

MONTHLY  
**Bundle of Writes**  
NEWS AND EVENTS FOR IRWA CHAPTER 67

October 2021

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**PRESIDENT'S  
MESSAGE**

*Ryan Hargrove*  
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(714) 673-0241

Greetings Chapter 67 Members,

On behalf of the Board of Directors, I would like to welcome you to the 2021-2022 year. I hope you had an enjoyable summer and are looking forward to the various upcoming holidays during the last three months of 2021. My birthday happens to be two days prior to Halloween, so October is always a special time for me. For those of you who may not know me, I am Ryan Hargrove, your new Chapter 67 President. Since 2019, I have been the Chief Appraiser in the Real Estate Services Department of the County of Orange. I am also an adjunct professor, teaching real estate appraisal courses at three colleges in Southern California.

I would like to express my gratitude and thanks to our last two presidents, Meredith McDonald and Amanda Fitch. It would be an understatement to say that the past two IRWA fiscal years have been unusual and challenging. However, Meredith and Amanda both did admirable jobs steering our organization through very uncertain times while also keeping the membership engaged. We moved to virtual luncheons some time ago and those have proven to be successful.



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The last luncheon we hosted was a well-attended joint offering with Chapter 11 (San Diego). Chris Peterson, Esq. was the presenter and gave an interesting presentation on eminent domain basics and the upcoming Olympics in Los Angeles.

I am excited to continue to work with our chapter leaders including Rudy Romo, President-Elect, Matthew VanEck, Treasurer, Sarah Downs, Secretary, and all of our wonderful committee chairs and members. I hope to follow in the footsteps of past presidents such as Meredith and Amanda and continue to guide us through (and hopefully out of) the pandemic. Let's keep our fingers crossed that by the end of the current fiscal year, we will have even more normalcy in both our personal and professional lives.

Our next luncheon (to be held virtually) will be on October 12, 2021 and will feature Scott Delahooke, MAI and David Graeler, Esq. Scott and David will discuss rent-reset provisions in long-term ground leases involving a public agency as the ground lessor. A decision on the location of future luncheons has not been made as of yet but we will certainly keep you abreast of new developments. We are anticipating that John Ellis, MAI will give his annual economic update in January of 2022. The Tri-Chapter Luncheon is scheduled for December 9, 2021 and is slated to be located at Union Station in Los Angeles. The involved chapters are currently assessing the viability of holding the Tri-Chapter this year and we will report back to you as soon as there are updates on this topic.

Thank you for reading this update. If you have any questions, please don't hesitate to reach out to me. If you are interested in joining the Board, feel free to contact me or any Board member.





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Welcome back readers to the October edition of our newsletter. If you would like to contribute content to the newsletter, advertise, have questions or any ideas to improve the content, please contact us.

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## UPCOMING EVENTS

### October Monthly Luncheon

Tuesday October 12, 2021 12:00 p.m. - VIRTUAL

Speakers Scott Delahooke, MAI and David Graeler, Esq. will discuss rent-reset provisions in long-term ground leases involving a public agency as the ground lessor. Mike Rubin will be discussing the case City of Escondido v. Pacific Harmony Grove Development, LLC (August 26, 2021) 68 Cal. App. 5th 213.

### Tri-Chapter Luncheon

Tuesday December 9, 2021 12:00 p.m. - Union Station, Los Angeles

The involved chapters are currently assessing the viability of holding the Tri-Chapter this year and we will report back to you as soon as there are updates on this topic.



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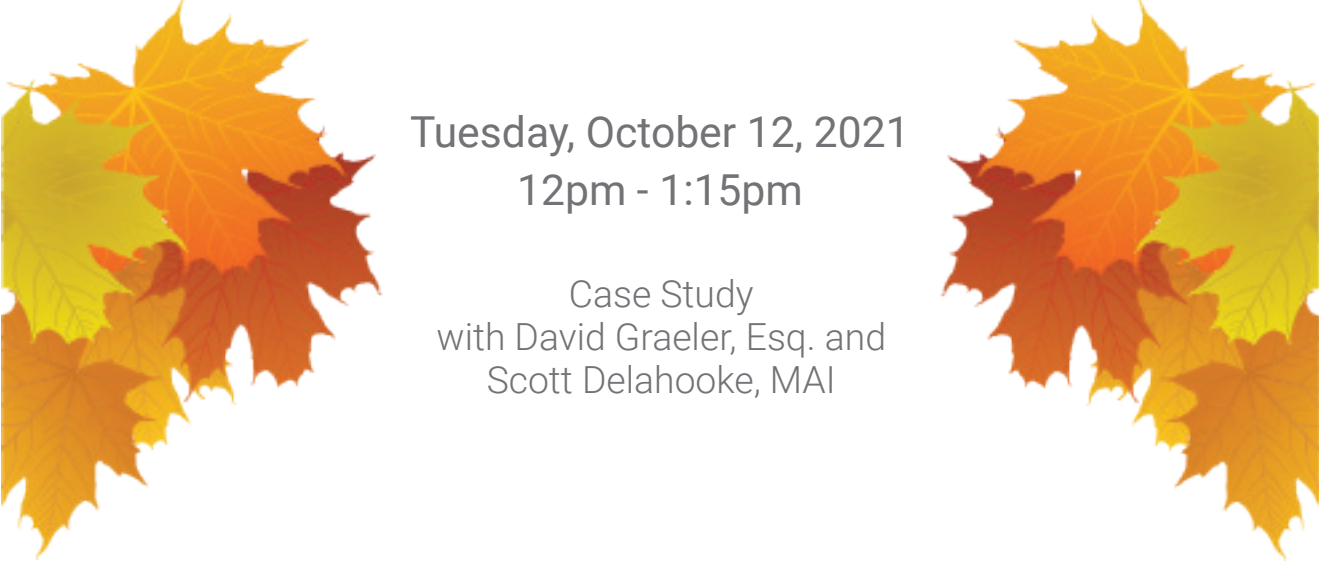
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## CH. 67 OCTOBER VIRTUAL LUNCHEON



