

From: [Eric May](#)
To: [Commission Clerk](#)
Subject: 155-1-01
Date: Saturday, April 8, 2023 3:43:21 PM

What you are doing is wrong and you know it.

There is no reason to allow oil and gas companies on to our state parks.

There is no reason to do this public hearing under the radar other than further bribery and corruption and those participating WILL see their time behind bars. "Just following what my boss says" is not a valid excuse. It is your duty as public servants and officials to uphold the public good and the law, to report wrongdoings, and to bring to light corruption and malfeasance on the part of those who seek to take from Ohio's citizens to enrich themselves.

Every day when you wake up and continue to take part, know that the responsibility of having ruined our parks, made Ohioans worse off, and taken from others is yours to bear and yours alone. There is no excuse. You are solely responsible.

-Eric May

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From: [Julie Weatherington-Rice](#)
To: [Moffitt, Nathan](#)
Subject: amended testimony for Monday's hearing
Date: Friday, April 7, 2023 11:43:43 AM
Attachments: [4-6-23 testimony to Commission.pdf](#)

Dear Nathan,

In rereading the testimony I sent you last night, several of us discovered several typos. I have corrected those errors in this copy of the testimony and am submitting it as a replacement.

Thank you for your cooperation in this matter. I hope your day is pleasant.

Respectfully Submitted,
Julie Weatherington-Rice, PhD

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Julie Weatherington-Rice. PhD, CPG, CPSS
298 W. New England Ave.
Worthington, Ohio 43085
614-436-5248

Jweatherington.rice@gmail.com

April 7, 2023

Amended testimony to correct topos

ODNR Oil & Gas Land Management Commission
Via e-mail

RE: Drilling on State lands, public safety and final well closure, who pays?

Dear Commissioners;

Thank you for this opportunity to submit comments on the above cited three issues. My name is Dr. Julie Weatherington-Rice. I am a geologist and soil scientist working in the fields of soil, water and air protection in Ohio. I have been studying the impacts of oil and gas drilling on Ohio's environment and her people since 1977 in a range of capacities. I serve as a member of the Ohio Brine Spreading Task Force.

Drilling on State Lands

Governor DeWine is on record as stating that there will be no drilling activities on State-owned lands. All drilling pads and associated activities will take place on private lands next to the State land boundaries. While that is a laudable position to take, it's really not his decision. The placement and locations of drilling pads depend on three factors. They are as follows:

1. The distance a horizontal lateral well boring can be drilled. At this point in time, the industry can routinely drill a lateral well boring one mile. With care, they have been able to extend laterals up to approximately two miles.
2. The shape and size of the State land that has been leased.
3. The Ohio Supreme Court case law regarding "takings" of mineral rights.

The assumption is made that well pads will be established at the property boundaries of the State lands on private property. This assumes that such locations can be found and that placement there allows the drilling company to efficiently reach the oil and gas reserves under the privately leased lands as well. To determine if the whole State property can be drilled from pads outside the property boundaries, it is necessary to examine the size and geometry of the State property. This is achieved in the following method. It can be calculated by hand but is most efficiently undertaken on a computerized Geographic Information System (GIS) like ArcView:

1. Create a map of the State land parcel under consideration at a scale that is easily reproduced.

2. Starting on the outside property line, create a one mile buffer into the land parcel. This is the area of the State property that can be expected to be successfully reached with horizontal laterals. Are there areas of the State property that are not covered by the one mile buffer?
3. If there are areas that cannot be covered by the one mile buffer, construct a second buffer that measures two miles wide from the property boundaries. This distance encompasses the longest laterals that the industry is currently drilling. They are not always successful. Are there still areas within the state property that are not covered by the two mile buffers? If so, these areas can only be reached by installing drilling pads within the State property.

Does the State have to permit drilling pads on State property to reach areas that cannot be reached by drilling pads on adjacent private property? A careful reading of the Ohio Supreme Court decision, *State ex rel. R. T. G., Inc. v State*, 98 Ohio St. 3d 1, 2002-Ohio-6716 indicates that if ODNR does not grant the right to construct drilling pads on State land to reach areas that cannot be drilled from the boundaries, they are instituting a “takings” of the leased oil and gas rights, which they had to grant in the first place. If the courts find them at fault, the State must pay the retail cost of every barrel of oil and/or cubic foot of gas that the drillers cannot recover. No allowances were made in the Pleasant City case to deduct the cost of recovery of, in that case, coal, or the costs of impacts to the wetlands (which was more than the retail value of the coal).

Likewise, it is expected that the court would base the fine against ODNR on the total volume of oil and gas, not the less than 10% of the resource that current drilling actually extracts. Of course, there is always the hope that at some point in the future it will be cost effective to go back in and recover more products if this current drilling process does not prevent that from ever happening. It cost ODNR approximately \$5 million dollars to settle the Pleasant City case. The Agency can never say “no” to the industry as long as that case decision stays on the books.

Public Safety

It’s important to remember that when drilling pads are constructed on State lands, the standard rural setbacks typically apply, 100 feet from an occupied dwelling which would include a lodge or cabins, and 100 feet from a river or lake. These close proximities to the general public create a huge risk to anyone using the State lands.

Oil and gas drilling and well development are inherently a very dangerous effort. Even when the well is producing or later, when it is shut in waiting to be grouted and plugged, there are still risks. Casings break, wells blow out, they catch fire and explode. A subset of wells drilled each year fail, sometimes with catastrophic results. Ohio has experienced these failures in the past. Over time, casings corrode and the cement grouting surrounding the casing strings crack and fail. Sometimes this happens because of earth movements, i.e. earthquakes, often, it’s the slow reaction of the acidic rocks in Ohio simply rusting and pitting the casings.

In eastern Ohio, where the much of the landscape is underlain with abandoned underground coal mines, failure of casings can be even more dangerous. While we have good maps that show us where known mines exist, there are many mines, perhaps as many as 40% in some areas that we have no records for. They were family mines, dug before maps were

required or the last map submitted was drawn at some point in time before the mine was closed. A casing failure in a mine can leak undetected for years, allowing gas to migrate through the old workings for miles, only to come out of air vents, mine shaft openings and sink holes some distance from where the original leaking well exists.

That movement can also occur along natural joints and faults in the earth as we have recently seen in Washington County with the Red Bird SWIW. Again, we have some records of where these faults exist in Ohio but we don't know where all of them exist and we keep finding new ones as the oil and gas industry trigger them with the fracturing of production wells and the creation of SWIW's.

A review of evacuation zones here in Ohio range from one-half mile radius of the well pad to two miles. Others will discuss the need for ODNR to create their own health and safety plans for each drilling site. I will simply reserve my comments to the fact that while not every well fails, all wells have the potential of failing. Since we do not know ahead of time which wells will fail, when dealing with the safety of the public, we must assume that every well may fail. Therefore ODNR needs to create a "no man's land" perimeter around each active drilling site that cannot be entered by the public while the pad is being constructed, drilled and the wells developed. The buffer ratio should be two miles with the full understanding that if something goes seriously wrong, an emergency evacuation zone of a greater distance may be warranted. ODNR will need to work closely with their first responders on this issue.

Closing the well and grouting it shut, who pays?

While an oil or gas production company will be responsible for the drilling, development and management of the well, typically, they do not own them. Most wells are individual Limited Liability Corporations and the funds used to pay for their drilling and development are raised from third party sources. The costs of drilling and development of the well is amortized over a 30-year period, like a 30-year mortgage on a house. However, unlike the house that is expected to still be standing and have grown in value in the passing 30 years, horizontal shale oil and gas wells show steep production decline curves and have reached very low levels of production five years after they come on line. Newer wells are failing even faster. That leaves a more than 20 year mortgage to be paid with no appreciable income to meet the payments, let alone the royalties. When this happens, the well pad LLC is declared bankrupt in the Oklahoma or Texas courts where they were incorporated, secured creditors are paid first. Land owners with royalty claims are not considered secured creditors and usually get nothing. Usually, enough funds are not raised from the assets to pay off the mortgage for the drilling and development, let alone funds to close and plug the well.

This condition leaves two sources of funding to close and plug the well. The first are the local landowners who received royalties from the well. Of course, the cost of closure and plugging often exceeds the funds realized from the few short years when royalties were paid. If the local landowners cannot pay for the closure and plugging of the well, it then becomes an "orphaned well" and is added to the list of wells that ODNR is slowly working to close and plug. It is important to realize that there are tens of thousands of wells in front of these wells, waiting in line to be closed and plugged. Also, it is important to remember that until the well is closed

and plugged, while it is simply shut in, there is the ever increasing risk that the casing will rupture and the well could cause an emergency. With this in mind, it would behoove the State to invest their royalty checks wisely as those funds will be needed to help pay the closure and grouting expenses for the wells once the management companies abandon them. Does this sound like a Ponzi scheme? It is. Who benefits? The politicians are the ones who benefit most; they took campaign contributions from the industry. One would think that Ohio would have learned our lesson from the First Energy case, but that does not seem to be what happened last December when the amendments that established this situation were attached to a poultry bill.

Summary

This concludes my comments for this hearing. If you have questions, concerns or need further clarification, please feel free to contact me. Again, it has been a pleasure passing on my hard earned knowledge of the oil and gas industry. While I totally understand that your hands are tied and you are powerless at this point to reverse the situation, at least we are able to place our important information into the public record so that it is available at a later point in time when it is needed.

Respectfully submitted,

Julie Weatherington-Rice, PhD

Julie Weatherington-Rice, PhD
Ohio Brine Spreading Task Force
For identification purposes only
Sr. Scientist,
Bennett & Williams Environmental Consultants Inc.
Former Adjunct Professor
Dept. Food, Agricultural & Biological Engineering
The Ohio State University
Former Public Member
Governor's Oil and Gas Regulatory Review Commission
Associate Supervisor
Franklin Soil and Water Conservation District
Education Committee and Newsletter editor
Association of Ohio Pedologists

JWR/jr

Copies: Ohio Brine Spreading task force
file

From: [Anne Sparks](#)
To: [Commission Clerk](#)
Subject: April 10 OGLMC/JCARR Hearing - Comments for Record
Date: Monday, April 10, 2023 9:49:47 AM

Comments for the Record

The mandatory opening of public lands to leasing for oil and gas extraction as described in HB 507 should not be implemented without an opportunity for the Ohio Supreme Court to rule on its validity. The clause was added as an amendment without a chance for public input, and then the bill was voted on by the Ohio State Legislature without three hearings. Implementation could have disastrous impacts on our precious public lands, their neighboring communities, and the necessary reduction of greenhouse gas emissions. The value of our Ohio public lands is appreciated by the public, but their actual economic value and their contribution to maintaining a livable environment need to be taken into account and prioritized in governmental planning and legislative actions such as this. No matter how much money the oil and gas industry could make from their operations if this leasing takes place, it could never come close to the benefits we receive from our public lands and need to continue receiving by preserving them.

Anne Sparks
730 Robinette Ridge Rd.
New Marshfield, OH 45766

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From: [leezeca](#)
To: [Commission Clerk](#)
Subject: April 10, 2023 Meeting
Date: Sunday, April 9, 2023 8:35:19 PM

My name is Liz Noble and I have extensive knowledge and documentation about both living 1/2 mile from a fracking well pad and seeing my childhood state forest rendered pointless by fracking. I will be there to speak at the ODNR hearing on 4/10/2023. I appreciate the opportunity.

Thank You.

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From: [Melinda](#)
To: [Commission Clerk](#)
Subject: Attached: Comments for Monday Oil and Gas Management Land Commission meeting
Date: Sunday, April 9, 2023 8:35:16 AM
Attachments: [Comments to Ohio Oil and Land Gas Management Commission 4-9-23.docx](#)

Good Morning, Nathan,

Happy Easter to you and yours.

Attached is a letter for the Oil and Gas Management Land Commission's packet. I would like to be in the queue to speak on Monday.

Thank you for your help in navigating the ODNR website regarding this issue.

Cordially,

Melinda Zemper
West Chester, Ohio

(513) 706-3737

-----Original Message-----

From: Melinda <mzemper@fuse.net>
Sent: Friday, April 7, 2023 12:52 PM
To: 'Commission.Clerk@oglmc.ohio.gov' <Commission.Clerk@oglmc.ohio.gov>
Subject: RE: Is there a word limit or deadline to submit to the OGSLMC for Monday's meeting?

Thank you, Nathan! I appreciate your prompt response.

Have a great weekend,

Melinda

-----Original Message-----

From: Commission.Clerk@oglmc.ohio.gov <Commission.Clerk@oglmc.ohio.gov>
Sent: Friday, April 7, 2023 12:03 PM
To: Melinda <mzemper@fuse.net>
Subject: RE: Is there a word limit or deadline to submit to the OGSLMC for Monday's meeting?

Hi Melinda,

There is no word limit for comments. As far as a time and date deadline, I have talked to the Chair, and the Commission will accept all comments submitted through the end of the day on Monday (4/10) as part of the official record. Please let me know if you have any further questions!

Best regards,

Nate Moffitt
Commission Clerk

Ohio Oil and Gas Land Management Commission
Office: 614-265-6836
Commission.Clerk@oglmc.ohio.gov

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Nate Moffitt
Deputy Director of Legislative Affairs
Ohio Department of Natural Resources
Office: 614-265-6836
nathan.moffitt@dnr.ohio.gov

This message is intended solely for the addressee(s). Should you receive this message by mistake, we would be grateful if you informed us that the message has been sent to you in error. In this case, we also ask that you delete this message and any attachments from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding.

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-----Original Message-----

From: Melinda <mzemper@fuse.net>
Sent: Friday, April 7, 2023 10:59 AM
To: Moffitt, Nathan <Nathan.Moffitt@dnr.ohio.gov>
Subject: Is there a word limit or deadline to submit to the OGSLMC for Monday's meeting?

Hello Nathan,

Is there a word limit or time and date deadline to submit a letter to be included in the commission packet for the Ohio and Gas Land Management Commission meeting on Monday at 10 a.m.?

Thanks for responding as soon as you can today.

Have a Happy Easter,

Melinda Zemper

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Comments to Oil and Gas Land Commission on H.B. 507

Melinda Zemper

West Chester, Ohio

April 9, 2023

Who wants frack-ing? Can't think of many people, actually

Thank you for the opportunity to speak to you today, though I have to admit I'm not happy to be here. I'm sure you're not happy either, though I suspect for different reasons.

Do you believe in climate change? This is not a rhetorical question. Please raise your hand if you do. If you have to think a moment, I can wait.

Now, if you've done your due diligence and keep up on your reading, you know that the earth is warming. Quickly. The glaciers are melting, oceans are rising and the 10 hottest days since weather people have been documenting daily temperatures have been within the last 10 years. Our forests are being clearcut. Fish and animals are distressed and dying. We have eight billion people on the planet to feed. And the threat of an expanded war in Ukraine and potential conflict with China all coupled together makes our task of holding global temperatures down to 1.5 degrees for our children and grandchildren seem a desperate enterprise.

Because if we don't succeed in stopping carbon emissions and stopping them quickly, we face a climate catastrophe that could take tens of thousands of years to heal. With inadequate action, by 2050, we'll have more plastic in the oceans than fish. The coral reefs will be gone; animal extinctions will increase dramatically. In Ohio alone, 2022 was the 6th warmest year since 1850.

And if you were born after February 1985, you have never experienced a cooler than average month for the planet.

Where did I get some of these statistics? From an **Ohio climatologist**.

Methane makes up 30 percent of all global carbon emissions and much of that comes from the coal, gas and oil industries. Methane is a byproduct of fracking, and wells often leak or flare. I don't need to tell you about the **methane gas leak in Belmont County** when a fracking well exploded in 2018, do I? That leak at Powhatan Point on the Ohio River exploded and spewed methane gas into the air at the rate of 120 million tons per hour for nearly 20 days.

American and Dutch scientists, which spotted the leak by satellite, agreed Powhatan was likely the largest methane leak in U.S. history. The amount of methane released into the air was more than the entire countries of France, Norway and the Netherlands combined in a year.

What has Ohio state government done since then to prevent accidents like this in the future?

What plans do oil and gas industry companies have to prevent, clean up and compensate victims when future accidents occur?

The fracking process creates ethane, which is used in many products, including plastic, paints solvents and adhesives. The new Monaca plant that just went online directly across the Ohio River will bring us the pollution and cancers the people of Louisiana's "Cancer Alley" have endured for 30 years. That is a fact.

Watch the 2022 "The Power of Big Oil" three-part series by Frontline if you need specifics.

While fracking is pretty much unregulated right now, stricter laws are coming. Just last week, the **EPA announced new rules** to limit emissions from chemical and plastic plants. The document

itself is 444 pages long, so I imagine it will take a while for the new rules flow through the figurative pipeline. So, amid the craziness of an H.B. 507, there are some glimmers of hope.

What I really want to express to you today is that Ohio is not ready for the health and environmental disasters that await us if fracking occurs in state parks and public lands. Ohio didn't have a strategic disaster plan for the East Palestine toxic chemical accident, did it?

Does Ohio government and ODNR have a disaster plan for H.B. 507 fall-out? I don't think they do. How can you have created an effective, efficient and workable plan for oil and gas industry accidents when this H.B. 507 law was introduced, passed the state House and Senate without public discussion, and signed by Gov. Mike DeWine within the space of a month during the Christmas holidays? The East Palestine cleanup was very tragic and obviously reactive, not proactive. And that was only a train derailment; yet cleanup is not over yet.

We REALLY need proactive disaster planning if fracking is involved.

Because you know there will be fracking accidents. There will be methane leaks and city water and groundwater contamination from fracking chemicals, and wastewater brine poisonings from injection wells. Why? Because people make mistakes. Because accidents happen. Because corporations cut corners when they can.

Just a few days ago, in **Torch Ohio, PFAS were reported** in a waste injection site there. Since the ingredients of fracking fluid and wastewater brine are not yet required to be publicly disclosed, the Torch contamination cannot be called an accident. The Athens Independent reported the brine was transported from eight fracking sites in western Pennsylvania known to use PFAS. The discovery was made after an injection well test.

Fracked well methane leaks, flaring, leaks from abandoned, orphan wells, and the chemicals and underground injection storage sites associated with fracking poison our water, pollute the air, and contaminate our soils. Who will realistically want to risk living here after Big Oil is finished with Ohio?

Not to mention the betrayal Ohioans feel that their beloved state parks—parks we support with tax money-- will be handed over to oil companies to frack, to pollute, to poison, just to generate a billion dollars a year so a few state legislators can fund a dubious four percent state income tax.

Ohio and ODNR need to decide which side they're on in the climate conversation. And your decision on allowing fracking in state parks and public lands will help determine its public stance. The Ohio GOP can't have development both ways.

JobsOhio can entice more Intels to invest in Ohio and build the microchips that help us run EVs. It can encourage the Hondas to expand and manufacture electric cars and batteries here.

But Ohio can't simultaneously also allow fracking in Ohio state parks and public lands. Those two strands of investment and development are diametrically opposed to each other and undercut each other's mission. You can either be green, or you are not green. Despite what H.B. 507 erroneously acclaims, natural gas is not green.

Finally, does Ohio want to continue to have a \$46 billion tourism industry? Does it want to continue to attract hunters, anglers, birders, campers, hikers, kayakers, canoers? Does it think it's supporting the agriculture industry when 29,000 tons of soil-- I'm assuming that includes topsoil-- is contaminated in East Palestine and slated for removal to be stored underground someplace else?

Because what will we replace that topsoil with, exactly? I'm not aware that you can grow anything on plastic turf, or clay or rock.

Finally, think about this: how many people will be willing move to East Palestine over the next few years in the wake of the Feb. 3 toxic chemical explosion? How many do you think will open small businesses there over the next five years? The next 10?

I urge you. Do NOT approve fracking leases in Ohio state parks and public lands. The state of Ohio and the people of Ohio are woefully unprepared for the ecological and health disasters that are likely to occur. What you recommend regarding leasing will determine the health, quality of life and future of every single person in this state.

Sources.

Ohio climatologist, Aaron B. Wilson, PhD. Asst. Professor – Ag Weather and Climate Field Specialist State Climatologist (climate.osu.edu) Byrd Polar & Climate Research Center Affiliated Faculty, Sustainability Institute. Presentation. “The Impacts of Climate Change.” Ohio River Valley Woodland & Wildlife Workshop. March 18, 2023

methane gas leak in Belmont County. [A Methane Leak, Seen From Space, Proves to Be Far Larger Than Thought - The New York Times \(nytimes.com\)](#)

EPA announced new rules. [For the First Time in Nearly Two Decades, the EPA Announces New Rules to Limit Toxic Air Pollutants From Chemical and Plastics Plants - Inside Climate News](#)

**Torch Ohio, PFAS were reported. [Torch fracking injection wells received 'forever chemicals'](#)
[PFAS: data \(athensindependent.com\)](#)**

From: [Kathleen Mackey](#)
To: [Commission Clerk](#)
Subject: Comment for Public Hearing ORC 155-1-01
Date: Friday, April 7, 2023 7:07:56 AM

To whom it may concern,

To date, the public has been given only one opportunity to comment on the proposed, draft rule and lease form and will oversee leasing of our public lands to oil and gas companies for extraction. Why isn't the Oil and Gas Land Commission upholding ODNR's mission to protect Ohioans air, water, and public parks from polluting and dangerous legislation?

Fracking in Ohioans protected and cherished areas is a threat to the Ohioian and tourists health, and the environment. Why?

- The use of PFAS and toxic chemicals used in trillion fracking.
- Leaks - groundwater and drinking water. Sources are at risk of contamination, further point pollution of soil and toxic emissions.
- health impacts near fracking include: premature birth, low birthweight, birth defects, asthma, migraine, fatigue, heart related problems, certain types of cancers (like lymphoma and childhood leukemia).
- Impacting the natural integrity of geological features, which may lead to earthquakes.
- Negative impacts on biodiversity in landscape through clear cutting, spills of chemicals into our public lands and rivers.

Communities all over the State of Ohio have pushed out underground storage wells and fracking companies due to these issues, and will continue to live with the consequences of fracking long after the companies have taken what they want. Why should Ohio's government entities, who represent the Ohio citizen and taxpayer, grant these companies lease to degrade the land they will not raise their children on?

Allowing companies to apply for a lease agreement without the input of Ohioians is manipulative and undermines legislative due process. I respectfully request that the Oil and Gas Land Commission suspend the use of the surface impact lease form for oil and gas extraction companies, as well as remain strictly mindful of the impacts these companies have on our communities.

Respectfully,
Kathleen Mackey
Kent, Ohio
330-800-7968

--

Kathleen Mackey

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From: [Randi Pokladnik](#)
To: [Commission Clerk](#)
Subject: Comments for April 10th Meeting for Ohio Oil and Gas Land Mangement Commission
Date: Sunday, April 9, 2023 11:00:26 PM
Attachments: [Final Testimony April 10 2023 Pokladnik R.docx](#)
[Final Testimony J Pokladnik HB 507.docx](#)

PLease see attached public comments from:
Dr. Randi Pokladnik and Joel Pokladnik, PE

--

Dr. Randi Pokladnik
Tappan Lake
Uhrichsville, Ohio 44683

We forget that the water cycle and the life cycle are one.

- *Jacques Cousteau*

I understood when I was just a child that without water, everything dies.

I didn't understand until much later that no one "owns" water.

It might rise on your property, but it just passes through.

You can use it, and abuse it, but it is not yours to own.

It is part of the global commons, not "property" but part of our life support system.

- *Marq de Villiers, Water, 2000*

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My name is Randi Pokladnik. I have degrees in Environmental Engineering, Chemistry, and a Master and PhD in Environmental Studies. As a resident of Harrison County, I have witnessed firsthand the destruction caused by fracking for the past ten years. Unlike the Governor, the Republican party and this commission, which disregard peer reviewed science and the marginalized citizens living at the energy frontier, I will speak to the externalities that are associated with fracking.

High pressure hydraulic fracking is excluded from most major federal environmental regulations even though it has major impacts. These impacts can be categorized into 3 areas: chemical hazards, physical hazards, and social hazards.

Chemical hazards include exposures to volatile organic compounds such as benzene, toluene, ethylbenzene and xylene as well as hundreds of other compounds classified as carcinogenic or endocrine disrupting including PFAS. These compounds have been shown to contaminate air, soil, and water around fracking sites. Residents are also exposed to small scale particulate matter less than 2.5 microns in size, ozone, NO_x, and inorganic compounds including heavy metals in soil and water especially near waste water disposal sites. Additionally, fracking has caused methane emissions to dramatically increase undermining the ability of the United States to address climate change.

Physical hazards include exposures to noise, lights (lights from flaring), vibrations, and ionizing radiation from TENORM brought to the surface during fracking.

Social effects of fracking include: increased traffic accidents, increased crime rates, increased sex crimes (prostitution) (see study done in Carroll county), transient workforces and man-camps in rural communities, rapid industrialization of once rural areas, changes in land and home values, and increased seismic activity (see Uhrichsville earthquakes 2013)

The health impacts of fracking were serious enough for New York State to ban fracking as it has been linked to preterm births, high-risk pregnancies, asthma, migraine headaches, fatigue, nasal and sinus symptoms, and skin disorders.

It takes courage to stand up to the fossil fuel industry, and sadly Ohio's Republican politicians are choosing cowardice. They are willing to sacrifice [Ohio's \\$8.9 billion dollar](#) outdoor recreation industry as well as the health and safety of the residents of Ohio's Appalachian counties in order to pad the state coffers. To quote Noam Chomsky "I don't know what word in the English language applies to people who are willing to sacrifice the existence of organized human life so they can put few more dollars into highly overstuffed pockets."

In addition to my science degrees, I hold another title, grandma. These are my two granddaughters. They live in an Appalachian Ohio county. It is their lives, their health, and their future at stake. It isn't surprising a large percentage of Ohio's youth leave the state after college graduation or that Ohio has [a declining](#) population. Who would want to raise a family in a state that caters to fossil fuels, ignores clean air and water, and fights renewable energy?

It is obvious that Ohio's political system has been bought by this industry. It is obvious that Appalachian counties in the state are regarded as sacrificial communities. It is obvious that science and health studies do not matter. However, there are still people who care about the SE counties of the state and the children that live there. We care about our state parks and forests and we are not going away.

My name is Joel Pokladnik, I am a retired Professional Engineer and reside at Tappan Lake in Harrison County. Once again, the Republican party of Ohio along with the Governor have pulled a fast one on Ohio's citizens. Democracy has been hijacked. Even though Ohio's citizens pay taxes to take care of our state lands, we were denied any comment period for HB507. Instead, the bill was rushed through during a lame duck session.

Even this public hearing smacks of injustice, as it lacks a virtual component, and effectively limits participation by the residents of the Appalachian region of Ohio who live over two hours away. Ironically, these are the people who are close to the majority of the state lands that will be handed over to the oil and gas industry to rape.

Ohio's Republican party is dragging the state backwards, instead of embracing renewable energy, it is opening the doors to even more fossil fuel development. The politicians are so unimaginative and near-sided they can only see a one-way road to economic development: fracking. While other neighboring states cash in on renewable energy and other sustainable industries, Ohio politicians pass ridiculous laws.

The IPCC has warned us of the impending crisis with climate change. Ohio is experiencing some of those weather calamities and we witness increasingly damaging storms, tornadoes and flooding. Yet the state refuses to address climate change, and clings to the fossil fuel industry like a life raft.

Instead of valuing our forested lands as a way to capture carbon dioxide emissions, politicians stand by while the industry cuts pipelines through them, erects fracking well pads in them, withdraws billion of gallons of water from them, and destroys the biodiversity.

Just like the hundreds of orphan wells left in the wake of the first oil boom in the state, and the countless acid mine contaminated streams, Ohio and Ohio's citizens will be left with the clean-up costs when the frackers are done extracting our resources. They'll take the money and leave the state to deal with the pollution and cancers.

From: [Kevin Schmidt](#)
To: [Moffitt, Nathan](#)
Subject: Encino letter for the public hearing on Monday
Date: Friday, April 7, 2023 2:44:17 PM
Attachments: [EAP - State Lease Comments Letter \(4 6 2023\).pdf](#)

Nate - Happy good Friday. Attached is a letter to JCARR that Encino would like included in written comments for the public hearing. I plan to attend but will not be speaking. Just scoping the room out.

Kevin Schmidt
Partner & Vice President of Government Relations
C: 614.507.1050 | schmidt@sppgrp.com



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Corporate Headquarters
5847 San Felipe St., Suite 400
Houston, TX 77057

Ohio Office
1015 Waynesburg Rd NE
Carrollton, OH 44615
encinoenergy.com

April 6, 2023

VIA PERSONAL DELIVERY AND/OR EMAIL

Jamie Callender, Chair, Joint Committee on Agency Rule Review (JCARR)
Vern Riffe Center 77 South High Street
Columbus, Ohio 43215

Re: Oil and Gas Land Management Commission Proposed Rule 155-1-01

Mr. Chairman and Members of JCARR:

I write on behalf of Encino Energy regarding the Oil and Gas Land Management Commission Proposed Rule 155-1-01.

Encino Energy is a natural gas and oil company that operates in Eastern Ohio. Encino is the largest leaseholder and horizontal well owner in the state, with approximately 1,000,000 acres under lease. We are also the state's largest producer of oil and second largest producer of natural gas. For these reasons, and our vested interest in state lands leasing, we believe we are uniquely qualified to comment on the proposed rule.

As you are aware, we have participated in discussions with multiple parties regarding our desire to lease state lands and remain interested in participating in the process. Encino greatly appreciates the transparency and constructiveness from the parties involved as we develop a rule that provides operators the certainty needed to invest in Ohio and develop the state's minerals.

In the spirit of continued constructive conversations we offer the following suggestions for consideration, all of which have been communicated with many members of the Administration, the General Assembly, and the Commission:

- **Termination Language**
 - o Encino recommends the removal of the termination language in its entirety.
 - The inclusion of this language creates risk and uncertainty; making operating under state leases impossible to predict.
- **Paid Up Lease**
 - o Encino recommends a 'delay rental' mechanism for any lease over 1,000 acres.
 - In combination with the development commitment (below), Encino believes this is the best approach to develop larger sized leases.

- **Development Commitment Language**
 - o Encino recommends adding development commitment language.
 - If the operator commits to the defined development, the Pugh Clause will not be in effect and would provide for optimal reservoir development while limiting unnecessary surface footprint.
- **Lease Term**
 - o Encino Energy recommends changing the primary term to 5 years with a 5-year option to extend.
 - Encino believes the '5/5' term is in line with current market conditions and aides in the timely development of larger leases.
 - o Encino also suggests changing the payment for the extended term from 120% to 100% of the original bonus.
 - 120% is not consistent with industry standard and may conflict with statute, ORC 155.34(A)(1).
- **Pooling Language**
 - o Encino recommends removing the 50% tract inclusion language and changing the pooling limit from 1,000 acres to 1,280 acres.
 - These changes will greatly increase the operator's ability to practice proper reservoir management, protect correlative rights and limit waste.

Your thoughtful consideration of our suggested comments is greatly appreciated. We remain confident that a shared solution to leasing Ohio's minerals is possible.

Sincerely,



Cullen D. Amend
Vice President Land
Encino Energy

Cc: Ohio Department of Natural Resources

From: [Kathy Kugler](#)
To: [Commission Clerk](#)
Subject: Fracking in state lands
Date: Saturday, April 8, 2023 12:41:58 PM

Stop using protected lands for the greed of the oil/gas industry. We the citizens of Ohio rely on these lands for conservation, recreation and peace of mind. Once destroyed, they are never coming back. The only folks getting rich are oil companies execs and distant supporters.
Stop it now. Kathy Kugler

Kathy H. Kugler
812-599-0234

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From: [Haydocy, Cory](#)
To: [Commission Clerk](#)
Subject: Fw: Fracking next to our public lands
Date: Friday, April 7, 2023 2:51:25 PM

Please see below.

Thanks,

Cory Haydocy
Oil & Gas commission
614-262-2064

From: Ron Baumann <baumann.ron@gmail.com>
Sent: Friday, April 7, 2023 10:44 AM
To: DNR Oil & Gas Commission <oilandgas.commission@dnr.ohio.gov>
Subject: Fracking next to our public lands

In regards to House Bill 507, I urge you to consider the negative consequences of allowing oil/gas companies to frack near our parks and public lands:

- Use of PFAS and toxic chemicals used in drilling and fracking
 - Leaks - Ground water and drinking water sources are at risk of contamination, further point pollution of soil and toxic air emissions.
 - Health impacts near fracking
 - include: Premature births, Low birth weight, Birth defects, Asthma, Migraine, Fatigue, Heart-related problems, certain types of cancer, like lymphoma and childhood leukemia
 - Earthquakes
 - Negative Impacts on biodiversity and landscape.
- is enough, enough!** **When**

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From: [Richardson, Ryan](#)
To: [Sikora, Damian](#); [Moffitt, Nathan](#); [Hegarty, Katie](#); [Becker, Brian](#)
Subject: FW: OOGA's Letter to JCARR on Proposed Rule #155-1-01
Date: Monday, April 3, 2023 2:42:16 PM
Attachments: [\(FINAL\) OOGA - JCARR Comments \(Proposed State Lease\) \(002\).pdf](#)

From: Stephanie Kromer <stephanie@ooga.org>
Sent: Monday, April 3, 2023 2:28 PM
To: Richardson, Ryan <Ryan.Richardson@dnr.ohio.gov>
Subject: FW: OOGA's Letter to JCARR on Proposed Rule #155-1-01

Hi Ryan,

Just wanted to make sure you received a copy of this letter.

-Stephanie

From: Stephanie Kromer
Sent: Thursday, March 30, 2023 4:37 PM
Subject: OOGA's Letter to JCARR on Proposed Rule #155-1-01

Dear JCARR Member,

Please see the Ohio Oil & Gas Association's attached letter regarding proposed rule #155-1-01 (State Lands Leasing). The Association has continuously participated in the rule process, but still has a few concerns with several items that could further delay the development of state lands.

If you have any questions, please do not hesitate to reach out. Thank you.

Best regards,



Stephanie Kromer

Director of Legislative & Regulatory Affairs

Mobile 419-271-4341

Office 614-824-3901

Web www.ooga.org

Email stephanie@ooga.org

Address 88 E Broad St, Suite 1400
Columbus, OH 43215

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March 31, 2023

VIA PERSONAL DELIVERY AND/OR EMAIL

Jamie Callender, Chair
Joint Committee on Agency Rule Review (JCARR)
Vern Riffe Center
77 South High Street
Columbus, Ohio 43215

Re: *Comments of the Ohio Oil and Gas Association
Oil and Gas Land Management Commission
Proposed Rule 155-1-01*

Mr. Chairman and Members of JCARR:

We write now on behalf of the Ohio Oil and Gas Association (OOGA) regarding the new rule proposed by the Oil and Gas Land Management Commission on March 9, 2023, to adopt a standard lease form to be used for the development of the state's oil and natural gas resources. As described below, if left unchanged, the rule as proposed today will further frustrate the timely and responsible development of state lands, contrary to the legislative intent set forth in R.C. Section 155.30, *et seq.*

Background

OOGA is one of the largest and most active state-based oil and natural gas associations in the United States and has been the representative of Ohio's oil and gas producing industry since 1947. Its members range from small business entities—similar to small family farms—to large, multi-national corporations that are involved in all aspects of the exploration, development, production, and marketing of crude oil and natural gas resources in Ohio. Its members often rely on OOGA as their primary source of information on industry trends, activities, tax changes, legislation and regulatory issues. As a consequence, OOGA frequently participates in federal and state regulatory actions affecting the oil and gas industry, such as the one here.

The General Assembly first enacted the state land leasing program in 2011, more than a decade ago.¹ Its express purpose—to allow for the responsible and timely development of the state's oil and natural gas resources for the good of all Ohio citizens. In fact, the

¹ While currently located in R.C. 155.30, *et seq.*, the precursor to today's statutes were found at R.C. 1509.70, *et seq.* (enacted in 2011 in HB 133).

General Assembly expressly stated: “**It is the policy of the state to promote the exploration for, development of, and production of oil and natural gas resources owned or controlled by the state** in an effort to use the state’s natural resources responsibly.”² As part of that program, the General Assembly required the adoption—by rule—of a standard lease form that is (i) “**consistent with the practices of the oil and natural gas industries;**”³ and (ii) that includes “[a] **one-eighth gross landowner royalty,**”⁴ defined by the General Assembly to mean “a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.”⁵

For a variety of reasons not relevant here, a draft of that standard lease form was not issued until December of 2022—only a few months ago. OOGA participated in the public comment and review of that initial draft, and appreciates that the Commission made several requested changes to conform the draft to the requirements set out by the General Assembly (see attached **Exhibit A**—comments to the Oil and Gas Land Management Commission). Still, there remain a number of items that cause the draft lease form to (a) exceed the Commission’s authority and (b) conflict with the legislative intent as set out by statute—items that could serve as needless obstacles to the responsible development of the state’s oil and gas natural resources.⁶

While we mention only a few here to highlight the issues critical to the future development of state lands, we have included a more complete set of comments attached as **Exhibit B**.

Proposed State Land Lease Form

Paragraph 44, Termination of Public Use. As drafted, the standard lease form **allows a state agency** that has leased property to a producer **to unilaterally terminate that lease** if any part of the leased premises are “needed for any public or quasi-public use or purpose.” And that termination can occur regardless of how much investment the producer has made in developing the related unit—i.e., in constructing and equipping the related well pad, either off- or on-location; drilling and completing the thousands of feet of well-bore for the related well or wells; and without any concern for the producer’s related contractual obligations for the transportation and marketing of production from the related

² R.C. 155.31(A).

³ See R.C. 155.34(A)(1).

⁴ See R.C. 155.34(A)(1)(b).

⁵ See R.C. 155.30(B).

⁶ OOGA also submitted comments—very similar to those attached as Exhibit B—to the Common Sense Initiative as part of this regulatory process. Please let us know if you’d like a copy.

unit area. That amount—even absent the contractual jeopardy this could place a producer in—could easily be in the tens of millions of dollars. It is no exaggeration to say that **this provision will discourage most, if not all, investment in the state’s oil and natural gas resources**, contrary to the clearly expressed legislative intent of the General Assembly. **To put it more directly, we have heard from our members that, if the lease form is left unchanged regarding this provision, they may only use the nomination process in very limited circumstances, if at all.**

OOGA previously recommended—and continues to recommend today—eliminating this provision from the proposed lease form to avoid this issue (see attached **Exhibit B** at ¶44).

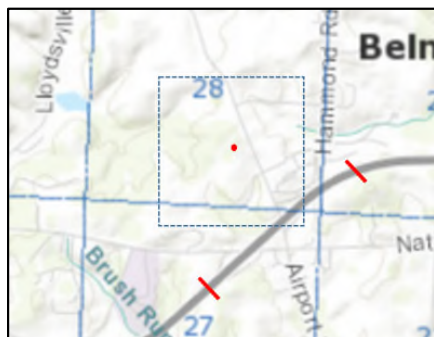
Paragraph 20, Insurance. Notably, the General Assembly did not limit the leasing of the state’s oil and natural gas resources to any specific type of producer or any particular type of development. Rather, consistent with over one hundred years of oil and gas development in Ohio, it made the leasing of state lands available to all, i.e., from larger, unconventional producers engaged in horizontal drilling to long-standing Ohio producers engaged in the drilling of traditional vertical wells. Yet, **the lease’s “one size fits all” insurance provisions—as drafted today—would as a practical matter discriminate against Ohio’s long-time conventional producers**, most of whom are small businesses without the capital needed to meet these insurance requirements. This fact was expressly recognized by the General Assembly when it established—by statute—the insurance requirements generally required of Ohio producers for any development in Ohio, requiring significantly less insurance coverage for traditional vertical wells than it required for horizontal development.⁷ It cannot be the case now that the General Assembly would sanction preventing Ohio’s traditional producer industry from participating in the development of the state’s oil and natural gas resources.

OOGA previously recommended—and continues to recommend today—changes to the insurance provisions to avoid this issue and ensure that conventional Ohio producers have the same opportunities to develop state lands as any other producer (see attached **Exhibit B** at ¶20).

Paragraph 14(B), Pooled Production Unit Limited. As drafted, the standard lease form requires a producer to include at least 50% of the leased parcel in any unit formed by the lessee—**regardless of the parcel’s shape, size or orientation, and regardless of the impact this requirement would have on the efficient development of the state’s resources**. A simple illustration shows why this will prevent the formation of technically appropriate units: Imagine that a producer selects a location to drill a traditional vertical

⁷ See R.C. 1509.07.

well (depicted by the red dot below) based on its understanding of the subsurface geology. And further imagine that to drill this well, the state's spacing regulations require a 20-acre unit (outlined in blue below), such that a small portion of a state road in the south-east corner of the unit (also depicted below) would have to be included in the unit.



If the parcel that makes up the state road is shown between the two red lines, then it is clear that the producer could not meet the proposed lease requirement without adjusting its unit lines in some way. But that may not be possible, or even advisable from a technical or economic standpoint. For example, there may be other units in the area that the lessee cannot overlap because they produce out of the same formation; the lessee may not have other leased acreage available to enlarge the unit in an appropriate manner; or it may needlessly requires the producer to take additional leases, drill additional wells, or leave some unit acreage undeveloped. It is easy to see how compelling a producer to artificially manipulate its unit boundaries, unrelated to the legal, economic and technical realities on the ground, is likely to result in a waste of economic and natural resources. **And that's only if the producer doesn't decide to avoid leasing the state lands entirely because of this requirement.** Again, we have heard from some members that this provision will substantially limit their consideration of using state lands in their development plans.

OOGA previously recommended—and continues to recommend today—eliminating this provision from the draft lease form to avoid this issue (see attached **Exhibit B** at 14(B)).

Paragraph 9, Royalty and Gas Measurement. The General Assembly required the state lease form to contain “[a] **one-eighth gross landowner royalty**,”⁸ and it defined “gross landowner royalty” to mean “**a royalty based on the proceeds received** on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.”⁹ **The Commission has exceeded its authority** when drafting the state lease form

⁸ R.C. 155.34(A)(1)(b).

⁹ R.C. 155.30(B).

by failing to adhere to either requirement. First, the draft form leaves the royalty percentage blank in the introductory language of Paragraph 9, stating only that “Lessee shall pay to Lessor a _____ (/_/) or _____ percent (___%) gross landowner royalty on Oil and Gas produced from the Leased Premises.” Thus, as drafted, the lease does not contain a one-eighth gross landowner royalty as required by statute, but leaves it open to potential bid. Second, the draft form states that the royalty can be based on something different than the “proceeds received” on the sale of production in the context of a sale to a lessee’s affiliate (i.e., basing royalties on amounts that “would have been received”—but were not—by the lessee if the production had been sold to an unaffiliated buyer, if higher). That too violates the express terms of the statute. And these violations of statute are not without potential consequences: It would, for example, allow one bidder to potentially challenge the award of a lease to another if the awarded lease contains a royalty higher than the one provided for by statute (with the argument being that the only reason the first bidder lost the lease was because of this illegal royalty). Ohio’s producers should not be subject to this type of uncertainty, given the clear and unambiguous language of the statute.

To avoid these issues, OOGA previously recommended—and continues to recommend today—changes to these provisions (see attached **Exhibit B** at ¶9).

Comments on Draft Rule Text

The Proposed Draft Rule states, in part: “The oil and gas land management commission shall not adopt a new version of the standard lease form until each draft version has been posted on the website of the oil and gas land management commission for at least 21 calendar days.”¹⁰ OOGA is concerned that—as drafted—this provision suggests that the Commission intends to modify the standard lease form merely by posting its proposed changes on its website for 21 days, and without going through the required rulemaking process. That would violate both Section 155.34 of the Revised Code (stating that the lease form must be adopted by rule) and Section 121.72 of the Revised Code (stating that “[an] agency may not incorporate by reference a future version of the text or other material that is not in existence at the time of its incorporation by reference”).

To clarify the matter, and to avoid any potential misunderstanding in the future, OOGA previously recommended—and continues to recommend today—the changes to this language as set out on attached **Exhibit C**.

¹⁰ See proposed Ohio Administrative Code Section 155-1-01(B).

Conclusion

The General Assembly adopted the state land leasing program to promote the timely and responsible development of the state's oil and natural gas resources. To encourage that development, it required the use of a standard lease form that is consistent with the custom and practice of the industry (i.e., consistent with the practice of the persons most familiar with the needs related to oil and gas development) and which contains certain non-negotiable items that serve to streamline the process and place potential bidders—unconventional and traditional producers alike—on a level playing field. While the draft lease form before you today has been revised to meet some of those requirements, as indicated in our prior comments and our comments here, there remain several items that will only serve to further delay development of state lands contrary to Ohio's express public policy.

OOGA has reached out to discuss these critical items with the Oil and Gas Land Management Commission with the hope that the Commission will propose a revised rule to this Committee (within the jurisdictional time period) that addresses them in a way that carries out the express legislative intent of the General Assembly. If that does not happen, however, OOGA asks this Committee authorize the Oil and Gas Land Management Commission to revise and refile its proposed rule before the Committee adopts any invalidating concurrent resolution regarding the rule proposal, based on the fact that the rule today both exceeds the scope of the Oil and Gas Land Management Commission's statutory authority and conflicts with the legislative intent of the statute under which it was proposed.

We appreciate this opportunity to submit these comments and are available to discuss them at your convenience.

Very truly yours,



Rob Brundrett
President
Ohio Oil and Gas Association



Gregory D. Russell
General Counsel
Ohio Oil and Gas Association

Rep. Jamie Callender, Chair
March 31, 2023
Page 7

cc: Greg Fouche, Deputy Director
Senator Theresa Gavarone, Vice-Chair
Representative Tavia Galonski
Representative Brett Hullyer
Representative Adam Mathews
Representative Michael J. Skindell
Senator Andrew O. Brenner
Senator Hearcel F. Craig
Senator William P. DeMora
Senator Stephanie Kunze
Ryan Richardson, ODNR

**OIL AND GAS LEASE
(PAID UP LEASE)**

This Oil and Gas Lease (hereinafter referred to herein as the "Lease") is dated this ____ day of _____, 20 [22] (the "Effective Date") by and between the State of Ohio through the [insert relevant state agency], with an address at _____ (hereinafter called "Lessor"), and _____, a _____, with its principal address at _____ (hereinafter called "Lessee"). Lessor and Lessee are sometimes individually referred to as a "Party," and collectively as the "Parties."

WHEREAS, the Lessor is a state agency authorized pursuant to Ohio Revised Code ("R.C.") Chapter 155 to lease property it owns or controls for oil and gas development.

WHEREAS, the proposed leasing of the lands covered by this Lease followed the procedures set forth in R.C. Chapter 155, including the completion of a bidding process, and the Lessee was determined to be the highest and best bidder; the Lease followed the requirements of Chapters 155 and 1509 of the Ohio Revised Code.

WITNESSETH, that for and in consideration of the mutual benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Lessor and Lessee, intending to be legally bound, agree as follows:

GRANT OF LEASE

1) Lessor hereby leases and lets exclusively to Lessee, and its successors and permitted assigns, all of the Oil and Gas (as defined below) underlying the Leased Premises (as defined below) from [PICK ONE: the surface of the Leased Premises to the top of the Onondaga limestone formation] [the top of the Onondaga limestone formation to the bottom of the Queenston formation] [the bottom of the Queenston formation to the basement rock], together with all such rights in the Leased Premises as may be reasonably necessary for Lessee to explore for, drill for, develop, produce, measure, and market production of the Oil and Gas from the Leased Premises or lands pooled or unitized therewith, including, without limitation, the right to remove its fixtures, equipment and materials during the term of this Lease or within a reasonable time thereafter; conduct all such secondary, enhanced, or tertiary operations as may be required in the opinion of the Lessee; to drill, maintain, operate, rework, stimulate, complete, cease to operate, plug, abandon, and remove wells; and to operate, maintain, repair, and remove materials and equipment.

Notwithstanding the foregoing, Lessor and Lessee agree that, without a separate written surface use agreement signed by Lessor and Lessee, the Lessee shall not have the right under this Lease to: (i) drill wells; (ii) locate any well pad or well site (as those terms are defined in the Ohio Administrative Code); (iii) set any surface equipment, facilities or other structures that may be used in or associated with the exploration and production of Oil and Gas (including, but not limited to, pipelines, pump stations, tank batteries, dryers, pipelines, separators, compressors or any other facilities); (iv) construct access roads; (v) construct temporary or permanent pits; and/or (vi) conduct any other activities or operations whatsoever on the surface of the Leased Premises.

Any surface use agreement signed by Lessor and Lessee that allows for surface operations on the Leased Premises shall, at a minimum, include provisions covering the following: (i) crop and timber damage; (ii) timber removal; (iii) fencing; (iv) gates; (v) roads; (vi) pipelines (including that any pipelines be for transporting Oil and Gas from a well(s) drilled on the Leased Premises or lands pooled therewith, be conspicuously marked, and installed at a minimum depth of 36 inches below ground level); (vii) location approval by Lessor; (viii) setbacks (including a setback of at least 500 feet from any structure existing on the Leased Premises at the time of Lessee's operations, including but not limited to any house, residence, barn, garage, water well, or spring or septic system, and calculated from the edge of the well pad to the nearest structure in question); (ix) surface damages/spud fees of at least \$5,000 per disturbed acre, and a maximum number of acres that can

Commented [A1]: These comments and proposed revisions are being submitted on behalf of the Ohio Oil and Gas Association (OOGA), one of the largest and most active state-based oil and gas trade associations in the country. Its 1,300+ members are primarily small business entities – similar to small family farms – involved in all aspects of the exploration, development, production and marketing of Ohio crude oil and natural gas. The Association participates in proceedings like these, both statewide and nationally, to protect its members' interests, and the interests of the industry generally, when Ohio production is at issue.

Commented [A2]: Suggested change to avoid having to repeatedly amend the form.

Commented [A3]: RC 155.36 contemplates a scenario where an agency may still lease if a nomination is denied. We have made the proposed changes, accordingly.

Commented [A4]: In our experience, we have never seen a lease that does not grant the *exclusive* right to develop the leased property.

Commented [A5]: Suggest this change to avoid having to repeat "of the Leased Premises" for each of the alternatives.

Commented [A6]: RC 155.34(A)(1) states that the standard lease form to be used shall be "consistent with the practices of the oil and natural gas industries." This was explained in the legislative history as follows: "The act, instead, provides that the lease must (1) be on terms that are just and reasonable, as determined by the custom and practice of the oil and gas industry, and (2) include at least the terms required in the standard lease agreement that the Commission must establish [by rule] as described below." LBO Analysis, at Page 393.

The proposed changes are intended to make this clause consistent with the custom and practice of the oil and gas industry. See, e.g., Producer 88 Oil and Gas Lease Form.

Also, consider using depth-specific log references when providing formation description (e.g., from the surface to the top of the Onondaga as defined in the log for XYZ well).

Commented [A7]: This change is intended to mirror the prohibition found in the statute and avoid any ambiguities that might otherwise arise.

~~be impacted; (x) surface restoration and reclamation issues; (xi) water testing. Lessee is, however, granted the right to pool or unitize the Leased Premises with other adjacent or contiguous properties, which other properties shall bear all the drilling and other surface operations, and any wellbore may, subject to the terms of this Lease and any attached addenda or exhibits, pass under or terminate below the surface of the Leased Premises.~~

DESCRIPTION OF THE LAND INCLUDED IN THIS LEASE

2) The land included in this Lease is identified as follows (the “Leased Premises”):

<u>County</u> <u>Parcel</u> <u>Number</u>	<u>Qtr.</u> <u>Township</u> <u>Sec/Sec</u>	<u>See/Twp/Ran</u> <u>ge Township</u>	<u>Acreage</u> <u>County</u>	<u>Tax</u> <u>Number</u> <u>Acreage</u>	<u>Prior Deed</u> <u>Reference</u>

The Leased Premises are more particularly described on Exhibit A attached hereto and incorporated herein. For the purposes of this Lease, the Leased Premises contains a total of ____ acres, whether actually more or less. There is no “Mother Hubbard” provision in this Lease, which means that this Lease shall not include any land(s) contiguous, adjacent or adjoining to the Leased Premises that are owned or claimed to be owned by Lessor ~~that are not described in this Lease~~ (including by limitation, prescription, possession, reversion or unrecorded instrument), or as to which Lessor has a preference right of acquisition); however, this Lease shall cover and include any interest which Lessor may own in any streets, alleys, highways, railroads, streams, canals or rivers, and strips and gores, adjacent to the Leased Premises.

LESSOR’S RESERVATION OF RIGHTS

3) Lessor reserves all rights not specifically granted to Lessee in this Lease, including but not limited to:

A. All of the Oil and Gas and other mineral rights in all geologic formations not covered under this Lease. ~~Notwithstanding such reservation, Lessee shall be allowed to drill, operate, and produce through such reserved formations if reasonably necessary or convenient for Lessee to have access to the geologic formation(s) subject to this Lease and nothing in this paragraph 3, including in subparagraphs (A)-(D) hereof, shall permit Lessor to, and Lessor shall not, interfere in any way with Lessee’s exercise of its rights under this Lease; however, such drilling through the formations reserved by Lessor shall not interfere with the ability of Lessor or a third party authorized by Lessor, to produce from said reserved formations.~~

B. ~~The right to g~~Grant additional property rights of any kind across, upon, above, through and/or under the Leased Premises, ~~so long as such additional property rights do not unreasonably interfere with or obstruct Lessee’s subsurface rights under this Lease.~~

C. ~~Unless a surface use agreement is executed pursuant to Chapter 155.34, the right to u~~Undertake, or cause to be undertaken, the development of the surface of the Leased Premises (or any part thereof) during the term of this Lease, including the construction of certain structures and other improvements and any other use deemed necessary by Lessor, in Lessor’s sole discretion.

D. ~~Unless a surface use agreement is executed pursuant to Chapter 155.34, the right to c~~Continue all of its current activities and programs and initiate new activities and programs including, but not limited to, irrigation and agricultural activities on the Leased Premises.

Commented [A8]: RC 155.34 states that “the commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land.” There is therefore no need for this language.

Commented [A9]: We suggest the changes below to assist title review and to ensure that all of the recording requirements of the various counties are met (e.g., Harrison county requires a quarter section reference). This includes Quarter Section Calls.

Commented [A10]: More than drilling occurs through the reserved formations. Moreover, it should be generally stated that any reservation of rights under the Lease cannot interfere with the Lessee’s rights granted under the Lease. Hence the change here.

OIL AND GAS ONLY

4) ~~This Lease only includes the oil and gas, and their liquid constituents underneath the Leased Premises.~~ For the purposes of this Lease, the term "Oil and Gas" shall include the following: (i) "Oil," which for purposes of this Lease means any hydrocarbons produced from the Leased Premises, or lands pooled or unitized therewith, capable of being produced in liquid form at the wellhead by ordinary production methods, including but not limited to oil, condensate, distillate, and other liquids recovered from a separator or other equipment; and (ii) "Gas," which for purposes of this Lease means all natural gas and ~~other associated~~ hydrocarbons that are not Oil, including but not limited to natural gas liquids, ~~produced from the Leased Premises, or lands pooled or unitized therewith.~~ This Lease does not include, and there is hereby excepted and reserved unto Lessor, all minerals of every kind and character other than Oil and Gas, including, but not limited to, coal seam gas, coalbed methane gas, coalbed gas, coal, sulfur, lignite, uranium and other fissionable material, geothermal energy, base and precious metals, rock, stone, clay, gravel and any other mineral substances in, under, or upon the Leased Premises, together with rights of exploring for, producing and marketing the minerals ~~and substances~~ reserved under this paragraph.

Commented [A11]: Suggest this deletion to avoid any ambiguities. It is clear from the granting clause that only "Oil and Gas" is being leased under this Lease.

NO STORAGE RIGHTS

5) Lessee shall have no right under this Lease to use the Leased Premises, or any portion thereof, surface or subsurface, for the storage of Oil and Gas or brine. Further, Lessee agrees the Leased Premises shall not be used for the purpose of gas storage as defined by the Federal Energy Regulatory Commission.

NO DISPOSAL AND/OR INJECTION WELLS

6) Lessee is not granted any right whatsoever under this Lease to use the Leased Premises, or any portion thereof, for the drilling, construction, installation, and/or operation of any disposal well, injection well, or the construction/operation of any other disposal facilities. ~~Lessee shall not use the Leased Premises for the temporary or permanent disposal of any drill cuttings or residual wastes, except in temporary storage containers. The Lessee shall use its best efforts to perform all drilling operations using closed loop systems.~~

Commented [A12]: This language is unnecessary as it involves surface activities already prohibited by statute and other lease provisions. Further, Lessee's operations are already governed by Ohio law.

ADVANCED DELAY RENTALS BONUS

7) ~~Within 60 days At the time of Lessee's receipt of a fully executed Lessor's execution of this Lease from Lessor,~~ and in direct exchange for the said executed Lease, the Lessee agrees to pay as advanced delay rentals a bonus, in proportion to Lessor's percentage of ownership of the oil and gas estate, the sum of _____ Dollars (\$ _____) per ~~Net Mineral Acre~~ Net Mineral Acre (as defined below) of the Leased Premises (for a total of \$ _____) (the "Advanced Delay Rental Payment Bonus"). Upon payment of the appropriate amount of the Advanced Delay Rental Payment Bonus, the Parties hereto stipulate and agree that this is a "Paid Up" Lease with no further bonus delay rental payments due to Lessor during the ~~Initial~~ Primary Term hereof (as defined below), and that any and all bonuses ~~and delay rentals~~ due or payable hereunder have been prepaid to Lessor for the purpose of keeping this Lease in effect during and for the entirety of the ~~Initial~~ Primary Term.

Commented [A13]: The statute uses the term "bonus" and we sought to conform the draft accordingly.

Commented [A14]: The changes here reflect the definition of Net Mineral Acre below.
Further, note the formatting changes in A-D.

A. For purposes of this Lease, the term "Net Mineral Acre" shall mean the product obtained by multiplying ~~If this Lease covers less than all of the oil and gas estate, the number of net mineral acres shall equal the number of surface acres of land covered by this Lease by the Lessor's undivided interest in the oil and gas estate of the Leased Premises, multiplied by a fraction corresponding to the undivided interest in the oil and gas estate in such lands that are covered by this Lease.~~ For example, if this Lease covers 100 acres of land and Lessor owns 100% of the oil and gas estate in the Leased Premises ~~in 100 surface acres of land~~, then this Lease covers 100 ~~Net Mineral Acres~~; but, if this Lease covers 100 acres of land and Lessor owns an undivided 50% interest in the oil and

~~gas estate to the Leased Premises, interest in the oil and gas estate in 100 surface acres of land, then this Lease covers 50 net Mineral Acres.~~

Commented [A15]: To define Net Mineral Acres.

B. The Parties agree that if Lessor holds title ~~to in~~ the oil and gas estate ~~to the Leased Premises~~ in any amount less than 100%, this Lease shall continue in effect and Lessee shall pay the ~~Advanced Delay Rental Payment Bonus~~ to Lessor, but such payments shall be reduced and paid to Lessor only in the proportion which Lessor's interest bears to the whole and undivided fee. In the event it is determined that Lessor owns a lesser interest in the oil and gas estate than the entire or undivided fee simple interest, then any future royalties, ~~delay rentals,~~ bonuses and other payments provided for in this Lease shall be paid to the Lessor only in the proportion which such interest bears to the whole and undivided fee.

~~C. All advanced delay rental payments, rentals, royalties and other sums paid (or to be paid) to Lessor under this Lease are nonrefundable, and Lessee agrees it will not seek reimbursement from Lessor, the State of Ohio or any department, agency, university, college, official, employee, or agent of Lessor or the State of Ohio for the previously paid sums.~~

Commented [A16]: This provision is not custom and practice in the industry.

~~D.C.~~ Failure by Lessee to pay the appropriate amount of the ~~Advanced Delay Rental Payment Bonus~~ within the time described herein shall render this Lease null and void. Lessor reserves any and all of its rights and remedies available under Ohio law for non-payment by Lessee of the payments due pursuant to this Lease.

TERM

~~8.)~~ This Lease shall remain in force for a primary term of three (3) years from the Effective Date (the "~~Initial Primary Term~~"), and shall continue beyond the Primary Term, including any extension thereof, as to the entirety of the Leased Premises for so long thereafter as: (i) Oil and Gas are produced in paying quantities ~~(as defined below) from a well located on the Leased Premises, or lands pooled or unitized therewith;~~ or, (ii) Operations (as defined below) are conducted on the Leased Premises, or lands pooled or unitized therewith, in the search for Oil and Gas.

Commented [A17]: Use of the phrase "Initial Primary Term" introduces ambiguity regarding the lease's term and the extension of that term. Accordingly, we have made the several changes here and below.
Further, note the formatting changes below.

~~A. As used herein, the term Operations shall mean any activity that is reasonably calculated to obtain or restore production, including without limitation, (i) drilling or any act preparatory to drilling (such as obtaining permits, surveying a drill site, staking a drill site, building roads, clearing a drill site, or hauling equipment or supplies); (ii) reworking, plugging back, deepening, treating, stimulating, refitting, installing any artificial lift or production-enhancement equipment or technique; (iii) constructing facilities related to the production, treatment, transportation and marketing of substances produced from the lease premises; and (iv) contracting for marketing services and sale of Oil and Gas. For purposes of this Lease, a well is producing in "Paying Quantities" when the annual receipts (on a calendar-year basis) from the sale of Oil and Gas produced from a well exceeds that well's operating costs, without regard to any capital costs to drill or equip the well. The calendar year in which such well first produces Oil and Gas shall not be subject to the Paying Quantities calculation.~~

Commented [A18]: This deletion is suggested for at least two reasons: First, it is not custom and practice in the industry to define the term "paying quantities" in their leases, as that term is defined by law (including here in Ohio). Second, this definition is inconsistent with how paying quantities is otherwise determined under Ohio law.

~~B. For purposes of this Lease, the term "Operations" shall mean only (a) the production of Oil and Gas in Paying Quantities subsequent to drilling, or (b) the actual drilling, completing, re-working, or re-completing of a well to obtain production of Oil and Gas, conducted in good faith and with due diligence. The term "Operations" shall not~~

~~include conducting seismic or other testing, or the laying of pipeline(s) across the Leased Premises. Further, the commencement of operations shall be defined as Lessee having secured a drilling permit from the relevant regulatory agency and commencement of actual drilling (bit in the ground).~~

Commented [A19]: As drafted, this provision is not custom and practice in the industry and is much too limited for today's development. According, we have suggested the inserted language consistent with industry practice.

~~B. If during the last ninety (90) days of the Primary Term hereof or any time after the expiration of the Primary Term, production of Oil and Gas in paying quantities from the Leased Premises, or lands pooled or unitized therewith, should cease for any reason, or if during or after such ninety (90) day period and prior to discovery of Oil and Gas on the Leased Premises or lands pooled or unitized therewith, Lessee should complete a dry hole thereon, this Lease shall not terminate if Lessee commences or resumes additional Operations on the Leased Premises or lands pooled or unitized therewith, within ninety (90) days after production in paying quantities ceased or the well was completed as a dry hole, whichever is applicable. If, at the expiration of the Primary Term, Oil and Gas are not being produced in paying quantities from the Leased Premises, or lands pooled or unitized therewith, and the Lease is not being held pursuant to any other provision of this Lease, but the Lessee is then engaged in Operations, this Lease shall remain in full force so long as Operations are prosecuted (whether on the same or different wells) with no cessation of more than ninety (90) consecutive days, and if they result in production, so long thereafter as Oil and Gas are produced in paying quantities from the Leased Premises or lands pooled or unitized therewith, or the Lease is otherwise being held pursuant to any other provision of this Lease.~~

Commented [A20]: Continuous operations clauses such as the one suggested here are standard in the industry.

~~C. After termination, expiration, or surrender of this Lease in whole or in part, Lessee shall promptly deliver to Lessor and record with the county or counties in which the Leased Premises is located a release of the Lease as to such acreage released under this paragraph.~~

~~Lessee has a one-time option to extend the Initial Primary Term of this Lease for an additional term period of three (3) years from the expiration of the Initial Primary Term (the Initial Primary Term, as extended, shall be referred to as the "Primary Term"). The extension of the initial Primary Term shall be under the same terms and conditions as contained in this Lease, except that the consideration to be paid by the Lessee to the Lessor as consideration for the extension shall be equal to 120% of the Advanced Delay Rental Payment original Bonus paid to Lessor, on a per Net Mineral Acre basis and calculated on the number of Net Mineral Acres of the Leased Premises that are not otherwise held by the terms and conditions of the Lease as consideration for the Initial Primary Term. Lessee may exercise this option to extend the Initial Primary Term of the Lease by providing Lessor written notice of such exercise and tendering such additional consideration the consideration set forth above at least thirty (30) calendar days before the expiration of the expiration of the original Initial Primary Term. Should this extension option be exercised, it shall be considered for all purposes as though this Lease originally provided for an Initial Primary Term of eight six (68) years. In the event Lessee chooses not to extend, Lessee shall promptly record with the county or counties in which the Leased Premises is located a release of the Lease upon the expiration of the Primary Term as to any portions of the Leased Premises not otherwise held by the terms and conditions of the Lease.~~

Commented [A21]: These changes are intended to address the ambiguities otherwise created by the original language, including how the extension payment is to be calculated.

ROYALTY AND GAS MEASUREMENT

~~109) Lessee shall pay to Lessor a one-eighth gross landowner royalty on Oil and Gas produced from the Leased Premises, as that term is defined in Revised Code § 155.30 Lessor as a royalty on production from the Leased Premises and lands pooled/unitized therewith _____ percent (____%) of the gross proceeds of all Oil and Gas produced and sold by Lessee in an arms' length transaction.~~

Commented [A22]: RC 155.34 states that the standard lease form shall contain "a one-eighth gross landowner royalty." The provisions as drafted are inconsistent with the statute.

~~A) Affiliates. It is understood and agreed that to the extent Lessee sells Oil and Gas produced hereunder to an Affiliate, the price upon which royalty shall be based shall be the greater of: (a) the price paid by the Affiliate; or, (b) the price that would have been received in an arms-length transaction with an unaffiliated third party under an arrangement for like quantity, quality, term and at the same point of sale as that with the Affiliate. For purposes of this Lease, "Affiliate" means any person, corporation, partnership or other entity in which Lessee, directly or indirectly, through one or more intermediaries: (i) owns an interest of more than twenty percent (20%), whether by stock or ownership or otherwise; or (ii) exercises any degree of control, directly or indirectly, by ownership, interlocking directorate or has more than fifty percent (50%) of the voting capital stock or other equity interests having ordinary voting power.~~

~~B) Cost Free Royalty. It is agreed between the Lessor and Lessee that, notwithstanding any language herein to the contrary, all royalties accruing to the Lessor under this Lease shall be paid without deduction, directly or indirectly, for any and all pre-production and post-production costs and/or expenses, including but not limited to those relating to producing, gathering, storing, separating, treating, dehydrating, compressing, processing, transporting, and marketing the Oil and Gas produced hereunder. The computation of the Lessor's royalty shall include any additional consideration, if any, paid to Lessee for natural gas liquids.~~

~~C) Payment of Royalties. The initial royalty payments due under this Lease shall be made on or before 120 calendar days following the last day of the month ~~of in which~~ first sales occur from a well on the Leased Premises or lands pooled/unitized therewith. Thereafter, the royalties required to be paid to Lessor under this Lease shall be due and payable monthly, on or before the last day of the third calendar month following the month of production, ~~i.e., quarterly royalty payments~~. Each royalty payment shall be accompanied by a check stub, schedule, summary or remittance identifying this Lease and, at a minimum, showing the Lessor's interest in the unit shown as a decimal; the total volume of each product subject to the royalty statement (e.g. a separate listing for Oil and Gas); and the price or value of the Oil and Gas on which the Lessee is calculating its royalty payments; ~~and, the name and address of all entities to which Lessee sold or otherwise transferred any all Oil and Gas subject to this Lease, including Affiliates. If such data is available in electronic or digitized form, then Lessee agrees to deliver same to Lessor electronically.~~ Unless otherwise herein expressly provided, any royalties or other payments provided for in this Lease which are not paid to Lessor within the time period specified therefor shall accrue interest at the prime interest rate plus five percent (5%) from the due date until paid; provided, however, that in no event shall interest accrue or be due on disputed royalties. Acceptance by Lessor, its successors, agents or assigns, of royalties which are past due shall not act as a waiver or estoppel of its right to receive or recover any and all interest due thereon under the provisions hereof.~~

Commented [A23]: Lessees should not be required to provide confidential business information that may then be subject to disclosure through public records requests.

~~D) Measurement. In order to verify the royalties being paid, the volume of gas produced from the Leased Premises or lands pooled/unitized therewith shall be measured using a meter meeting or exceeding the standards established by the American Gas Association and shall be calibrated and maintained in accordance with standard industry practice.~~

ASSIGNMENT

~~H) 10) The rights of Lessor or Lessee under this Lease may be assigned in whole or in part; provided, however, that any such assignment of this Lease (in whole or in part) by Lessee to any third party shall require the Lessee to give prior written notice to Lessor and obtain the prior written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. Such prior written notice of an assignment shall include a brief explanation of the assignee's relationship to Lessee and the name and address of the party to whom Lessor is to give notices under the terms of this Lease.~~

Commented [A24]: While this is not custom and practice in the industry, OOGA is willing to accept this as qualified such that the consent cannot be unreasonably withheld, conditioned, or delayed.

- i. No assignment may be effectuated unless and until the Lessor provides written consent to such assignment, which shall not be unreasonably withheld, conditioned or delayed.
- ii. No assignment may be effectuated if Lessee is in material default under this Lease.
- iii. If this Lease is assigned or otherwise transferred by ~~the~~ Lessee, Lessee shall provide a copy of this Lease to be provided by Lessee, its assignee(s) or successor(s)-in-interest to all subsequent assignees and successors in interest. Assignment of this Lease or any part thereof shall not relieve Lessee, ~~its assignees, or any sub-assignees~~ of any obligations hereunder theretofore accrued prior to the date of the assignment; and any assignee of Lessee shall, by acceptance of such assignment, be bound by all the terms and provisions hereof. ~~Lessee shall not be relieved of any of its obligations under this Lease if such an assignment is to an Affiliate of Lessee.~~
- iv. If an assignment of this Lease is made in part, Lessee ~~shall may~~ specify a single party to whom notices shall be given by Lessor, and that party shall be responsible for notifying any other parties owning an interest in this Lease.
- v. Any assignment of this Lease by Lessee not made in accordance with this paragraph shall be null and void, and any interest attempted to be assigned thereby shall automatically revert to the assignor.
- vi. The term "assignment" as used herein, shall include, without limitation, any sublease, farmout, or any other agreement by which any share of the operating rights granted by this Lease are assigned or conveyed, to any other party.

LESSOR'S INTEREST

~~12)11) No change or division in Lessor's ownership shall have the effect of reducing the rights or enlarging the obligations of Lessee hereunder, and no change or division in the ownership of the Leased Premises shall be binding on Lessee until sixty (60) days after Lessor, or Lessor's heirs, successors, or assigns, provide Lessee with the original or duly authenticated copies of the documents establishing such change or division of ownership to the satisfaction of Lessee or until Lessor has satisfied the notification requirements contained in Lessee's usual form of division order. No change or division in the ownership of the Leased Premises shall be binding upon the then Lessee of this Lease until Lessor or Lessor's heirs, successors, or assigns provides the Lessee with notice of such change or division which evidence such change or division. Lessee shall not be bound by any change of the name or address of Lessor until furnished with such documentation.~~

Commented [A25]: Changed to reflect more customary language.

AUDIT RIGHTS

~~13)12) Lessee further grants to Lessor or Lessor's designee the right, at Lessor's expense, to examine, audit, copy or inspect the books and records and accounts of Lessee pertinent to the purpose of verifying the accuracy of the reports and statements furnished to the Lessor, and for checking the amount of the payments lawfully due the Lessor under the terms of this Lease. In exercising this right, Lessor shall give no less than 30 days prior written reasonable notice to Lessee of its intended inspection audit and such audit inspection shall be conducted during normal business hours at the office of Lessee. In the event the audit inspection reveals deficiencies in royalty payments in excess of ten percent (10%) of the amounts actually paid to Lessor, then Lessee shall bear the cost and expense of the Lessor's audit inspection, and all monies due to Lessor shall be payable, with interest at the rate of the prime interest rate plus five percent (5%), within thirty (30) calendar days of the Lessee's receipt of the results of the audit inspection. In no~~

~~event shall interest be due and payable during any period during which the amount owed to Lessor is in dispute.~~

Commented [A26]: Changes reflect industry custom and practice.

~~At the time of Lessee's execution of this Lease, Lessee shall execute a release which instructs any and all entities to which Lessee sold or otherwise transferred Oil and Gas under this Lease, upon presentment by Lessor of the original or a photocopy of such release, to provide Lessor or its authorized agent any and all records in the possession of such entity or such entity's employees, accountants, attorneys or other agents regarding such transactions. If an entity will not accept this release as sufficient authorization to release information, Lessee will execute any additional documents necessary for release of such information by that entity. The Release shall indicate there is no time limitation for the presenting and honoring of the Release, and will also state that Lessee waives any legal cause of action or other action that may be claimed for the release of such records to Lessor.~~

Commented [A27]: This is inconsistent with industry custom and practice and risks public disclosure of confidential and proprietary business information.

METHOD OF PAYMENTS

~~14)13) All rents and royalties, and any and all sums due hereunder to Lessor, shall be paid by one of the following methods:~~

~~A) By check tendered directly from Lessee to Lessor at Lessor's address as stated in this Lease; or,~~

~~B) By wire transfer, depositing the payment to the credit of the Lessor in the bank and account number as provided in writing by Lessor to Lessee prior to such payment (which bank shall continue as depository for all sums payable hereunder until any subsequent written notice otherwise is provided by Lessor to Lessee).~~

~~All payments submitted hereunder electronically shall be considered timely paid if such payment is tendered such payment is successfully transmitted to Lessor's account on or before the due date. A payment not submitted electronically shall be considered timely paid if delivered to the Lessor on or before the applicable due date.~~

POOLING PRODUCTION UNIT LIMITED

Commented [A28]: The provisions as drafted are inconsistent with both industry custom and practice and the type of development occurring in Ohio today. We have therefore proposed alternative language.

~~15) Subject to the terms and conditions set forth herein, Lessor grants Lessee the right within the Primary Term of this Lease, or at any time during which this Lease may be extended by any of its provisions, to pool, unitize or combine all or parts of the Leased Premises with other lands or leases adjacent to or contiguous with the Leased Premises, whether owned by Lessee or others, at a time before or after drilling to create drilling or production units. Pooling or unitizing in one or more instances shall not exhaust Lessee's pooling and unitizing rights hereunder. Each unit shall be created by recording in the appropriate county office a declaration containing a description of the pooled or unitized acreage. Lessee shall furnish to Lessor a copy of the recorded declaration of the unit in which any portion of the Leased Premises is a part, including a copy of all plats, maps and exhibits to such declaration.~~

~~16) A. If a well is classified as a horizontal well, then the maximum size of the unit may not exceed 640 contiguous acres. If a well is classified as a vertical/conventional well drilled, then the maximum size of the unit may not exceed 40 contiguous acres. Lessor and Lessee agree to abide by any state pooling or unitization orders.~~

~~17) B. The Lessor and Lessee agree that at least 75% of the Leased Premises shall be included in any unit established under this Lease.~~

~~18) C. The shape of any unit in which the Leased Premises are included shall be as nearly as practicable in the form of a square or rectangle.~~

~~19)14) D.~~ Any well which is commenced, or is drilled, or is on any part of any lands which have been pooled or unitized with the Leased Premises shall be considered a well commenced, drilled, and producing on the Leased Premises. The production so allocated shall be considered for the purpose of payment or delivery of royalty to be the entire production from the portion of the Leased Premises included in the unit, in the same manner as though produced from the portion of the Leased Premises under the terms of this Lease. Upon production from any part of a unit in which all or part of the Leased Premises is included, Lessor agrees to accept and receive out of the production or the gross proceeds received from the production of such unit, a proportional share of the royalties from each well based on the percentage that the number of Leased Premises acres included in the unit bears to the total number of acres in the unit from time to time, and at any time, Lessee shall have the right, but not the obligation, to pool, unitize, or otherwise combine all or any part of the lands or interests covered by this Lease, including without limitation any stratum or strata thereof, with any other lands, leases, units or interests held by Lessee or others to form a unit whenever Lessee, in its sole judgment, deems it necessary or advisable to do so. Operations upon or production from any part of a unit created hereunder shall have the same effect under the terms of this Lease as if such Operations or production were upon or from all and every part of the Leased Premises; provided, however, that Lessor agrees to accept and receive out of the production from any such unit that proportionate share of the royalty otherwise provided for in this Lease as the number of leased acres included in the unit bears to the total number of acres in the unit. Lessee's ability to exercise its rights as provided for in this paragraph is recurring, and Lessee's exercise of its rights in one or more instances shall not exhaust Lessee's ability to exercise its rights in any subsequent instances. Lessee shall also have the recurring right to at any time amend, re-form, reduce, or enlarge the size and shape of any unit formed, and increase or decrease that portion of the acreage covered by this Lease which is included in any unit, or exclude it altogether. To the extent that any portion of the Leased Premises is included in or excluded from a unit by virtue of such revision to the unit, the proportion of unit production on which royalty is payable hereunder shall thereafter be adjusted accordingly. Lessee, at any time and from time to time, and in its sole judgment, may terminate any unit created hereunder. Any such termination shall not cause a surrender or cancellation of this Lease or diminish the rights set forth herein.

STANDARD OF CARE

~~20)15)~~ Lessee shall develop the Leased Premises as a reasonable and prudent operator and exercise due diligence in drilling such additional well(s) as may be necessary to fully develop the Leased Premises. Lessee shall at all times act as a prudent oil and gas producer in the onshore Appalachian Basin Ohio oil and gas industry when conducting operations on the Leased Premises and/or lands pooled/unitized therewith, attempting to secure a timely market for production from any well drilled on the Leased Premises or lands pooled/unitized therewith, and implementing all reasonable safeguards to prevent its operations from: (i) causing or contributing to soil erosion; (ii) polluting or contaminating any environmental medium including but not limited to surface or subsurface soils, surface or subsurface water bodies, and/or the air in, on or under the Leased Premises; (iii) decreasing the quality of the soil on the Leased Premises; (iv) damaging crops, native or cultivated grasses, trees, pastures, or other vegetation on the Leased Premises; and (v) harming or injuring animals, whether wild or domestic; or (vi) damaging buildings, roads, structures, improvements, farm implements, fences or gates on the Leased Premises.

PUGH CLAUSE

~~21)16)~~ This Lease shall expire upon the expiration of the Primary Term of this Lease as to any lands comprising the Leased Premises that are not included in one or more units. Lessee shall promptly, and no later than sixty (60) calendar days after the expiration of the Primary Term of this Lease, record with the county or counties in which the Leased Premises is located a partial release of the Lease as to such acreage released under this Pugh clause. Such release shall contain a metes and bounds description (including a map) of the acreage and/or depths not retained, and a plat showing the designated pool(s) or unit(s).

Commented [A29]: The deleted language is inapplicable to a non-surface use lease.

Commented [A30]: Plat should be sufficient for a Pugh clause.

SHUT-IN PAYMENT/LIMITATION

~~22)17)~~ If at any time after the Primary Term ~~or extension thereof,~~ there is a well drilled on the Leased Premises, or lands pooled ~~or~~ unitized with the Leased Premises, but production ~~from that well~~ is shut-in ~~for a continuous period of ninety (90) calendar days or more, shut-down or suspended for lack of a market, or lack of an available pipeline for any reason, and the Lease is not otherwise being maintained~~ there is no other producing well on the Leased Premises or lands pooled/unitized therewith, then Lessee shall pay to Lessor as a shut-in royalty the sum of Fifty Dollars (\$50.00) per ~~#~~ ~~Net~~ ~~Mineral~~ ~~A~~ acre of the Leased Premises ~~owned by Lessor~~ per year until such time as production is re-established (or Lessee surrenders the Lease). Any shut-in ~~payment~~ royalty owed to Lessor hereunder shall be paid to Lessor on or before ~~the first anniversary date of the Lease following the end of that continuous 90-day period~~ ~~sixty (60) calendar days after the date on which the well is shut in.~~ If a shut-in payment is made to Lessor, ~~it shall serve as constructive production and this Lease shall remain in full force and effect for a period of twelve (12) months after the expiration of such sixty (60) calendar day period.~~ It is understood and agreed that ~~Lessee shall have the right to make like shut-in royalty payments in the same manner for subsequent periods, but that~~ this Lease may not be maintained in force for a continuous period of time longer than twenty-four (24) consecutive months or a cumulative period of time longer than forty-eight (48) months (if there is more than one period in which a well is shut-in), solely by the provisions ~~of the~~ ~~this~~ shut-in royalty clause. During shut-in, Lessee shall have the right to conduct Operations on any well drilled on the Leased Premises or lands pooled/unitized therewith in an effort to re-establish production. Notwithstanding the making of shut-in payments under this paragraph ~~of this Lease,~~ Lessee shall have a continuing obligation to exercise good faith and due diligence to correct the condition giving rise to the shut-in of a well.

Commented [A31]: This provision is inconsistent with development in Ohio today and much too limiting. We have accordingly suggested changes.

TAXES

~~18)~~ In the event real property taxes or assessments pertaining to or attributable to the Leased Premises are increased in any manner by reason of Lessee's activities under this Lease, Lessee shall be responsible for the incremental amount of any such tax increase. Lessee shall reimburse Lessor for the amount of such increase ~~within thirty (30) calendar days after Lessor provides Lessee with written documentation reflecting such increase.~~ In addition, Lessee shall pay any and all severance taxes, commercial activity tax, income tax and/or excise taxes arising from or relating to this Lease and/or the Oil and Gas produced under it.

Commented [A32]: Deleted given the nature of the property's ownership. It is also inconsistent with the provisions of RC 155.30(B).

NO HAZARDOUS MATERIAL

~~19)18)~~ Lessee shall not use, dispose, or release on the Leased Premises, or ~~to~~ permit to be used, disposed of or released on the Leased Premises, any Hazardous Materials (other than those Lessee has been licensed or permitted by applicable law, public authorities or governmental entities to use on the Leased Premises). Should any Hazardous Materials be released by Lessee on the Leased Premises contrary to this paragraph, Lessee shall notify all appropriate governmental entities of such an event, and then immediately thereafter notify the Lessor and take all actions, at Lessee's sole cost and expense, that are required to clean up and correct any damage caused by said release. The provisions of this paragraph shall survive the termination of this Lease.

Commented [A33]: While this provision is not custom and practice in the industry as required by statute, OOGA is willing to accept it as modified.

For purposes of this Lease, "Hazardous Materials" means petroleum, petroleum by-products, polychlorinated biphenyls, flammable explosives, radioactive materials, chemicals known to cause cancer or reproductive toxicity, pollutants, effluents, contaminants, emissions or related materials and any items included in the definition of hazardous or toxic waste, hazardous materials or hazardous substances under any "Environmental Laws." "Environmental Laws" collectively means and includes any present and future local, state, and federal law or regulation relating to the environment, environmental conditions, or oil and gas well operations, including but not limited to, the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. §6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§9601-9658, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the

Hazardous Materials Transportation Act, 49 U.S.C. §6901, et seq., the Federal Water Pollution Control Act, 33 U.S.C. §§1251 et seq., the Clean Air Act, 42 U.S.C. §§741 et seq., the Clean Water Act, 33 U.S.C. §7401 et seq., the Toxic Substances Control Act, 15 U.S.C. §§2601-2629, the Safe Drinking Water Act, 42 U.S.C. §§300f-300j, and all the federal and state regulations, orders, decrees now or hereafter promulgated thereunder.

Lessee shall install and maintain all equipment, and conduct all activities and Operations under this Lease on the Leased Premises, in an environmentally sound manner in ~~strict-material~~ compliance with all "Environmental Laws" and permits issued for the Leased Premises. ~~Lessee shall ensure that all contractors comply with the terms of this Paragraph 19.~~

DIVISION ORDER

~~20)19)~~ The Lessor will not be required to execute any division order(s) for the purpose of receiving the payments due under this Lease which amend, modify, or are inconsistent with any term or provision set forth in this Lease. For the sake of clarity, no division order will operate to amend or modify any provision contained in this Lease.

INSURANCE

~~21)20)~~ Prior to the commencement of Operations, Lessee shall, at its sole cost and expense, ~~obtain take-out~~ insurance coverage of the following types and amounts with one or more insurance carriers licensed by the Ohio Department of Insurance to do business in Ohio, and maintain such insurance so long as this Lease remains in effect:

- i. Workers Compensation Insurance in the form prescribed by laws of the State of Ohio for all of Lessee's employees, contractors, subcontractors, or independent contractors.
- ii. Commercial General Liability ("CGL") Insurance with a minimum limit of Ten Million Dollars (\$10,000,000.00) per occurrence. Such insurance shall cover premises, operations, blowouts or explosions, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources damage, broad form property damage, independent contractor's protective liability, personal injury, and liability assumed under an insured contract. The aggregate limit in the CGL policy, if any, shall be at least twice the amount of the per occurrence limit. The CGL insurance policy shall have an endorsement adding coverage for sudden and accidental pollution and for blowout, cratering and underground resources damage, including any surface or groundwater contamination. There shall be no endorsements or modifications of the CGL policy to make it excess over other available insurance. Alternatively, if the CGL policy states that it is excess or pro rata, the Lessee agrees to have the policy endorsed as primary with respect to the Lessor as an insured party.
- iii. Excess/umbrella liability insurance in the minimum amount of at least Five Million Dollars (\$5,000,000.00).
- iv. Automobile Vehicle Liability Coverage covering all owned, non-owned, hired and rented automotive equipment used in the performance of ~~work~~ Operations under this Lease.

Upon written request, Lessee shall provide Lessor with a certificate of insurance evidencing same prior to commencing Operations. Upon request by Lessor, Lessee also shall provide Lessor copies of any and all certificates evidencing renewal coverages in the future. All polices required under this ~~section-paragraph~~ shall be endorsed to provide that the underwriters and insurance companies of Lessee shall not have rights of subrogation against Lessor, if applicable Any coverage provided by Lessee's insurance under this Lease is primary insurance and shall not be considered to be contributory insurance with insurance policies of Lessor.

Failure of Lessor to demand such certificate or other evidence of full compliance with the insurance requirements shall not be construed as a waiver of the Lessee's obligation to maintain such insurance. The Lessee's certificate(s) of insurance shall not be reduced or canceled until at least thirty (30) calendar days after Lessor receives written notice of such change or cancellation. Failure to comply with this provision by Lessee shall constitute a default under this Lease.

All insuring companies shall have and maintain at least an A- (Excellent) rating from A.M. Best. Lessor reserves the right to approve or reject all levels of self-insured retention, captive insurance programs, or other alternative risk financing Lessee may seek to use to comply with any insurance requirement in this Lease. By requiring insurance, Lessor does not represent that the coverage and limits will necessarily be adequate to protect the Lessee, and such coverage and limits shall not be deemed as a limitation on the Lessee's liability under the indemnities granted to the Lessor in this Lease. The requirement for Lessee to maintain the above insurance also does not relieve Lessee of compliance with any security requirements of R.C. Chapter 1509 or other applicable federal, state and local laws, regulations and ordinances.

WELL PLUGGING SECURITY

~~22) To insure the plugging of all wells drilled under this Lease, and the reclamation of the Leased Premises and/or lands pooled/unitized therewith, Lessee shall submit the estimated costs and expenses for plugging all wells and reclaiming all disturbed sites anticipated as the result of production pursuant to this Lease. Documentation reflecting the basis of such estimate shall be submitted to Lessor for approval, which approval shall not be unreasonably withheld, conditioned or delayed. Upon approval of such estimated costs and expenses, or a determination by Lessor (at its discretion) of a different estimated cost, Lessee shall post a surety bond, cash, or irrevocable letter of credit, issued by a financial institution organized or transacting business in the State of Ohio having a cash value equal to or greater than the estimated cost of plugging and reclamation. The security posted shall be earmarked for the cost of plugging and reclamation, and shall be in addition to, and not in lieu of, the bonding requirements in R.C. Chapter 1509 and the rules and regulations promulgated thereunder.~~

~~———— If upon termination of this Lease, Lessee fails to plug any well or fails to perform the reclamation required by law or under this Lease, the security posted may be used to perform such plugging and reclamation. In the event, the security posted is not adequate to plug all wells and perform all such reclamation work, Lessee shall remain responsible for insuring the additional plugging and/or reclamation required by law, and paying all costs and expenses thereof.~~

HOLD HARMLESS

~~23)21) Lessee and its successors and permitted assigns, shall defend, indemnify, release and hold harmless Lessor and Lessor's successors, representatives, agents, officers, directors, employees, board members and assigns ("Indemnitees"), from and against any and all claims, lawsuits, liabilities, damages, losses, costs, expenses, judgments, fines, penalties, interests, demands and causes of action of any nature whatsoever, including reasonable attorneys' fees and court costs (collectively, "Claims"); arising out of, incidental to or resulting from: (i) the death or injury to persons, and/or damage to property (real or personal) as a result of the acts or omissions of Lessee and/or Lessee's servants, agents, employees, guests, licensees, invitees or contractors; (ii) the imposition or recording of a lien against the Lessee's interest in the Leased Premises; (iii) the violation of any laws or ordinances, including Environmental Laws and regulations promulgated thereunder by Lessee or Lessee's agents, employees, guests, licensees, invitees, or contractors; and (iv) impacts Lessee's Operations have created to the water quality or quantity on the Leased Premises in violation of this Lease. Each assignee of the Lessee, or any interest therein, agrees to the terms of this Indemnity as if said assignee were party to this Lease when executed. Furthermore, Lessee shall not be obligated to indemnify Lessor to the extent any Claims are the result of Lessor's any willful, or wanton misconduct or negligent conduct of Lessor or its successors, assigns, servants, agents, employees, guests, licensees, invitees or contractors. Lessor, if it so elects, shall have the right to participate, at its sole expense,~~

Commented [A34]: This is contrary to RC 155.34, the standard lease form to be consistent with industry custom and practice. It is also inconsistent with the bonding and financial assurance requirements contained in RC Chapter 1509. And it is contrary to public policy in that it will have a negative impact on development of Ohio's resources, tying up potentially hundreds of thousands of dollars for decades and leaving development for only the few operators that have sufficient funds. Industry already funds a state program that covers orphan well plugging.

Commented [A35]: This is ambiguous.

in its defense in any suit or suits in which it may be a party, without relieving Lessee of the obligation to defend Lessor. The provisions of this paragraph shall survive the termination of this Lease.

NO-LIMITED WARRANTY OF TITLE

23) This Lease is made with limited warranty covenants as that phrase is defined by R.C. 5302.08 without warranty of title, express, implied or statutory. It shall be Lessee's sole burden and obligation to assure itself of the quality of title of the Leased Premises, and Lessee will bear all costs and expenses incurred in curing any title defect or defending title to the Leased Premises. Lessor agrees to cooperate with Lessee in curing any title defect, including executing and delivering any instruments in its name. Lessee also agrees that no claims will be made against Lessor pertaining to the title to the Leased Premises.

In the event an adverse claimant files suit or threatens to file suit against the Lessor or Lessee claiming title to all or a portion of the rights on or under the Leased Premises, or Lessee believes, in good faith, that another person may claim title to all or a portion of the rights on or under the Leased Premises, all payments, including the royalties, accruing to the litigated-disputed portion of the Leased Premises shall be placed in suspense an interest bearing escrow account until such time as the ownership of the disputed interest shall be determined by compromise or a non-appealable final judgment of a tribunal of competent jurisdiction. The royalties payments placed in escrow-suspense shall be distributed as determined by compromise or at the direction set forth in a non-appealable final order of the tribunal of competent jurisdiction.

BINDING ON SUCCESSORS AND ASSIGNS

24) All rights, duties and liabilities herein benefit and bind Lessor and Lessee and their ~~heirs,~~ successors and permitted assigns.

ADDITIONAL DOCUMENTS

25) In connection with this Lease, each ~~P~~party hereto shall execute and deliver any additional documents and instruments and perform any additional acts that may be necessary to effectuate and perform the provisions of this Lease. Said obligation includes correcting any inaccurate legal descriptions.

MORTGAGES AND ENCUMBRANCES

26) In the event the Leased Premises are encumbered by a prior mortgage, Lessee shall not have the right to suspend payment of any moneys due hereunder solely due to such prior mortgage, unless the prior mortgage is subject to a foreclosure action. Lessee, however, shall have the right to obtain, at its own expense, a subordination of such mortgage and Lessor agrees to cooperate in securing any subordinations of prior mortgages.

CONDEMNATION

27) Any and all payments made by a taking authority on account of the exercise of its taking/eminent domain power shall be the property of the Lessor, except in the event of a taking or diminishment of Lessee's interests and/or rights under this Lease, Lessee shall be entitled to its proportionate share of any payments, and shall further have a right of standing in any proceeding of condemnation.

RELEASE AND/OR PARTIAL RELEASE

28) Upon termination, expiration or surrender of all or part of this Lease, Lessee shall prepare and promptly record a release, and provide Lessor with a copy of the recorded release. In the event that Lessee fails to cancel all or part of this Lease upon termination, expiration or surrender by recording an

Commented [A36]: It is contrary to industry custom and practice to have an express disclaimer of all warranties of title. Rather than a general warranty, OOGA proposes that a limited warranty be used on the belief that a state agency ought to know whether it has burdened or encumbered the property in a way that would nullify the lease.

appropriate release, and so long as Lessee is not contesting the termination or expiration but continues to fail to cancel this Lease for a period of thirty (30) calendar days following Lessee’s receipt of Lessor’s written notice to do so, then Lessor may take any and all actions necessary to cancel/terminate this Lease, and Lessee agrees to reimburse Lessor for any and all costs, including reasonable attorney’s fees, incurred by Lessor. Lessee shall also have the right at any time during this Lease to release ~~from the lands covered hereby~~ any lands subject to this Lease.

TERMINATION OF RECORD AND MEMORANDUM OF LEASE

29) Lessor and Lessee have executed a Memorandum of Oil and Gas Lease (the “Memorandum”) contemporaneously with the execution of this Lease, and Lessor and Lessee agree that the Memorandum, which makes reference to this Lease, shall be recorded by Lessee, at Lessee’s sole cost and expense, in place of this Lease. Lessee shall provide Lessor with a photocopy of the fully-executed Lease, Memorandum, and all Exhibits.

DEFAULT

30) In the event Lessor considers that Lessee has not complied with any of its obligations under this Lease, either express or implied, including, but not limited to, non-payment of royalties or any other payments due hereunder, Lessor shall notify Lessee in writing setting forth in specific detail in what respects it believes Lessee has breached or defaulted under this Lease. Lessee shall then have thirty (30) calendar days after its receipt of said notice within which to commence to cure all or any part of the breaches or defaults alleged by Lessor. The service of said notice shall be precedent to the bringing of any action by Lessor on this Lease for any cause, and any ~~no~~ such action may only shall be brought in the event Lessee has failed to commence to cure the breaches or defaults alleged by Lessor within until the lapse of such thirty (30) calendar day time period. Neither the service of said notice nor the doing of any acts by Lessee aimed to cure all or any part of the alleged breaches or defaults shall be deemed an admission that Lessee has failed to perform all its obligations hereunder. Upon default by Lessee, Lessor shall be entitled to exercise any and all remedies available at law, in equity or otherwise, each such remedy being considered cumulative. No single exercise of any remedy set forth herein shall be deemed an election to forego any other remedy and any failure to pursue a remedy shall not prevent, restrict or otherwise modify its exercise subsequently.

Commented [A37]: Thirty days is often too short a period of time to review claims of default and fully cure when there is agreement.

~~For the sake of clarity, the following shall be considered a default under this Lease: (i) if any creditor of Lessee, its agents, and/or assigns, shall take any action to execute on, garnish or attach the assets of Lessee located upon the Leased Premises, or (ii) if a request or petition for liquidation, reorganization, adjustment of debts, arrangement, or similar relief under the bankruptcy, insolvency or similar laws of the United States or any state or territory thereof, or any foreign jurisdiction shall be filed by or against Lessee, or any formal or informal proceeding for the reorganization, dissolution or liquidation of settlement of claims against, or winding up of affairs of Lessee; or the garnishment, attachment, or taking by governmental authority of any collateral or other property of Lessee;~~

Commented [A38]: This is not custom and practice in the industry and the proposed items should not be considered events of default, especially where a court might uphold the Lease or approve the payments to be made thereunder.

SEVERABILITY

31) If any provision of this Lease is determined to be void, unlawful, or otherwise unenforceable: (a) that provision will be severed from this Lease and the validity of the remaining provisions of this Lease will not be affected; (b) this Lease will continue in full force and effect (other than with respect to such provision); and (c) the Parties will promptly meet to negotiate in good faith a replacement provision that is legal, valid and enforceable and that most nearly accomplishes and reflects the original intention of the Parties.

GOVERNING LAW

32) This Lease and enforcement hereunder shall be governed by the laws of the State of Ohio, without regard to conflicts of law principles that might refer the interpretation hereof to the laws of another

state. Further, the parties consent to the sole and exclusive jurisdiction in the state and federal courts that have jurisdiction over the county in which the Leased Premises is located for all disputes arising from or relating to this Lease.

REPORTS AND DOCUMENTS

33) As may be required by law, Lessee shall notify Lessor of any judicial proceedings brought ~~to the attention of~~ against Lessee affecting its possession under the Lease or the interest of Lessor in the Leased Premises. Further, upon written request of Lessor, Lessee shall send Lessor a copy of any filings with the Ohio Department of Natural Resources or other governmental agency within thirty (30) calendar days of receipt of such request.

ENTIRE AGREEMENT

34) No oral warranties, representations or promises have been made or relied upon by either Lessor or Lessee as an inducement to or modification of this Lease. This Lease (including all of the exhibits hereto) constitutes the entire understanding and agreement between Lessor and Lessee with respect to the transaction contemplated under this Lease, and supersedes all negotiations, prior discussions, and prior agreements and understandings relating to the transaction contemplated under this Lease. No amendment or modification of this Lease shall be binding unless made by written instrument of equal formality signed by both Lessor and Lessee.

NOTICE

35) All notices to the Parties concerning this Lease shall be in writing and be effective only if they are in writing and duly given as follows: (i) upon receipt, when delivered personally to a ~~Lessor or Lessee Party~~ Party at its address as provided ~~in this Lease below~~; (ii) on the first one (1) business day after being delivered to a reputable overnight courier service, prepaid, marked for next business day delivery to ~~Lessor or Lessee Party~~ Party at its address as provided ~~in this Lease below~~; or (iii) on the third three (3) business days after being sent by registered or certified United States mail, return receipt requested and postage or other charges prepaid, to a Party at its address as provided below; or (iv) on the fifth business day after being sent by regular United States mail to a Party at its address as provided below. If notice required by this Lease to be given by registered or certified mail is returned by the postal authorities as being "refused" or "unclaimed," ~~Lessor a Party~~ Party may give written notice to ~~Lessee the other Party~~ Party by ordinary United States mail, postage prepaid, to the last known business address as provided to Lessor by Lessee below. ~~For all notices sent by regular United States mail under the terms of this Lease the applicable time period will begin to run on the fifth day following the placement of the notice in the United States mail.~~ As proof of service, it will be sufficient to produce a receipt showing personal service, the receipt of a reputable courier company showing the correct address of the addressee, a certificate of mailing or its equivalent, or an acknowledgment of receipt by the recipient Party.

 All notices or documentation to be given to Lessor pursuant to this Lease shall be sent to:

[INCLUDE]

All notices or documentation to be given to Lessee pursuant to this Lease shall be sent to ~~Lessee~~ at the following:

[INCLUDE]

Lessor or Lessee may at any time change its address for such notices by giving the other written notice in accordance with this notice paragraph.

COMPLIANCE WITH LAWS

36) Lessee shall materially comply with all applicable federal, state and local laws laws, ordinances, regulations, rules, decisions, orders or requirements, and all changes or amendments thereto; provided, however, that nothing in the foregoing provides Lessor with a right of action to enforce any such laws or claim a breach of this Lease regarding any noncompliance that may occur.

COUNTERPARTS

37) This Lease may be executed in one or more counterparts, each of which will be an original but all of which, taken together, will constitute only one legal instrument. Counterparts may be delivered via facsimile, electronic mail (including .pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docuSign.com) or other similar transmission method and any counterpart so delivered shall be deemed to have been duly and validly executed and delivered and be valid and effective for all purposes.

NO USE OF WATER

38) Lessee shall not enter the Leased Premises and remove use any water owned by Lessor, surface or subsurface, from in, on or underneath the Leased Premises, including, but not limited to water from Lessor’s wells, ponds, streams, lakes, springs, reservoirs, and creeks or any other water bodies located on the Leased Premises, unless Lessee obtains the prior written permission of the Lessor by separate written agreement; provided, however, that nothing herein shall restrict or prohibit Lessee’s right or ability to remove or use any water, surface or subsurface, sourced or removed from other lands, whether or not said lands are adjacent or contiguous to the Leased Premises.

In the event any activity carried on by ~~the~~ Lessee pursuant to the terms of this Lease damages, disturbs, or injures the quality or quantity of Lessor’s ~~or any other entity’s~~ water ~~or water well on or adjacent to the Leased Premises~~ contrary to the terms of this Lease, Lessee, at its sole cost and expense, shall take all reasonable and necessary steps to correct any such damage, disturbance or injury and to remediate the same to as close to pre-damage status quo as reasonably possible, with all reasonably related costs of repair and maintenance to be paid by Lessee.

MISCELLANEOUS

39) **[If ODNR is the Lessor] Geologic and Engineering Well Data for State Geologic Purposes:** Pursuant to R.C. 1505.03, Lessor has the authority to investigate, survey, interpret and report matters relating to the geological or mineralogical conditions of the state, or technologies pertaining to them, and to accept and retain geological records on a confidential basis. Accordingly, Lessee shall notify Lessor may request access, at least twenty-four (24) hours before the commencement of drilling into the target reservoir or source rock (pay zone) for any well in which the Leased Premises are included, in order to allow access by Lessor to gather such geological and mineralogical data. Lessor also has the right to collect rock chips, core samples, well logs and other geologic and engineering data and information during the drilling and well evaluation process. Lessor, in being provided access, assumes all risk and liability for itself, its agents, and contractors who physically access the Lessee’s area of Operations. Lessee shall not be required to shut down, slow the pace of progress, or otherwise modify its Operations in order to accommodate Lessor’s access hereunder.

40) **Force Majeure:** When Lessee’s fulfillment of its obligations hereunder (except for the payment of money) are prevented or delayed by reason of a Force Majeure Event (as defined below), fire, flood, adverse weather conditions, war, sabotage, rebellion, insurrection, riot, strike or labor disputes, accidents, pandemic, epidemic or by any other cause not reasonably within Lessee’s control (any of which is hereinafter referred to as a “Force Majeure Event”), such obligations shall be suspended and this Lease

Commented [A39]: As proposed, this provision is ambiguous regarding a lessee’s right and ability to use water obtained from other lands, and this lease should not impact that bargained for right and ability to the extent it exists. Moreover, it should only apply if and to the extent that Lessor owns the water at issue.

