

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 627

BY SENATORS JEFFRIES, CLEMENTS, HELTON, ROSE, AND

TARR

[Passed April 9, 2025; in effect 90 days from passage

(July 8, 2025)]

1 AN ACT to amend and reenact §20-1-22 of the Code of West Virginia, 1931, as amended, relating
2 to removing the prohibition against leasing state-owned pore spaces underlying lands
3 designated as state parks; prohibiting any disturbance of the surface of state park property
4 for any drilling or injection activity; requiring that the proceeds from any leased state-
5 owned pore spaces underlying state forests, state parks, natural and scenic areas, wildlife
6 management areas, and other lands under the jurisdiction and control of the director be
7 used exclusively where the leased pore space is located; and requiring that the center of
8 any well pad leased for pore space underlying state parks may not be located within 200
9 feet of a state park boundary, provided, that the Secretary of the Department of
10 Commerce, in consultation with the Director of the Division of Natural Resources, may
11 waive the setback requirement after considering the impact of the lessee's proposed well-
12 site location on viewshed, noise, and other possible impediments to the public use and
13 enjoyment of the state park property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-22. Authorizing the director to lease and develop pore spaces.

1 (a) The director may, with the approval in writing of the Secretary of Commerce, lease
2 state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management
3 areas, and other lands under the jurisdiction and control of the director for underground carbon
4 sequestration: *Provided*, That the director may not permit the disturbance of the surface of state
5 park property for any drilling or injection activity. Before entering into a lease, the director shall
6 receive sealed bids therefor, after notice by publication as a Class I legal advertisement in
7 compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such
8 publication shall be each county in which the affected lands are located, and on the division's
9 main website for a period of at least 14 days prior to entering into any lease pursuant to this
10 section. The pore space development proposal so advertised shall be leased to the highest

11 responsible bidder, who shall give bond for the proper performance of the lease as the director
12 shall designate; but the director may reject any and all bids and re-advertise for bids. The
13 development of pore spaces pursuant to this section shall be consistent with the requirements of
14 §22-11B-1 *et seq.* of this code. The proceeds arising from any such lease shall be paid to the
15 Treasurer of the State of West Virginia and shall be credited to the division and used exclusively
16 for improvements and maintenance in the state forests, state parks, natural and scenic areas,
17 wildlife management areas, and other lands under the jurisdiction and control of the director where
18 the leased pore space is located.

19 (b) Notwithstanding the competitive bidding process established in subsection (a) of this
20 section, the director may, with the approval in writing of the Secretary of the Department of
21 Commerce, directly award a pore space lease when the Secretary of the Department of
22 Commerce and the Secretary of the Department of Economic Development certifies in writing to
23 the director that the lease is a necessary component of an economic development project:
24 *Provided*, That the lease shall afford a market value or greater royalty.

25 (c) The center of any well pad leased in accordance with subsection (a) of this section for
26 pore space underlying state parks may not be located within 200 feet of a state park boundary:
27 *Provided*, That the Secretary of the Department of Commerce, in consultation with the Director of
28 the Division of Natural Resources, may waive this requirement after considering the impact of the
29 lessee's proposed well-site location on viewshed, noise, and other possible impediments to the
30 public use and enjoyment of the state park property.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor