

The background of the entire image is a deep blue space scene. On the left, the curved horizon of the Earth is visible, showing a thin layer of white atmosphere and a dark, textured surface. The rest of the background is filled with a dense field of small, bright white stars of varying sizes, creating a starry night sky effect.

Bowles Rice
VIEWS & VISIONS

BOWLESRICE.COM

FALL/WINTER 2021

Energy Innovation: Appalachia's Natural Resource



Kimberly S. Croyle
Bowles Rice LLP

Attorney Kim Croyle is a partner in the Morgantown, West Virginia office of Bowles Rice. She serves as Chair of the firm's well-established and revered Energy Department, managing a regional team that provides guidance and counsel to energy clients throughout the Appalachian Basin in matters relating to ownership, development, leasing, extractions, processing, transportation, purchase and litigation involving real estate, curative action, title examinations and related issues. Croyle also serves as leader of the Bowles Rice Education Law Practice Group, representing boards of education throughout the State of West Virginia.

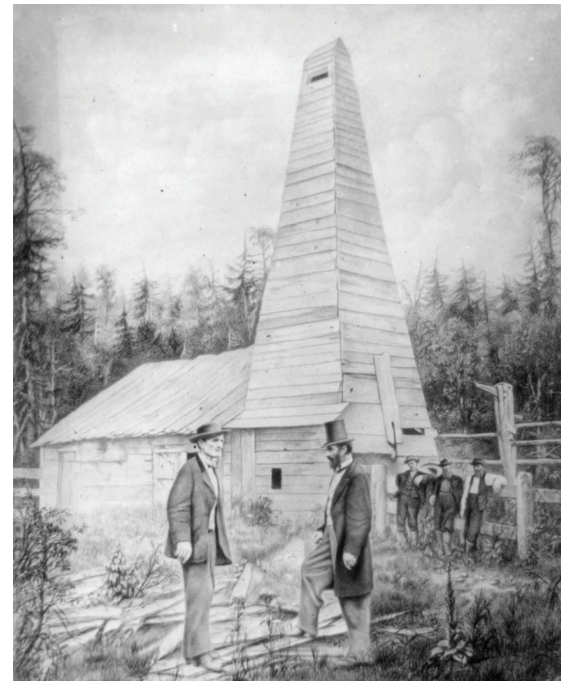
Two roads diverged in a yellow wood^[1]...

Some would say this describes the energy dichotomy facing Appalachia today. Do we look as far as we can see and continue along the path we are on, or do we take the road less traveled? If history is any teacher, we can do both – embrace new, sustainable energy sources, while continuing to power America by utilizing fossil fuels in a cleaner, more efficient manner.

Changes in the energy sector are nothing new. Beginning in the early 1700s, it was the commercial use of Appalachian coal that guided the transformation from wood to coal as the nation's primary energy source. Demand, innovation and growth led to better, safer mining techniques that optimized the use of the region's valuable natural resource.

This same region generated the first commercial oil well in 1859 – Drake's Well – and ushered in over 150 years of oil production. Likewise, the ingenuity that led to the production, transportation and storage of natural gas, once a useless byproduct of oil production, paved the way for a regional natural gas rebirth with the development of both wet and dry gas from Appalachia's rich Marcellus and Utica shales.

Appalachia's natural resources are once again leading the way in energy innovation. Our mountain terrain provides a natural backbone for wind farm development. Technological advancement and decreased cost have led to solar farms on reclaimed mining lands and once dormant family farms. Its unique geology may soon make Appalachia one of the leading regions for geothermal energy in America.



Edwin L. Drake (right) and the Drake Well in the background, in Titusville, Pennsylvania, where the first commercial well was drilled in 1859 to find oil.


“If history is any teacher, we can do both – embrace new, sustainable energy sources, while continuing to power America by utilizing fossil fuels in a cleaner, more efficient manner.”



For over 100 years, Bowles Rice has had the privilege of working with exploration companies, producers, legislators and industry leaders as they continue to innovate and recreate the future of energy in America. We counsel new start-up companies with their sustainable energy development, as well as assist companies that have operated on these lands for more than a century integrate their energy portfolios with both fossil fuels and renewables, all the while encouraging sound environmental stewardship in this place that we call home.



Our team worked with the West Virginia legislature to help enact statutes that encourage solar investment in the state. We assisted Raleigh Solar 1, LLC, in siting a 90-megawatt solar facility and facilitated a payment in lieu of taxes (PILOT) agreement that will benefit local entities, such as the county board of education, for years to come. In a similar fashion, we worked with mineral owners to locate a new 115-megawatt wind farm that will include 23 new turbines and create 200 new construction jobs. Projects like these are possible because of our team's commitment and experience in welding the past to the future, whether it is spearheading multi-state title and due diligence projects or representing a private developer of a \$1.8 billion, 700 megawatt clean-coal-fired power plant that uses acid mine drainage as water for its cooling tower.

At Bowles Rice, we believe that when two roads converge in a yellow wood, rather than choose one at the expense of the other, Appalachia and its people will travel both. In fact, the nation is depending upon us to do so. 



^[1] "The Road Not Taken," from *The Poetry of Robert Frost* by Robert Frost, edited by Edward Connery Lathem. Copyright 1916, 1923, 1928, 1930, 1934, 1947, 1949, © 1969 by Holt Rinehart and Winston, Inc. Copyright 1936, 1942, 1944, 1945, 1947, 1948, 1951, 1953, 1954, © 1956, 1958, 1959, 1961, 1962 by Robert Frost. Copyright © 1962, 1967, 1970 by Leslie Frost Ballentine.