Commented [A40]: Several of the following provisions are not custom and practice in the industry and have been deleted or modified accordingly.

Commented [A41]: To the extent this provision is designed to give effect to the authorities given to the division of geological survey, OOGA has no objection. OOGA does object, however, to the extent it attempts to grant authorities to ODNR that are not otherwise granted by statute. Because the last sentence is ambiguous and appears to go beyond the authorities granted under statute, we have deleted it.

Commented [A42]: Not every failure to fulfill an obligation under this Lease can lead to lease termination, and yet it might be considered a breach of the Lease. Accordingly, FM provisions are included, in part, to note that such obligations may be suspended during the period of force majeure.

shall not terminate, in whole or in part, because of such prevention or delay, and, at Lessee's option, the period of such prevention or delay shall be added to the term hereof. "Force Majeure Event" means (A) an act of God; (B) strike, lockout, or other industrial disturbance; (C) an act of the public enemy, war, terrorism, sabotage, insurrection, blockade or public riot; (D) severe weather conditions, lightning, fire, storm, flood, epidemic, or other act of nature; (E) explosion; (F) governmental action, delay, restraint, or inaction; (G) unavailability of equipment, services, materials, water, electricity, fuel, access or easements; (H) failure of purchasers or carriers to take or transport production; (I) the inability to obtain, delay in obtaining, or suspension of any permits or other approvals sought by Lessee, including without limitation any delay or suspension resulting from any environmental or regulatory rule, regulation, or law, the action or inaction of zoning authorities, or the action or inaction of any court or regulatory body of competent jurisdiction hearing an appeal of such permit or approval; and (J) any other occurrence not reasonably within Lessee's control, whether of the kind specifically enumerated above or otherwise. Lessee shall not be liable in damages for breach of any express or implied covenants of this Lease for failure to comply therewith, if compliance is prevented by, or failure is the result of, a Force Majeure Event. ~~The period of extension by reason of force majeure shall be limited to a cumulative total of twenty-four (24) months. The term "Force Majeure Event" shall not include lack of available markets for production, or any other events affecting only the economic or financial aspects of drilling, development, production, or marketing Oil and Gas.~~

41) **Nondiscrimination:** There shall be no discrimination by Lessee based on gender, race, color, religion, ancestry, national origin, age, sexual orientation, military status, handicap or disability, as defined in R.C. 4112.01.

42) ~~**Ethics:** Lessee, by signature on this document, certifies that Lessee: (1) has reviewed and understands the Ohio ethics and conflict of interest laws as found in R.C. Chapter 102 and in R.C. 2921.42 and 2921.43 and (2) will take no action inconsistent with those laws. The Lessee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Lease and may result in the loss of other contracts or grants with the State of Ohio.~~

43) ~~**Declaration Regarding Material Assistance/Nonassistance to a Terrorist Organization:** If required to do so pursuant to R.C. 2909.33, Lessee, hereby represents and warrants that Lessee: (1) has not provided material assistance to an organization listed on the Terrorist Exclusion List of the State Department of the United States, (2) has obtained a current copy of the Terrorist Exclusion List; and, (3) truthfully has answered "No" to every question on the Ohio Department of Public Safety's form "Declaration Regarding Material Assistance/Nonassistance to a Terrorist Organization." Information and forms concerning the Declaration may be found at: http://www.homelandsecurity.ohio.gov/dma/dma_general_info.asp.~~

44) ~~**Campaign Contributions:** Lessee affirms that, as applicable to it, no party listed in Division (I) or (J) of R.C. 3517.13 or spouse of such party has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of One Thousand Dollars (\$1,000.00) to the Governor of the State of Ohio or to his campaign committees.~~

45) ~~**Findings for Recovery:** If the potential compensation to Lessee under this Lease exceeds Twenty Five Thousand Dollars (\$25,000.00), Lessee warrants that it is not subject to an "unresolved" finding for recovery under Revised Code Section 9.24. If this warranty is found to be false, this Lease is void ab initio.~~

46) ~~**Termination of Public Use:** This Lease may be terminated if the Leased Premises, or any part thereof, is needed for any public or quasi public use or purpose. Lessor shall give Lessee at least ninety (90) calendar days' written notice prior to such termination under this Paragraph. Lessee shall have no claim against Lessor for the value of any unexpired term of this Lease, or for any costs related thereto, if termination happens pursuant to this paragraph.~~

Commented [A43]: Oil and gas well production can last for decades. It is inappropriate—and inconsistent with industry custom and practice—to limit the cumulative time that a force majeure event can impact development given that productive well life and recent experience with force majeure events, such as the COVID pandemic and its duration.

Commented [A44]: The latter provision is ambiguous.

Commented [A45]: In addition to being outside the custom and practice in the industry, these provisions do not apply under the circumstances.

Commented [A46]: In addition to being outside the custom and practice in the industry, these provisions do not apply under the circumstances.

Commented [A47]: This is not custom and practice in the industry and could have severe consequences for the lessee, particularly when operations are already taking place or there is a producing unit already in effect.

~~47)42)~~ **Prevailing Wage:** Lessee shall comply with any applicable provisions of R.C. Chapter 4115, as well as Ohio Administrative Code Chapter 4101:9-4, relating to the payment of prevailing wage.

~~48)43)~~ **Drug-Free Workplace:** Lessee agrees to comply with all applicable federal, state and local laws regarding smoke-free and drug-free workplaces and shall make a good faith effort to ensure that none of its employees or permitted subcontractors purchase, transfer, use or possess illegal drugs or alcohol, or abuse prescription drugs in any way.

~~49)44)~~ **Debarment:** Lessee represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services pursuant to either R.C. 153.02 or 125.25.

~~50) **Conflicts of Interest:** No personnel of Lessee who exercise any functions or responsibilities in connection with the review or approval of this Lease or carrying out of any of the work contemplated hereby shall, prior to the completion of the work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of such work. Any such person who acquires an incompatible or conflicting personal interest on or after the effective date of this Lease, or who involuntarily acquires any such incompatible or conflicting personal interest, shall immediately disclose his or her interest to Lessor in writing. Thereafter, he or she shall not participate in any action affecting the work, unless Lessor shall determine in its sole discretion that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest.~~

Security Interest: Lessee grants to Lessor a security interest in: (i) the portion of the Oil and Gas produced and saved from the Leased Premises or property pooled with the Leased Premises pursuant to this Lease; (ii) any and all of Lessor's inventory, equipment, facilities and improvements now or hereafter located in the Property and (ii) the proceeds from the sale of Oil and Gas and all accounts arising therefrom associated with the royalty payments due under this Lease (the "Collateral"). The purpose of this security interest is to secure Lessee's payment of royalties and compliance with the other terms and provisions of this Lease. Lessee hereby appoints Lessor its true and lawful attorney in fact in its name or otherwise to execute and file any financing statement(s) on behalf of Lessee and to do any and all acts and to execute and file any and all documents which may be necessary to realize, perfect, continue, preserve and protect the security interest upon the Collateral. Upon the occurrence of any uncured event of default, and in addition to any other rights and remedies available to Landlord under this Agreement or at law or in equity, Landlord shall be entitled to exercise the rights and remedies of a secured party under the Uniform Commercial Code. This Lease, or any memorandum of this Lease, when recorded in the county or counties' real property records where the Leased Premises or property pooled with the Leased Premises are located, shall constitute a financing statement. Additionally, Lessee agrees to cooperate with Lessor to execute any UCC-1 filing requested by Lessor to evidence the security interest created under this Paragraph of the Lease.

Commented [A48]: In addition to being outside the custom and practice in the industry, these provisions do not apply under the circumstances. It appears to be a provision that, if applicable at all, would be applicable to the **Lessor** and its personnel. But even then, its inclusion should be unnecessary given the presumed requirements of law.

Commented [A49]: This provision is not consistent with custom and practice in the industry.

The exhibits attached to and incorporated in this Lease are the following:

Exhibit A -- "Legal Description of the Property"

VERSION 2

DECEMBER 1, 2022

[OOGA COMMENTS/SUGGESTED REVISIONS: **January 13, 2022**]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Lease as of the date(s) set forth below, but it shall be effective as of and from the date set forth below the execution line for GOVERNOR OF THE STATE OF OHIO

LESSOR: STATE OF OHIO

Name: _____

Title: _____

APPROVED:

ATTORNEY GENERAL OF OHIO

BY: _____
Assistant Attorney General

_____, Governor
STATE OF OHIO

Date: _____

Date: _____

VERSION 2

DECEMBER 1, 2022

[OOGA COMMENTS/SUGGESTED REVISIONS: January 13, 2022]

LESSEE:

By: _____
Its: _____

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2012,
by _____ (Lessee). No oath or affirmation was made in connection with this
acknowledgement.

Notary Public
My Commission expires:

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011,
by _____ (Lessor). No oath or affirmation was made in connection
with this acknowledgement.

Notary Public
My Commission expires:

This instrument prepared and reviewed as to form by the legal representatives of the [insert name of
relevant state agency] and the Office of the Ohio Attorney General, including [insert name and contact
information]. _____.

[OOGA COMMENTS/SUGGESTED REVISIONS: January 13, 2023]

Oil & Gas Land Management Commission
Proposed Rulemaking
December 1, 2022 Meeting

Proposed Draft Rule

Ohio Administrative Code Section 155-1-01

- (A) Pursuant to section 155.34 of the Revised Code, the standard lease form adopted by the Oil and Gas Land Management Commission hereby adopts the standard lease form contemplated by section 155.34 of the Revised Code and attached hereto and incorporated as if fully re-written herein, and makes it available on the Oil and Gas Land Management Commission's website.
- (B) All future proposed revisions to the oil and gas land management commission shall not adopt a new version of the standard lease form shall be until each draft version has been posted on the website of the oil and gas land management commission for at least 21 calendar days and shall further be adopted by a formal rulemaking of the Commission, as contemplated by section 155.34 of the Revised Code.
- (C) Notice for a meeting of the oil and gas land management commission shall be posted on the website of the oil and gas land management commission at least seven-fourteen calendar days prior to the meeting.

Commented [A1]: These comments and proposed revisions are being submitted on behalf of the Ohio Oil and Gas Association (OOGA), one of the largest and most active state-based oil and gas trade associations in the country. Its 1,300+ members are primarily small business entities – similar to small family farms – involved in all aspects of the exploration, development, production and marketing of Ohio crude oil and natural gas. The Association participates in proceedings like these, both statewide and nationally, to protect its members' interests, and the interests of the industry generally, when Ohio production is at issue.

Commented [A2]: RC 155.34 requires the commission to establish the standard lease form by rule. That requires more than simply acknowledging that a lease form has been proposed and adopted by the commission, potentially without public input or participation. Not only is that clear on the face of the statutory language, but the General Assembly expressly did not require the same process for surface use agreements that agencies can then enter into under their own volition (see RC 155.34 (B)).

Commented [A3]: The protections afforded all interested stakeholders through the public rulemaking process should not be circumvented by adopting a rule that allows amendment of the standard form lease required under RC Chapter 155 in the manner proposed and without those same protections.

Commented [A4]: The commission should consider establishing a mechanism for interested stakeholders to receive actual notice, by mail or otherwise, of commission meetings in addition to posting such notice on its website.

EXHIBIT B
[OOGA Comments: March 31, 2023]

OIL AND GAS LEASE
(PAID UP LEASE)

This Oil and Gas Lease (hereinafter referred to herein as the "Lease") is dated this ____ day of _____, 20__ (the "Effective Date") by and between the State of Ohio through the [insert relevant state agency], with an address at _____ (hereinafter called "Lessor"), and _____, a _____, with its principal address at _____ (hereinafter called "Lessee"). Lessor and Lessee are sometimes individually referred to as a "Party," and collectively as the "Parties."

Commented [A1]: These comments and proposed revisions are being submitted on behalf of the Ohio Oil and Gas Association (Association), and are attached to the public comments submitted to JCARR on March 31, 2023.

WHEREAS, the Lessor is a state agency authorized pursuant to Ohio Revised Code ("R.C.") Chapter 155 to lease property it owns or controls for oil and gas development.

WHEREAS, the leasing of the lands covered by this Lease followed the requirements set forth in Chapter 155 of the Ohio Revised Code, including the completion of a bidding process, and the Lessee was determined to be the highest and best bidder.

WITNESSETH, that for and in consideration of the mutual benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Lessor and Lessee, intending to be legally bound, agree as follows:

GRANT OF LEASE

1) Lessor hereby leases and lets exclusively to Lessee, and its successors and permitted assigns, all of the Oil and Gas (as defined below) underlying the Leased Premises (as defined below) from [PICK ONE: the surface of the Leased Premises to the top of the Onondaga limestone as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio] [the top of the Onondaga limestone as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio to the bottom of the Queenston formation as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio] [the bottom of the Queenston formation as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio to the basement rock], together with all such rights in the Leased Premises as may be necessary for Lessee to explore for, drill for, develop, produce, measure, and market production of Oil and Gas from the Leased Premises or lands pooled or unitized therewith, and cease to operate, plug, abandon, and remove wells, materials and equipment.

Notwithstanding the foregoing, Lessor and Lessee agree that, without a separate written surface use agreement signed by Lessor and Lessee, the Lessee shall not have the right under this Lease to: (i) locate any well pad or well site (as those terms are defined in the Ohio Administrative Code); (iii) set any surface equipment, facilities or other structures that may be used in or associated with the exploration and production of Oil and Gas (including, but not limited to, pipelines, pump stations, tank batteries, dryers, pipelines, separators, compressors or any other facilities); (iv) construct access roads; (v) construct temporary or permanent pits; and/or (vi) conduct any activities or operations on the surface of the Leased Premises.

Any surface use agreement signed by Lessor and Lessee that allows for surface operations on the Leased Premises shall, at a minimum, include provisions covering the following: (i) crop and timber damage; (ii) timber removal; (iii) fencing; (iv) gates; (v) roads; (vi) pipelines (including that any pipelines be for transporting Oil and Gas from a well(s) drilled on the Leased Premises or lands pooled therewith, be conspicuously marked, and installed at a minimum depth below ground level); (vii) location approval by Lessor; (viii) setbacks from any structure existing on the Leased Premises at the time of Lessee's operations, and calculated from the edge of the well pad to the nearest structure in question); (ix) surface damages/spud fees of at least \$5,000 per disturbed acre, and a maximum number of acres that can be impacted; (x) surface restoration and reclamation issues; and (xi) water testing. Lessee is, however, granted the right to pool or unitize the Leased Premises with other adjacent or contiguous properties, which other properties shall bear all the drilling and other

EXHIBIT B
[OOGA Comments: March 31, 2023]

surface operations, and any wellbore may, subject to the terms of this Lease and any attached addenda or exhibits, pass under or terminate below the surface of the Leased Premises.

DESCRIPTION OF THE LAND INCLUDED IN THIS LEASE

2) The land included in this Lease is identified as follows (the “Leased Premises”):

Parcel Number	Qtr Sec /Twp/Range	Township	County	Acreage	Prior Deed Reference

The Leased Premises are more particularly described on Exhibit A attached hereto and incorporated herein. For the purposes of this Lease, the Leased Premises contains a total of ____ acres, whether actually more or less. There is no “Mother Hubbard” provision in this Lease, which means that this Lease shall not include any land(s) contiguous, adjacent or adjoining to the Leased Premises that are not described in this Lease; however, this Lease shall cover and include any interest which Lessor may own in any streets, alleys, highways, railroads, streams, canals or rivers adjacent to the Leased Premises.

LESSOR’S RESERVATION OF RIGHTS

3) Lessor reserves all rights and interests not specifically granted to Lessee in this Lease, including but not limited to:

A. All of the Oil and Gas and other mineral rights in all geologic formations not covered under this Lease. Notwithstanding such reservation, Lessee shall be allowed to drill, operate and produce through such reserved formations if necessary for Lessee to have access to the geologic formation(s) subject to this Lease; and, nothing in this paragraph 3, including in subparagraphs (A)-(D), shall permit Lessor to, and Lessor shall not, unreasonably interfere in any way with Lessee’s exercise of its rights under this Lease.

B. The right to grant additional property rights of any kind across, upon, above, through and/or under the Leased Premises.

C. The right to undertake, or cause to be undertaken, the development of the surface of the Leased Premises (or any part thereof) during the term of this Lease, including the construction of certain structures and other improvements and any other use deemed necessary by Lessor, in Lessor’s sole discretion, subject to any limitations set forth in a surface use agreement executed pursuant to R.C. 155.34.

D. The right to continue all of its current activities and programs and initiate new activities and programs including, but not limited to, irrigation and agricultural activities on the Leased Premises.

OIL AND GAS ONLY

4) For the purposes of this Lease, the term “Oil and Gas” shall include the following: (i) “Oil,” which for purposes of this Lease means any hydrocarbons produced from the Leased Premises or lands pooled and/or unitized therewith capable of being produced in liquid form at the wellhead by ordinary production methods, including but not limited to oil, condensate, distillate, and other liquids recovered from a separator or other equipment; and (ii) “Gas,” which for purposes of this Lease means all natural gas and associated hydrocarbons that are not Oil, including but not limited to natural gas liquids produced from the Leased Premises, or lands pooled or unitized therewith. This Lease does not include, and there is

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[OOGA Comments: March 31, 2023]

hereby excepted and reserved unto Lessor, all minerals of every kind and character other than Oil and Gas, including, but not limited to, coal seam gas, coalbed methane gas, coalbed gas, coal, sulfur, lignite, uranium and other fissionable material, geothermal energy, base and precious metals, rock, stone, clay, gravel and any other mineral substances in, under, or upon the Leased Premises, together with rights of exploring for, producing and marketing the minerals reserved under this paragraph.

NO STORAGE RIGHTS

5) Lessee shall have no right under this Lease to use the Leased Premises, or any portion thereof, surface or subsurface, for the storage of Oil and Gas or brine. Further, Lessee agrees the Leased Premises shall not be used for the purpose of gas storage as defined by the Federal Energy Regulatory Commission.

NO DISPOSAL AND/OR INJECTION WELLS

6) Lessee is not granted any right whatsoever to use the Leased Premises, or any portion thereof, for the drilling, construction, installation, and/or operation of any disposal well, injection well, or the construction/operation of any other disposal facilities. Lessee shall not use the Leased Premises for the permanent disposal of any drill cuttings or residual wastes.

ADVANCED DELAY RENTALS/BONUS

7) Within ten (10) calendar days after Lessee receives a copy of this Lease executed by Lessor, and in direct exchange for the said executed Lease, the Lessee agrees to pay as advanced delay rentals / a bonus, in proportion to Lessor's percentage of ownership of the oil and gas estate, the sum of _____ Dollars (\$ _____) per Net Mineral Acre (as defined below) of the Leased Premises (for a total of \$ _____) (the "Bonus"). Upon payment of the appropriate amount of the Bonus, the Parties hereto stipulate and agree that this is a "Paid Up" Lease with no further delay rental payments or bonus due to Lessor during the Primary Term (as defined below), and that any and all bonuses and delay rentals due or payable hereunder have been prepaid to Lessor for the purpose of keeping this Lease in effect during and for the entirety of the Primary Term. To avoid all doubt, it is agreed that upon the payment of the appropriate amount of Bonus, Lessee shall have the option, but not the obligation, to drill any or no well or wells on the Leased Premises, in Lessee's sole and absolute discretion, and that Lessor expressly disclaims any and all implied covenants regarding an obligation to drill and produce from the Leased Premises, all during the Primary Term.

- A. For purposes of this Lease, the term "Net Mineral Acre" shall mean the product obtained by multiplying the number of surface acres of land covered by this Lease multiplied by the Lessor's undivided interest in the oil and gas estate of the Leased Premises. For example, if this Lease covers 100 acres of land and the Lessor owns 100% of the oil and gas estate in such land, then this Lease covers 100 Net Mineral Acres; but, if this Lease covers 100 acres of land and the Lessor owns an undivided 50% interest in the oil and gas estate to such land, then this Lease covers 50 Net Mineral Acres.
- B. The Parties agree that if Lessor holds title in the oil and gas estate to the Leased Premises in any amount less than 100%, this Lease shall continue in effect and Lessee shall pay the Bonus to Lessor, but such payments shall be reduced and paid to Lessor only in the proportion which Lessor's interest bears to the whole and undivided fee. In the event it is determined that Lessor owns a lesser interest in the oil and gas estate than the entire or undivided fee simple interest, then any future royalties, delay rentals, bonuses and other payments provided for in this Lease shall be paid to the Lessor only in the proportion which such interest bears to the whole and undivided fee.
- C. Except for instances involving a breach of the limited warranty covenants contained herein, any and all advanced delay rental payment, Bonus, rental, royalty and/or other sums paid (or to be paid) to Lessor under this Lease are nonrefundable, and Lessee agrees

Commented [A2]: The Association and its members would like to make clear that—given that this is a paid up lease—the lessee has the option, but not the obligation, to develop the leased premises during the full primary term without risk of losing the lease for reasons of non-development.

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[OOGA Comments: March 31, 2023]

it will not seek reimbursement from Lessor, the State of Ohio or any department, agency, university, college, official, employee, or agent of Lessor or the State of Ohio for the previously paid sums.

- D. Failure by Lessee to pay the appropriate amount of the Bonus within the time described herein shall render this Lease null and void. Lessor reserves any and all of its rights and remedies available under Ohio law for non-payment by Lessee of the payments due pursuant to this Lease.

TERM

8) This Lease shall remain in force for a primary term of three (3) years from the Effective Date (the "Primary Term"), and shall continue beyond the Primary Term, including any extension thereof, as to the entirety of the Leased Premises for so long thereafter as: (i) Oil and Gas are produced in paying quantities (as defined below) from the Leased Premises or lands pooled or unitized therewith; or, (ii) Operations (as defined below) are conducted on the Leased Premises or lands pooled or unitized therewith in the search for Oil and Gas.

~~i. For purposes of this Lease, a well is producing in "Paying Quantities" when the annual gross revenue (on a calendar year basis) from the sale of Oil and Gas produced from a well exceeds that well's operating costs. The calendar year in which such well first produces Oil and Gas shall not be subject to the Paying Quantities calculation.~~

~~i. For purposes of this Lease, the term "Operations" shall mean only (a) the production of Oil and Gas in Paying Quantities subsequent to drilling, or (b) the actual drilling, completing, re working, plugging back, deepening, treating, stimulating, re-completing of a well to obtain production of Oil and Gas, conducted in good faith and with due diligence. The term "Operations" shall not include conducting seismic or other testing, or the laying of pipeline(s) across the Leased Premises. Further, the commencement of operations shall be defined as Lessee having secured a drilling permit from the relevant regulatory agency and commencement of actual drilling (bit in the ground). As used herein, the term Operations shall mean any activity that is reasonably calculated to obtain or restore production, including without limitation, (i) drilling or any act preparatory to drilling (such as obtaining permits, surveying a drill site, staking a drill site, building roads, clearing a drill site, or hauling equipment or supplies); (ii) reworking, plugging back, deepening, treating, stimulating, refitting, installing any artificial lift or production-enhancement equipment or technique; and (iii) constructing facilities related to the production, treatment, transportation and marketing of substances produced from the lease premises.~~

ii. If during the last ninety (90) days of the Primary Term hereof or any time after the expiration of the Primary Term, production of Oil and Gas in paying quantities from the Leased Premises, or lands pooled or unitized therewith, should cease for any reason, or if during or after such ninety (90) day period and prior to discovery of Oil and Gas on the Leased Premises or lands pooled or unitized therewith, Lessee should complete a dry hole thereon, this Lease shall not terminate if Lessee commences or resumes additional Operations on the Leased Premises or lands pooled or unitized therewith, within ninety (90) days after production in paying quantities ceased or the well was completed as a dry hole, whichever is applicable. If, at the expiration of the Primary Term, Oil and Gas are not being produced in paying quantities from the Leased Premises, or lands pooled or unitized therewith, and the Lease is not being held pursuant to any other provision of this Lease, but

Commented [A3]: The Association respectfully submits that this term, defining "paying quantities," is inconsistent with Ohio law on the issue, inconsistent with industry custom and practice (and thus RC 155.34(A)(1)), and could lead to the premature loss of an economic, producing lease.

"Paying quantities" calculations are *not* typically done on a well-by-well basis, as it could lead to the **ambiguous result** that some wells on a lease satisfy that condition and some do not. These calculations are also typically not done on a calendar year basis, which is **arbitrary and ignores** the very real possibility that some leases may not be in paying quantities during that limited period (due, for example, to fixed operating expenses and a dramatic downturn in price due to events beyond the lessee's control).

As a consequence, it is not custom and practice to include a definition like the one here in an oil and gas lease, and the **Association has recommended its deletion as indicated.**

Commented [A4]: The Association respectfully submits that this term too is inconsistent with Ohio law on the issue, as well as industry custom and practice (contrary to RC 155.34(A)(1)).

Ohio courts have defined the term "operations" much more broadly, in **recognition of the substantial investment** that lessees make when seeking to develop their leasehold acreage and the time that it takes for lessees to acquire that investment—acknowledging that **a limited definition would be unfair** to the lessee and its other lessors who seek development of their mineral resources.

Accordingly, **the Association recommends deleting this subparagraph (ii) in its entirety and replacing it with the added paragraph, as indicated in the body of this lease and which is consistent with industry custom and practice and Ohio law.**

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the Lessee is then engaged in Operations, this Lease shall remain in full force so long as Operations are prosecuted (whether on the same or different wells) with no cessation of more than ninety (90) consecutive days, and if they result in production, so long thereafter as Oil and Gas are produced in paying quantities from the Leased Premises or lands pooled or unitized therewith, or the Lease is otherwise being held pursuant to any other provision of this Lease.

- iii. After termination, expiration, or surrender of this Lease in whole or in part, Lessee shall promptly deliver to Lessor and record with the county or counties in which the Leased Premises is located a release of the Lease as to such acreage released under this paragraph.

Lessee has a one-time option to extend the Primary Term of this Lease for an additional period of three (3) years from the expiration of the Primary Term. The extension of the original Primary Term shall be under the same terms and conditions as contained in this Lease, ~~except that and~~ the consideration to be paid by Lessee to Lessor for the extension shall be equal to ~~120%~~ of the original Bonus paid to Lessor ~~to Lessor~~ on a per Net Mineral Acre basis and calculated on the number of Net Mineral Acres of the Leased Premises that Lessee elects to further maintain under the Lease that are not otherwise held by the terms and conditions of then subject to the Lease. Lessee may exercise this option to extend the Primary Term of the Lease by providing Lessor written notice of such exercise and tendering the additional consideration set forth above at least thirty (30) calendar days before the expiration of the original Primary Term. Should this extension option be exercised, it shall be considered for all purposes as though this Lease originally provided for a Primary Term of six (6) years. In the event Lessee chooses not to extend, Lessee shall promptly record with the county or counties in which the Leased Premises is located a release of the Lease upon the expiration of the Primary Term as to any portions of the Leased Premises not otherwise held by the terms and conditions of the Lease.

ROYALTY AND GAS MEASUREMENT

9) Lessee shall pay to Lessor a one-eighth gross landowner royalty on Oil and Gas produced from the Leased Premises ~~a~~ (/) or percent (%) gross landowner royalty on Oil and Gas produced from the Leased Premises.

A) Affiliates. It is understood and agreed that to the extent Lessee sells Oil and Gas produced hereunder to an Affiliate, the price upon which royalty shall be based shall be the greater of: (a) the price paid by the Affiliate; or, (b) the price that would have been received in an arms-length transaction with an unaffiliated third party under an arrangement for like quantity, quality, term and at the same point of sale as that with the Affiliate. For purposes of this Lease, "Affiliate" means any person, corporation, partnership or other entity in which Lessee, directly or indirectly, through one or more intermediaries: (i) owns an interest of more than twenty percent (20%), whether by stock or ownership or otherwise; or (ii) exercises any degree of control, directly or indirectly, by ownership, interlocking directorate or has more than fifty percent (50%) of the voting capital stock or other equity interests having ordinary voting power.

B)A) Gross Royalty. It is agreed between the Lessor and Lessee that, notwithstanding any language herein to the contrary, all royalties accruing to the Lessor under this Lease shall be paid without deduction, ~~directly or indirectly,~~ for any and all pre-production and post-production costs and/or expenses, including but not limited to those relating to producing, gathering, storing, separating, treating, dehydrating, compressing, processing, transporting, and marketing the Oil and Gas produced hereunder. ~~The computation of the Lessor's royalty shall include any additional consideration, if any, paid to Lessee for natural gas liquids.~~

C)B) Payment of Royalties. The initial royalty payments due under this Lease shall be made on or before 120 calendar days following the last day of the month in which first sales occur

Commented [A5]: The Association recommends adding what is commonly referred to as a "continuous operations" clause in the lease, such as the one here. These clauses serve to maintain the lease **so long as the lessee is diligently engaged in operations intended to obtain production** at the time that the primary term expires. They are custom and practice in the industry (and thus satisfy RC 155.34(A)(1)) and serve to promote the public policy expressed by the General Assembly to develop Ohio's oil and gas resources.

Commented [A6]: The Association recommends the limited changes here (i) to conform the Lease to the statute (i.e., RC 155.34(A)(1)(d) **does not permit an increase in the bonus** to be paid for the extension, as contemplated here); and (ii) to clarify that the extension **bonus is to be calculated based only on the acres that the lessee intends to extend** the lease on and **that are not already being developed** (and thus held under the lease).

Commented [A7]: The Association makes the recommended changes here because the **proposed language is inconsistent with the requirements of RC 155.34(A)(1)** (which requires a 1/8th gross landowner royalty).

Commented [A8]: The Association respectfully submits that this term is **inconsistent with Ohio statutory law** establishing the royalties to be paid under this lease, as set by the General Assembly.

RC 155.34(A)(1) states that the standard lease form shall contain "a one-eighth gross landowner royalty." That phrase is defined by statute to mean "a royalty based on the **proceeds received** on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production." See RC 155.30(B). That is, the General Assembly clearly stated that the royalty is to be based on the amounts actually received by the lessee, and not some other amount that might have been received had the production been sold in a different way. Ohio courts addressing analogous lease language have rightly rejected similar efforts to change the calculation methodology. See, e.g., *Henceroth v. Chesapeake Expl., LLC*, 814 F. App'x 67 (6th Cir. 2020).

Further, and not surprisingly, it is **inconsistent with industry custom and practice**, and therefore contrary to RC 155.34(A)(1).

Accordingly, the Association recommends the deletion of this language in its entirety.

Commented [A9]: The Association recommends this deletion because it introduces ambiguity into a lease term that should be unambiguous.

Commented [A10]: The Association recommends this deletion as it creates ambiguity and is unnecessary given the definition of "Oil and Gas" above.

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[OOGA Comments: March 31, 2023]

from a well on the Leased Premises or lands pooled/unitized therewith. Thereafter, the royalties required to be paid to Lessor under this Lease shall be due and payable monthly on or before the last day of the third calendar month following the month of production. Each royalty payment shall be accompanied by a check stub, schedule, summary or remittance identifying this Lease and, at a minimum, showing the Lessor's interest in the unit shown as a decimal; the total volume of each product subject to the royalty statement (e.g. a separate listing for Oil and Gas); and the price or value of the Oil and Gas on which the Lessee is calculating its royalty payments. If such data is available in electronic or digitized form, then Lessee agrees to deliver same to Lessor electronically. Unless otherwise herein expressly provided, any royalties or other payments provided for in this Lease which are not paid to Lessor within the time period specified therefor shall accrue interest at the prime interest rate plus five percent (5%) from the due date until paid; provided, however, that in no event shall interest be due on disputed royalties. Acceptance by Lessor, its successors, agents or assigns, of royalties which are past due shall not act as a waiver or estoppel of its right to receive or recover any and all interest due thereon under the provisions hereof.

D/C Measurement. In order to verify the royalties being paid, the volume of gas produced from the Leased Premises or lands pooled/unitized therewith shall be measured using a meter meeting or exceeding the standards established by the American Gas Association and shall be calibrated and maintained in accordance with standard industry practice.

ASSIGNMENT

10) The rights of Lessor or Lessee under this Lease may be assigned in whole or in part; provided, however, that any such assignment of this Lease (in whole or in part) by Lessee to any third party shall require the Lessee to give prior written notice to Lessor and obtain the prior written consent of Lessor which consent shall not be unreasonably withheld, conditioned or delayed. Such prior written notice of an assignment shall include a brief explanation of the assignee's relationship to Lessee and the name and address of the party to whom Lessor is to give notices under the terms of this Lease.

- i. No assignment may be effectuated unless and until the Lessor provides written consent to such assignment, such consent not to be unreasonably withheld, conditioned or delayed; provided, however, that such consent shall be deemed to have been given by Lessor in the event Lessor fails to object to the assignment, in writing, within 10 days of Lessor's receipt of the written notice by Lessee contemplated herein.
- ii. No assignment may be effectuated if Lessee is in default, and such default is not being cured, under this Lease.
- iii. If this Lease is assigned or otherwise transferred by Lessee, then Lessee shall provide a copy of this Lease to its assignee(s) or successor(s)-in-interest. Assignment of this Lease or any part thereof shall not relieve Lessee of any obligations hereunder theretofore accrued prior to the date of the assignment; and any assignee of Lessee shall, by acceptance of such assignment, assume and be bound by all terms and provisions hereof.
- iv. If an assignment of this Lease is made in part, Lessee shall specify a single party to whom notices shall be given by Lessor, and that party shall be responsible for notifying any other parties owning an interest in this Lease.
- v. Any assignment of this Lease by Lessee not made in accordance with this paragraph shall be null and void, and any interest attempted to be assigned thereby shall automatically revert to the assignor.

Commented [A11]: The Association recommends the changes here to avoid the all-too-common circumstance where a lessor fails to respond at all, leaving the underlying assignment-and thus ongoing production-uncertain.

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- vi. The term “assignment” as used herein, shall include, without limitation, any sublease, farmout, or any other agreement by which any share of the operating rights granted by this Lease are assigned or conveyed, to any other party.

LESSOR’S INTEREST

11) No change or division in Lessor’s ownership shall have the effect of reducing the rights or enlarging the obligations of Lessee hereunder, and no change or division in the ownership of the Leased Premises shall be binding upon the then Lessee until after Lessor or Lessor’s heirs, successors, or assigns provides the Lessee with ~~with written~~ notice of such change or division, including copies of ~~copies of the~~ executed and recorded documents establishing such ~~such~~ change or division.

AUDIT/INSPECTION RIGHTS

12) Lessee further grants to Lessor or Lessor’s designee the right, at Lessor’s expense and no more than twice annually, on a calendar year basis, to examine, audit, ~~copy~~ and inspect the books and records of Lessee pertinent to the purpose of verifying the accuracy of the reports and statements furnished to the Lessor, and for checking the amount of the payments lawfully due the Lessor under the terms of this Lease. In exercising this right, Lessor shall give no less than thirty (30) calendar days’ notice to Lessee of its intended inspection and such inspection shall be conducted during normal business hours at the office of Lessee. In the event the inspection reveals deficiencies in payments, then Lessee shall bear the reasonable cost and expense of the Lessor’s inspection, and all undisputed monies due to Lessor shall be payable, with interest at the rate of the prime interest rate plus five percent (5%), within thirty (30) calendar days of the Lessee’s receipt of the results of the inspection. Lessee shall have the right to dispute any alleged deficiencies in payments, in which case, Lessee shall pay Lessor such amount as it concedes to be correct and provide to Lessor documentation acceptable in industry practice to support its position regarding the disputed amount. Lessor and Lessee shall attempt in good faith to resolve any such disputes. In the event the parties are unable to resolve such dispute, either party may pursue any remedy available at law or in equity to enforce its rights under this Lease.

METHOD OF PAYMENTS

13) All rents and royalties, and any and all sums due hereunder to Lessor, shall be paid by one of the following methods:

- A) By check tendered directly from Lessee to Lessor at Lessor’s address as stated in this Lease; or,
- B) By wire transfer, depositing the payment to the credit of the Lessor in the bank and account number as provided in writing by Lessor to Lessee prior to such payment (which bank shall continue as depository for all sums payable hereunder until any subsequent written notice otherwise is provided by Lessor to Lessee).

Any payment under this Lease shall be considered timely paid if such payment is properly tendered to Lessor on or before the due date and it otherwise complies with the notice provision in this Lease.

POOLED PRODUCTION UNIT LIMITED

14) Subject to the terms and conditions set forth herein, Lessor grants Lessee the right but not the obligation to pool, unitize or combine all or any part of the Leased Premises with other lands, leases or interests owned by Lessee or others, at any time before or after drilling to create a drilling or production unit whenever Lessee, in its sole judgment, deems it necessary or advisable to do so. Lessee’s ability to exercise its rights as provided for in this paragraph is recurring, and pooling or unitizing in one or more instances shall not exhaust Lessee’s pooling and unitizing rights hereunder. Lessee, at any time and from time to time, and in its sole judgment, may terminate, amend, re-form, reduce, or enlarge the size and shape of any unit created hereunder. Any such termination shall not cause a surrender or cancellation of this

Commented [A12]: The Association recommends the changes here because a lessee **should not be required to provide confidential business information that may then be subject to disclosure** through public records requests. Nor should the lease permit repetitive audit demands for the purpose of harassing a lessee, or prevent the lessee from disputing any findings that it disagrees with.

Further, the Association objects to this provision in its entirety, as **a right to audit already exists under Ohio statutory law** (see RC 1509.30), and state entities should not be able to avoid that statute by contracting around state statutory requirements.

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Lease or diminish the rights set forth herein. Each unit shall be created by recording in the appropriate county office a declaration containing a description of the pooled or unitized acreage. Lessee shall furnish to Lessor a copy of the recorded declaration of the unit in which any portion of the Leased Premises is a part, including a copy of all plats, maps and exhibits to such declaration.

A. ~~If a well is classified as a horizontal well, then the maximum size of the unit may not exceed 1,000 contiguous acres. If a well is classified as a vertical/conventional well drilled, then the maximum size of the unit may not exceed 40 contiguous acres. Lessor and Lessee agree to abide by any state pooling or unitization orders.~~

B. ~~The Lessor and Lessee agree that at least 50% of the Leased Premises shall be included in any unit established under this Lease.~~

C. ~~The shape of any unit in which the Leased Premises are included shall be as nearly as practicable in the form of a square or rectangle.~~

D.B. Operations upon or production from any part of a unit created hereunder shall have the same effect under the terms of this Lease as if such Operations or production were upon or from all and every part of the Leased Premises; provided, however, that Lessor agrees to accept and receive out of the production from any such unit that proportionate share of the royalty otherwise provided for in this Lease as the number of acres of the Leased Premises included in the unit bears to the total number of acres in the unit.

STANDARD OF CARE

15) Lessee shall develop the Leased Premises as a reasonable and prudent operator and exercise due diligence in drilling such additional well(s) as may be necessary to fully develop the Leased Premises. Lessee shall at all times act as a prudent oil and gas ~~producer-operator~~ in the Ohio oil and gas industry when conducting operations on the Leased Premises and/or lands pooled/unitized therewith, attempting to secure a timely market for production from any well drilled on the Leased Premises or lands pooled/unitized therewith, and implementing all reasonable safeguards to prevent its operations from: (i) causing or contributing to soil erosion; (ii) polluting or contaminating any environmental medium including but not limited to surface or subsurface soils, surface or subsurface water bodies, and/or the air in, on or under the Leased Premises; (iii) decreasing the quality of the soil on the Leased Premises; (iv) damaging crops, native or cultivated grasses, trees, pastures, or other vegetation on the Leased Premises; and (v) damaging buildings, roads, structures, improvements, farm implements, fences or gates on the Leased Premises.

PUGH CLAUSE

16) This Lease shall expire upon the expiration of the Primary Term of this Lease as to any lands comprising the Leased Premises that are not included in one or more units. Lessee shall promptly, and no later than sixty (60) calendar days after the expiration of the Primary Term of this Lease, record with the county or counties in which the Leased Premises is located a partial release of the Lease as to such acreage released under this Pugh clause. Such release shall contain a description (including a map) of the acreage and/or depths not retained, and a plat showing the designated pool(s) or unit(s).

SHUT-IN PAYMENT/LIMITATION

17) If at any time after the Primary Term, there is a well drilled on the Leased Premises or lands pooled or unitized with the Leased Premises, but production from that well is shut-in for any reason, and the Lease is not otherwise being maintained, then Lessee shall pay to Lessor as a shut-in royalty the sum of Fifty Dollars (\$50.00) per Net Mineral Acre of the Leased Premises owned by Lessor per year until such time as production is re-established (or Lessee surrenders the Lease). Any shut-in royalty owed to Lessor hereunder shall be paid to Lessor on or before sixty (60) calendar days after the date on which the well is shut-in. If a shut-in payment is made to Lessor, it shall serve as constructive production and this

Commented [A13]: The Association recommends the changes here because **these acreage limitations serve to frustrate development**, contrary to the clear public policy expressed by the General Assembly; and are **not consistent with industry custom and practice** (and therefore conflict with RC 155.34(A)(1)).

As but one example, consider the fact that the size limitation will serve to hinder the creation of larger development units used today in Ohio and elsewhere because of the greater economic and productive efficiencies generated by longer laterals. Or consider the fact that the 50% acreage requirement may be impossible to comply with, depending on the unit configuration and location of the state parcel. These limitations are likely to have the effect of discouraging the most efficient development, avoiding state lands and wasting the timely development of the state's resources, or encouraging inefficient development simply to try to comply with them.

And this concern is **not limited to horizontal development**. Consider the scenario where a conventional producer intends to develop a Rose Run remnant and a seismic shoot shows that it could be efficiently drained with only one well. This proposed lease language could require the drilling of a second (inefficient) well.

It should not be a surprise, therefore, that these types of limitations are not custom and practice in the industry. Nor are they necessary with the inclusion of the Pugh clause in Paragraph 16 below.

Alternatively: In the event that these recommended changes are not made, the form lease should include language that expressly allows the lessor to waive these limitations upon request by lessee. For example, "A. If a well is classified as a horizontal well, unless waived by Lessor, then the maximum size of the unit ..." Same for "B"

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Lease shall remain in full force and effect for a period of twelve (12) months after the expiration of such sixty (60) calendar day period. It is understood and agreed that Lessee shall have the right to make like shut-in royalty payments in the same manner for subsequent periods, but that this Lease may not be maintained in force for a continuous period of time longer than twenty-four (24) consecutive months or a cumulative period of time longer than forty-eight (48) months (if there is more than one period in which a well is shut-in), solely by the provisions of this shut-in royalty clause. During shut-in, Lessee shall have the right to conduct Operations on any well drilled on the Leased Premises or lands pooled/unitized therewith in an effort to re-establish production. Notwithstanding the making of shut-in payments under this paragraph of this Lease, Lessee shall have a continuing obligation to exercise good faith and due diligence to correct the condition giving rise to the shut-in of a well.

TAXES

~~18) Lessee shall pay any and all severance taxes, commercial activity tax, income tax and/or excise taxes arising from or relating to this Lease and/or the Oil and Gas produced under it.~~

NO HAZARDOUS MATERIAL

~~18)~~ Lessee shall not use, dispose, or release on the Leased Premises, or to permit to be used, disposed of or released on the Leased Premises, any Hazardous Materials (other than those Lessee has been licensed or permitted by applicable law, public authorities or governmental entities to use on the Leased Premises). Should any Hazardous Materials be released by Lessee on the Leased Premises contrary to this paragraph, Lessee shall notify all appropriate governmental entities of such an event, and then immediately thereafter notify the Lessor and take all actions, at Lessee's sole cost and expense, that are required to clean up and correct any damage caused by said release. The provisions of this paragraph shall survive the termination of this Lease.

For purposes of this Lease, "Hazardous Materials" means petroleum, petroleum by-products, polychlorinated biphenyls, flammable explosives, radioactive materials, chemicals known to cause cancer or reproductive toxicity, pollutants, effluents, contaminants, emissions or related materials and any items included in the definition of hazardous or toxic waste, hazardous materials or hazardous substances under any "Environmental Laws." "Environmental Laws" collectively means and includes any present and future local, state, and federal law or regulation relating to the environment, environmental conditions, or oil and gas well operations, including but not limited to, the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. §6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§9601-9658, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. §6901, et seq., the Federal Water Pollution Control Act, 33 U.S.C. §§1251 et seq., the Clean Air Act, 42 U.S.C. §§741 et seq., the Clean Water Act, 33 U.S.C. §7401 et seq., the Toxic Substances Control Act, 15 U.S.C. §§2601-2629, the Safe Drinking Water Act, 42 U.S.C. §§300f-300j, and all the federal and state regulations, orders, decrees now or hereafter promulgated thereunder.

Lessee shall install and maintain all equipment, and conduct all activities and Operations under this Lease on the Leased Premises, in an environmentally sound manner in compliance with all "Environmental Laws" and permits issued for the Leased Premises.

DIVISION ORDER

~~20)19)~~ The Lessor will not be required to execute any division order(s) for the purpose of receiving the payments due under this Lease which amend, modify, or are inconsistent with any term or provision set forth in this Lease. For the sake of clarity, no division order will operate to amend or modify any provision contained in this Lease.

Commented [A14]: The Association recommends the changes here to conform the Lease to Ohio statutory law, which makes the lessor responsible for its proportionate share of all such taxes. See RC 155.30(B)(which states that amounts paid under the lease to lessor shall be "less a proportionate share of any and all taxes and government fees levied on or as a result of the production"). And while a state agency may not have taxable obligations, this lease may be assigned to a non-governmental entity as lessor by the agency.

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INSURANCE

~~24)20)~~ Prior to the commencement of Operations, Lessee shall, at its sole cost and expense, obtain insurance coverage of the following types and amounts with one or more insurance carriers licensed by the Ohio Department of Insurance to do business in Ohio, and maintain such insurance so long as this Lease remains in effect:

- i. ~~Workers Compensation Insurance in the form prescribed by laws of the State of Ohio for and provided by the Ohio Bureau of Workers Compensation covering all of Lessee's employees. Lessee shall also require all its~~ contractors, subcontractors, or independent contractors ~~to maintain Workers Compensation Insurance in the form prescribed by laws of the state of Ohio.~~
- ii. Commercial General Liability ("CGL") Insurance with a minimum limit of ~~Ten One Million Dollars (\$10,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the annual aggregate.~~ Such insurance shall cover premises, operations, blowouts or explosions, products, completed operations, ~~sudden and accidental pollution,~~ blanket contractual liability, ~~underground resources damage,~~ broad form property damage, independent contractor's protective liability, personal injury, and liability assumed under an insured contract. ~~The aggregate limit in the CGL policy, if any, shall be at least twice the amount of the per occurrence limit.~~ The CGL insurance policy shall have an endorsement adding coverage for sudden and accidental pollution ~~and for blowout, eratering~~ and underground resources damage, including any surface or groundwater contamination. ~~Alternatively, if Lessee's CGL policy is not endorsed to include sudden and accidental pollution, Lessee may meet this requirement by having a separate pollution policy with a \$6,000,000 limit if the well or wells to be drilled under this Lease are not horizontal wells or a \$15,000,000 limit if the well or wells to be drilled under this Lease are horizontal wells.~~ There shall be no endorsements or modifications of the CGL policy to make it excess over ~~or contributory with other available insurance.~~ ~~Alternatively, if the CGL policy states that it is excess or pro rata, the Lessee agrees to have the policy endorsed as primary with respect to the Lessor as an insured party.~~
- iii. ~~Automobile Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000) per occurrence covering all owned, non-owned, and hired (rented) automotive equipment used in performance of work under this Lease~~ ~~Excess/umbrella liability insurance in the minimum amount of at least Five Million Dollars (\$5,000,000.00).~~
- iv. ~~Umbrella Liability Insurance; Automobile Vehicle Liability Coverage covering all owned, non-owned, hired and rented automotive equipment used in the performance of work under this Lease.~~

~~If the well or wells to be drilled under this Lease are not horizontal wells—A limit of not less than Five Million Dollars (\$5,000,000) per occurrence and in the annual aggregate. This umbrella shall follow over the CGL and Auto policies listed above and shall follow the coverage forms of these policies.~~

~~If the well or wells to be drilled under this Lease are horizontal wells—A limit of not less than Fourteen Million Dollars (\$14,000,000) per occurrence and in the annual aggregate. This umbrella shall follow over the CGL and Auto policies listed above and shall follow the coverage forms of these policies.~~

Lessee shall provide Lessor with a certificate of insurance evidencing same prior to commencing Operations. Upon request by Lessor, Lessee also shall provide Lessor copies of any and all certificates evidencing renewal coverages in the future. All policies required under this paragraph, except Ohio Workers Compensation, shall be endorsed to provide that the

Commented [A15]: The Association recommends the changes here because, **as drafted, this provision discriminates against conventional operators** and is likely to be a significant obstacle to leasing state lands for conventional producers, most of whom are small businesses without the capital that this would require. To ensure that a significant portion of Ohio producers are not excluded from leasing state lands, we have proposed the changes set out here in the provision.

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underwriters and insurance companies of Lessee shall not have rights of subrogation against Lessor, ~~if applicable.~~ Any coverage provided by Lessee's insurance under this Lease is primary insurance and shall not be considered to be contributory insurance with insurance policies of Lessor. Failure of Lessor to demand such certificate or other evidence of full compliance with the insurance requirements shall not be construed as a waiver of the Lessee's obligation to maintain such insurance. The Lessee's certificate(s) of insurance shall not be reduced or canceled until at least thirty (30) calendar days after Lessor receives written notice of such change or cancellation. Failure to comply with this provision by Lessee shall constitute a default under this Lease.

All insuring companies shall have and maintain at least an A- (Excellent) rating from A.M. Best. Lessor reserves the right to approve ~~or reject~~ all levels of self-insured retention, captive insurance programs, or other alternative risk financing Lessee may seek to use to comply with any insurance requirement in this Lease. Lessor's approval shall not be unreasonably withheld, conditioned or delayed. By requiring insurance, Lessor does not represent that the coverage and limits will necessarily be adequate to protect the Lessee, and such coverage and limits shall not be deemed as a limitation on the Lessee's liability under the indemnities granted to the Lessor in this Lease. The requirement for Lessee to maintain the above insurance also does not relieve Lessee of compliance with any security requirements of R.C. Chapter 1509 or other applicable federal, state and local laws, regulations and ordinances.

WELL-PLUGGING SECURITY

~~22) To insure the plugging of all wells drilled under this Lease, and the reclamation of the Leased Premises and/or lands pooled/unitized therewith, Lessee shall submit the estimated costs and expenses for plugging all wells and reclaiming all disturbed sites anticipated as the result of production pursuant to this Lease. Documentation reflecting the basis of such estimate shall be submitted to Lessor for approval, which approval shall not be unreasonably withheld, conditioned or delayed. Upon approval of such estimated costs and expenses, or a determination by Lessor (at its discretion) of a different estimated cost, Lessee shall post a surety bond, cash, or irrevocable letter of credit, issued by a financial institution organized or transacting business in the State of Ohio having a cash value equal to or greater than the estimated cost of plugging and reclamation. The security posted shall be earmarked for the cost of plugging and reclamation, and shall be in addition to, and not in lieu of, the bonding requirements in R.C. Chapter 1509 and the rules and regulations promulgated thereunder.~~

~~If upon termination of this Lease, Lessee fails to plug any well or fails to perform the reclamation required by law or under this Lease, the security posted may be used to perform such plugging and reclamation. In the event, the security posted is not adequate to plug all wells and perform all such reclamation work, Lessee shall remain responsible for insuring the additional plugging and/or reclamation required by law, and paying all costs and expenses thereof.~~

HOLD HARMLESS

~~23)21) Lessee and its successors and permitted assigns, shall defend, indemnify, release and hold harmless Lessor and Lessor's successors, representatives, agents, officers, directors, employees, board members and assigns ("Indemnitees"), from and against any and all claims, lawsuits, liabilities, damages, losses, costs, expenses, judgments, fines, penalties, interests, demands and causes of action of any nature whatsoever, including reasonable attorneys' fees and court costs (collectively, "Claims"): arising out of, incidental to or resulting from: (i) the death or injury to persons, and/or damage to property (real or personal) as a result of the acts or omissions of Lessee and/or Lessee's servants, agents, employees, guests, licensees, invitees or contractors; (ii) the imposition or recording of a lien against the Lessee's interest in the Leased Premises; (iii) the violation of any laws or ordinances, including Environmental Laws and regulations promulgated thereunder by Lessee or Lessee's agents, employees, guests, licensees, invitees, or contractors; and (iv) impacts Lessee's Operations have created to the water quality or quantity on the Leased Premises in violation of this Lease. Each assignee of the Lessee agrees to the terms of this indemnity as if said assignee were party to this Lease when executed. Furthermore, Lessee shall not be obligated to indemnify~~

Commented [A16]: The Association recommends the changes here because this provision, as drafted, is **inconsistent with industry custom and practice (contrary to RC 155.34(A)(1)).**

It is also **inconsistent with the bonding and financial assurance requirements already required by the General Assembly** in RC 1509.07. This is another instance where the state should not be allowed to contract around the statutory requirements set by the legislature.

Notably, these are not surface-use leases. The Association believes that provisions like these are only appropriate if and when the parties enter into a surface use agreement, and then only as part of that agreement and not otherwise.

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Lessor to the extent any Claims are the result of any willful or wanton misconduct of Lessor or its successors, assigns, employees, or contractors. Lessor, if it so elects, shall have the right to participate, at its sole expense, in its defense in any suit or suits in which it may be a party, without relieving Lessee of the obligation to defend Lessor. The provisions of this paragraph shall survive the termination of this Lease.

NO-LIMITED WARRANTY OF TITLE

23) This Lease is made with limited warranty covenants, as that phrase is defined by R.C. 5302.08. Lessor agrees to cooperate with Lessee in curing any title defect, including executing and delivering any instruments in its name without warranty of title, express, implied or statutory. It shall be Lessee's sole burden and obligation to assure itself of the quality of title of the Leased Premises, and Lessee will bear all costs and expenses incurred in curing any title defect or defending title to the Leased Premises. Lessee also agrees that no claims will be made against Lessor pertaining to the title to the Leased Premises.

Commented [A17]: The Association recommends the changes here because it is **contrary to industry custom and practice** to have an express disclaimer of all warranties of title. Rather than a general warranty, the Association proposes that a limited warranty be used on the **reasonable belief that a state agency ought to know whether it has burdened or encumbered the property in a way that would nullify the lease.**

In the event an adverse claimant files suit against the Lessor or Lessee claiming title to all or a portion of the rights on or under the Leased Premises, or Lessee believes, in good faith, that another person may claim title to all or a portion of the rights on or under the Leased Premises, all payments, including royalties accruing to the disputed portion of the Leased Premises shall be placed in an interest-bearing escrow account until such time as the ownership of the disputed interest shall be determined by compromise or a non-appealable final judgment of a tribunal of competent jurisdiction. The payments placed in escrow shall be distributed as determined by compromise or at the direction set forth in a non-appealable final order of the tribunal of competent jurisdiction.

BINDING ON SUCCESSORS AND ASSIGNS

24) All rights, duties and liabilities herein benefit and bind Lessor and Lessee and their heirs, successors and permitted assigns.

ADDITIONAL DOCUMENTS

25) In connection with this Lease, each party hereto shall execute and deliver any additional documents and instruments and perform any additional acts that may be necessary to effectuate and perform the provisions of this Lease. Said obligation includes correcting any inaccurate legal descriptions.

MORTGAGES AND ENCUMBRANCES

26) In the event the Leased Premises are encumbered by a prior mortgage, Lessee shall not have the right to suspend payment of any moneys due hereunder solely due to such prior mortgage, unless the prior mortgage is subject to a foreclosure action. Lessee, however, shall have the right to obtain, at its own expense, a subordination of such mortgage and Lessor agrees to cooperate in securing any subordinations of prior mortgages. Further, Lessee shall have the right at any time to redeem or bring current for Lessor any such mortgage and to deduct amounts so paid from all royalties and other amounts payable or which may become payable to Lessor hereunder.

CONDEMNATION

27) Any and all payments made by a taking authority on account the exercise of its taking/eminent domain power shall be the property of the Lessor, except in the event of a taking or diminishment of Lessee's interests and/or rights under this Lease, Lessee shall be entitled to its proportionate share of any payments, and shall further have a right of standing in any proceeding of condemnation.

RELEASE AND/OR PARTIAL RELEASE

28) Upon termination, expiration or surrender of all or part of this Lease, Lessee shall prepare and promptly record a release, and provide Lessor with a copy of the recorded release. In the event that

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Lessee fails to cancel all or part of this Lease upon termination, expiration or surrender by recording an appropriate release, and so long as Lessee is not contesting the termination or expiration but continues to fail to cancel this Lease for a period of thirty (30) calendar days following Lessee's receipt of Lessor's written notice to do so, then Lessor may take any and all actions necessary to cancel/terminate this Lease, and Lessee agrees to reimburse Lessor for any and all costs, including reasonable attorney's fees, incurred by Lessor. Lessee shall also have the right at any time during this Lease to release any lands subject to this Lease.

TERMINATION OF RECORD AND MEMORANDUM OF LEASE

29) Lessor and Lessee have executed a Memorandum of Oil and Gas Lease (the "Memorandum") contemporaneously with the execution of this Lease, and Lessor and Lessee agree that the Memorandum, which makes reference to this Lease, shall be recorded by Lessee, at Lessee's sole cost and expense, in place of this Lease. Lessee shall provide Lessor with a photocopy of the fully-executed Lease, Memorandum, and all Exhibits.

DEFAULT

30) In the event Lessor considers that Lessee has not complied with any of its obligations under this Lease, either express or implied, including, but not limited to, non-payment of royalties or any other payments due hereunder, Lessor shall notify Lessee in writing setting forth in specific detail in what respects it believes Lessee has breached or defaulted under this Lease. Lessee shall then have thirty (30) calendar days after its receipt of said notice within which to commence to cure all or any part of the breaches or defaults alleged by Lessor. The service of said notice shall be precedent to the bringing of any action by Lessor on this Lease for any cause, and any such action may only be brought after the lapse of such thirty (30) calendar day time period. Neither the service of said notice nor the doing of any acts by Lessee aimed to cure all or any part of the alleged breaches or defaults shall be deemed an admission that Lessee has failed to perform all its obligations hereunder. Upon default by Lessee, Lessor shall be entitled to exercise any and all remedies available at law, in equity or otherwise, each such remedy being considered cumulative. No single exercise of any remedy set forth herein shall be deemed an election to forego any other remedy and any failure to pursue a remedy shall not prevent, restrict or otherwise modify its exercise subsequently.

For the sake of clarity, the following shall be considered a default under this Lease: (i) if any creditor of Lessee, its agents, and/or assigns, shall take any action to execute on, garnish or attach the assets of Lessee located upon the Leased Premises, or (ii) if a request or petition for liquidation, reorganization, adjustment of debts, arrangement, or similar relief under the bankruptcy, insolvency or similar laws of the United States or any state or territory thereof, or any foreign jurisdiction shall be filed by or against Lessee, or any formal or informal proceeding for the reorganization, dissolution or liquidation of settlement of claims against, or winding up of affairs of Lessee; or the garnishment, attachment, or taking by governmental authority of any collateral or other property of Lessee.

SEVERABILITY

31) If any provision of this Lease is determined to be void, unlawful, or otherwise unenforceable: (a) that provision will be severed from this Lease and the validity of the remaining provisions of this Lease will not be affected; (b) this Lease will continue in full force and effect (other than with respect to such provision); and (c) the Parties will promptly meet to negotiate in good faith a replacement provision that is legal, valid and enforceable and that most nearly accomplishes and reflects the original intention of the Parties.

GOVERNING LAW

32) This Lease and enforcement hereunder shall be governed by the laws of the State of Ohio, without regard to conflicts of law principles that might refer the interpretation hereof to the laws of another state. Further, the parties consent to the sole and exclusive jurisdiction in the state and federal courts that

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have jurisdiction over the county in which the Leased Premises is located for all disputes arising from or relating to this Lease.

REPORTS AND DOCUMENTS

33) As may be required by law, Lessee shall notify Lessor of any judicial proceedings against Lessee affecting its possession under the Lease or the interest of Lessor in the Leased Premises. Further, upon written request of Lessor, Lessee shall send Lessor a copy of any filings with the Ohio Department of Natural Resources or other governmental agency within thirty (30) calendar days of receipt of such request.

ENTIRE AGREEMENT

34) No oral warranties, representations or promises have been made or relied upon by either Lessor or Lessee as an inducement to or modification of this Lease. This Lease (including all of the exhibits hereto) constitutes the entire understanding and agreement between Lessor and Lessee with respect to the transaction contemplated under this Lease, and supersedes all negotiations, prior discussions, and prior agreements and understandings relating to the transaction contemplated under this Lease. No amendment or modification of this Lease shall be binding unless made by written instrument of equal formality signed by both Lessor and Lessee.

NOTICE

35) All notices to the Parties concerning this Lease shall be effective only if they are in writing and given as follows: (i) upon receipt, when delivered personally to a Party at its address as provided below; (ii) on the first business day after being delivered to a reputable overnight courier service, prepaid, marked for next business day delivery to a Party at its address as provided in this Lease; or (iii) on the third business day after being sent by registered or certified United States mail, return receipt requested and postage or other charges prepaid, to a Party at its address as provided below; or (iv) on the fifth business day after being sent by regular United States mail to a Party at its address as provided below. If notice given by registered or certified mail is returned by the postal authorities as being "refused" or "unclaimed," a Party may give written notice to the other Party by ordinary United States mail, postage prepaid, to the last known business address as provided above. As proof of service, it will be sufficient to produce a receipt showing personal service, the receipt of a reputable courier company showing the correct address of the addressee, a certificate of mailing or its equivalent, or an acknowledgment of receipt by the recipient Party.

All notices or documentation to be given to Lessor pursuant to this Lease shall be sent to:

[INCLUDE]

All notices or documentation to be given to Lessee pursuant to this Lease shall be sent:

[INCLUDE]

Lessor or Lessee may at any time change its address for such notices by giving the other written notice in accordance with this notice paragraph.

COMPLIANCE WITH LAWS

36) Lessee shall comply with all applicable federal, state and local laws, ordinances, regulations, rules, decisions, orders or requirements, and all changes or amendments thereto.

COUNTERPARTS

37) This Lease may be executed in one or more counterparts, each of which will be an original but all of which, taken together, will constitute only one legal instrument. Counterparts may be delivered via facsimile, electronic mail (including .pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) or other similar transmission method and any counterpart so delivered shall be deemed to have been duly and validly executed and delivered and be valid and effective for all purposes.

NO USE OF WATER

38) Lessee shall not enter the Leased Premises and remove any water, surface or subsurface, in, on or underneath the Leased Premises, including, but not limited to water from Lessor's wells, ponds, streams, lakes, springs, reservoirs, creeks or any other water bodies located in, on or under the Leased Premises, unless Lessee obtains the prior written permission of the Lessor by separate written agreement.

In the event any activity carried on by Lessee pursuant to the terms of this Lease damages, disturbs, or injures the quality or quantity of Lessor's water in, on or under the Leased Premises, Lessee, at its sole cost and expense, shall take all reasonable and necessary steps to correct any such damage, disturbance or injury and to remediate the same to as close to pre-damage status quo as reasonably possible, with all reasonably related costs of repair and maintenance to be paid by Lessee.

MISCELLANEOUS

39) **Force Majeure:** When Lessee's fulfillment of its obligations hereunder (except for the payment of money) are prevented or delayed by reason of a Force Majeure Event (as defined below), such obligations shall be suspended and this Lease shall not terminate, in whole or in part, because of such prevention or delay, and, at Lessee's option, the period of such prevention or delay shall be added to the term hereof. "Force Majeure Event" means an act of God, fire, flood, adverse weather conditions, war, sabotage, rebellion, insurrection, riot, strike or labor disputes, pandemic, epidemic or by any other occurrence not reasonably within Lessee's control, whether of the kind specifically enumerated above or otherwise. Lessee shall not be liable in damages for breach of any express or implied covenants of this Lease for failure to comply therewith, if compliance is prevented by, or failure is the result of a Force Majeure Event. The period of extension by reason of force majeure shall be limited to a cumulative total of twenty-four (24) months. The term "Force Majeure Event" shall not include lack of available markets for production.

40) **Nondiscrimination:** There shall be no discrimination by Lessee based on gender, race, color, religion, ancestry, national origin, age, sexual orientation, military status, handicap or disability, as defined in R.C. 4112.01.

41) **Ethics:** Lessee, by signature on this document, certifies that Lessee: (1) has reviewed and understands the Ohio ethics and conflict of interest laws as found in R.C. Chapter 102 and in R.C. 2921.42 and 2921.43 and (2) will take no action inconsistent with those laws. The Lessee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Lease and may result in the loss of other contracts or grants with the State of Ohio.

42) **Declaration Regarding Nonassistance to a Terrorist Organization:** Lessee hereby represents and warrants that Lessee has not provided material assistance to an organization listed on the Terrorist Exclusion List of the State Department of the United States.

43) **Campaign Contributions:** Lessee affirms that, as applicable, no party listed in Division (J) of R.C. 3517.13 (as may be amended from time to time) has made, within the two previous calendar

EXHIBIT B
[OOGA Comments: March 31, 2023]

years, one or more contributions totaling in excess of One Thousand Dollars (\$1,000.00) to the Governor of the State of Ohio or to the Governor's campaign committees.

~~44) **Termination of Public Use:** This Lease may be terminated if the Leased Premises, or any part thereof, is needed for any public or quasi public use or purpose. Lessor shall give Lessee at least ninety (90) calendar days' written notice prior to such termination under this Paragraph. Lessee shall have no claim against Lessor for the value of any unexpired term of this Lease, or for any costs related thereto, if termination happens pursuant to this paragraph.~~

~~45)44) **Prevailing Wage:** Lessee shall comply with any applicable provisions of R.C. Chapter 4115, as well as Ohio Administrative Code Chapter 4101:9-4, relating to the payment of prevailing wage.~~

~~46)45) **Drug-Free Workplace:** With respect to Operations undertaken pursuant to this Lease. Lessee agrees to comply with all applicable federal, state and local laws regarding smoke-free and drug-free workplaces and shall make a good faith effort to ensure that none of its employees or permitted subcontractors purchase, transfer, use or possess illegal drugs or alcohol, or abuse prescription drugs in any way.~~

~~47)46) **Debarment:** Lessee represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services pursuant to R.C. 125.25.~~

~~48)47) **Conflicts of Interest:** No personnel of Lessee who exercise any functions or responsibilities in connection with the review or approval of this Lease or carrying out of any of the work contemplated hereby shall, prior to the completion of the work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of such work. Any such person who acquires an incompatible or conflicting personal interest on or after the effective date of this Lease, or who involuntarily acquires any such incompatible or conflicting personal interest, shall immediately disclose his or her interest to Lessor in writing. Thereafter, he or she shall not participate in any action affecting the work, unless Lessor shall determine in its sole discretion that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest.~~

The exhibits attached to and incorporated in this Lease are the following:

Exhibit A -- "Legal Description of the Property"

Commented [A18]: The Association recommends the changes here because this is **not custom and practice in the industry (contrary to RC 155.34(A)(1))** and could have **severe consequences for the lessee**, particularly when operations are already taking place or there is a producing unit already in effect. No lessee would enter into a lease that the lessor could unilaterally terminate after millions of dollars have been spent on development.

Alternatively, if this provision is left in the Lease, the following language should be added: "Notwithstanding anything else in this Lease to the contrary, should Lessor terminate this Lease under this Paragraph 44, Lessor shall pay to Lessee any and all costs of development incurred by Lessee and any other working interest owners to date, no matter how denominated, as well as paying to Lessor all of the value of future production lost as a result of such termination."

Commented [A19]: The Association recommends the changes here to clarify that this provision is **limited to only those operations undertaken pursuant to this Lease**, and **not all operations undertaken worldwide** by each of the enumerated entities.

EXHIBIT B
[OOGA Comments: March 31, 2023]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Lease as of the date(s) set forth below, but it shall be effective as of and from the date set forth below the execution line for GOVERNOR OF THE STATE OF OHIO _____

Commented [A20]: The Association notes that this provision needs to be conformed with the Effective Date language set forth on the first page of the Lease.

LESSOR: STATE OF OHIO

Name: _____

Title: _____

APPROVED:

ATTORNEY GENERAL OF OHIO

BY: _____
Assistant Attorney General

_____, Governor
STATE OF OHIO

Date: _____

Date: _____

EXHIBIT B
[OOGA Comments: March 31, 2023]

LESSEE:

By: _____
Its: _____

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
~~2012~~20____, by _____ (Lessee). No oath or affirmation was made in connection with this
acknowledgement.

Notary Public
My Commission expires:

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
~~2011~~20____, by _____, _____ (Lessor). No oath or affirmation was made in
connection with this acknowledgement.

Notary Public
My Commission expires:

This instrument prepared and reviewed as to form by the legal representatives of the [insert name of
relevant state agency] and the Office of the Ohio Attorney General, including [insert name and contact
information]. _____.

EXHIBIT C
[OOGA Comments: March 31, 2023]

Oil & Gas Land Management Commission
Proposed Rulemaking

Proposed Draft Rule

Ohio Administrative Code Section 155-1-01

- (A) Pursuant to section 155.34 of the Revised Code, the Oil and Gas Land Management Commission hereby adopts the standard lease form attached hereto and incorporated herein, and which is available on the Oil and Gas Land Management Commission's website.
- (B) The oil and gas land management commission shall not adopt a new version of the standard lease form except through the public rulemaking process used to adopt the original form and not until each such draft version has been posted on the website of the oil and gas land management commission for at least 21 calendar days.
- (C) Notice for a meeting of the oil and gas land management commission shall be posted on the website of the oil and gas land management commission at least seven calendar days prior to the meeting.

Commented [A1]: These comments and proposed revisions are being submitted on behalf of the Ohio Oil and Gas Association (Association), and are attached to the public comments submitted to JCARR on March 31, 2023.

Commented [A2]: The Association believes that the protections afforded all interested stakeholders through the public rulemaking process **should not be circumvented** by adopting a rule that seems to allow amendment of the standard form lease merely by posting an amended version and without going through the public rulemaking process. It recommends, therefore, adding the suggested clarification that the same rulemaking process will be afforded to interested stakeholders for any amendments.

From: meets-08.edgings@icloud.com
To: [Commission Clerk](#)
Subject: Gas hearing doc info
Date: Tuesday, April 4, 2023 9:03:32 AM

1. Public engagement is limited and state is not listening to our input

Ohio public lands – which include 800,000 acres of state parks, forests, wildlife areas, historical sites, college campuses, and transportation land – belong to all of us. Ohioans own these lands through paying our taxes and employ state agencies to manage them. Yet these state agencies are giving us very little voice in how our public lands are managed.

So far the public has been given only one opportunity to comment on the proposed draft rule and lease form that will oversee leasing of our public lands to oil and gas companies for extraction. We took full advantage: 683 of us submitted written comments, and 15 of us testified in person at the February 1 meeting of the Oil and Gas Land Management Commission.

To a person, everyone who submitted a comment expressed concern about fracking on Ohio public lands, with the vast majority asking for more public input. Specifically, we asked the commission to add the following to [Draft Rule 155-1-01](#):

The commission must allow 60 to 120 days for public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission meets to make a decision.

Notice for each nominated parcel must be posted on the commission's website 60 to 120 days in advance and remain on the website through the close of the commenting period.

The commission must create an email notification list, with signup readily available on the commission website, that provides direct email notice of each nominated parcel 60 to 120 days in advance of a decision date.

Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, and the date and time at which public comment is due.

Each notice must provide electronic access to the location and map of the parcel nominated for oil and gas extraction.

Each notice must include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

The commission added **none** of that to the draft rule, which carries the force of law. In fact, a month after the meeting, the commission sent out a spreadsheet listing the asks from each person's testimony, with the response that "the Commission views the lease language as meeting all statutory requirements under the law. Therefore, the Commission does not believe that changes to the proposed rule language are necessary at this time."

Further, despite claiming that "The Commission strongly values and will continue to prioritize public participation and input," the commission refused to let anyone from the public speak at ALL at subsequent meetings, no matter how affected they are by the commission proceedings.

For example, during the March 1 meeting, the commission heard from Craig Butler, chief executive of the Muskingum Watershed Conservancy District, who sang the praises of fracking in the district. Yet people who live in the MWCD were not allowed to speak at the meeting about the direct effects of fracking in the district on their daily lives.

2. Discrepancy between DeWine's order and lease procedures regarding surface impacts

Note: Please sign and share our petition about this to Gov.

DeWine: <http://bit.ly/nofrackdewine>

Thanks to amendments stuffed into HB 507 -- a bill intended to regulate poultry sales -- oil and gas corporations will be able to approach any state agency that owns public land with demands to frack and extract -- and starting April 7 when the law goes into effect, the agency will be compelled through the "shall lease" clause to let them.

In signing HB 507 into law, [Gov. Mike DeWine stated](#) that while oil and gas companies could set up shop near a state park and conduct horizontal drilling for mineral rights *under* our public lands, his administration would not allow surface impacts *on* our public lands.

Surface impacts refer to things like frack well pads, pipelines, pump stations, tank batteries, dryers, separators, compressors, access roads, temporary or permanent pits, timber removal, fencing, gates, and water withdrawals -- none of which we want on our state lands.

"I am instructing the Director of the Department of Natural Resources to continue to follow the processes first established by the General Assembly in 2011 in this area," [DeWine wrote](#). "This includes continuing my administration's policy of prohibiting any new surface use access in our state parks."

Yet the Oil and Gas Land Management Commission has [drafted a lease form](#) instructing oil and gas companies that if they want any of these surface impacts, they can create a separate agreement with the agency that manages the public land to allow it. Critically, this agreement would be made behind closed doors, with no public notification or comment.

This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment. Siphoning the most destructive part of leasing any parcel of public land to a private agreement accountable to no one is wrong.

There is no way some of our Ohio public lands will not be subjected to surface use impacts. A fracking horizontal lateral extends a maximum of two miles, yet some state parks and forests are larger than two miles wide. For example, [Salt Fork State Park](#) is up to eight miles across in some locations. That means if oil and gas companies want to get to the gas under the middle of the park, they will have to set up a frack pad *in* the park -- and if they find gas, case law requires the state to allow them to build the pipelines and access roads needed to collect the gas.

Sent from my iPhone - GRH

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From: [Joe Blanda](#)
To: [Commission Clerk](#)
Subject: HB 501 testimony
Date: Sunday, April 9, 2023 9:47:53 PM
Attachments: [HB 501 testimony.docx](#)

Greetings

I will present the attached testimony at Monday's hearing. Thank you for the opportunity.

Joe Blanda, MD

330-573-6586

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From: [Joe Blanda](#)
To: [Moffitt, Nathan](#)
Subject: HB 501 testimony
Date: Sunday, April 9, 2023 9:43:06 PM
Attachments: [HB 501 testimony.docx](#)

Greetings

I am a physician giving a live testimony on HB 501. Attached is my 5 minute story. I am 3 weeks out from a total knee replacement and would greatly appreciate if I can speak early in the line up as I have trouble sitting for long periods of time. I will try to get there at 9:45 to sign in.

Thank you
Joseph Blanda, MD
330-573-6586

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My name is Dr Joseph Blanda. I've practiced medicine for 37 years in Akron. My family and I are avid outdoor people. I am proud to say that I have visited most every ODNR public land. I proudly place ODNR state parks and nature preserves as some of the best in the country. Let's keep protecting them.

Yesterday was the eighth anniversary of the death of my 19 year old son to brain cancer. Yesterday morning I sat in one of our favorite public lands where my son and I would hike, bike and birdwatch together. Spending time in nature was great therapy for both of us through his cancer journey. For me, time in Ohio's green spaces helps me deal with the depression and grief that still haunts me. There are many recent published research articles that confirm that time in nature is good for mental health and physical health. In fact, I am part of an international movement for physicians to prescribe time in green space just as we recommend other lifestyle habits such as exercise and nutrition. I am part of the Park RX program where we are teaching healthcare providers to write prescriptions for patients to go to public parks for therapeutic benefits. Please believe the science, it works. We need to use our public land as a therapeutic resource just as important as nutrition, exercise, and medications. A cardiovascular surgeon from Columbus started the now nationwide famous....Walk With a Doc Program. Where do we lead our walks? Public lands.....Please help keep our public lands safe and clean.

Yesterday morning as I sat in that beautiful public land here in Ohio, I was terrorized by the thought that in the near future I could be visiting that same spot, sniffing methane fumes, passing the trucks transporting dangerous poisons, or maybe fishing with my daughters in waterways contaminated by fracking toxic waste. Please believe the science....this is what happens. Or worse yet, would I still feel comfortable recommending patients to go there for therapeutic benefits, possibly

exposing their families to harmful toxins that have been proven to be associated with multiple medical conditions including cancer.

Glioblastoma brain cancer has been associated with environmental toxins, such as methane. I can't stand here and tell you that definitely caused the death of my son. What I can tell you is that between the age of 12 and 17 when my son was diagnosed, Joe and I spent several hundred days and nights at my best friends hunting and fishing cabin...which was about 100 yards away from a fracking pad in Jefferson County. I DIDN'T KNOW ANY BETTER THAN....BUT WE ALL DO NOW.... I pray to god that you experts on this commission will ask yourself.....do you want more children and families exposed to the dangerous toxins created by fracking. DO YOU FEEL THAT YOU ARE QUALIFIED TO MAKE DECISIONS AND RECOMMENDATIONS THAT MAY EFFECT THE LIVE OF YOUR TEENAGE SON.... Who just wants to go fishing, hiking, hunting, camping in our public lands. I am haunted almost on a daily basis knowing I took my son near that fracking area.