Tuesday, October 12, 2021  
12pm - 1:15pm

Case Study  
with David Graeler, Esq. and  
Scott Delahooke, MAI

Mr. Graeler and Mr. Delahooke will discuss a recent case that went to arbitration involving rent-reset provisions in long-term ground leases involving a public agency as the ground lessor. Discussion will include problematic ambiguous language in the lease, case law addressing valuing market rent, and numerous valuation issues including whether to appraise based on the property's existing use or its highest-and-best use.

Mike Rubin will be discussing the case *City of Escondido v. Pacific Harmony Grove Development, LLC* (August 26, 2021) 68 Cal. App. 5th 213. It's an interesting case that clarifies how valuation of right of way is impacted when a condemning agency can establish that it would have conditioned development of the remainder of the property on dedication of the condemned right of way.

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For questions regarding IRWA education, whether it be information on a particular course, how to register, potential upcoming courses, or the credentialing program, please reach out to James.

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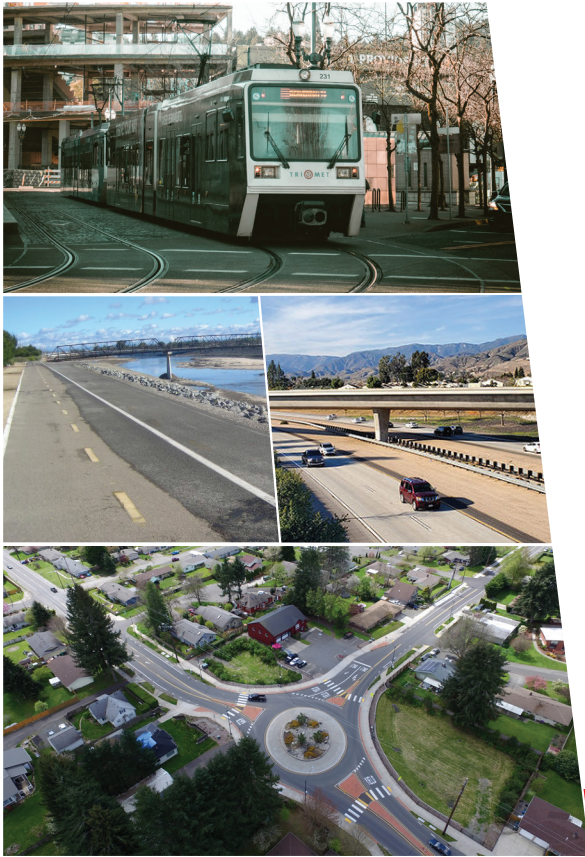
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# ARTICLE

## Hide and Seek: The Orphan Well Problem in America

By Blake Wright, JPT Technology Editor  
Journal of Petroleum Technology

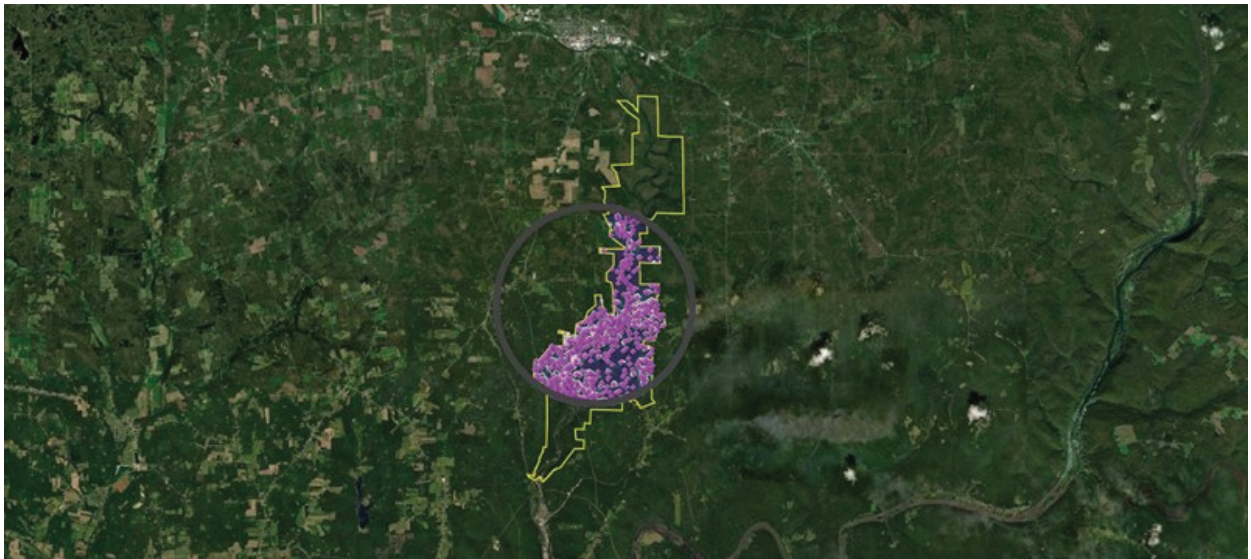
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The impact of orphan wells, both on the environment and on tightening budgets, is a growing concern in the industry. Boom times result in a vast uptick in wells drilled. In bust times, when companies disappear, the liability outlook for these probes gets murky and federal and state governments start looking for answers.



Magnetic surveys are used to guide ground-based field research more effectively. In addition to location data that is not always precise, wells are often difficult to identify in the field due to being buried or concealed by vegetation. Source: National Energy Technology Laboratory.

It's a problem as old as the industry itself. The initial oil rush in the late 1800s spread like wildfire through Pennsylvania, and by 1891 the state's annual crude output had hit 31 million barrels, or 58% of the nation's total oil production for that year. However, by the turn of the century the bloom was off the rose. Pennsylvania's once-robust oil allure had been eclipsed by finds in Texas, California, and Oklahoma, each spawning its own regional oil booms. So why the history lesson? Because it's important to understand the potential volume and impact of orphan wells in the US.

In the infancy of the industry, plugging-and-abandonment (P&A) techniques were crude at best, if anyone even went to the trouble. Worse still was the overall record keeping at the time. With oil booms around the country setting off races to harness as much black gold as possible, wells were being drilled at breakneck pace. Once these earliest wells were tapped of their commercial usefulness, operators moved on to the next. There was little-to-no oversight. No regulations. No standards. The result? Thousands, if not more, of scattered, undocumented wells.



“Back in the day, you have people drilling wells, and nobody’s keeping track of where the wells are drilled and who owns the wells,” said Daniel Raimi, fellow with Resource for the Future, an independent institution that conducts environmental, energy, and natural resource research. “The government’s not keeping track and has little to no regulation in place to ensure that operators safely decommission their assets at the end of their lives. As a result, you have wells that maybe produce for a couple of years, and then the owners walk away. Multiply that by a couple of hundred thousand and now you’ve got a problem.”

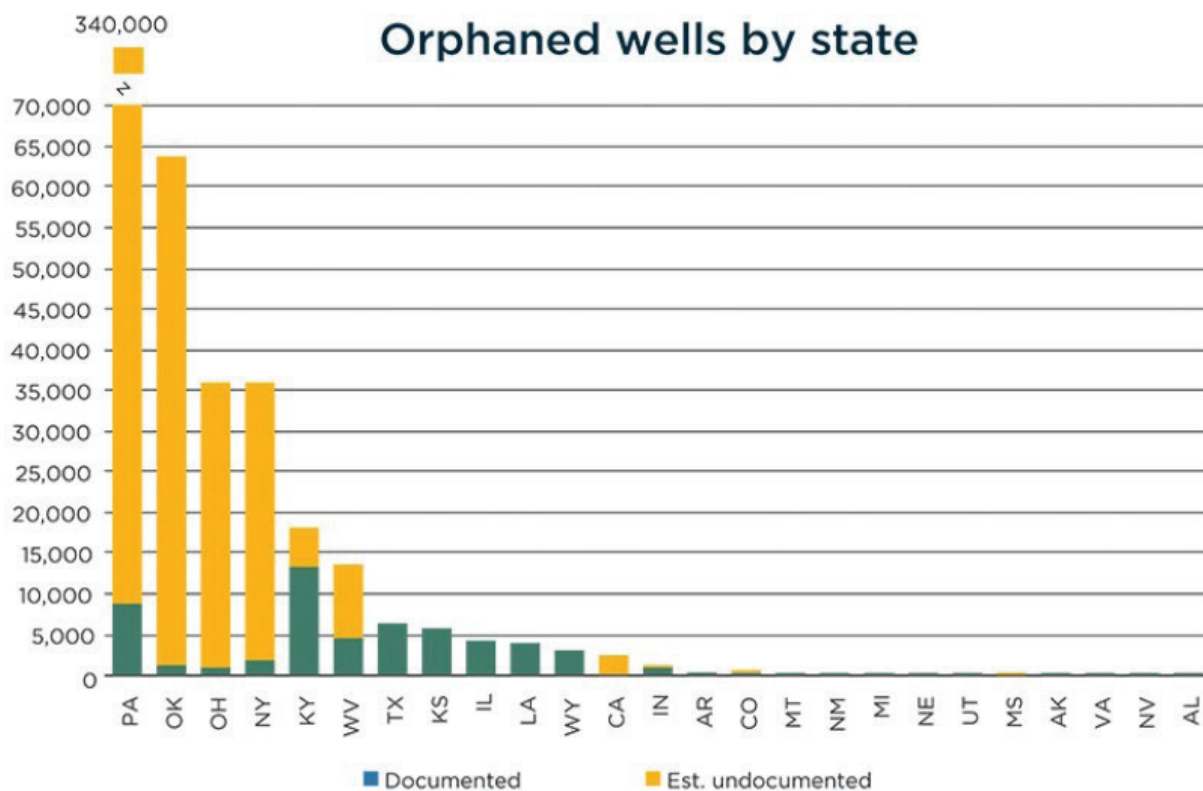
Today, there is plenty of oversight and regulation for the industry to leave abandoned wells in much better shape than those earliest probes. However, orphan wells are still a problem. To paint the clearest picture, it would be prudent to define what an orphan well is.

This is where we run into our first problem. Definitions can vary wildly from state to state and organization to organization. Some lump all abandoned, unplugged wells into their counts as orphan wells. Others count all idle wells. However, for the sake of clarity we will define orphan wells as

those nonproducing, idle wells whose ownership is unknown. By that definition it is safe to say that many of the nation’s earliest wells fit that criteria.

In more modern times, orphans result from idle wells whose owner goes belly-up prior to any P&A work. In most of these cases, bonds are employed to help offset the cost of plugging these wells. However, while they vary state to state, most bonding minimums do not cover the full cost of abandonment and remediation, if needed.

According to the US Environmental Protection Agency, there are about 2 million unplugged, abandoned oil and gas wells scattered across the US. Other experts place the number higher; some believe it is lower. Some researchers believe as many as half of those could be orphan wells. A survey by the Interstate Oil and Gas Compact Commission in 2018 put the range of orphaned and idle wells at around 560,000 to 1.1 million. Again, abandoned doesn’t always mean orphaned. One fact that can be extrapolated from the data gathered to date is that no one knows for sure just how many orphaned wells are out there. But that is changing.



Data source and notes: IOGCC (2020). For estimated undocumented wells, some states report a range. For those states, the average of the low and high estimate is used.

Documented and estimated undocumented orphaned oil and gas wells in the US. Source: Columbia University CGEP report.

## The Hunt

Researchers like Natalie Pekney have dedicated about a decade's worth of field work trying to locate, chronicle, and sample the potential hazards from the orphan wells across the US. Pekney is an environmental engineer with the US Department of Energy's National Energy Technology Laboratory (NETL) who has conducted field work in Oklahoma, Kentucky, and Pennsylvania, her home state and in many ways ground zero for the orphan well issue. She and her team used aerial magnetic survey techniques to pinpoint potential orphan wells by identifying the metal well casings. A 2017 study of the Hillman State Park location, west of Pittsburgh in southwestern Pennsylvania, discovered more magnetic well readings than previously reported in the area's well count database.

"We started doing this work at least 10 years ago," said Pekney. "We had a team that was perfecting the approach of using aerial magnetic techniques for finding wells. They would fly the survey and then go out on the ground and check those locations to verify if there was or was not a well there. They were noticing sometimes at these wells they could see bubbling, or you could smell a strong hydrocarbon smell. So just anecdotally, one could assume that some of them were still leaking. Then we had a thought to go out and measure how much, so we've been doing the emissions measurements since 2015 or so."

Over time, the lab released its magnetic well-location technology to the private sector, which now employs sensor-equipped drones for much of the survey work. Now the team focuses more on the methane-emissions work. The group was in the throes of conducting measurement studies in Kentucky when COVID-19 sidelined the effort.

"We're just now making plans to go back there and try to complete that work," said Pekney. "The same thing in New York. We had plans to go out there and we had to put those off because of the pandemic. We're currently trying to start our fieldwork efforts back up now that a lot of the travel restrictions and such have been relaxed."

Pekney said they really had no expectations of what they might find once they started tracking emissions. With no previously published data on the subject, they had nothing on which to base a guess. Ultimately, in the context of greenhouse gas emissions from all

US oil and gas sources, estimated emissions from abandoned wells is but a fraction of the total. The Hillman State Park survey took samples from 31 wells (22 above ground, unplugged and nine buried). The average emissions rate for the aboveground wells was 0.70 kg of CH<sub>4</sub> per well per day.

Methane emissions are also a hot topic in political circles. Methane has more the 80-times the warming power of carbon dioxide over the first 20 years after it reaches the atmosphere, making it public enemy number one in the fight against climate change and global warming.

"It's not huge, but at the same time, it's kind of a correctable problem in a sense because these wells, generally the high-emitting ones have not been plugged, and plugging is effective at eliminating or decreasing emissions," said Pekney.

Over the course of the next few years, Pekney believes her group can assist states by helping with plugging prioritization—identifying the "super-emitters" and getting those dealt with first.



Documented and estimated undocumented orphaned oil and gas wells in the US. Source: Columbia University CGEP report.

## The Answer?

Both state and federal officials have been active in recent months regarding the plugging of orphan wells. Several bills are floating around at the federal level that would aim to put workers sidelined by the pandemic back to work plugging these wells.

Senator Michael Bennet's (D-CO) The Oil and Gas Bonding Reform and Orphaned Well Remediation Act is aimed at cleaning up tens of thousands of orphaned wells across the nation and reforming the bonding system. The REGROW Act, sponsored by Senators Ben Ray Lujan (D-NM) and Kevin Cramer (R-ND) would budget more than \$4.6 billion to put skilled energy workers back to work cleaning up these sites, with the goal of plugging every documented orphan well in the country.

"Safety and environmental protection are top priorities for our industry, and we operate under strict standards and practices to ensure that American energy is produced responsibly from start to finish," said Frank Macchiarola, American Petroleum Institute's senior vice president of policy, economics, and regulatory affairs. "Our industry complies with all existing state and federal requirements for abandoned wells and reclaiming wells sites, and we will continue to support new efforts, like those outlined in the bipartisan REGROW Act, to plug these wells and further reduce methane emissions."

Roughly \$8 billion has been given out to states by the federal government for mine-reclamation projects over the past four decades. President Joe Biden's recently announced \$2.3-trillion infrastructure plan would earmark \$16 billion toward the cleanup and plugging of old oil wells and mines, a significant step up in investment for orphan well remediation.

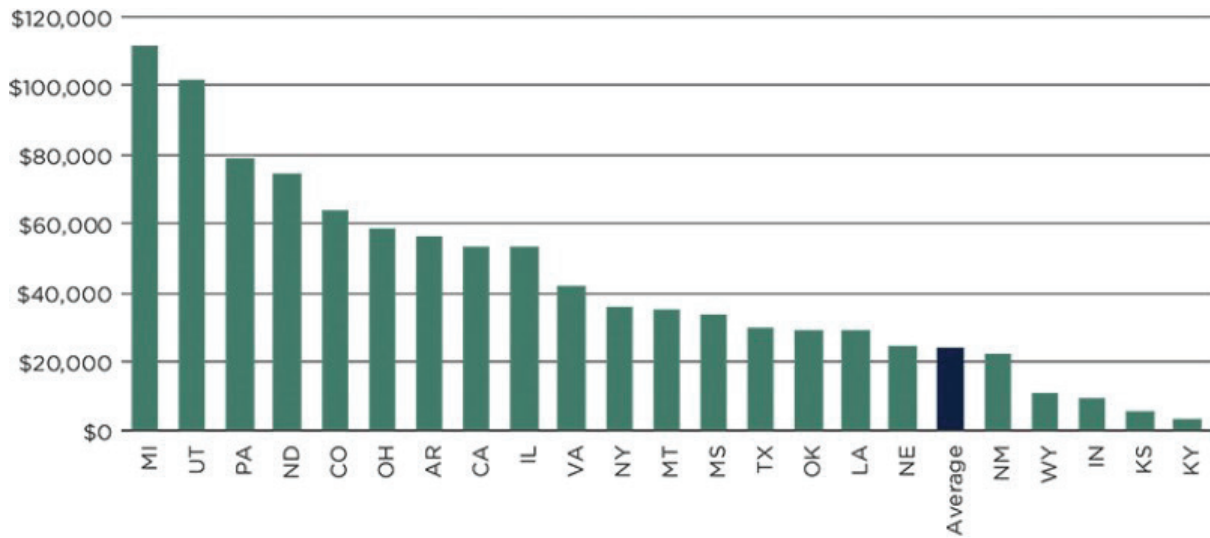
"Society is bearing a lot of the costs right now because of things like water pollution and methane emissions," said Raimi. "That is costing all of us something. It's just difficult to measure. There are some proposals at the federal level to inject dollars into state plugging programs. That's a helpful first step, but it certainly doesn't address the magnitude of the problem.

"From my perspective," he continued, "the thing that would be most helpful is for us to have better information on which wells are most hazardous.

Because with, let's just say, a million orphaned wells, and 2.1 million unplugged abandoned wells, we must prioritize, and we can't prioritize unless we know which wells pose the most risk to the environment and to public health."

There is still a long road ahead for the solution to the orphan well problem, and with fresh bankruptcies during the past year due to the pandemic, the number of wells left to deal with continues to be a moving target. The energy transition could be both a sign for celebration and alarm. As assets exchange hands from bigger operators raising capital for greener projects to smaller, lower-cost producers, the new owners will look for every advantage to preserve the bottom line. That might include deferring abandonment work, because, frankly, there's no money in that.

