



Commonwealth of Virginia  
 Department of Mines, Minerals and Energy  
 Division of Gas and Oil  
 P.O. Box 159, 135 Highlands Drive  
 Lebanon, VA 24266  
 (276) 415-9700

**NOTICE OF RIGHT TO OBJECT**

On \_\_\_\_\_ day of \_\_\_\_\_ month of \_\_\_\_\_ year, \_\_\_\_\_  
 (Name of Company) applied for a permit from the Virginia Department of Mines, Minerals and Energy,  
 Division of Gas and Oil, to conduct gas and oil operations for well/pipeline number \_\_\_\_\_.  
 The activities proposed to be permitted are described in the enclosed Notice of Application for a permit.

We are required to give you notice of this application, and you have certain rights. You have 15 days from the day you receive this notice to do one of the following:

1. You may sign and return the attached waiver form if you wish to waive the time and any right you may have to object to the permit application. The Virginia Gas and Oil Act gives you the option to waive these rights in writing. (You may submit this waiver to the Division of Gas and Oil, P.O. Box 159, 135 Highlands Drive, Lebanon, VA 24266 (276) 415-9700. Fax: (276) 415-9671)
2. You may file an objection to the issuance of this permit. The types of objections which may be raised are listed in Section 45.1-361.35 of the Virginia Gas and Oil Act. A copy of this code section is attached hereto for your review.

If you wish to object to this permit application, then you must file your objections, including your reasons why, within 15 days of receipt of this letter. You must file any objections with the Director of the Division of Gas and Oil at the address given above. If statutorily allowed objections in accordance with the Virginia Gas and Oil Act, Section 45.1-361.35, are submitted to the Division of Gas and Oil, then the Division will hold an informal fact-finding hearing concerning them. You will be notified if an informal conference is scheduled.

3. You may take no action. This will cause you to waive any rights you may have to object to the permit application.

I affirm that this notice and waiver form is being sent to you on behalf of \_\_\_\_\_ (Company)  
 on this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
 Signature of Permit Applicant

**WAIVER**

TO: (Commonwealth of Virginia, Department of Mines, Minerals & Energy, Division of Gas and Oil)  
 (P.O. Box 159, 135 Highlands Drive, Lebanon, VA 24266 (276) 415-9700)

I acknowledge receipt of the notice that \_\_\_\_\_ Company has applied to the Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Gas and Oil, for a permit to conduct gas and/or oil operations for well/pipeline number \_\_\_\_\_. I hereby waive my fifteen-day right, if any, to object to the permit application.

I understand that the Division of Gas and Oil may rely on this waiver in reaching a decision on the permit application.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## SECTION 45.1-361.35 - OBJECTIONS TO PERMITS; HEARINGS

### TO BE ATTACHED TO WAIVER FORM

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

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

1. The operations plan for soil erosion and sediment control is not adequate or effective;
2. Measures in addition to the requirement for a well's water-protection string are necessary to protect fresh water-bearing strata; and
3. The permitted work will constitute a hazard to the safety of any person.
4. Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided; however, that a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

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

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

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

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

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

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

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

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