with her?

Bales No

Swartz So there are no easements.

Bales None, correct. I have the agreements but they have never been executed.

Swartz Did you ever discuss money with her?

Bales Yes sir.

Swartz Was she trying to sell the property?

Bales Yes sir.

Swartz Do you recall a figure?

Bales No, the time we talked about it the figure never had even got into the conversation.

Swartz Were you offering her money for the easements?

Bales Yes I was.

Swartz What was the amount of that?

Bales \$2,000

Swartz I assume that that was not acceptable to her?

Bales No

Street \$1,000 is what you told me.

Bales No mame.

Street Yes sir.

Swartz Let me ask you this, is \$2,000 acceptable?

Street No, our place is tore all to pieces.

Swartz In any event, you were not able to reach an agreement with her. I take you communicated that to Mr. Arrington?

Bales Yes sir.

Swartz That is all I have.

Fulmer Ms. Street do you want to ask any questions of Mr. Bales.

Street Nothing, just if they want to buy the property, I will sell it to them because the way it is and if they are going to push a road over us, the only thing is to get me a good attorney out of Buchanan County. Because I sure don't want no driveway out by the house. We are having to put out doctor bills now. My husband has got heart trouble, he is sick and that is one reason he did not come over here today because when he gets nervous then he has chest pains. I am afraid it is just going to cause him to hve another heart attack.

Fulmer Do you understand that in regards to my position, not my position, but as far as the process goes for permitting, issuing the permits and so forth; that when I do issue a permit, not your particular situation, but any permit that I issue, that permit does not allow or give approval to entrance on anybody's surface property. Are you aware of that?

Street That is what I understood in them papers, that they were not suppose to go across without a surface owner's permission.

Fulmer Well, what I am trying to say is that when I issue a permit for an operations, we issue a permit for the conduct of that operation in regards to erosion and sediment control structures and how it is built and so forth. But it does not, however, give them the right to get on anybody's property.

Swartz Unless they have it from somewhere else.

Fulmer That is true, but I am trying to make a point.

Swartz Right, I don't have a problem with as far as you are going I agree with you.

Fulmer That is the point I am trying to make to you.

Street I understand, Mr. Fulmer, you have talked to us right and have tried to do right about things, but there are some that sure hasn't.

Fulmer I just wanted to bring it up to you again and remind you of that, when this does happen. I will take under consideration everything I have heard here today. I will render a decision within ten working days. You will receive a certified copy of that decision. That decision is appealable onto the Virginia Gas and Oil Board and from there it can be appealed on to the circuit court, if either party desires to do so. Anything else anybody wants to say before we close.

Swartz No

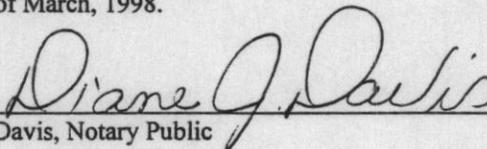
Street I would like to say, I would just like to say, how would you all like for us to come in on your property you have worked hard for and tear it up like that. How would you all feel. Can you give me an answer on that? I don't think you would like it would you?

Fulmer I thank you for coming this afternoon. I appreciate your participation today. I will give a decision within ten working days and you will receive a certified copy of that and again, it is appealable on to another administrative board and from there on to the circuit court. Again, thank you for coming today and I appreciate it.

STATE OF VIRGINIA,
COUNTY OF WASHINGTON, to-wit:

I, Diane Davis, Program Support Technician Sr. and Notary Public for the State of Virginia, do hereby certify that the foregoing informal fact finding hearing was recorded by Susan Korell on tape and later transcribed by myself. That this is a true copy of that transcript.

Given under my hand and seal on this the 9th day of March, 1998.



Diane Davis, Notary Public

My commission expires September 30, 2001

DATE: Jan 13, 1998

IFFH 9197

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Ruth Street	PO BOX 158 Rome VA 24646	498 4431
Sharon Street	PO Box 240 Grundy VA 24614	498-3204
Claude Morgan	P.O. Box 947, Bluefield, VA. 24605	504. 988-1014
Carl E. Pauls	P.O. Box 947, Bluefield, VA 24605	(540) 988-1008
LESLIE K. ARRINGTON	P.O. Box 947, Bluefield VA 24605	(540) 988-1016
MARK A. SWARTZ	P.O. BOX 517 ABINGDON, VA	540-628-9211

98-03/24-0641



Jan 3-1998
PO Box 158

ROWE, VA. 24646

Division of Gas & Oil
Kingdon Co.
Boyson 7 February

I received your letter Jan 30 1998
I was disappointed that you would
want to let them go on thro
our property. After you looked
at the photo graphs I take ones
that you could only see part
of the damage that has been
done to us. All our gates down
on plot of fence all our
pasture fields turned out side.
Yes sure I want to appeal this
and I want to be there and
show the court these photo
graphs and I also want a
jury, and my attorney said
he wants to be there to
so I am expecting you to
let me know when it will
be the date and time

Thouts Alot

Mrs John Street

You said in that paper that
there was several witness where
were they at.

J.S



COMMONWEALTH of VIRGINIA
Department of Mines, Minerals and Energy

Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24212
Phone: (703) 676-5423
Fax: (703) 676-5459
Bryon T. Fulmer, Division Director

December 17, 1997

Mrs. Ruth Street
PO Box 158
Rowe, VA 24646

RE: Request for Continuance of IFFH 9197, Street vs. Pocahontas Gas Partnership. Modification Application #3005, BU-1250.

Dear Mrs. Street:

Thank you for your letter received by this office on December 16, 1997, requesting a continuance to an informal fact finding hearing scheduled for 10:00 AM on December 18, 1997, in the Abingdon office of the Division of Gas and Oil. I understand your request is based upon the current health condition of you and your husband. I have contacted Pocahontas Gas Partnership in regards to your request and they have agreed to a continuance to the hearing.

I have, therefore, agreed to continue the hearing until January 13, 1997, at 2:00 PM in the Division's office at 230 Charwood Drive, Abingdon, Virginia.

Please make plans to appear at this hearing or make arrangements for representation at the hearing. Further continuances may not be warranted in this matter.

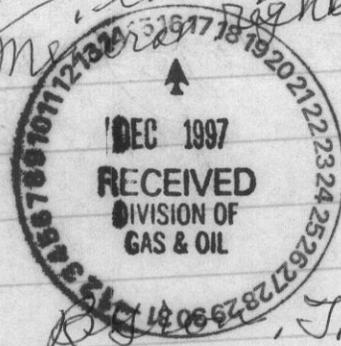
If I can be of further assistance in this matter, please contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. T. Fulmer".

cc: Les Arrington, Pocahontas Gas Partnership
Mark Swartz, Counsel
Rick Cooper, Area Inspector
File

From Ruth Stratton
 John Stratton
 so the property is
 in fact our home
 I want you to have
 the house when we
 get off



we have 182000
 @ 30 000 ad
 on 25 000, some
 with our
 Dec 1997
 PO Box 158
 Rome Va
 24646

we offered to sell the Co. car
 property they found it
 they had got the papers
 to lose

Dear Mr. J. Fulmer
 I am writing this to
 let you know that me and my
 Husband are each sick,
 we want to be able to
 come to the hearing
 you have scheduled for the
 18th. Can you receive
 it until we get better?
 The Dr says we are
 one able enough to be upset
 any more than what we have
 already seen. John Heart
 and ~~the~~ nerves on my
 nerves is so bad its enough
 to make any one nervous,
 to think how hard we have
 worked to get what we have
 then to see it destroyed
 like that. Have you seen
 up there and some all the damage
 they have done to us, plus all our property
 damaged on Garden Creek, I differnt pieces a

DECISION

Ruth Street IFFH 9197

PGP-238A

Certified

1. Ruth Street
PO Box 158
Rowe VA 24646

2. Les Arrington
PGP
PO Box 947
Bluefield VA 24605

Copies

1. Sharon Street
PO Box 240
Grundy VA 24614

2. Claude Morgan
~~Conset~~ / PGP
PO Box 947
Bluefield VA 24605

3. Carl Baires
DGP
PO Box 947
Bluefield VA 24605

4. Mark Swartz
PO Box 517
Abingdon VA 24212

O. GENE DASHNER
DIRECTOR
BENNY R. WAMPLER
DEPUTY DIRECTOR



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH of VIRGINIA
Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone: (703) 676-5423

Fax: (703) 676-5459

Bryon T. Fulmer, Division Director

December 3, 1997

Mrs. Ruth Street
PO Box 158
Rowe, VA 24646

Dear Mrs. Street:

Thank you for your letter of November 19, 1997, and received by this office on November 21, 1997. I have reviewed your letter and the concerns you have expressed in accordance with the laws and statutes regarding conducting oil and gas operations within the Commonwealth. Many of the concerns you have expressed are within the relationship of property rights afforded to both the surface and mineral owner. The statutes regarding the development of gas and oil resources address only the standards by which a permittee must conduct operations. Property rights and property right issues are addressed by the circuit court of jurisdiction.

Upon further review of your letter, I find that your concerns relate to the development of the access road as proposed by Pocahontas Gas Partnership and therefore is being considered as a valid objection under the statutes. To this end, I have scheduled an Informal Fact Finding Hearing concerning the proposed application by Pocahontas. Attached is a notice of the hearing. You may wish to bring counsel.

If I can be of further assistance, please contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. T. Fulmer".

cc: Les Arrington, Pocahontas Gas Partnership
Mark Deering, Area Inspector



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

NOTICE OF INFORMAL FACT FINDING HEARING

PGP-Z38A W/PIPELINE

Garden District, Buchanan County

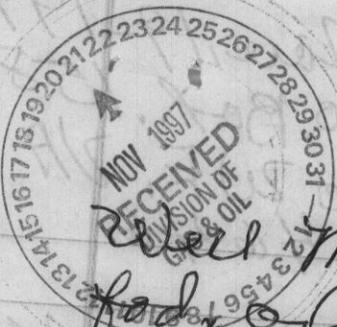
Docket Number: IFFH 9197

Pursuant to Section 45.1-361.35.G. of the Code of Virginia, the Director of the Division of Gas & Oil has scheduled an Informal Fact Finding Hearing to consider objections filed by Mrs. Ruth Street under Section 45.1-361.35.B. Mrs. Street's objections are concerning the erosion and sediment control measures.

This notice of hearing has been sent by certified mail to the well operator and to parties identified in the application. All parties are entitled to bring counsel to the hearing if desired.

DATE OF HEARING: The hearing is scheduled for Thursday, December 18, 1997, in the Conference Room of the Division of Gas & Oil, located at 230 Charwood Drive, Abingdon, Virginia. The time of the hearing is 10:00am. If you should have any questions, you may contact the Division at 540-676-5423.

Date mailed by certified return receipt mail Wednesday, December 3, 1997



Well my husband had got so
 bad and I had got so worse
 I cant sleep at night
 since you all have
 damaged us like you
 have. These were the roses
 we object to this the way
 you all have damaged us
 but how to much insisted
 in this property to have
 it destroyed that was the
 reason we fought it. To
 field us a house up there
 after I had a Counselor
 had destroyed most all
 our rent property at our
 home a water & sewage
 a line was they we
 have worked hard for
 we are to sick a to old
 to start our
 if you havent seen our
 damages, I wish you would
 bring some of your had
 men to investigate
 I hope

we are objection to you all going in and doing our made work on our property

Nov 19-1977
P.O. Box 158
Roxwell, VA
24646



Partnership

recalled this permit application
Mod, from Counsel our. Dated
Nov 12 - 77. I reckon they
want to go on, and finish
destroying the rest of our
property in the Shortgap area
how you all been our
there and saw what they
have done to our property.
When my husband went down
there and saw what they
have done, he got fed off
with his heart, and we
have taken him to Dr several
times, and my nerves has
got so bad I cant sleep.
We are both so sick,
we agreed to sell the prop
to Counsel our. I fear they
I'll let you know my bill
says to do into others as you
would have them to do to
you, so I am pretty sure none
of you all would want us to do
like that Mr & Mrs John W. Strutt

9197

IFFH 9497

Mrs. Ruth Street vs. Pocahontas Gas Partnership

January 13, 1997, 2:00 PM

DGO Conference Room, Abingdon, Virginia

Good Morning, my name is Tom Fulmer and I am the Director of the Division of Gas and Oil. To my left is Ms. Susan Korell, who will be recording the proceedings this morning.

This mornings proceedings is being convened pursuant to §45.1-361.35.G of the Code of Virginia. For future reference the Case Docket number for this hearing are IFFH 9497.

As to IFFH 9497, CBM-PGP-Z38A, Permit #3525, The Division received on November 13, 1997 an application (#3005) to modify the existing permit #3525. The modification sought involved amending the existing application in regards to the route of the access road to the permitted site. The modification called for the access route to cross surface property owned by Mr. and Mrs. John Street. On November 22 the Division received an objection from Mrs. Ruth Street on behalf of herself and Mr. John Street as to the proposed access crossing their surface estate. The Director finding that the objection is valid under the criteria established under 45.1-361.35 of the Code of Virginia scheduled and informal hearing for December 18, 1997 at 10:00 AM in the conference room of the Division of Gas and Oil at 230 Charwood Drive Abingdon, Virginia. By letter dated December 18, 1997, Mrs. Street requested a continuance of the hearing because of a medical situation. Pocahontas Gas Partnership agreed to the continuance and the hearing

was rescheduled for January 13, 1997, at 2:00 PM at the Division of Gas and Oil's office in Abingdon.

As to the Z-38A Modification application, the application list John Street among others as surface owners on which the proposed application would disturb.

This mornings proceedings will be conducted pursaunt to §6.14:11 of the Code of Virginia regarding proceedings to be conducted under informal fact finding hearings. The evidence and testimony will be examined in accordance with the criteria set out in §45.1-361.35. As to this afternoon's hearing please confine your evidence and testimony to the issues which can be raised under 45.1-361.35.

For this mornings proceedings will you please acknowledge your presence here and if you are being represented by Counsel.

**Mr. and Mrs. John Street
Pocashontas Gas Partnership.**

Ms. Korell for the purpose of notification under the notice of hearing for these proceedings was all parties required to be notified under 45.1-361.35.G been notified.

The proceedings will be conducted as follows: I will receive testimony and evidence on the proposed application from the objecting party, Mr. and Mrs. Street and then Pocahontas Gas Partnership will be allowed to cross examine. PGP then provide their testimony and

evidence and Mr. and Mrs. Street will be allowed to cross examine. Both parties will be allowed to make final statements in regards to their positions. The Director reserves the right to conduct any inquiry which will facilitate his decision in this hearing.

Before we proceed does either party wish to have the opportunity to conference with the opposing party to settle this matter?

If not, I call upon Mr. or Mrs. Street to state her objections and to present their testimony and evidence in this matter.

Thank you for your participation in today's hearing. I will render a decision in this matter within ten working days from the date of this hearing. Again thank you.



May, 8 1998

PO Box 158
Go WE, VA

Commonwealth of VA
Department of Mines
Minerals & Energy

I received this letter of this
 Notice, for 5-19-98 for Charles
 hearing my husband as still
 not. I let to come to the
 hearing which he wants to be
 there a jury trial, as you
 know the way counsel, a
 God had had mind out thing
 all our property on
 in the course of John being
 that God just attack me
 March 13-98 I had told the
 the suppose to be, if set out my
 this a morning no words he
 had the most attack when
 you know what you have
 marked how far tell you
 left in mind as enough
 to make my one report of
 cant rest for sleep but
 very little so say you
 all want to buy back
 property all will still
 well fit to you, so we
 dont know right now when
 he will be able to come to hearing
 so. Thanks Mrs. Keith
 I will let you know when he is able

to come to a hearing

Hosp No Phone
423-224-4426
Brack Street



April 14-1998
Po Box 158
Rowe, VA
24646

Board of Hosp an Oil
ATT Mr Palmer

The
Heart
Collect

I received the letter which you
extended the hearing until I am I
am thinking it is so I don't have
the letter with me, I am still here
at Kingsport Hosp, week John after
they kept him at Beckland Hosp
from March 13th until March 19th sent
him here by ambulance, they done
3 by pass, I do - and was going
to do another surgery, last Thursday
and thought he was too weak to
stand the surgery, so he is still
fed off. don't know how long
he will have to stay yet so
looks like you need still have
to put the hearing off for a
while until he gets to come for
some time, so you will need to
buy the property if you need see
it to get also, I have other tracts
of property I own, 122 acres and 300
25 acres and 300 acres all, have mineral
rights so his heirs see, all ring
so high a all his trees so if you
need to talk to me, write me my home
and address all call but no text of page



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

March 19, 1998

DIANE DAVIS
3/20/98

Ms. John Street
P. O. Box 158
Rowe, VA 24646

Dear Ms. Street:

This office is in receipt of your request for a continuance of the March 24th appeal with the Virginia Gas and Oil Board.

Please be advised that the Board, due to the illness of Mr. Street, will grant a continuance to the April hearing which will be held on April 21, 1998 commencing at 9 a.m. at the Southwest Virginia 4-H Center, Abingdon, Virginia.

Should you have any questions, please call.

Sincerely,

**Byron T. Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board**

**cc: Mark Swartz
Claude Morgan**

NOTE TO FILE:

I CALLED MS. RUTH STREET'S HOME ON FRIDAY, MARCH 20, 1998 IN EARLY
A.M. LEFT MESSAGE ON ANSWERING MACHINE REGARDING GRANTING OF CONTINUANCE
AND THE DATE AND TIME OF NEXT MONTHS HEARING. ALSO STATED A LETTER WAS IN
THE MAIL TO HER REGARDING THIS.

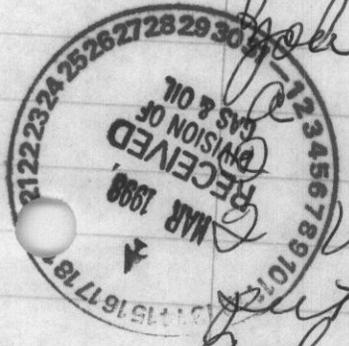
DIANE DAVIS
3/20/98

so are I will still
see you the property if I
you want to fly it also see
the other mineral I have on 110m
3 trucks I will be home at 110m
od Larry man.

3-17-1998
PO Box 158
Roanoke, VA 24646

Department of Mines & Minerals Energy
att Mr Gulmer

I received these papers Sat.
about the hearing I had over
there for 13 so you
said our hearing would be
before the 24th. Thei March Mar.
you must said if I could have
a jury trial all that just
just wanted you to know



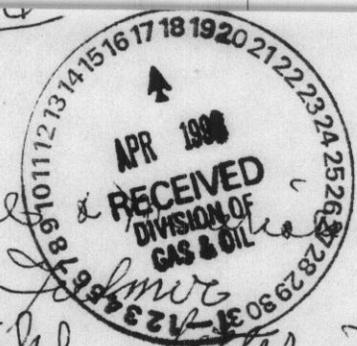
I would like for this to be
put off for a while until
John gets started he had
a major heart attack Fri.
13th he been in intensive care
Richland Hosp. so I felt ad was
afraid that was going to happen
since the Dr told me he wasn't
suppose to be upset all worry
about things. I told you out that
I was afraid that would happen
he had been so worried a upset

was since he went up there on that
Gop saw how you all fall out
glad up. Besides the way could you turn
up and thing was how turn on York Creek

Mrs John Street

423-224-44
Ruck Street

Board of Gas & Oil
ATT Mr Palmer



Box 158
Rowe, VA
24646

The Heart Attack

I received the letter which you
extended the hearing until I am I
am thinking it is so I don't have
the letter with me, I am still here
at Kingsport Hosp. with John after
they kept him at Richland Hosp
from March 13th until March 19th sent
him here by ambulance. They done
3 by pass, 2 - and was going
to do another surgery, last Thurs
and thought he was too weak to
stand the surgery, so he is still
god off. don't know how long
he will have to stay yet so
looks like you need still have
to put the hearing off for a
while until he gets to come for
some time, do you get need to
buy the property if you need see
it to get also, the other tract
of property I own, 122 acre and 300
25 acre & 300 acre all, how many
rights so his says well, all ring
so high a all his trees so if you
need to talk to me, write me my home
and address all can't have no text of post

CERTIFIED
John E. Ruck Street



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

March 19, 1998

**Ms. John Street
P. O. Box 158
Rowe, VA 24646**

Dear Ms. Street:

This office is in receipt of your request for a continuance of the March 24th appeal with the Virginia Gas and Oil Board.

Please be advised that the Board, due to the illness of Mr. Street, will grant a continuance to the April hearing which will be held on April 21, 1998 commencing at 9 a.m. at the Southwest Virginia 4-H Center, Abingdon, Virginia.

Should you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "B.T. Fulmer".

**Byron T. Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board**

**cc: Mark Swartz
Claude Morgan**

NOTE TO FILE:

I CALLED MS. RUTH STREET'S HOME ON FRIDAY, MARCH 20, 1998 IN EARLY
A.M. LEFT MESSAGE ON ANSWERING MACHINE REGARDING GRANTING OF CONTINUANCE
AND THE DATE AND TIME OF NEXT MONTHS HEARING. ALSO STATED A LETTER WAS IN
THE MAIL TO HER REGARDING THIS.

DIANE DAVIS
3/20/98



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

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Abingdon, Virginia 24212

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Sincerely,

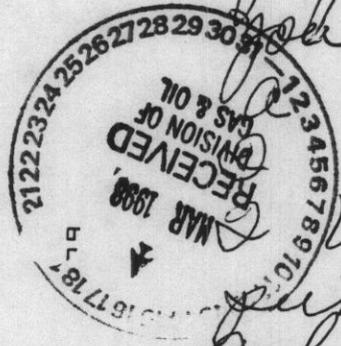
**Byron T. Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board**

**cc: Mark Swartz
Claude Morgan**

see you the property I
you want to fly it also see
the other minutes I have on 11:00 PM
3 strokes I will be home at 11:00 PM.

5-17-1998
PO Box 158
Roanoke, VA 24064

Department of Mines & Minerals Energy
att Mr. Guilmer
I received these papers Sat.
about the hearing I had seen
there for 130 so you
said our hearing would be
before the 24th, that's what Mr.
John must said if I could have
jury trial all that but
just wanted you to know
I would like for this to be
put off for a while until
John gets started he had
a major heart attack Fri.
13th he been in intensive care
Richmond Hosp. so I felt ad was
afraid that was going to happen
since the Dr told me he wasn't
suppose to be upset all morning
about things, I told you all that
I was afraid that would happen
he had been so nervous a upset
was since he went up there on that
day saw how you all fall our
glor up. besides the way could not turn
up our thing was how but on York Creek



Mrs John Street

PERMIT FOR GAS AND OIL OPERATIONS

This certifies that Permit No. 3525-01
Operation Name PGP-Z38A W/PIPELINE
Has been issued to: (Company) Pocahontas Gas Partnership
Whose main office is located at P. O. Box 947
Bluefield, VA 24605

Applicant Leslie K Arrington

This permit is issued on this 2nd day of February, 1998.

This permit was requested for Permit Modification under
Section 45.1-361.29.C.

The permitted operations are located in the Garden District
of Buchanan County.

**THIS PERMIT IS ISSUED BY THE DIRECTOR PURSUANT TO CHAPTER 22.1, TITLE 45.1 OF THE CODE OF VIRGINIA,
Being an Act to require permits for gas and oil operations and to fix conditions for issuance thereof; to provide for the safe and
environmentally sound operations performed by the Permittee and for the inspection thereof; to provide for a method of maximizing
gas, oil, mineral and coal resources; to protect correlative rights of persons owning interest in gas and oil resources; to provide for
enforcement by the Director.**

This permit shall expire _____ unless the permittee has commenced
operations as determined by the Inspector.

Fee Paid \$100.00
File No. BU-1250

FILE COPY

CERTIFICATION OF NOTICE
Pocahontas Gas Partnership

BU-1250

Well # CBM-PGP-Z38A
Permit Modification

NAME	MAILED	RECEIPT #	RECEIVED
Baldwin Eddie	11-12-97	P 462 577 619	11-14-97
Buchanan County Admin. W.J. Caudill	11-12-97	P 462 577 620	11-13-97
Clevinger Danny	11-12-97	P 462 577 621	11-24-97
Commonwealth Coal Co.	11-12-97	P 462 577 622	11-13-97
Deskins Gaylene	11-12-97	P 462 577 623	11-13-97
Street John W.	11-12-97	P 462 577 624	11-13-97

ENTERED



PS Form 3811, December 1994

1. Article Addressed to: Eddie Baldwin, Box 696, Raven, VA 24639

4a. Article Number: P 402 577 019

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: Buchanan County Adm'n., Attn: Mr. W.J. Caudill, P.O. Box 950, Grundy, VA 24614

4a. Article Number: P 402 577 020

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: Danny Clevinger, P.O. Box 498, Oakwood, VA 24631

4a. Article Number: P 402 577 021

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: Commonwealth Coal Co., P.O. Box 1269, Bristol, VA 24203

4a. Article Number: P 402 577 022

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: Gaylene Deakins, Box 23, Shortt Gap, VA 24647

4a. Article Number: P 402 577 023

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11-13-94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: John M. Street, Box 158, Rowe, VA 24646

4a. Article Number: P 402 577 024

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: [Redacted]

4a. Article Number: P 402 577 025

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: [Redacted]