"At the very least, we're in the tens of billions of dollars range," said Raimi on the national tab for orphan well cleanup. "I don't know what the ultimate number is going to be, and therefore we need more information. It's possible that there are some orphaned wells out there that are not causing anybody any harm. They might be in the middle of prairie land, not leaking any methane, and not causing risk around water. Should we really spend \$100,000 to plug a well like that? Probably not. But again, we don't know which wells pose substantial risks and which don't."



*Data source and notes: IOGCC<sup>23</sup>. Where states reported average surface remediation costs separately, we have included them here. The average is a weighted average and is relatively low because the largest number of wells have been plugged in lower-cost states such as Texas, Louisiana, Wyoming, and Kansas.*

Average plugging and restoration costs per well. Source: Columbia University CGEP report.

### For Further Reading

[Green Stimulus for Oil and Gas Workers: Considering a Major Federal Effort To Plug Orphaned and Abandoned Wells. 2020.](#) Daniel Raimi, Neelesh Nerurkar, and Jason Bordoff, Columbia University CGEP.

[Decommissioning Orphaned and Abandoned Oil and Gas Wells: New Estimates and Cost Drivers. 2021.](#) Daniel Raimi, Alan J. Krupnick, Jhih-Shyang Shih, and Alexandra Thompson, ChemRXIV, Cambridge University Press.

Blake Wright, JPT technology editor, has been a journalist covering the upstream oil and gas industry for more than 25 years. Based in Houston, his areas of special focus include emerging oilfield technologies and field development trends. He can be reached at [bwright@spe.org](mailto:bwright@spe.org).



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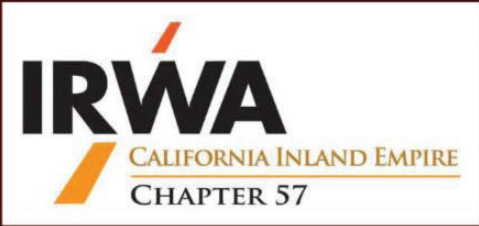


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# REGION 1 FALL FORUM



## REGION 1 FALL FORUM 2021

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All events for the Fall Forum 2021 Meeting will be held at the Azure Hotel & Suites. Please contact Zarha Morales, Sales Coordinator, Azure Hotel & Suites at 909-390-7778 Ext. 1202 for questions regarding Room rate of \$130 per night. If you would like to sponsor please contact Darcy Mendoza at 951-321-4748 or [dmendoza@epicland.com](mailto:dmendoza@epicland.com).

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## MEMBER SPOTLIGHT

### Michele Folk, SR/WA Receives Recertification



In February, Ms. Michele Folk was approved for recertification as a Senior Right of Way Professional (SR/WA) from IRWA. We want to commend and congratulate Ms. Folk for her pursuit of further education and professionalism as an SR/WA.

IRWA's highest formal credential is the SR/WA. After completion of 208 credit units/hours of coursework, each SR/WA must subsequently complete 72 continuing education units within the following five (5) years to maintain their SR/WA. Ms. Folk has just completed her continuing education units, and we congratulate her for her maintenance of her SR/WA among other ambitious credentials. Not only has she attained her SR/WA, Ms. Folk is also certified by IRWA for the R/W-URAC (Uniform Act Certification), R/W-NAC (Negotiation and Acquisition Certification), and R/W-RAC (Relocation Assistance Certification) credentials. This is above and beyond what most members achieve and for this we also commend her! Go Michele!

Michele works as a Right of Way consultant for Overland, Pacific & Cutler, LLC and is a Senior Vice President of the Company. She has provided acquisition and relocation services across many industries, however, she primarily sets up relocation programs for public agencies and affordable housing developers at this point in her 22-year ROW career. Michele says all aspects of the development and improvement of our infrastructure are exciting, however, she obtains a greater personal sense of satisfaction being involved with the development of affordable housing.

She was raised in Pennsylvania and currently resides in Lake Forest. She is married and has three (3) sons; ages 27, 27, and 18. Michele enjoys cooking/baking, entertaining, traveling, breweries and wineries and engaging in adventurous activities such as scuba diving, hiking, and sports. The family pet is a Rottweiler named Evie, who was rescued and is loved by the Folk family.

When Michele has some quiet time, she'll read a book and the last one read was "Caste – The Origins of Our Discontent." Her favorite quote is "Adapt or die" (basic Darwinism) and her pet peeves are "injustice, inconsiderateness and/or lack of awareness". Michele's secret to success is to "always do more! Go above and beyond "average" or the minimum required. Care about other people and your own actions and words and the impact they have on the people around you."

As far as her most embarrassing moment, Michele's 18-year-old says she has embarrassing moments every day! Her biggest challenge faced was when she was reinventing herself from a zoologist who hadn't worked inside in 20+ years, and who worked primarily with exotic animals (who don't say stupid things), to a knowledgeable ROW person. Her biggest unrealized goal is having a "naturopath practice". When asked what she looks for in people, she seeks "honesty, integrity, sense of humor and empathy for, and acceptance of, others who may not be like them."

When asked why she is involved in the IRWA, she says "I was fortunate that OPC sent me to IRWA classes almost immediately after I was hired and continued to support my professional development through the IRWA. I found the people I met within the organization were welcoming and eager to impart their knowledge and experience to a newbie. Over the years I became involved at a Chapter, Regional, and National level holding various positions, and became excited about being a part of our educational programs and industry/service committees. I have developed life-long friendships and value the constant exchange of ideas."

Next time you see Michele, congratulate her for her continued achievements!

## MEMBER SPOTLIGHT

### Rhonda Weiss, SR/WA Receives Recertification



The Chapter was excited to learn that a second SR/WA was recertified last March. Ms. Rhonda Weiss was approved for recertification as a Senior Right of Way Professional (SR/WA) from IRWA. We want to commend and congratulate Ms. Weiss for her pursuit of further education and professionalism as an SR/WA.

As you are aware, IRWA's highest formal credential is the SR/WA. After completion of 208 credit units/hours of coursework, each SR/WA must subsequently complete 72 continuing education units within the following five (5) years to maintain their SR/WA. Ms. Weiss has just completed her continuing education units and we congratulate her for her maintenance of her SR/WA credential. Go Rhonda!

Rhonda works as a Right of Way Agent for Security Land and Right of Way Services, Inc. and is the company President. When asked how her work relates to the R/W profession, she said "I'm a right of way agent"! no duh. Rhonda provides right of way services to local agencies. Rhonda has a Bachelor of Arts degree in Environmental Factors and Master of Science degree in Marketing Management.

Rhonda was born in Redondo Beach and currently resides in the City of Orange. She is single and has three (3) boys. She enjoys pets and has two (2) dogs named Molly and Desmo. When out dining, she enjoys Mascarpone's in Orange and can be found taking in Mediterranean and Italian cuisines. She's always willing to learn something new and her hobbies are quite diverse. She believes the human brain is fascinating and wants to learn more about

its character. Among other hobbies, she enjoys cooking, sailing, and writing.

When Rhonda wants to relax to tunes, she listens to classical, hip hop, country, and new age music. When quiet time rolls around, she enjoys reading and writing. Her last book read was "The Art of Dramatic Writing" and last movie taken in was "At Eternity's Gate". Her favorite TV show is "Marvelous Miss Maisel" and favorite quote "If you are easily offended, you are easily manipulated!" Oh my!

When asked if she has any pet peeves, Rhonda says "Obviously, toilet tissue put on incorrectly. it's a pandemic all its own!, over the top people...not under!" She believes the most influential people in her life are her boys because they continue to push her every day to be the very best she can be at whatever she does. Her proudest accomplishment was when a publisher picked up her book "Dizzy Dizzy Desmo" and had it published. We'll have to get a signed copy of that one!

Rhonda's secret to success is to have "Brain plasticity and growth mindset (thanks to Dr. Huberman)". Her biggest challenge faced was having cancer and learning how to cope with it, "been there done that", she says! Rhonda's last vacation was three (3) years ago in Washington, D.C. When asked what she looks for in people, Rhonda says "a positive upbeat attitude!"

Rhonda's most important unrealized goal is selling her screenplay. She enjoys writing and currently has three (3) new children's books (a series) coming out in September. When asked why she is involved in the IRWA, she says "I love the people and the education."

Next time you see Rhonda, congratulate her for her SR/WA recertification and continued achievements!



## MEMBER SPOTLIGHT

Arianna Perez  
Has a Baby Boy!



Arianna Perez, Chapter 67 member, welcomed a quarantine baby boy named Jordan. Arianna has attended Chapter luncheons and she's employed by the Orange County Transportation Authority (OCTA) as a Senior Real Property Agent. She is married to Jesse Perez who is an Associate Right of Way Agent at Caltrans District 12. Dad and mom both received their Master's degrees in Transportation Management from San Jose State University in 2017. Wow, similar education and careers! They got married in May, 2019 and baby Jordan was born in November of 2020. He has a big sister named Jasmine, who is 16 years old, and a pet dog sister named Spots!

Congratulations to Arianna, Jordan, Jesse, Jasmine, and Spots!



## IRWA NEWS



### Announcing IRWA's New Executive Director Tim Drennan, CAE

The International Right of Way Association (IRWA) is excited to announce the promotion of Tim Drennan, CAE, to Executive Director. With over 14 years of nonprofit and volunteer association management and experience, 8 years of which he spent with IRWA, Tim will be instrumental in building staff leadership and employees for the future needs of the Association. Please join us in congratulating Tim!



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## IRWA NEWS



### **Don't wait for a leader. Be a Leader.**

#### Candidates for 2022-2023 International Executive Office

Any IRWA Chapter or active member may nominate a qualified candidate for any of these 2022-2023 IEC Positions:

- President-Elect
- Treasurer
- Vice President
- Secretary

Nominations will be accepted from individual members or on behalf of a Chapter or Region.

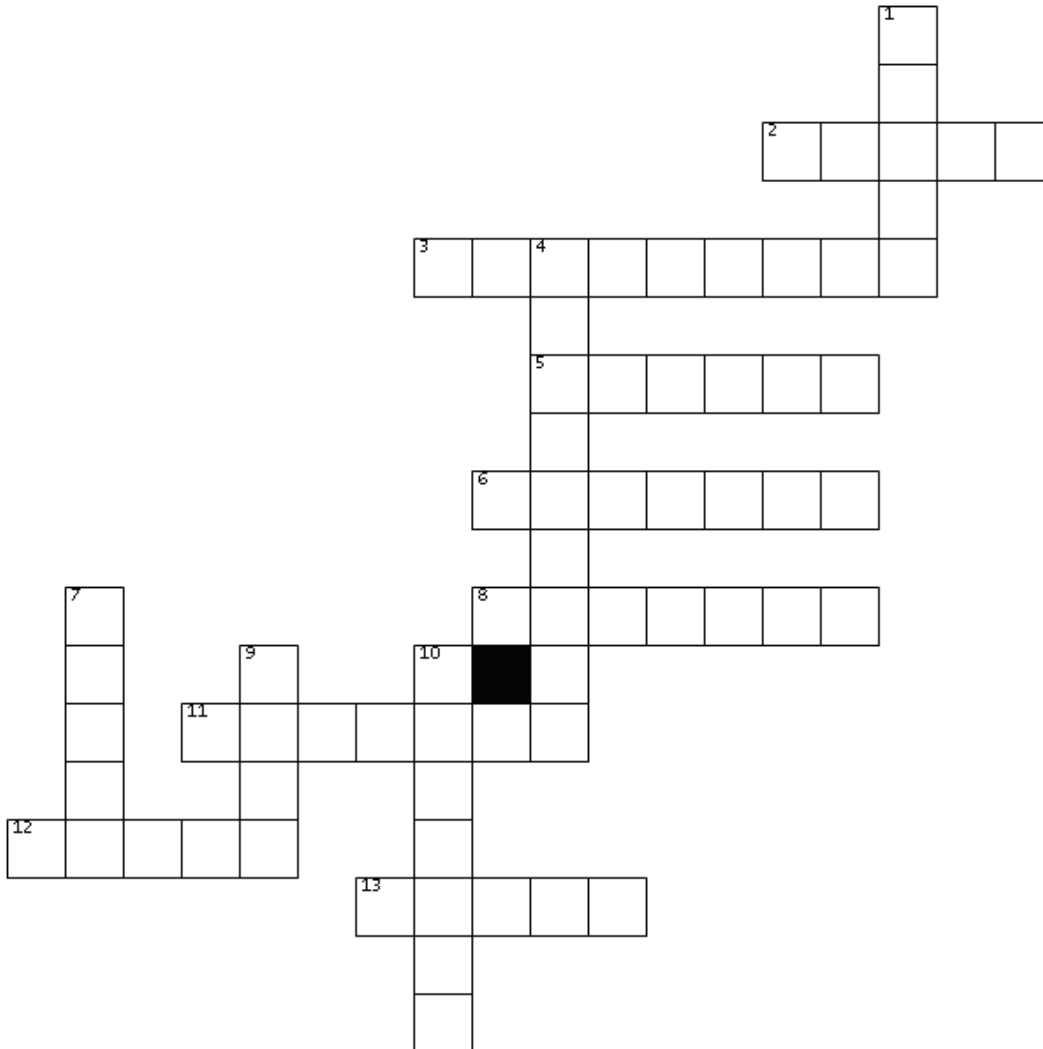
All nominations shall be postmarked no later than December 1, 2021 to be considered an official candidate for office. Any nominations received after this deadline will be considered "running from the floor" and will have no official candidacy until they announce their intent to run at the Board of Directors Meeting on June 8, 2022.

Candidates meeting the deadline will have the option to submit a statement to be included in the January/February issue of Right of Way Magazine. However, IEC Candidate Statements in the Right of Way Magazine are not a prerequisite for election to the IEC.

To nominate a candidate, please send the nomination form, recommendations, résumé, candidate statement and a color headshot to INEC Chair Jenni Kriner, SR/WA, at [irwainecchair@gmail.com](mailto:irwainecchair@gmail.com). The nomination form and further information about candidate qualifications are available on the IRWA website at [www.irwaonline.org](http://www.irwaonline.org) under Leadership Resources.

**CLICK HERE TO DOWNLOAD  
NOMINATION FORM**

## FOR FUN



### ACROSS

2. Eminent domain proceedings are "against the land"
3. Tree that loses all its leaves during winter
5. City where the first Oktoberfest was held in 1810
6. Type of easement that allows the holder to flood the property that is encumbered by the easement.
8. Similar to a lease, but revocable
11. California's definition of market value for eminent domain proceedings has a \_\_\_-price concept, rather than a most-probable-price concept.
12. Fall fruit, often called "nature's toothbrush"
13. Birds migration direction during fall

### DOWN

1. September's joint luncheon speaker (first only)
4. Pleading that starts a court case
7. Ethical and performance standards for the appraisal profession
9. Reimbursement to hire an appraiser in an eminent domain proceeding (thousand)
10. California's state tree