WEST VIRGINIA CODE: §20-1-22

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

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: *Provided*, That the director may not permit the disturbance of the surface of state park property for any drilling or injection activity. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq*. of this code, and the publication area for such publication shall be each county in which the affected lands are located, and on the division's main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of §22-11B-1 *et seq*. of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the division and used exclusively for improvements and maintenance in the state forests, state parks, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director where the leased pore space is located.

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

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

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