4a. Article Number: P 402 577 026

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

Consent postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

1. Article Addressed to: [Redacted]

4a. Article Number: P 402 577 027

4b. Service Type: Registered Express Mail Return Receipt for Merchandise COD

7. Date of Delivery: 11/13/94

8. Addressee's Address (Only if requested and fee is paid): Z 38A

1. Addressee's Address following services (for an extra fee):

2. Restricted Delivery

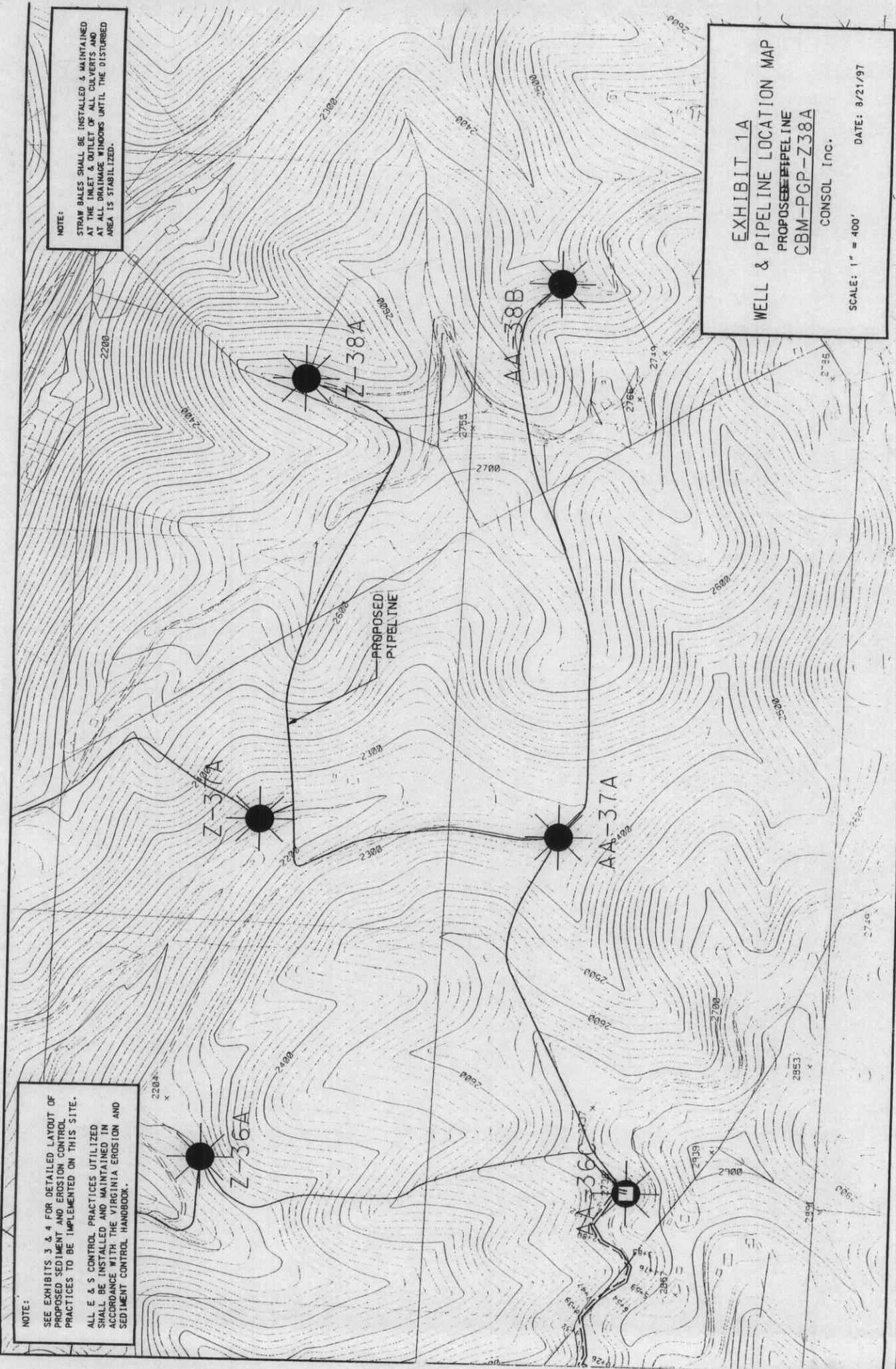
Consent postmaster for fee.

Thank you for using Return Receipt Service.

NOTE:
STRAW BALES SHALL BE INSTALLED & MAINTAINED AT THE INLET & OUTLET OF ALL CULVERTS AND AT ALL DRAINAGE WINDOWS UNTIL THE DISTURBED AREA IS STABILIZED.

EXHIBIT 1A
WELL & PIPELINE LOCATION MAP
PROPOSED PIPELINE
CBM-PGP-Z38A
CONSOL Inc.
SCALE: 1" = 400'
DATE: 8/21/97

NOTE:
SEE EXHIBITS 3 & 4 FOR DETAILED LAYOUT OF PROPOSED SEDIMENT AND EROSION CONTROL PRACTICES TO BE IMPLEMENTED ON THIS SITE.
ALL E & S CONTROL PRACTICES UTILIZED SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.



BU-1250

POCAHONTAS GAS PARTNERSHIP

P.O. Box 947
Bluefield, Virginia 24605
(540) 988-1015

*Revision
to 238A
Road Modification
OK
11/19/97*

November 17, 1997

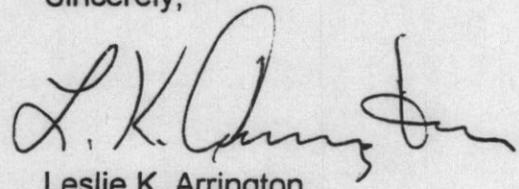
Mr. Mark Deering
Division of Gas & Oil
P.O. Box 1416
Abingdon, VA 24210

Dear Mark,

Please find enclosed a revised Exhibit 1 and Exhibit 2 for the **CBM-PGP-Z38A** permit modification.

If you should have any questions, please do not hesitate to call.

Sincerely,

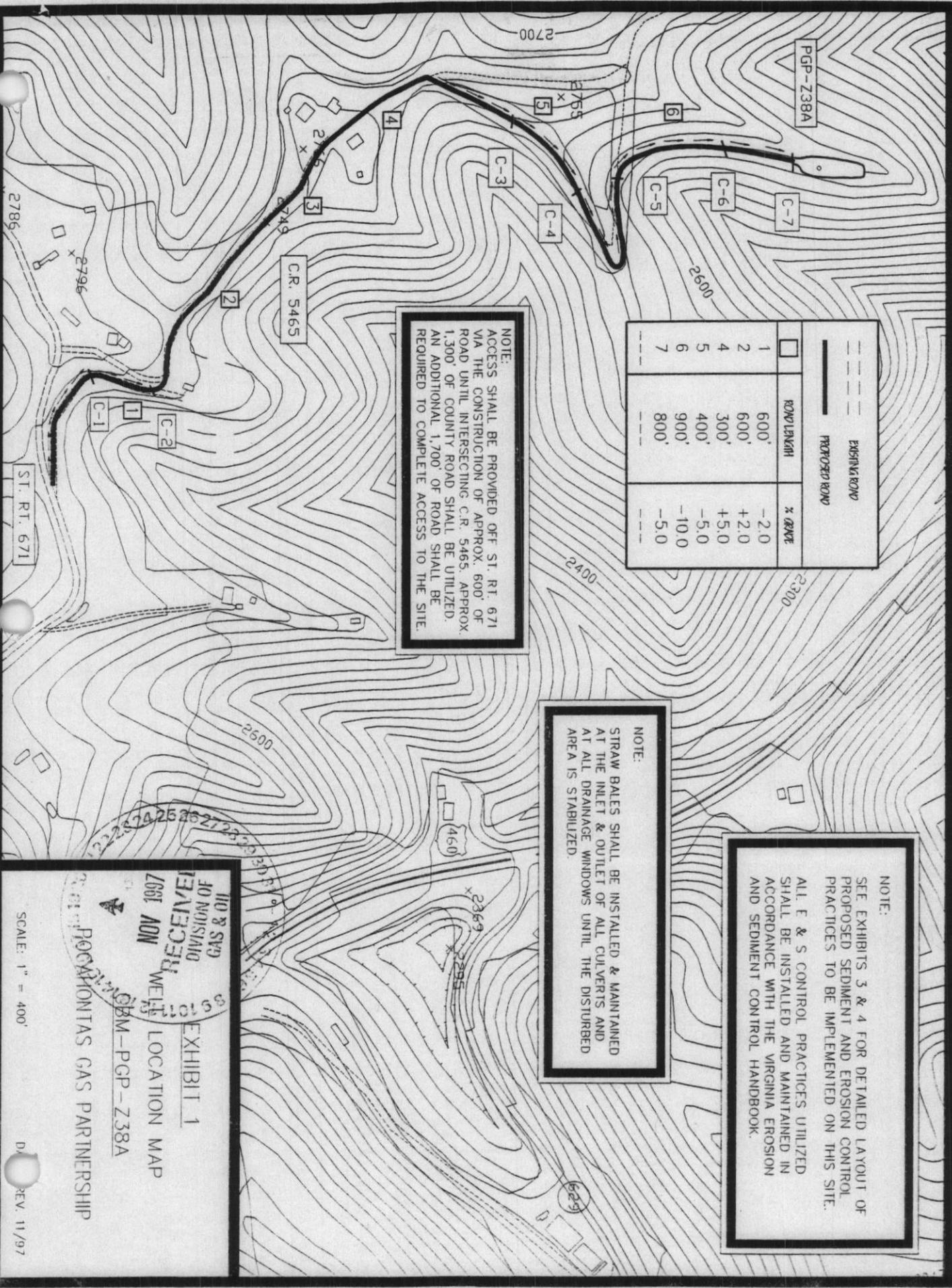


Leslie K. Arrington
Permit Specialist

Enclosure
LKA:ksg
CERTIFIED MAIL: P 462 577 712



✓



	EXISTING ROW	PROPOSED ROW
1	600'	-2.0
2	600'	+2.0
4	300'	+5.0
5	400'	-5.0
6	900'	-10.0
7	800'	-5.0

NOTE:
 ACCESS SHALL BE PROVIDED OFF ST. RT. 671 VIA THE CONSTRUCTION OF APPROX. 600' OF ROAD UNTIL INTERSECTING C.R. 5465. APPROX. 1,300' OF COUNTY ROAD SHALL BE UTILIZED. AN ADDITIONAL 1,700' OF ROAD SHALL BE REQUIRED TO COMPLETE ACCESS TO THE SITE.

NOTE:
 STRAW BALES SHALL BE INSTALLED & MAINTAINED AT THE INLET & OUTLET OF ALL CULVERTS AND AT ALL DRAINAGE WINDOWS UNTIL THE DISTURBED AREA IS STABILIZED.

NOTE:
 SEE EXHIBITS 3 & 4 FOR DETAILED LAYOUT OF PROPOSED SEDIMENT AND EROSION CONTROL PRACTICES TO BE IMPLEMENTED ON THIS SITE.
 ALL E & S CONTROL PRACTICES UTILIZED SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.

RECEIVED
 NOV 1997
 EXHIBIT 1
 LOCATION MAP
 BLM-PGP-Z38A
 ROCKMONTIAS GAS PARTNERSHIP
 SCALE: 1" = 400'
 REV. 11/97

1 Department of Mines, Minerals and Energy
2 Division of Gas and Oil
3 P. O. Box 1416
4 230 Charwood Drive
5 Abingdon, VA 24212
6 Telephone: (540) 676-5423
7 Fax: (540) 676-5459

8 B. T. Fuhner, Director, Division of Gas and Oil

9 By Decision of the

10 Director, Division of Gas and Oil

11 Mr and Mrs. John Street)

12 Surface Owner)

13 vs.)

14 Pocahontas Gas Partnership)

15 Informal Fact Finding Hearing 9197)

16 Application for Gas and Oil Operations,)

17 Application #3005)

18 Operations Name CBM PGP Z-38A Modification)

19 **Background:**

20 The Division of Gas and Oil received an application for modification of Permit #3525, File #BU-1250,
21 Operations Name CBM PGP Z-38A from Pocahontas Gas Partnership on November 13, 1997. On November 21, 1997, the
22 Division received a letter of objection from Mrs. Ruth Street on behalf of herself and her husband, Mr. John Street to
23 the proposed modification by Pocahontas Gas Partnership. The Letter of Objection stated concerns about
24 construction on the surface property of which they are the surface property owners. Under 45.1-361.G an Informal
25 Fact Finding Hearing was scheduled for December 18, 1997 to hear the issues in regards to the objections. On
26 December 16, 1997, the Division received a request from Mr. and Mrs. John Street for a continuance due to health
27 problems. Pocahontas Gas Partnership agreed to the continuance and the hearing was rescheduled for January 13,
28 1998, at the Division's Office at 230 Charwood Drive, Abingdon, Virginia. The time of the hearing was set for 2:00 PM.
29 IFFH 9197 came on for hearing on January 13, 1998, at 2:00 PM. Those present were Mrs. Ruth Street, Les Arrington,
Pocahontas Gas Partnership, and Mark Swartz, Counsel for Pocahontas Gas Partnership. Several witnesses were also
present to provide testimony and evidence.

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3 **Findings of Fact:**

- 4 1. That all parties required to be notified had been notified under the requirements of §45.1-361.30 and
5 that objections by Mr. and Mrs. John Street had been filed in accordance with §45.1-361.35.A;
- 6 2. That the objections as filed by the Streets for both applications were read and entered into the record;
- 7 3. That Pocahontas Gas Partnership had previously filed an application for the proposed CBM PGP Z38A
8 and was granted a permit on September 23, 1997 which included the drilling location and the access
9 road to the site which utilized an existing county road, C.R. 5465, which transverses the Street property;
- 10 4. That testimony at the hearing revealed that the parties disagreed as to whether C.R. 5465 had been
11 conveyed to Buchanan County;
- 12 5. That Pocahontas Gas Partnership has filed for a modification of the existing permit because of
13 unstable structures near and under the approved access road; and
- 14 6. That testimony and evidence provided at the hearing indicated that disturbance has occurred on the
15 proposed alternate route prior to the date of the hearing.
- 16
17

18 **Decision of the Director**

19 **THEREFORE, based upon the factual evidence and available testimony in regards to the permit application,**
20 **it is the decision of the Director that further evidence and testimony is not required and that the objections to the**
21 **proposed modification of Permit #3525, CBM PGP Z28A be dismissed. Neither Testimony nor evidence presented at the**
22 **hearing demonstrated that the proposed application did not meet the standards for construction of an access road as**
23 **required under the law and regulation governing gas and oil operations. The issue in the matter before the Director**
24 **is one of property rights by the surface owner and the mineral estate owner to which the Director has no authority to**
25 **rule on. It is further advised that the matter of ingress and egress onto surface property is more appropriately**
26 **handle in the appropriate judiciary court for any potential torte claims which the parties may have. Further, the**
27 **application for the CBM PGP Z-38A has been reviewed and found in compliance with the requirements of application**
28 **and, therefore, a permit shall be issued for the proposed gas and oil operations. Parties are advised that the**
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granting of a permit does not grant access or use of surface property. The evidence in this matter does not warrant a stay to be issued in this matter.

This order is issued pursuant to the authority of the Director granted under § 45.1-361.27.E and 4 VAC 25-150-50 of the Gas and Oil Regulation.

Right of Appeal

Any party to the proceedings aggrieved by a 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 appealed decision. No petition of appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by application or objections, proposals or claims made and specified in writing at the informal fact finding hearing.

Signed this 27th day of January, 1998

Raymond J. Nelson (signature)

Director, Division of Gas and Oil

INFORMAL FACT FINDING HEARING

IFFH 9197

JANUARY 13, 1998

DIVISION OF GAS AND OIL
230 CHARWOOD DRIVE
ABINGDON, VA 24210

MR. & MRS. JOHN STREET, SURFACE OWNER

VS.

POCAHONTAS GAS PARTNERSHIP
PROPOSED OPERATIONS NAME - CBM PGP Z-38A MODIFICATION

Fulmer Good afternoon, my name is Tom Fulmer and I am the Director of the Division of Gas and Oil. To my left is Susan Korell who will be recording the proceedings this afternoon. This afternoon proceedings are being convened pursuant to Section 45.1-361.35.G of the *Code of Virginia*. For future reference the Case Docket Number for this Hearing is IFFH94.97 for the CBM PGP-Z38A, Permit #3525, the Division received on November 13, 1997 an application #3005 to modify the existing permit #3525. The modification sought involved amending the existing application in regards to the route of the access road to the permitted site. The modification called for the access route to cross surface property owned by Mr. & Mrs. John Street. On November 22, 1997 the Division received an objection from Mrs. Ruth Street on behalf of herself and Mr. John Street as to the proposed access road crossing their surface estate. The Director finding the objection valid under the criteria established under Section 45.1-361.35 of the *Code of Virginia* scheduled an informal hearing for December 18, 1997 at 10 a.m. in the conference room of the Division of Gas and Oil, 230 Charwood Drive, Abingdon, Virginia. By letter dated December 18, 1997 Mrs. Street requested a continuance of the hearing because of a medical situation. Pocahontas Gas Partnership agreed to the continuance and the hearing was rescheduled for January 13, 1997 at 2 p.m. at the Division of Gas and Oil's Office in Abingdon. As to the Z-38 modification application, the application lists John Street, among others, as surface owners of which the proposed application would disturb. This mornings proceedings will be conducted pursuant to Section 6.14:11 of the *Code of Virginia* regarding proceedings to be conducted under informal fact finding hearings. The evidence and testimony will be examined in accordance with the criteria set out in Section 45.1-361.35. As to this afternoon hearings, please confine your evidence and testimony to the issues which can be raised under 45.1-361.35. For this evening proceedings would you please acknowledge your presence and if you are being represented by counsel. Mr. & Mrs. John Street.

Response: No I don't have any counsel.

Fulmer Pocahontas Gas Partnership

Response Mark Swartz, Counsel for Pocahontas Gas Partnership (PGP), Les Arrington is here and if we need them a couple of other folks.

Fulmer Ms. Korell for the purpose of notification under the notice of hearing for these proceedings, was all parties required to be notified under 45.1-361.35.G been notified?

Response Yes, to the best of my knowledge all parties have been notified by certified return receipt mail.

Fulmer The proceedings will be conducted as follows. I will receive testimony and evidence on the proposed application from the objecting party, Mr. & Mrs. Street and the PGP will be allowed to cross examine. PGP then will provide their testimony and

evidence and Mr. & Mrs. Street will be allowed to cross examine. Both parties will be allowed to make final statements in regards to their position. The Director reserves the right to conduct any inquiry which would facilitate his decision in this hearing. Before we proceed, does either party wish to have the opportunity to conference with the opposing party to settle this matter.

Street To do what? I did not understand.

Fulmer To settle this matter. In otherwords would you like to talk to PGP or PGP like to talk to you to settle this matter before we proceed?

Street I will tell you, if they want to buy property which I offered to sell to them, if they want to pay us the worth....

Swartz We feel like \$100,000 is a little more than we want to pay.

Street \$100,000?

Swartz That is what I was told you were asking.

Street No, \$90,000.

Swartz That is still a lot more than we are willing to pay. So I think we just need to have the hearing.

Street That is what is was appraised for.

Fulmer O.k., if not I call upon Mrs. Street to state her objection and to present her testimony and evidence in this matter. You may go ahead and proceed Ms. Street.

Street Why that I was objecting to it?

Fulmer Yes mame.

Street Well, we own property on Garden Creek, eight tracts and Island Creek ruined all of it. We bought that property up there in 1992 in order to build us a house or put us a double wide trailer in. So just after we bought it we heard that they had drilled some wells on around the mountain. We did not think we could do anything until we seen, till they get through with what they were doing.

Fulmer This property that you are talking about is the property listed in the application?

Street You mean on Garden Creek?

Fulmer No name this is off State Route 671.

Street Yes, it is right by there.

Fulmer You have approximately?

Street A little over 17 acres.

Fulmer Seventeen acres.

Street 6/10ths or however you call it.

Fulmer Surface estate is that correct?

Street Sir

Fulmer Is it surface estate, surface property only?

Street Well we have never had the records searched out. We just both been so sick we thought later we would have it searched. I believe our deed says all would be excepted at what had been excepted hereto before.

Fulmer As I understand it, the proposal, the modification proposal which you are objecting to is a proposal where the surface road will cross your surface estate of 17 acres?

Street I don't know where you all was going to put the road, anyhow this notice I got was, anyhow they are calling it a county road but it was never no deed because there is no deed. We have done checked and there never was no deed for that road.

Fulmer County road 5465 is that what you are talking about?

Street I was going to see if it was on here. I can't never think of it. I know that other one is 681 the one that goes around the mountain.

Fulmer According to the application I have, it shows you owning this surface property listed as 2A and 2B. Is that correct Mr. Arrington.

Arrington 2A

Fulmer I am sorry, 1 D.

Arrington That is correct 1 D.

Fulmer Ms. Street do you have any objections to the way they propose to construct the road?

Street You mean where that road already is?

Fulmer Yes mame.

Street But it was never deeded now, you understand that because we had the records searched there was never no road deeded to that. They would be cutting down a lot of our timber which they have already a 50' wide strip of timber cut and laying up there on the ground where the power company cut and there already was a power line on us out to the Addison property. I got pictures of it if you want to see them. There is a good spring there. One spring has done went dry and the other spring that is there that road will be right over it because I got the pictures here. Do you want to see all these pictures?

Fulmer I will look at the pictures.

Street There is one where the mailbox is tore down where they were first starting and the post of it where they started in. I think I wrote on the backs of all of them.

Fulmer Who are you saying did this?

Street Well Consolidated Gas company opened up that road through there. Here is the road and you can see how close it is to our driveway. How much property would we have left between that road and our driveway. It goes all the way through. I wrote on the backs of them. Our road was left with big tracks of dozers and things, our driveway no gravel put back and even sowed grass seed and fertilize in our road and on each side and cut the bushes on each side of the driveway. Right there is some of them we made pictures of before they covered them up. I don't know how they think anybody would get in and out in the winter time over grass.

Fulmer These pictures that you have handed me are they of the existing road?

Street No, that is our driveway and also the road the gas company made all the way through our property and so I forget how many feet, I guess you know how many feet you made through there. It is all the way through it and you can see how close it is to our driveway and there ain't nothing we could do with that much property in between our driveway and that road, you can see that. This was a big flat right there where they started down in with the road.

Fulmer In this particular picture here, let me ask you, to your knowledge, I see two roads here. I got one road here and one road here.

Street Yes the lower road is the one the gas company made and that other road is our driveway.

Fulmer That is your driveway.

Street Yes and the one above it is that road you are talking about. I don't know if it shows on this picture or not. No it is on up. Here is one of our gates laying on the ground. I have got about three gates laying up there tore down some posts. I believe I brought about 42 of the pictures and I have got about twice that many more made. I didn't think you all would want to take the time to look at all of them.

Fulmer This picture here, is this your driveway?

Street Yes, see how they sowed grass seed and put fertilize below the road and above, pushed all that good rich top soil over which it said in them papers you all sent for us to sign, that the top soil would be pushed up and saved for resurfacing and I have made pictures of a lot of it. It is pushed over the roads and over the bank. None of it was stock piled.

Fulmer Let me ask you this, so I can get this straight in my mind. This road right here you say is your driveway? That is the one you just looked at?

Street Yes, I have got different ones of it. I have got some there where the brush where the trees was cut before. We have been up there different times and made pictures.

Fulmer This was done in November 1997. This road you say they disturbed?

Street Well now, right here is the brush. We didn't want that brush cut below our road on account of holding the banks. You know how banks get. I believe it is that one right on the upper side.

Fulmer Let me phrase it a little differently. This road here that you show here.

Street It is on out closer to where that big tree was cut down, that big cedar. It is not right where you start in that one there. See you can see the cedar on out there, the top of it.

Fulmer What I am asking you is this road right here they also disturbed and this was your driveway.

Street Yea

Fulmer My question is did you allow them on the driveway?

Street No, we had up no trespassing signs. They went over it and we put up no trespassing signs three times and they were tore down and I don't know what about the last time because me and my husband have both been so sick we have not been back up there for awhile.

Fulmer This one right here is the upper road?

Street Let me come over there and you can ask me. I need to stand up anyway because when I sit very long....I will show you these others, I hate to bother you.

Fulmer What I am asking you is this picture right here shows me two roads, there is a road here and a road here.

Street This is our driveway right there.

Fulmer That is this right here.

Street Yes, this is the road where they made one down in there. See how much space is left between these roads. Right up here above this patch of woods below this Deskins property is where that other road, where they are saying it is a county road and nobody ever made a deed for it.

Fulmer O.k.

Street Here is one of the gates laying on the ground and the posts. Here is when they started in. The timber was cut and it looked like it was sawed up in wood lengths but we didn't get any of it. Here is another one going down. See this is our driveway. This is right up the road where it started in. Here is where I am talking about this pump house, that is the front of it. I stood up here and my husband made a picture of it. This is Eddie Baldwin's station wagon. That is where that road is and it is right over this spring and here is back in it. We took a flash light, the old woman that use to live there, her canned stuff in there. Here was the spring. Back under, on back. It goes under the road and it is never knowed to ever be dry. There have been different witnesses told that they hauled water from there to drink and to cook with. If they want to look at them. Me and my husband are both awful and awful old to start over and we bought that up there and thought we would have a safe place to live, which everything is tore all to pieces on Garden Creek and we have been beat out of since 87 and we never did get a dime from Island Creek. Which Mr. Gillenwater, I have talked to him when Consol bought them out and I asked him what about these cases where people were ruined and he said well when we bought out Island Creek we bought there troubles with it.

Fulmer Have you gone to court and filed charges against trespassing or anything of that nature?

Street About this?

Fulmer Yes

Street No, I was just going to wait. I was trying to do fair about it and see here are different signs we had up, no trespassing signs along the roads at different places and here now is where that road you are talking about, this timber. Down at the road we made different pictures, here is one on this big cedar, there is a no trespassing. That is my husband there by it. We went back in a day or two and that is the shape it was in, laying on the ground and it was 91" around the bottom of it. Here is the stump of it. I just got proof. I don't want to tell nothing that is not right. I don't want nothing dishonest.

Fulmer I understand.

Street This big holly tree was right behind the cedar and I don't know if it has been cut down since we were up there or not. We have not been back since we got so sick. Here is was the power line that was already up. Goes through our place and out to the Addison's.

Fulmer Whose power line is this?

Street Well, it is whoever who put it up. I don't know if it is Appalachian Power Company or who. But it goes out to the Addison property and Eddie Baldwin's out in there.

Fulmer This is sitting on your property?

Street Yea, and then they come down right here and cut another strip of timber and it is 50' wide, I got a man to measure it for me and it goes on you don't see one third of it here. It goes on down behind this hill here where this pole is sitting right here. I made the pictures there at the power line. Here is the other no trespassing signs. Right here is one right on the corner next to the Addison property. Ours goes right here at this corner and there is a fence all the way on our line. Right here is another one of the same one. This is Eddie Baldwin and this is my husband standing here, that is the same corner. Here is one across from Eddie Baldwin's house on the big tree. We have had them up everywhere. This is the building now right by the road up there. Right beside that road you are talking about. This is where that cedar was cut down, that is the top of it. Now that is more gate posts and this is another gate. This I got down in the road yall made here just a little ways and made a picture up hill of it. This is along that road you are talking about. I finished snapping what film I had so I could send them off. I think I wrote on the backs of about all of them what they were.

Fulmer Is there anything else you would like to say?

Street I was wondering why they did not have a hearing on them first cases I got. I objected to them and just right away they started that road. They were never no hearing on it.

Fulmer I would have to check.

Street It was the one I found in there where the top soil, if any was disturbed was suppose to be put back, piled up to be over the ground that was resurfaced. I have never seen nothing resurfaced. I have got pictures, I guess another 100 of where that top soil and stuff was pushed over the banks before they got through with it. We went different times and made some pictures. We have been told, I don't know, we have not been down in there that that well was drilled on our property. I don't know cause we have not been down in there. We have a map, the people we bought it from had it surveyed. We have the map of it and also when I called the power company about cutting that timber they said Eddie Baldwin and his wife gave permission for them to cut it it belonged to them. I told them they could come look at my deed and look at our map. That I didn't want to claim a foot of nobody elses land.

Fulmer Do you know a Sandra Counts?

Street Who

Fulmer Sandra Counts

Street I don't think so.

Fulmer Danny Clevinger

Street Yes

Fulmer According to this that is who the well is drilled on, Sandra Counts and Danny Clevinger.

Street Did you survey that? They have drilled two on the place I lived and me and my husband ain't be able enough to get up there in the top of our field back in the holler where I live. The man that lives on the other side of the hill told us he could see where they were drilling, he worked for us a lot of times. He knew where ours was and we have not been able to get up there to check it out since we have both been so sick. His heart is bad and he in any shape to be worried and upset. He has been to the doctor, since we have been up there and seen that, he has been to the doctor I believe four or maybe five trips.

Fulmer Anything else you would like to say.

Street I noticed on some of them papers where it said "surface" John Street and some it said "surface and oil". I just wondered about that.

Fulmer I would have to ask PGP in regards to those. The ones I have seen in this particular case they note John Street as the surface owner on which is to be disturbed. This includes only the access road. This is what we dealing with, the surface estate. We are talking about drilling and producing gas....

Street Right here.

Fulmer Again, I will refer that to PGP and I will ask that question. Maybe it will help clarify your question. Is there anything else you would like to say Ms. Street?

Street Yes, when they were sending people to look at these damages last summer, Randy Albert, Jackie Stump, Tom Hoffman and I don't know how many different ones are in that group and they went down there to our brick house where it was damaged and we went on up to our garage and they wasn't a one of them went inside of it. Nobody went inside. Jackie Stump went to the gate where it goes in it. So I called Randy Albert after that and asked how come they didn't go in there. They went on out Pauline Childress. He said it looked to him like the old building was ready to fall down. I said, let me tell you we rented that building until 87 and we use to have a service station and we rented it. I said since 87 it has been setting empty. We could not rent it because it was damaged so bad. Everybody told us when we went to repair something that was damaged like that from the mines, you were just throwing money away. So we didn't try to get it painted or fixed up. Then here just a few months, I have all the dates down at home, why they called me that there was gas in there. David Elswick, I guess you are acquainted with him.

Fulmer With the Division of Mines?

Street Yes, and said there was gas in there and we would have to put up no trespassing signs and hazard signs. That gas had come in it. So I was wondering who was suppose to pay me for my building to be set there locked up from now on?

Fulmer I don't know, I couldn't answer that question.

Street That is one reason I tried to come over here. I wasn't able but I thought I would try to get some answers so I would know what to do.

Fulmer As far as what Mr. Elswick might have told you about the building, I am familiar with the area that you are talking about, the garage. I understand he went there and found methane gas.

Street Right, here is the letter he wrote if you want to see it.

Fulmer I understand he found methane gas. I think from his standpoint it was a matter of safety aspect.

Street I thought we had to leave it set there locked up from now on and pay a high tax on it....

Fulmer I do not believe that anybody from the Division of Mines can tell you to lock up anything or any government agency except maybe a health agency or some agency involved in that sort of thing.

Street He said it could blow up and they wanted them to plug the wells and we let them go in and plug the wells. But they said for us to put up hazard signs.

Fulmer I assume he was saying that from the standpoint, and I can't put words in his mouth, my speculation is only from the standpoint that it might have been a hazard that by putting up signs it my relinquish you of some liability in case something should happen.

Street Am I suppose to let it set there like that?

Fulmer I assume you can do anything with that property you want to do. That is pure speculation on my part. I think from his standpoint what he was saying was they had found gas there and that anything could happen. Somebody could spark it. A third party could spark it, whatever, and he was just trying to give you some advice as to posting maybe at least warning the public that this has been found. I am assuming that if they went in there and plugged the wells, then maybe there is not anymore gas in there. It is not a potential hazard.

Street It is just like Charles Bartlett, I thought he was suppose to be about one of the best. He come over there when he was working for Carl McAfee, he is the one we got to file our case against Island Creek, but then we didn't know what happened. Your guess is as good as mine. He went and we never did get no pay and Nick Pierson went right along with them. So Charles told me after that Mr. McAfee told him not to put down no damages against our brick house when anybody can see them big cracks in the brick and a lot of the doors that won't hardly close or anything. We could not understand that. We come up there and checked the well, we had trailer parks, five trailer parks and he checked that and he told us there was a submersible pump and it was overflowing, just like my daughters and them did, was overflowing and looked like pure rust coming out and he said the submersible pump down in it was what was pushing it up. I said if there is submersible pump in there I will eat it. There wasn't even no power on it. No pump in it. Then this other guy come, I meant to bring their name, they was with that Amanda Cox. He come and checked it some time back in the fall and there was gas in it where the trailers were. We have been told everything. I said I never knowed a company as dirty as Island Creek has done people or Consolidated. I said we have been treated like dirt and I can't understand when you work hard to get something and too sick and too old to start

over, how they can keep damaging you. We are still getting damages on our house we live in and our other property.

Fulmer In regards to the objection here I understand your objection is that you object to them going across your surface estate. I understand in looking at this, that there might have been some previous construction going on and you are objecting to the fact that they are proposing to cross your property and you do not want them to do that, right?

Street No, I don't want it. Unless they can show me a deed for that road.

Fulmer But you have not filed any trespassing charges or anything of that nature.

Street No, I have up no trespassing signs which they crossed them to go in and make that road and things and I didn't get no notice about no hearing on that which it was suppose to been a lot less than 20 days where you object against it. We never got no notice of no hearing on it. They went ahead with the road. When I called Randy Albert and asked him how come about that gas down at our garage and I asked him who gave them permission to go ahead and put that road through up there like they had. He said well he gave the go ahead and I said where did you have the right? I just want to be treated fair and right.

Fulmer I understand. Mr. Swartz do you want to ask any questions. Go ahead and start.

Swartz Les there is a map attached to the application, to the modification and what we are talking about here is an application for a permit modification, correct?

Arrington Right

Swartz Which permit are you trying to modify?

Arrington Z-38A.

Swartz Is there also another well in the vicinity here?

Arrington Yes there is a well, AA38B.

Swartz In referring to the map that was submitted with this application, is it kind of under one of the stickers?

Arrington Yes, it goes further on out there. I don't know the distance.

Swartz Show Mr. Fulmer by pointing at the map where it might be.

Arrington Tom might actually have it on their map there.

Swartz O.k. he has it.

Fulmer This one right here.

Arrington Yes, and the road is actually, the rest of the property is back here that we are referencing from here and the well that she is talking about the road is already built is AA38B. That permit was issued and if you will look in there she was noticed.

Fulmer That is this road?

Arrington Yes, actually it comes in more back there.

Swartz Les, with reference to the map that was submitted with this modification there is an orange and blue road, correct?

Arrington Yes there is.

Swartz Where does that?

Arrington The orange section of the road, the orange and blue section of the road is the county road 5465. Now, as Ms. Street said, there is, I have it marked as an old mine entrance, the old county road crosses over that right on top of it. I think her picture shows vehicles setting on top of that. Well, we did not care for the looks of that and we did not want to disturb that old opening or whatever it may be. Now she is saying it is a dairy or spring.

Street Yes, that is the only water source up there.

Arrington Yes mame, we did not want to disturb that and that is the reason we want down on this lower road. We don't want to bother that spring. We feel the old county road is not a safe situation. That is the reason we would prefer to come down low.

Swartz Below the orange, now the orange line on the plat map, is an existing county road.

Arrington That is the existing county road.

Swartz The yellow line, is that an existing old road as well?

Arrington That is an existing old road bed. I think it was grown up and even had a gravel base to it.

Swartz But it was an existing, generally speaking, existing road.

Arrington Yes it is.

Swartz Is the modification that you are proposing here to connect the old road, the yellow road to the orange road at a point beyond the old mine entrance or whatever that is?

Arrington That is correct. Our plans are to make that a better turn to tie it into that road and that way all the, any kind of heavy traffic can avoid this spring, I will call it now, because I did not realize it was a spring, I thought it was an old mine opening. We just did not want on top of it.

Swartz Just to show Mr. Fulmer on the map here what we are talking about is your permit modification that we have before us today is to toward the end of the existing yellow road, is to make a connection to the county road at a point north of this spring and so roughly how much new road, in terms of footage, are you talking about building here?

Arrington Actual new road, probably won't be 100' of it. Because, what we will be doing is using this old road bed and then getting right there, I think, I am not sure how she is calling that just right at the end where the road bed ends and tying it back into the county road with a little sweeping turn.

Swartz The entire distance covered by the permit, of course, is the yellow road, but the new area, if you take this scale that an inch equals 400 is clearly less than 100'.

Arrington The new section.

Swartz The new section, yes. Did anyone from your company have contact with Ms. Street before this modification was filed?

Arrington Yes we have.

Swartz Who was the fellow that had contact with them?

Arrington Carl Bales.

Swartz Would you pull out the picture that shows what you thought was a mine entrance.

Arrington Yes, Tom has pulled that one out now and as you can see there is a vehicle sitting on top of it.

Swartz And a gentleman standing up above it as well?

Arrington Yes, we did not want to disturb that. That is what we were trying to stay away from.

Street When you were talking about Carl Bales there, while I think about it he lied to us like a dog. He called me and he told me everybody up there had signed this lease and we went up there and there had not been anybody sign it.

Swartz Was Mr. Bales asking her to sign a lease?

Arrington No it is not a lease, it would be a surface easement for two access roads.

Swartz In any event, the proposed modification bypasses this structure.

Arrington Yes and that was our purpose in this.

Street I don't understand where you are talking about taking the road next to the spring.

Arrington This is, I believe, this is our new well going down to well AA38B and that is the access road...

Street This is our driveway.

Arrington Driveway, old access road.

Street No this is just driveway. That is the only road ever out there was just to that house.

Arrington The house that burned down.

Street No they tore it down. The people we bought it from tore it down.

Arrington O.k.

Street This was our driveway. This other road that was up there them posts I showed you where our gates is laying on the ground was right above that old house. They are tore down. This is just a driveway. There ain't never nobody ever traveled it. It just went to the house. That other old road above that spring that is the one they are calling the county road.

Arrington That is the county road.

Street Which it was never deeded.

Swartz I think this picture shows it was well as anything.

Arrington It is an existing road bed that was graveled and grown up when we got there.

Street I sure don't want no road in my driveway.

Swartz Basically the location of this photograph is about at this point where the yellow road and the existing access road to the other well will come off of state road 671.

Arrington That is correct.

Street Could I have a copy of that map?

Arrington You should have one in there.

Street This one?

Arrington If that is not AA38...

Street This is the first one.

Arrington It should be one of your other packages then. I believe this is it right here. This would be the second one.

Street Here is one of some kind.

Arrington No mame, this is it right here. If you would like, I will get some highlighters and highlight this.

Street That is what I said, I would like to have where you are talking about yellow.

Arrington Sure, this one right here. I will just highlight that one this way.

Street I believe that it said that they would disturb just a reasonable amount. It looks to me like our whole place is ruined. I said if they are going to take it over and use it like that, I don't see why they don't go ahead and buy it and then sink ever how many gas wells they want or whatever they want to do with it.

Fulmer Let me ask you another question. The orange line that you have there whose property is that on?

Arrington The orange?

Fulmer Yes

Arrington Ms. Street it will be pink on your sheet, he is talking about the pink one on yours. That is a county road and it is on, I believe that...

Swartz It looks like the boundary between 2B and 2A if I am not mistaken.

Arrington That is what it looks like.

Fulmer Parts of 2A is John Street and 2B is Deskins. The pink road does that lie all the way on John Street?

Arrington The orange (pink on hers) again is county road and since it was county road, I can't tell you.

Fulmer O.k. you have designated also on this map going through 1C and I guess 1D, 1A, 1B a county road.

Arrington That is correct.

Street I believe it says here an additional 1700' don't it?

Arrington Crossing those other tracts, that is correct. She is talking about the blue.

Fulmer The yellow is what you have proposed outside the county road?

Arrington That is correct and it is what Ms. Street references that as her driveway.

Fulmer Now, about the county road, is it in the county system, with the county?

Swartz We don't know.

Arrington They maintain it.

Swartz We treat it as if it was there's but we haven't really done the title work or the dedication to determine if they did it right.

Street We had it checked out and there never no road deeded.

Swartz The reason we are proposing to use this existing road and tie it into the county road past here is there is a concern with regard to safety issues hauling heavy equipment over what we see in this picture, which is a road that has about three feet of cover over, we are not sure what is under there. The reason for this is a safety concern that we don't want some serious construction equipment and heavy equipment going over that structure and the risk associated with that.

Fulmer My question then is why are you proposing to upgrade the old road, her driveway?

Swartz It needs to be tied in, it does not connect up here. They want to be able to access it from Route 671. Then tie it in to county road 5465. It is not currently connected. So they want to regravell this.

Fulmer Who does?

Arrington We do.

Swartz That is what this permit modification is seeking and connect it to the county road at roughly this point so they do not have to drive over this problem.

Unknown How can you go in on her driveway to start with?

Street I have been bothered enough with drunks and dope heads around where I live, I don't want no driveway in my door for other people to travel.

Fulmer So you are not planning on using the old mine entrance.

Swartz Correct. The whole point of this to stay away from it.

Arrington We didn't realize that even though would be a spring.

Street You can go in there and look anytime you want to and see that there are plenty of water in there and it has never knowed to be dry. I have different witnesses that has told me they haul water from there in the summer to drink. One spring has done went dry. This one is the only source of water we would have.

Fulmer Sorry, I had to get to that point to figure out what you were doing. I was thinking you were using both roads. But you are only using one road. We got to that point, now I know where I am headed. Mr. Swartz, continue.

Swartz The only other, to keep this really simple, quite possibly if I can. Carl Bales here, Carl you are a landman I take it?

Bales Yes sir.

Swartz Did you talk to Ms. Street on the telephone from time to time?

Bales On numerous occasions, yes I did.

Swartz I have an outline that you provided in terms of your telephone contacts and your trys. It started in February 1997, is that about right?

Bales That is right.

Swartz The last try to get a hold of her was October 1997, does that seem about right?

Bales That is correct.

Swartz In between, would it be fair to say that you talked to her and/or tried to contact her on 8 to 10 occasions?

Bales Yes sir

Swartz What were you asking her to do?

Bales That is when I was trying to have a conversation with her about trying to obtain these easements that we have been discussing here. I have tried to get her and Mr. Street to agree to signing a road right-of-way for two access roads.

Swartz The one we are talking about today and another one.

Bales Yes sir.

Swartz Were you ever able to reach an agreement with her?

Bales No

Swartz So there are no easements.

Bales None, correct. I have the agreements but they have never been executed.

Swartz Did you ever discuss money with her?

Bales Yes sir.

Swartz Was she trying to sell the property?

Bales Yes sir.

Swartz Do you recall a figure?

Bales No, the time we talked about it the figure never had even got into the conversation.

Swartz Were you offering her money for the easements?

Bales Yes I was.

Swartz What was the amount of that?

Bales \$2,000

Swartz I assume that that was not acceptable to her?

Bales No

Street \$1,000 is what you told me.

Bales No name.

Street Yes sir.

Swartz Let me ask you this, is \$2,000 acceptable?

Street No, our place is tore all to pieces.

Swartz In any event, you were not able to reach an agreement with her. I take you communicated that to Mr. Arrington?

Bales Yes sir.

Swartz That is all I have.

Fulmer Ms. Street do you want to ask any questions of Mr. Bales.

Street Nothing, just if they want to buy the property, I will sell it to them because the way it is and if they are going to push a road over us, the only thing is to get me a good attorney out of Buchanan County. Because I sure don't want no driveway out by the house. We are having to put out doctor bills now. My husband has got heart trouble, he is sick and that is one reason he did not come over here today because when he gets nervous then he has chest pains. I am afraid it is just going to cause him to hve another heart attack.

Fulmer Do you understand that in regards to my position, not my position, but as far as the process goes for permitting, issuing the permits and so forth; that when I do issue a permit, not your particular situation, but any permit that I issue, that permit does not allow or give approval to entrance on anybody's surface property. Are you aware of that?

Street That is what I understood in them papers, that they were not suppose to go across without a surface owner's permission.

Fulmer Well, what I am trying to say is that when I issue a permit for an operations, we issue a permit for the conduct of that operation in regards to erosion and sediment control structures and how it is built and so forth. But it does not, however, give them the right to get on anybody's property.

Swartz Unless they have it from somewhere else.

Fulmer That is true, but I am trying to make a point.

Swartz Right, I don't have a problem with as far as you are going I agree with you.

Fulmer That is the point I am trying to make to you.

Street I understand, Mr. Fulmer, you have talked to us right and have tried to do right about things, but there are some that sure hasn't.

Fulmer I just wanted to bring it up to you again and remind you of that, when this does happen. I will take under consideration everything I have heard here today. I will render a decision within ten working days. You will receive a certified copy of that decision. That decision is appealable onto the Virginia Gas and Oil Board and from there it can be appealed on to the circuit court, if either party desires to do so. Anything else anybody wants to say before we close.

Swartz No

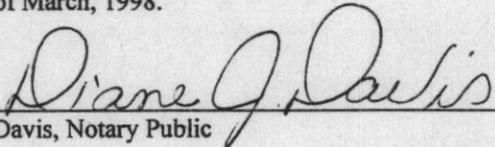
Street I would like to say, I would just like to say, how would you all like for us to come in on your property you have worked hard for and tear it up like that. How would you all feel. Can you give me an answer on that? I don't think you would like it would you?

Fulmer I thank you for coming this afternoon. I appreciate your participation today. I will give a decision within ten working days and you will receive a certified copy of that and again, it is appealable on to another administrative board and from there on to the circuit court. Again, thank you for coming today and I appreciate it.

STATE OF VIRGINIA,
COUNTY OF WASHINGTON, to-wit:

I, Diane Davis, Program Support Technician Sr. and Notary Public for the State of Virginia, do hereby certify that the foregoing informal fact finding hearing was recorded by Susan Korell on tape and later transcribed by myself. That this is a true copy of that transcript.

Given under my hand and seal on this the 9th day of March, 1998.



Diane Davis, Notary Public

My commission expires September 30, 2001



COMMONWEALTH of VIRGINIA
Department of Mines, Minerals and Energy

Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24212
Phone: (703) 676-5423
Fax: (703) 676-5459
Bryon T. Fulmer, Division Director

December 17, 1997

Mrs. Ruth Street
PO Box 158
Rowe, VA 24646

RE: Request for Continuance of IFFH 9197, Street vs. Pocahontas Gas Partnership. Modification Application #3005, BU-1250.

Dear Mrs. Street:

Thank you for your letter received by this office on December 16, 1997, requesting a continuance to an informal fact finding hearing scheduled for 10:00 AM on December 18, 1997, in the Abingdon office of the Division of Gas and Oil. I understand your request is based upon the current health condition of you and your husband. I have contacted Pocahontas Gas Partnership in regards to your request and they have agreed to a continuance to the hearing.

I have, therefore, agreed to continue the hearing until January 13, 1997, at 2:00 PM in the Division's office at 230 Charwood Drive, Abingdon, Virginia.

Please make plans to appear at this hearing or make arrangements for representation at the hearing. Further continuances may not be warranted in this matter.

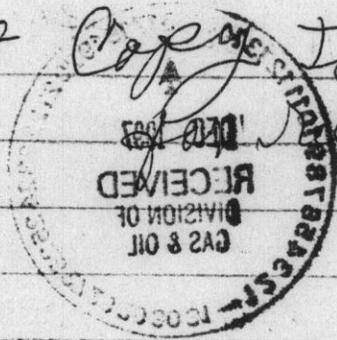
If I can be of further assistance in this matter, please contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. T. Fulmer".

cc: Les Arrington, Pocahontas Gas Partnership
Mark Swartz, Counsel
Rick Cooper, Area Inspector
File

Get Copies To Keep Certified



O. GENE DISHNER
DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH of VIRGINIA
Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone: (703) 676-5423

Fax: (703) 676-5459

Bryon T. Fulmer, Division Director

December 3, 1997

Mrs. Ruth Street
PO Box 158
Rowe, VA 24646

Dear Mrs. Street:

Thank you for your letter of November 19, 1997, and received by this office on November 21, 1997. I have reviewed your letter and the concerns you have expressed in accordance with the laws and statutes regarding conducting oil and gas operations within the Commonwealth. Many of the concerns you have expressed are within the relationship of property rights afforded to both the surface and mineral owner. The statutes regarding the development of gas and oil resources address only the standards by which a permittee must conduct operations. Property rights and property right issues are addressed by the circuit court of jurisdiction.

Upon further review of your letter, I find that your concerns relate to the development of the access road as proposed by Pocahontas Gas Partnership and therefore is being considered as a valid objection under the statutes. To this end, I have scheduled an Informal Fact Finding Hearing concerning the proposed application by Pocahontas. Attached is a notice of the hearing. You may wish to bring counsel.

If I can be of further assistance, please contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. T. Fulmer".

cc: Les Arrington, Pocahontas Gas Partnership
Mark Deering, Area Inspector



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

NOTICE OF INFORMAL FACT FINDING HEARING

PGP-Z38A W/PIPELINE

Garden District, Buchanan County

Docket Number: IFFH 9197

Pursuant to Section 45.1-361.35.G. of the Code of Virginia, the Director of the Division of Gas & Oil has scheduled an Informal Fact Finding Hearing to consider objections filed by Mrs. Ruth Street under Section 45.1-361.35.B. Mrs. Street's objections are concerning the erosion and sediment control measures.

This notice of hearing has been sent by certified mail to the well operator and to parties identified in the application. All parties are entitled to bring counsel to the hearing if desired.

DATE OF HEARING: The hearing is scheduled for Thursday, December 18, 1997, in the Conference Room of the Division of Gas & Oil, located at 230 Charwood Drive, Abingdon, Virginia. The time of the hearing is 10:00am. If you should have any questions, you may contact the Division at 540-676-5423.

Date mailed by certified return receipt mail Wednesday, December 3, 1997

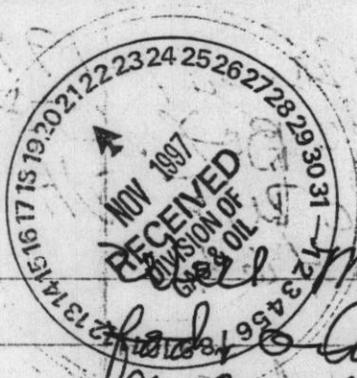
re objection to
we are going in
sing out made work
property

Nov 19-15
P.O. Box 15
P.O. W.F., WA
94646



Partnership

recalled this permit application
had, from Counsel our. Dated
Nov 12 - 97, I reckon they
want to go on, and finish
destroying the rest of our
property in the Shartgoy area
how I have been seen
there and saw what they
have done to our property,
when my husband went down
there and saw what they
have done, he got fed off
with his heart, and we
have taken him to Dr several
times, and my nurses have
got so bad I cant sleep.
we are both so sick,
we offered to sell the papers
to Counsel our, but they
said it up: you know my wife
says to do into others as you
would have them to do to
you, so I am pretty sure none
of you all would want us to do you
like that Mr & Mrs John W. Strutt



2
Miss [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

My husband had got so
bad & I have got so worse
I cant sleep at nite
since you all have
damaged us like you
have these were the nose
we object to this the way
you all have damaged us
we have to much invested
in this property to have
it destroyed that was the
reason we bought it to
build us a house right
after Island Crest a Counselor
had destroyed most all
our rent property & our
home a note of sewage
a line was they we
have worked hard for
we are to sick & to old
to start over
if you havent seen our
damages, I wish you would
bring some of your hood
men to investigate
I hope



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

February 24, 1998

Mr. & Mrs. John Street
P. O. Box 158
Rowe, VA 24646

RE: IFFH 9197

Dear Mr. & Mrs. Street:

This office is in receipt of the Petition for Appeal. This matter will be placed on the March docket for the Virginia Gas and Oil Board.

The March hearing is scheduled to commence at 9 a.m. at the Southwest Virginia 4-H Center, Hillman Highway, Abingdon, Virginia on Tuesday, March 24, 1998.

Once the docket is prepared, a copy will be forwarded to you. I am unable to set a specific time as to the commencement of the hearing. The hearing starts at 9 a.m. and continues through hearing all matters.

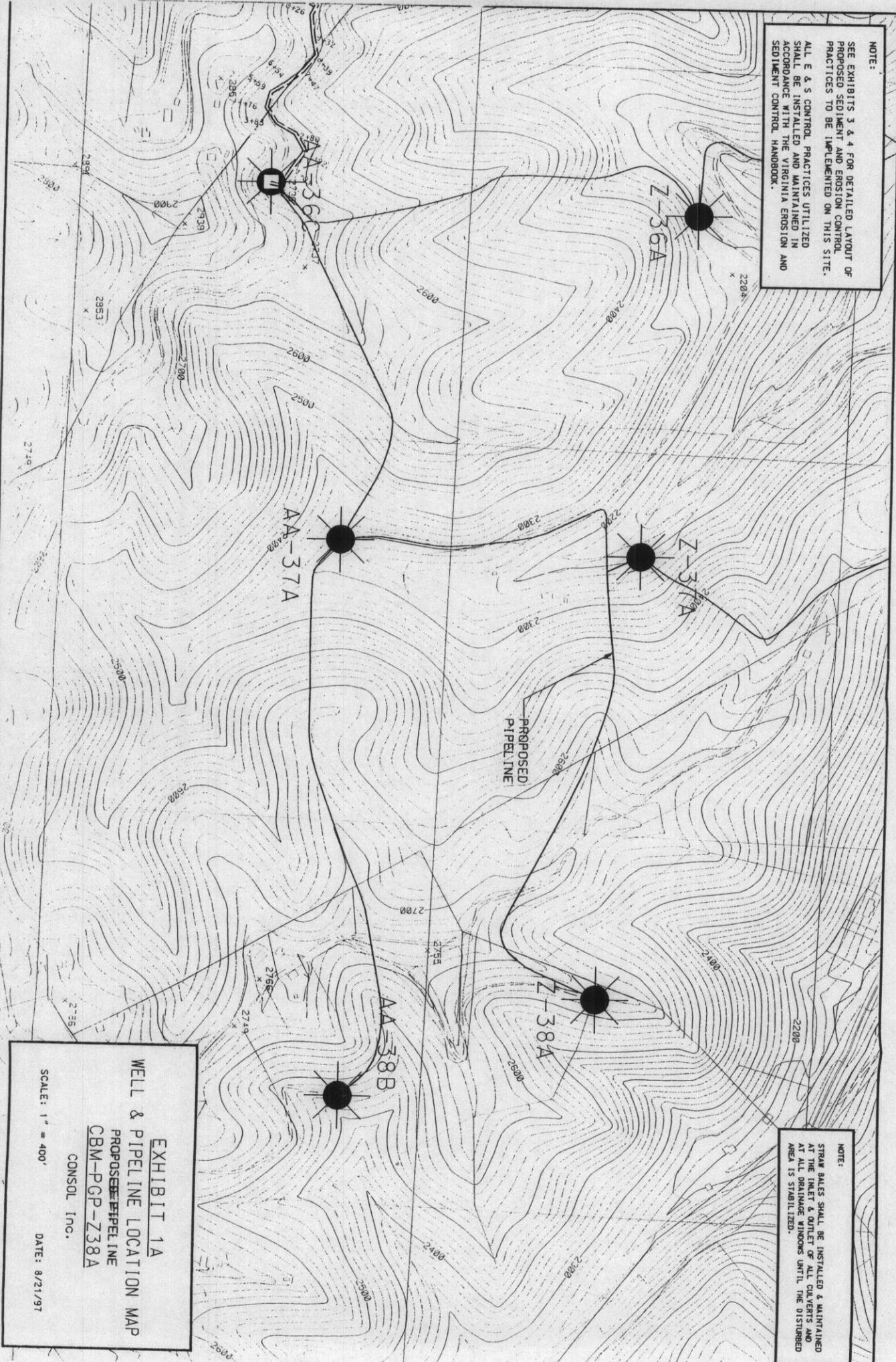
If you have any questions, please call.

Sincerely,

Byron T. Fulmer
Director

cc: Virginia Gas and Oil Board

NOTE:
 SEE EXHIBITS 3 & 4 FOR DETAILED LAYOUT OF PROPOSED SEDIMENT AND EROSION CONTROL PRACTICES TO BE IMPLEMENTED ON THIS SITE. ALL E & S CONTROL PRACTICES UTILIZED SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.



NOTE:
 STRAW BALES SHALL BE INSTALLED & MAINTAINED AT THE INLET & OUTLET OF ALL CULVERTS AND AT ALL DRAINAGE WINDOWS UNTIL THE DISTURBED AREA IS STABILIZED.

EXHIBIT 1A
 WELL & PIPELINE LOCATION MAP
 PROPOSED PIPELINE
 CBM-PGP-Z38A
 CONSOL INC.

SCALE: 1" = 400'
 DATE: 8/21/97

98-03/24-0641



Jan 3-1998
PO BOX 158

ROWE, VA. 24646

Division of Gas & Oil
Kingdon Co.
at Bryan 7 February

I received your letter Jan 30 1998
I was disappointed that you would
want to let them go on thro
our property. After you looked
at the photo graphs I take over
that you could only see part
of the damage that has been
done to us. All our gates down
on alot of fence all our
pasture fields turned out side.
Yes sure I want to appeal this
and I want to be there and
show the court these photo
graphs and I also want a
jury and my attorney said
he wants to be there to
see I am expecting you to
let me know when it will
be the date and time

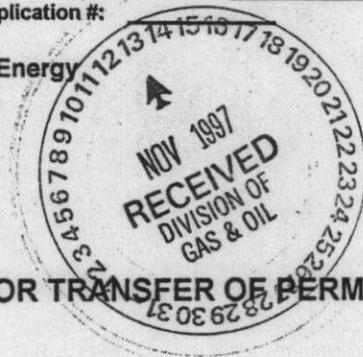
Shouts Alot.

JS
Mr or Mrs John Street
You said in that paper that
there was a witness there
there they at.



For Office Use Only: Operation Name: CBM-PGP-Z38A
Application #:

Department of Mines, Mineral and Energy
Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24210
(540)676-5423



3005

APPLICATION FOR A NEW PERMIT, PERMIT MODIFICATION, OR TRANSFER OF PERMIT RIGHTS

1. Applicant Information:

Name: Pocahontas Gas Partnership
Address: P.O. Box 947, Bluefield, Virginia 24605
Telephone No.: (540) 988-1000
Designated Agent: Edward R. Parker

2. Type of Application (check one):

New permit Permit Modification Transfer of Permit Rights

3. Type of Operation (check one):

Gas or oil well Waste Disposal Injection Well
 Enhanced Recovery Injection Well Underground Storage Injection Well
 Coalbed Methane Gas Well Corehole/Other Geophysical Operation
 Gathering Pipeline Conversion of Vertical Ventilation Hole To A Coalbed Methane Gas Well

4. Other Items Included With Application (check all that apply):

- Registration Form, Form DGO-GO-A (if not previously submitted)
- Operator's Surety Bond, Form DGO-GO-2
- Operator's Cash Bond, Form DGO-GO-3
- Notice of Application for a Permit, Form DGO-GO-4
- Persons Receiving Official Notice of Permit Application or Permit Modification, Form DGO-GO-5 and attached proof notice in accordance with VR 480-05-22.1, § 1.08.C.3
- Affidavit of Publication, in accordance with §45.1-361.30.E of the *Code of Virginia*
- Plat, Form DGO-GO-7
- Information Sheet for Application to Transfer Permit Rights, Form DGO-GO-8
- Technical Data Sheet for Permit Applications, Form DGO-GO-9
- Technical Data Sheet for Gathering Pipeline Applications, Form DGO-GO-10
- Technical Data Sheet for Permit Modification To Plug or Replug Under Section 45.1-361.29C of The *Code of Virginia*, Form DGO-GO-11
- Operations Plan Requirements, Form DGO-GO-12 or Operations Plan Checklist, Form DGO-GO-12A
- DMME's Division of Mined Land Reclamation permit number, in accordance with VR 480-05-22.1, §1.08.C.9
- SPCC Plan, in accordance with VR 480-05-22.1, §1.08.C.8
- Technical Data Sheet for Application To Dispose of Pit Fluid, Form DGO-GO-16
- Environmental Impact Assessment required under Section 62.1-195.1.C of the *Code of Virginia*
- Proposed plugging plan if the well is a dry hole or a corehole (optional)
- Other (please specify): _____

5. Operator's Bond (check the applicable statement and supply the bond number):

Single well bond Bond number _____

New blanket bond Bond number _____

Verify Previously Submitted Blanket Bond Bond number 10954 Covered All No. of Wells _____

6. Has a unit been established under Article 2?(check one) No Yes
(If yes, please submit a unit map showing the unit boundaries and the distance from the well to the boundary.)

7. List all Board orders relative to the operation:

VGOB-_____ VGOB-_____ VGOB-_____ VGOB-_____

8. Applicant Certification:

I, Leslie K. Arrington, representing Pocahontas Gas Partnership

certify, that all persons required to be notified under Section 45.1-361.30 of the Code of Virginia have been notified. Proof of notice is included as part of this application. In the case of an application for Permit, Permit Modification, or an application under VR 480-05-22.1, §1.12, I hereby state that the Applicant named above has the right to conduct operations as set forth in the application and operations plan.

Leslie K. Arrington
(Signature of Certifying Individual)

Permit Specialist
(Title of Certifying Individual-please print)

11/12/97
(Date)

9. Verification by Notary Public:

In the state of Virginia, County of Tazewell,

on the 12th day of NOVEMBER, 1997, before me a Notary

Public for the aforementioned county and state, appeared Leslie K. Arrington,

who, being duly sworn, did say that he is Leslie K. Arrington,

of Pocahontas Gas Partnership, the applicant in the foregoing application; that he

executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth

therein true and correct to the best of his knowledge.

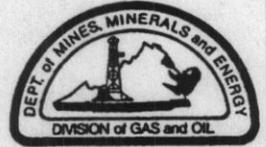
Sherril B. Scott
Notary Public

11/30/01
Date my commission expires

]



NOTICE AND APPLICATION FOR A PERMIT MODIFICATION



Take notice that Pocahontas Gas Partnership, pursuant to Code of Virginia, S 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 Commonwealth Coal Tract 11, tract of 222.25 acres, more or less, Commonwealth Coal Tract 5, tract of 2.25 acres, more or less, John W. Street tract(s) of 17.66 acres, more or less, Gavlene Deskings tract of 6.0 acres, more or less, Danny Clevinger tract(s) of 23.50 acres, more or less, and Eddie Baldwin tract(s) of 3.0 acres, more or less in the Garden District, Buchanan 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 VR 480-05-22.1.

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, S 45.1-361.35.

S 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 S45.1-361.30. Such objections shall be filled within fifteen days of the objecting party's receipt of the notice required by S 45.1-361.30. Persons objecting to a permit must state the reasons for their objections."

After receipt of a valid objection, an informal fact finding hearing will be scheduled pursuant to the Code of Virginia, S 45.1-361.35.G.

S 45.1-361.35.G "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."

County: Buchanan District: Garden Quadrangle: Keen Mountain
Watershed: Grassy Creek of Levisa Fork Farm Name: Commonwealth Coal Surface Elevation: 2657.97 ----
Ft. S. of Latitude ----- and ----- Ft. W. of Longitude -----
or, State Plane Coordinates: N 318,100.81
E 1,013,745.05

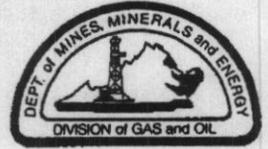
- A permit is requested for a: A. A new Permit under S 45.1-361.29.B.
 B. Gathering pipeline under S 45.1-361.29.B.
 C. Permit modification under S 45.1-361.29.C.
 D. Geophysical operations under S 45.1-361.29.B.

OBJECTIONS MUST BE FILED WITH

Department of Mines, Minerals and Energy
Division of Gas and Oil
P. O. Box 1416
Abingdon, VA 24210
540/676-5423



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
540/676-5423



PERSONS RECEIVING OFFICIAL NOTICE FOR A 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.

All Applications (Except Pipeline or Geophysical)

- Surface, coal and mineral owners of record 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:
 - (A) one-half the distance specified in s 45.1-361.17.
 - (B) one-half the distance to the nearest well completed in the same pool or
 - © 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 feet of the proposed well location:
- All coal or mineral owners on tracts located within 500 feet of the proposed well location:
- Local Government pursuant to s 45.1-361.30.E:
- Public notice pursuant to s 45.1-361.30.E. such as an affidavit of publication from the newspaper.

Coal Bed 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:

Pipeline Applications Only

- Surface owners of record along the right-of-way of the proposed pipeline or an associated facility site:

Geophysical Applications Only

- Surface owners on tracts where the surface is to be disturbed:
- Coal owners at the site:
- Mineral owners at the site:
- Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled:

CBM-PGP-Z38A
ATTACHMENT DGO-G0-5

Persons receiving official Notice of the Permit Modification

1) **Additional Surface owners of record on tracts to be disturbed for the permit modification:**

Commonwealth Coal Company - Surface, Surface rights, Coal & Gas
P.O. Box 1269
Bristol , VA 24203

John Street - Surface
Box 158
Rowe, VA 24646

Gaylene Deskins - Surface
Box 23
Shortt Gap, VA 24647

Danny Clevinger - Surface
P.O. Box 498
Oakwood, VA 24631

Eddie Baldwin - Surface
Box 696
Raven, VA 24639

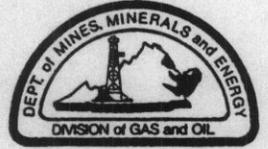
2) **Local Government**

Mr. William Caudill
Buchanan County Administrator
P.O. Box 950
Grundy, VA 24614

Department of Mines, Minerals and Energy
Division of Gas and Oil



NOTICE BY PUBLICATION OF AN APPLICATION
FOR A PERMIT



For purposes of publication requirements under S 45.1-361.30.E, the following format shall be used.

NOTICE OF APPLICATION
FOR
OPERATION'S NAME CBM-PGP-Z38A

Take notice that, pursuant to Code of Virginia, Section 45.1-361.30.E, the undersigned operator proposes to file, or has filed, an application for gas and oil operations known as CBM-PGP-Z38A/with pipeline, with the Virginia Gas and Oil Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil under Code of Virginia, Section 45.1-361.29, with respect to an operation on the Commonwealth Coal Tract 11, tract of 222.25 acres, more or less, Commonwealth Coal Tract 5, tract of 2.25 acres, more or less, John W. Street tract(s) of 17.66 acres, more or less, Gavlene Deskins tract of 6.0 acres, more or less, Danny Clevinger tract(s) of 23.50 acres, more or less, and Eddie Baldwin tract(s) of 3.0 acres, more or less in the Garden District, Buchanan County, Virginia.

The application is on file with the Division of Gas and Oil identifying the proposed location and all work to be performed at the described site. Any inquiries should be directed to the Division of Gas and Oil at 540 676-5423.

Code of Virginia Section 45.1-361.30 identifies persons with rights to file objections to the gas and oil operation. Persons objecting to a permit must state their reasons for objecting within 15 days of the date of receipt of notice. Written objections must be filed with the Virginia Gas and Oil Inspector, Division of Gas and Oil, P. O. Box 1416, Abingdon, VA 24210.

Operator: Pocahontas Gas Partnership

Address: P.O. Box 947, Bluefield, VA 24605

Telephone Number: (540) 988-1000

OPERATIONS PLAN

CBM-PGP-Z38A Permit Modification

I. Pre-development Site Condition

Pocahontas Gas Partnership (PGP) proposes to drill Well No. CBM-PGP-Z38A situated on the ridge top approximately 3500 ft northwest of Shortts Gap in the drainage of Grassy Creek of the Levisa Fork in the Garden District of Buchanan County, Virginia.

Access to CBM-PGP-Z38A will be off Rte 460, State Route 671 and County Route 5465 is over approximately 1,700 ft of new road on a grade of approximately 5 to 10 percent to reach the site. (Note: a 500 foot section of road from State Route 671 to connect into County Route 5465 will be upgraded along a existing road bed to allow for longer heavy loads to access the site. The existing County road runs over a old mine entrance which has approximately 3 feet of cover for the existing County road. See the attached Exhibit 1.) This new road will require five new culverts. The well is located in the Buchanan Mine No. 1. The site will be constructed at a surface elevation of approximately 2658 ft. The proposed site shall be constructed utilizing the cut and fill methods. Location, grades and culvert(s) are shown on Exhibits 1 and 2. The existing land use adjacent to the project area consists of previously mined land and unmanaged forest. Slopes within the project area range from 5 to 60 percent. Subsurface geology

Pocahontas Gas Partnership
CBM-PGP-Z38A/Permit Modification
Operations Plan

is comprised of alternating beds of siltstone, sandstone, shale and coal of the Pennsylvanian age.

Surface water from the site area flows into Grassy Creek of the Levisa Fork and proceeds in a northwesterly direction to the Big Sandy. Adjacent lands and waters will be protected by the installation of the erosion and sediment control plan. The proposed site is not located in wetland or 100 year Floodplain. Groundwater quality is addressed in Section V. Groundwater will be protected by using those procedures as described within the casing program. There are no surface water, public water intakes or man-made improvements in proximity to the site. There is no active mining being conducted within 500 feet of the well. Approximately 4.3 acres will be disturbed during construction of the proposed operation.

II. Construction Plan

The access will be as previously stated. (see Exhibit 1 and 2).

In order to facilitate drilling operations, a minimum 60 x 200 foot well pad will be required. The site will be constructed according to the attached Well Site Layout (Exhibit 3) and Well Site Cross-Sections (Exhibit 4). Existing slopes are shown on the Well Site Cross-Sections. Vegetation will be cleared as necessary before any proposed

Pocahontas Gas Partnership
CBM-PGP-Z38A/Permit Modification
Operations Plan

site construction begins. Residue materials available from clearing will be windrowed below the anticipated fill slopes to intercept and retain sediment. All disturbed areas will be kept to the minimum practical and safe size needed to accomplish access to the well site, drilling, completion and operation of the well. The well site will be graded to direct drainage as shown on the Well Site Layout (Exhibit 3). This drainage will be intercepted by a temporary diversion prior to leaving the site. Straw bale barriers shall be placed in the diversion as shown on the Well Site Layout (Exhibit 3) to ensure sediment-laden runoff flows either through or over the barrier until the area is stabilized.

The previously mentioned vegetative and mechanical methods of erosion and sediment control will be implemented as soon as practical and are designed to fit the topography, soil, drainage and land use. All surface water runoff will be directed to stable areas before being discharged into the natural drainage system. All sediment and erosion control measures will be inspected after each significant storm event with repairs being made as promptly as possible. All erosion and sediment measures implemented at this site will be modeled after the Virginia Erosion and Sediment Control Handbook.

III. Erosion and Sediment Controls

As previously described in the Construction Plan, Section II above, all measures possible will be taken during site construction to stabilize the disturbed area as quickly as possible and direct surface runoff away from these areas into stable outlets. No surface runoff will be discharged over unprotected out slopes. These measures will prevent migration of sediment from the site and reduce erosion.

Any culverts, ditches and diversions to be placed or constructed at the well site shall safely pass the flow from a 10 year/24 hour storm event and will be constructed as shown on Exhibits 1 and 2.

Final reclamation of the site will include the removal of all equipment, structures and facilities not required for monitoring the site and permanently marking the well or corehole. A permanent vegetative cover will be established on denuded areas that are to be left inactive for more than one year or not surfaced with stone.

CBM-PGP-Z38A Modification

Tract Identification

1. Commonwealth Coal Company Tract No. 5 - Coal, Gas & Surface Rights

1A. Danny Clevinger - Surface

1B. Eddie Baldwin - Surface

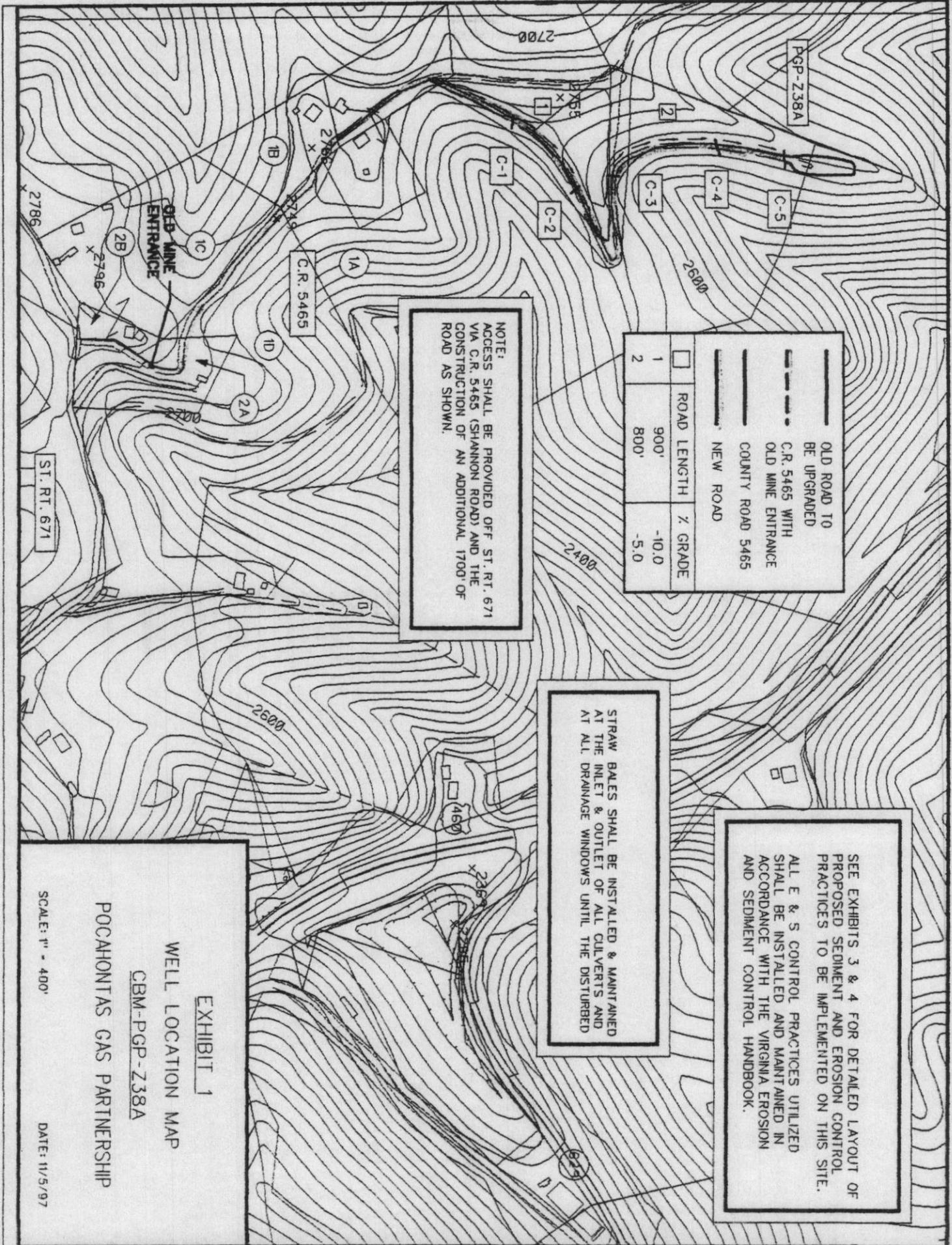
1C. Gaylene Deskins - Surface

1D. John W. Street - Surface

2. Commonwealth Coal Company Tract No. 11 - Coal, Oil, Gas & Surface Rights

2A. John W. Street - Surface

2B. Gaylene Deskins - Surface



—	OLD ROAD TO BE UPGRADED		
- - -	C.R. 5465 WITH OLD MINE ENTRANCE		
—	COUNTY ROAD 5465		
—	NEW ROAD		
□	ROAD LENGTH	% GRADE	
1	900'	-10.0	
2	800'	-5.0	

NOTE:
 ACCESS SHALL BE PROVIDED OFF ST. RT. 671 VIA C.R. 5465 (SHANNON ROAD) AND THE CONSTRUCTION OF AN ADDITIONAL 1700' OF ROAD AS SHOWN.

STRAW BALES SHALL BE INSTALLED & MAINTAINED AT THE INLET & OUTLET OF ALL CULVERTS AND AT ALL DRAINAGE WINDOWS UNTIL THE DISTURBED

SEE EXHIBITS 3 & 4 FOR DETAILED LAYOUT OF PROPOSED SEDIMENT AND EROSION CONTROL PRACTICES TO BE IMPLEMENTED ON THIS SITE. ALL E & S CONTROL PRACTICES UTILIZED SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.

EXHIBIT 1
 WELL LOCATION MAP
 CBM-PGP-Z38A
 POCAHONTAS GAS PARTNERSHIP
 SCALE: 1" = 400'
 DATE: 11/5/97



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Gas and Oil

P. O. Box 1416

Abingdon, Virginia 24212

Phone (540) 676-5423

Fax: (540) 676-5459

Byron T. Fulmer, Division Director

February 24, 1998

Mr. & Mrs. John Street
P. O. Box 158
Rowe, VA 24646

RE: IFFH 9197

Dear Mr. & Mrs. Street:

This office is in receipt of the Petition for Appeal. This matter will be placed on the March docket for the Virginia Gas and Oil Board.

The March hearing is scheduled to commence at 9 a.m. at the Southwest Virginia 4-H Center, Hillman Highway, Abingdon, Virginia on Tuesday, March 24, 1998.

Once the docket is prepared, a copy will be forwarded to you. I am unable to set a specific time as to the commencement of the hearing. The hearing starts at 9 a.m. and continues through hearing all matters.

If you have any questions, please call.

Sincerely,

Byron T. Fulmer
Director

cc: Virginia Gas and Oil Board

Pocahontas Gas Partnership

P.O. Box 947
Bluefield, Virginia 24605
(540) 988-1015

September 20, 1998

Mr. Byron T. Fulmer
Division of Gas and Oil
P.O. Box 1416
Abingdon, VA 24210

RE: Application for Permit Modification and
Appeal Regarding Well CBM-PGP-Z38A

Dear Mr. Fulmer:

As you recall, Pocahontas Gas Partnership applied for a modification (Application No. 3005) of Permit No. 3525. The application to modify was tendered to the Division on November 13, 1997. Mrs. Street requested a continuance and the hearing on her objections was not held until January 13, 1998. Your decision denying the objections was issued on January 23, 1998. Thereafter, the Streets appealed your decision to the Virginia Gas and Oil Board. Mrs. Street requested additional continuances of the hearings set before the Board.

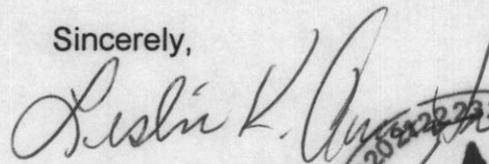
Ultimately, because of these delays, Pocahontas Gas Partnership chose to work around the problem using other permitted facilities.

On May 12, 1998, I wrote to you requesting that you vacate the modification and thereby render the appeal moot. I asked that you so advise the Board.

This letter is to confirm that the reclamation of the area at issue was completed on October 28, 1997. We would ask that this date be appropriately noted in the Division's files.

If you should have any questions, please do not hesitate to call.

Sincerely,



Leslie K. Arrington
Permit Specialist

LKA:ksg
CERTIFIED MAIL: Z 119 939 745