In summary, as a parent who lost his teenage son to cancer which has been linked to environmental toxins and as a physician that prescribes nature therapy to my patients I am extremely troubled by house bill 507. I am having nightmares.....Over the years I've handed a Park prescription to many patients and friends, and saw wonderful results when people visit our public lands. There they can safely take in the healing powers of nature. But can I consciously continue to do that here in Ohio knowing that these families will be exposed to dangerous poisonous chemicals. I can tell I will not feel comfortable doing that. I will leave this state if fracking begins on our public land. But I will continue to let my voice be heard.

From: [Kyle Garvey](#)
To: [Commission Clerk](#)
Subject: HB 507
Date: Thursday, April 6, 2023 5:50:29 PM

Dear Commission Clerk Moffitt,

I am reaching out with a written comment for the Apr 10 hearing for House Bill 507.

I'd be glad to complete a witness form as well if necessary, but I think the below info should be sufficient:

Name? Kyle Garvey
Address? 1531 Perry St Apt 9 / Columbus OH 43201
Phone? 330.703.9433
Email? kylegarvey@gmail.com
What bill are you commenting on? HB 507

My name is Kyle Garvey, and I live in Columbus. I believe you should uphold ODNR's mission to protect Ohioans' air, water and public parks from polluting and dangerous legislation like HB 507!

I don't like how drilling and fracking threaten to sicken and poison me more, with PFAS and toxic chemicals. I don't want leaks; our ground water and drinking water sources shouldn't ever be at such severe risk of contamination.

Health impacts near fracking have included premature births (with low birth weight and other birth defects), asthma, migraine, fatigue, heart-related problems, and cancers like lymphoma and childhood leukemia. Environmental impacts have included earthquakes, negatively changed biodiversity, and a sicker and more polluted landscape in general.

I'm glad HB 507 itself disallows surface impacts, but there's a very shameful workaround in each lease form, with no public notification or comment: frack well pads, pipelines, access roads, waste water pits are banned EXCEPT if there's a separate agreement to allow these. That's disingenuous and unacceptable.

Thank you!
Kyle Garvey

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From: [Rick Durrenberg](#)
To: [Commission Clerk](#)
Subject: HB507
Date: Friday, April 7, 2023 3:58:05 PM

To the Ohio Oil and Gas Land Management Commission 07APR23

It is obvious that the public comments will have absolutely no effect on your decisions to frack beneath Ohio Public Parks and other lands. Your minds and the minds of the state politicians were made up well before the amendments were snuck into HB507. What I cannot understand though, is why you bothered to even open up for public comments.

You might want to speak with the fracking industry funders of the politicians' campaigns however and tell them to drop pa lot more money into their campaigns in the future because when word gets out that the state politicians, the Ohio Oil and Gas Land Management Commission, and ODNR have greased this travesty through the administrivia and bureaucracy processes solely to the benefit of the fracking industry companies, you can be certain the public will vote all of you out of office. When the public sees the pollution of the state aquifers resulting from this fracking insanity, they will get thirsty and look for untainted water to drink. Your families will get thirsty too and you know that, yet you are considering this as a possibility and more like a probability.

I urge you to do your duty and turn down this move on the part of the extraction industries to cause unresolvable damage to our state lands. For us and for your own families and generations to come.

Richard Durrenberg

--

RICK DURRENBERG
937/499-0393 (Cell)

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From: [Mary Huck](#)
To: [Commission Clerk; jcarr1@carr.state.oh.us](mailto:jcarr1@carr.state.oh.us)
Subject: Hearing by ODNR 4/10/23
Date: Sunday, April 9, 2023 10:43:36 AM

There is nothing more distasteful, disruptive, and disgusting in my mind and my sensibility than the thought of profiteers coming in to my public park which is a retreat for my mental and physical health, and a reprieve from the greenhouse gas emitting cities, than to hear it is to be fracked - the most polluting method of getting fossil fuels when equivalent amounts of energy from renewable sources is now cheaper and non-polluting.

Fracking has very negative and permanent impacts on the environment. The fracking infrastructure disrupts the countryside with its compressor stations and pipelines. Fracking results in a loss of animal and plant habitats, species decline, migratory disruptions and land degradation. Natural gas emissions account for 34% of energy emissions, per the EPA. Irena Gorski of John Hopkins Bloomberg School of Public Health, says, "...if fugitive emissions of methane from the equipment used to transport and store natural gas exceed more than 3 percent, natural gas use would have a greater climate change impact than coal." She also said that there's evidence to suggest that the industry's methane emissions well exceed that 3 percent. A million gallons of water, and up to 16 million gallons of water is used for a single fracking well, per the geosciences institute. Contaminated waste water and leaks can spoil drinking water. Methane, flared or leaked accidentally, pollutes the air.

Fracking is detrimental to human health. Some short term effects are: headaches, coughing, nausea, nosebleeds, skin and eye irritation, dizziness, shortness of breath. Other health effects of fracking are: asthma, migraine headaches, mental health problems, stress, anxiety social conflict, sleep disturbances, fatigue, liver damage, stomach and intestine irritation, cough, cardiovascular disease, chest pain, chronic obstructive pulmonary disease (COPD), birth defects, premature birth and low birth weight, certain types of cancer, esp, from exposure to radioactive brine.

If you persist in allowing fracking on our public lands, in addition to these effects on health and the environment, Ohio will lose revenue from these valued resources.

Mary Huck
retired teacher
1579 Lakeland Ave.
Lakewood, Ohio

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From: [r.j. sigmund](#)
To: [Commission Clerk](#)
Subject: in re: 155-1-01 State Lands Leasing: Oil and Gas Mineral Rights
Date: Wednesday, April 5, 2023 9:42:21 AM

The idea to lease Ohio state parklands for oil, gas, or other industrial uses is about as harebrained a scheme as i have heard of; parkland is set aside with the express purpose that it not be used by industry or to be profitable profitable to the state; it's to be kept in its natural state as God created it for citizens and future generations of citizens to commune with and enjoy.. .Would the Ohio legislators advocate turning the Grand Canyon into an open pit mine, if that area of Arizona happened to hold the cheapest source of uranium available? Would they advocate turning Yellowstone National Park into a geothermal utility, building a power plant right on top of the Old Faithful geyser to harvest its energy? I think not. Then why in the world are they treating Ohio parks any differently?

r.j.sigmund
13138 Pond Rd
Burton OH 44021

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From: [Leatra Harper](#)
To: [Commission Clerk](#)
Subject: JCARR 4/10/23 "Public Hearing" Comments re: 155-1-01
Date: Monday, April 10, 2023 2:53:19 PM
Attachments: [Report Final.pdf](#)

Please enter this testimony into the record:

- 1) The entire process of getting HB507 passed is an abuse of power and negated any opportunity for meaningful public participation. The hearing today also demonstrates that little effort is made to provide opportunities for public input especially when we have technology to do so remotely.
- 2) Any drilling for fracking has a very high potential to enter the top aquifer and will leach into other sources of ground water and surface water over time. Well casings fail over time. What is used to seal the bore hole from the aquifer is toxic as well. These long-term impacts are not considered, and inadequate regulations and monitoring will continue to cause water to be polluted in regions where fracking takes place.
- 3) Any short term profit from leasing our state lands will not be worth the long-term costs, especially considering the cost to plug a fracked well (if even possible). Bonding and severance taxes are too low and encourage the LLC's to dissolve when time to plug wells so that the Ohio taxpayer will pay once again.
- 4) No one has calculated the greenhouse gases and factored in climate change and air pollutant load to this expansion of the fracking industry.
- 5) The legislature has already made a move to protect the Lake Erie region from being fracked which proves the legislature knows the harms of fracking to the environment and other important industries like tourism. This double standard is not used to protect the water and tourism industries in SE Ohio for the long run.
- 6) Fracking is destroying our water quality and quantity in the region and is inadequately regulated to be protective of water sources that are already showing impacts (see attached report).

Please enter these comments and the attached report into the public record on behalf of FreshWater Accountability Project.

Thank you,
Leatra Harper
Managing Director
FreshWater Accountability Project
www.fwap.org

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Action Now

**Our Water is Being Destroyed:
the Fracking Industry will cost
the taxpayers.**

We need YOU to do something - people can no longer look the other way to what is happening to our precious freshwater. We need your action, and have provided information here you need to know because there are immediate actions that need to be taken before it's too late.



Surface and Groundwater Contamination

Any time development of petroleum resources occurs, there will be concern about impacts on surface and groundwater. For UOGD, the use and production of brines can lead to specific impacts, including salinization, exposure to toxic metals and organic contaminants, and pollution of shallow aquifers and groundwater resources. **(Photo left: Hoses left near a small stream in which a brine truck was illegally rinsing out contents which settle and concentrate contaminants).** While the exact composition of brines used for UOGD does not have to be disclosed, some common components are known: chloride, bromide, sulfate, barium, and strontium, among others (Table 1). In other countries (e.g., Poland), manganese has also been found at elevated levels in UOGD brines (Montcoudiol et al. 2017). These major ions can be used to trace intrusion of UOGD brines into water sources (USGS Scientific Investigations Report 2009-5086) and have been associated with salinization of freshwaters. “Freshwater salinization syndrome” is a widespread phenomenon stemming from increased salt levels in freshwater, leading to negative ecological impacts as well as detrimental impacts to needed infrastructure. High salt levels can degrade concrete and increase corrosion of steel, as well as render current drinking water sources unusable.

While some components of UOGD fluid and produced water are relatively innocuous at typical concentrations (e.g., Na, K, Cl), others such as the heavy metal radium pose particular risks. While barium is toxic, it would be expected to be rendered relatively benign by precipitation with sulfate (forming barium sulfate). However, co-precipitation of radium will also occur. Radium is a naturally occurring radioactive element that is extracted from rocks by the presence of acidic sulfate. Natural radium has two main isotopes, radium-226 and radium-228. Of these, radium-226 is generally of higher concern, as its decay product is radon-222. Radon is the second leading cause of lung cancer. Both isotopes of radium, however, contribute to increased radiation in exposed populations. Radium does occur naturally, but UOGD produced water concentrates natural levels and transports radium to the surface. US EPA sets maximum levels of radium-226 and radium-228 at 5 pCi/L for each isotope (Safe Drinking Water Act 1986 Amendments) for drinking water and follows the Nuclear Regulatory Commission’s limit of 600 pCi/L for discharges to sewer. Produced water from UOGD has been found to exceed this level by over 3000 times (Columbus Dispatch, 3 Sept 2012). This becomes a particular concern as produced water from UOGD in the Marcellus and Utica Shale formations is often sent to municipal wastewater treatment plants for treatment and discharge into surface waters. Radium-226/228 are not routinely monitored in such discharges, however.

Radium from UOGD can also be released into the environment intentionally. Recently, produced waters have been purchased by Ohio Department of Transportation as a cheaper alternative to rock salt and brines for road treatment during winter. High levels of dissolved salts in brine fluid act in a similar fashion to rock salt by melting ice and snow. However, as noted above, brine fluids have been shown to have high levels of radium. Dispersal of brine fluids on roadways enables migration of radium into surface waters. Radium can also be put into an inhalable form either through small droplets or dust in the air. Radium-226 decays by a process known as alpha decay, the radiation from which is easily stopped by the skin without harm. However, upon inhalation, the radiation is much more damaging. As previously mentioned, the decay product of radium-226 is radon gas, which is then given a direct route to the lungs. A lack of regulation by the state of Ohio has allowed significant release of radioactive material into the environment, putting human health at substantially increased risk.



Hoses left near a small stream in which a brine truck was illegally rinsing out contents which settle and concentrate contaminants

Chemical Species	Median Flowback Concentration (mg/L)	Median Initial Concentration (mg/L)
Na	1100 – 44,100	80
K	8 – 1,010	< 50
Sr	46 – 5350	0.82
Ca	204 – 14,800	32
Ba	76 – 13,600	0.6
NH ₄	4 – 359	16
Fe	14 – 59	0.68
Li	4 – 202	0.04
Mn	1.2 – 8.4	0.074
Mg	22 – 1,800	3.7
Zn	0.07 – 0.14	0.08
Cl	1,070 – 151,000	82
Br	16 – 1,190	< 10
B	2.7 – 3,880	0.5
SO ₄	0.8 – 89	59
Total Dissolved Solids	3010 – 228,000	735
Ra-226 / Ra-228	73 – 6540 pCi/L	

Table: Geochemical data for flowback water and initial injected water in the Pennsylvania Marcellus Shale formation. Data from Hayes (2008) and Haluszczak (2013).

Although many of the chemical species present in UOGD brines are toxic, the presence of bromide in particular presents a problem, as bromide can react with free chlorine during water treatment. The end result of this reaction can be the formation of compounds such as bromoform (CHBr₃) and chloroform (CHCl₃), part of a class of compounds known as trihalomethanes or THMs. THMs are regulated under the Safe Drinking Water Act and US EPA limits total THMs to 80 parts per billion (80 micrograms per liter). Chloroform is a suspected carcinogen and has the potential to form phosgene, a toxic chlorinated compound. Bromoform is similarly classified as a probable human carcinogen and can impair liver function.

Other markers for intrusion by UOGD fluids include isotopic signatures. While water is comprised of two hydrogens and one oxygen, small variations in the isotopes of each element can and do occur. The amount of deuterium (2H) and oxygen-18 (18O) can be used to trace water infiltrating an aquifer from rain, as well as distinguish when the aquifer is receiving water from other sources (Montcoudiol et al. 2019, Warner et al. 2012).

Although hydraulic fracturing occurs at significant depth (> 6500 ft), there is still cause for concern about fluids escaping the fractured formations and migrating upward into shallow aquifers. Isotopic shifts indicative of mixing between UOGD fluids and groundwater have been found in shallow wells (Warner et al. 2012). This mixing is believed to occur through natural fractures in rock overlying the shale play. One study in the Horn River Basin (British Columbia, Canada) found that UOGD wells were hydraulically connected through pathways resembling fractures up to 1 km (3280 ft) horizontally and 130 m (426 ft) vertically (Fu and Dehghanpour 2020). In Wyoming (Pavillion Field), organic contaminants and changes in ion chemistry in EPA monitoring wells indicated upward migration of UOGD fluids in that formation, threatening aquifers used as drinking water sources (DiGiulio and Jackson 2016). Fugitive gases – gases related to UOGD such as methane (CH₄) or ethane (C₂H₆) that have escaped from a well or other facility – contaminated drinking water wells in the Marcellus Shale and closely related to distance from the nearest producing UOGD well (Jackson et al. 2013b). The authors note that homeowners living less than 1 km (3280 ft) from a UOGD well had gases contaminating their potable water supplies. It should be noted that fugitive gases have the potential to build up in buildings, creating a significant safety hazard. One such incident was reported in Dimock, Pennsylvania, in 2009. In that instance, a concrete slab was overturned and split into multiple pieces due to an apparent methane explosion inside a water well. While one study did not find sufficient evidence to conclusively link methane buildup to the Dimock explosion, the authors do indicate at least eight other instances of methane explosions of various origins in wells and basements (Engelder and Zevenbergen).

Additional threats to groundwater resources exist due to casing failure at shallower depths. Typically, a UOGD well has a multi-layer cement casing designed to protect shallow aquifers and groundwater (see Figure). Loss of containment within this stage can lead to direct release of UOGD fluids into shallow aquifers, potentially contaminating groundwater. Darrah et al. (2014) found that fugitive gases were present in drinking water wells in Pennsylvania (Marcellus Shale) and in Texas (Barnett Shale). These gases were linked to cement failure in the production casing and seepage into the annular space between the production and surface casings at intermediate depth. In another incident in the Pennsylvania Marcellus Shale, foaming agents and organic contaminants were found to have migrated 1 – 3 km horizontally through shallow or intermediate depth fractures, polluting several drinking water wells (Llewellyn et al. 2015).

Other organic contaminants also pose a potential risk to human health due to UOGD. Clark et al. (2022) studied drinking water wells in Monroe and Belmont Counties, Ohio, and Bradford County,

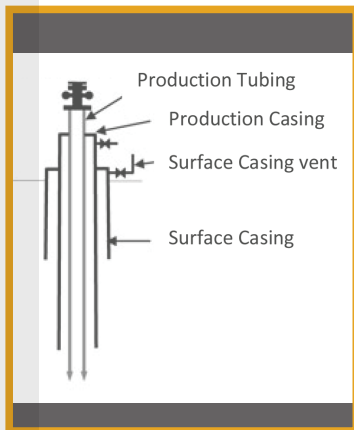


Figure: Schematic of UOGD well head construction. Image from Jackson et al. (2013a).

In December, 2022, Cabot Oil and Gas pled no contest to 15 criminal charges related to the explosion and UOGD development in and around Dimock.

Pennsylvania, finding that certain compounds associated with UOGD were more likely to be detected in proximity to UOGD wells. Benzene (a known carcinogen; Snyder 2012) and 1,2-dichloroethane were detected in 24% of Ohio homes, compared to 7% detection in a prior study (Elliott et al. 2018). It should be noted, however, that concentrations were below both WHO and USEPA maximum contaminant levels for drinking water and similar to background levels. This does not rule out chronic exposure to organic contaminants causing long-term negative impacts.

Taken together, it is clear that there is a risk for migration of UOGD-related contaminants into shallow aquifers and drinking water wells. The extent to which groundwater sources are at risk will depend on a number of factors, including the underlying geology and presence of fractures or faults, the wellhead pressure, and well casing construction.



Case Study: Redbird Injection Well

In 2019, an increase in flowback at the Redbird Injection Well site in Washington County, Ohio, led to an investigation into potential groundwater contamination. The Class II disposal well Redbird #4 was suspected of having cross-linkage with production wells in the same area. A survey of groundwater chloride (Cl) and bromide (Br) levels was subsequently launched. A total of 48 private water wells were identified, of which a private contractor was able to sample nine. Based on a threshold value of 250 mg/L Cl and measurable Br, the contractor concluded that no contamination of shallow aquifers had occurred.

USGS mixing models indicate, however, that leachate from waste disposal can be identified using the Cl:Br ratio along with the absolute amount of Cl. In this case, groundwater contamination can be suspected when Cl concentrations exceed 12 mg/L and Cl:Br ratios are between 100 and 300. From the contractor's data, four of the nine sampled wells exceed the Cl threshold, all of which have Cl:Br ratios within the range indicating leachate. This suggests the despite assurances by the private contractor, contamination of shallow aquifers may have occurred and may still be occurring. Given that there is no way to decontaminate an aquifer, greater care must be taken to ensure contamination does not occur.

Water Quantity and Environmental Flow



UOGD is an inherently water-intensive industry. A typical UOG well in the Marcellus and Utica-Point Pleasant formations such as are found in southeastern Ohio can use over 3.4 million gallons of water throughout its useful life (Kondash and Vengosh, 2015). For the state of Ohio, however, one study found that UOG wells average 6.7 million gallons of water use (Chen 2015), while other estimates place this number over 10 million gallons (Ted Auch, fractracker.org). With low water recycling rates, most of the water used for UOGD is so-called “blue” water, or water that is taken directly from surface sources. **(Photo top left: A large compressor removes water from a small stream near Leesville Reservoir in Ohio.)** Blue water is replenished by precipitation, although excessive withdrawals can lead to reduced availability. A minimum amount of water in e.g., rivers and streams, is required to maintain habitat and preserve ecosystem services in that area. This minimum amount of water is known as environmental flow (King et al., 2008).

When water levels drop too low, the total wet area decreases and the depth of the remaining water is lower. **(Photo top right: Water is removed from Wills Creek in Southeast Ohio, which is showing evidence of the loss of environmental flow. This can result in increased temperatures and reduced vegetation.)** Because insects and fish depend on maintaining preferred temperature zones for spawning, decreasing flow can impact populations of these critical species. Invasive species can move into impacted areas, putting further pressure on native fish, plants, and invertebrates (Paillex et al., 2017). There is, however, no commonly agreed upon standard to determine the minimum flow required to maintain ecosystem health.

Several jurisdictions and agencies have specific metrics that are used to measure low flow events. US Geologic Survey utilizes 7Q10, or the lowest 7-day average flow with a 10-year recurrence; US Environmental Protection Agency uses a

biologically-characterized 4-day lowest flow with 3-year recurrence (4B3). Recently, the Nature Conservancy examined the Susquehanna River and suggested thresholds at 10% reduction of flow and 20% reduction, as well as other limitations based on season and biological requirements (TNC Report). **(Box: The Nature Conservancy also supported the removal of water from reservoirs in SE Ohio to support the Muskingum Watershed Conservancy District’s plans to engage in the industry, stating that it would protect smaller streams, which was not the case. A complaint about this policy was filed to TNC headquarters without a response.)** Regardless of the metric used, there will be gaps especially for intermittent flow reductions. A recent study by Harmon et al. (2023) found that UOGD in the Ohio River Basin caused reductions in excess of 10% in a large number of streams. Smaller watersheds were at especially high risk.

Water for UOGD must come from somewhere. In Ohio, water withdrawals are almost exclusively from surface sources rather than groundwater. Entities are required to obtain a withdrawal permit if the facility has the capacity to withdraw 100,000 gallons per day or more, regardless of actual usage (ORC 1521.16). Enforcement is minimal, with Ohio Department of Natural Resources relying on self-reporting of actual water use. The Ohio statute stands in contrast to surrounding states with UOGD. West Virginia requires permitting when the facility is able to withdraw 210,000 gallons over a 30-day period (7,000 gallons per day) (WVC S22-6A). Pennsylvania does not set a fixed standard for water withdrawals, instead relying on a rule that the withdrawal cannot “adversely affect” downstream users (§3211(m)(2)). The threshold for adverse effect is established by various interstate commissions such the Susquehanna River Basin Commission and the Delaware River and Bay Authority. For the Ohio River, however, there is no established regulatory authority and thus the standard is set by Pennsylvania Department

of Environmental Protection. Michigan requires an assessment of the effects of water withdrawals that takes into account biological and ecological effects if the withdrawal exceeds 100,000 gallons per day average in any 30-day period.

Case Study: Austin Masters, Martins Ferry OH

Situated along the Ohio River in Belmont County, the Austin Masters facility processes UOGD wastes, including radioactive materials. Dating as far back as 2017, there have been reports and photographs of alleged violations of ODNR regulations. A 2019 inspection report revealed a violation regarding shredding of materials containing radioactive substances.

Local citizens have raised concerns about the operations at the Martins Ferry facility, which is located in close proximity to both a local hospital and the high school football field and less than 1,000 feet from a set of municipal drinking water wells. In January, 2022, ODNR issued a new rule governing waste treatment facilities such as Austin Masters, but as of February, 2022, radium levels in nearby soils exceeded EPA limits.



Because UOGD water use is self-reported in Ohio, there is little incentive to report accurately water withdrawals. Within the state of Ohio, some 3,648 UOGD wells have been drilled since 2010. Of these, only 2,935 have reported water use (FracTracker.org) – a difference of 713 (19.5%) wells. This mirrors trends found in Pennsylvania (26.4% of wells not reporting) and West Virginia (62.3% of wells not reporting). Given the average water use reported, the lack of reporting represents a gap of some 9.5 billion gallons of water (24% of total reported water use). Reporting gaps represent not only real water that is not being accounted for, but economic losses when these withdrawals occur under water sale agreements with, e.g., Muskingum Watershed Conservancy District. Based on typical sales agreements, the reporting gap could reach over \$85 million of revenue that is not being collected. This number could be higher if water sales reflected national averages instead of artificially low pricing found in areas of southeast Ohio

(Photo top: Pipes are installed to take water to and from frack pads.)

In addition to relatively lax regulations in the state of Ohio, low water costs incentivize the use of new water for UOGD rather than recycling of flowback. In Ohio, the cost of water was estimated to be around \$8 per 1,000 gallons compared to a national average of nearly \$22 – 35 per 1,000 gallons (cite?). The discounted rate for water consumption shows up in a lower recycling rate (< 5%) versus other UOGD plays (up to 95%).

(Photo bottom: A huge impoundment pond used to pipe water to and from frack pads. This pond has subsequently been covered up, and we do not know what happened to the contaminated residue and plastic liner.)

Recent sales agreements between the Muskingum Watershed Conservancy District and UOGD companies have prices ranging from \$3 to \$9 per 1,000 gallons, with a weighted average of \$4.40 per 1,000 gallons – well below state and national averages. Much of the withdrawals for UOGD in the Muskingum River watershed are allocated from reservoirs such as Wills Creek Reservoir, Clendening Lake, Piedmont Reservoir, and Tappan Lake. Tappan Lake is part of an Ohio EPA source water protection area, as it is a drinking water source for Cadiz, Ohio, a town of about 3,300 residents.



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Regulatory Environment

Note that this overview is not intended to be comprehensive of regulations at the state or federal level and may not include all pertinent statutes and rules.

(Photo: Brine trucks unloading at a major injection well site in Cambridge, not far from Wills Creek, a drinking water source for the city and surrounding area. Without monitoring wells hazardous fracking fluids laced with “proprietary” chemicals could leak and go undetected, polluting ground and surface water).

The regulatory framework surrounding UOGD has been a topic of international concern. While the United States generally has a more robust set of regulations, a lack of enforcement has blunted their impact significantly. At the Federal level, UOGD is exempted from regulations pertaining to underground injection of fluids under the Safe Drinking Water Act (SDWA). UOGD is also exempted from regulations regarding pollutant discharges under the Clean Water Act (CWA), as the CWA does not view materials injected underground as pollutants. UOGD as an industry does not need to disclose the composition of fracking fluids under the Energy Policy Act of 2005, and does not need to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund). States are permitted to regulate UOGD within their borders provided that minimum Federal standards are met.

In Ohio, disposal of UOGD fluids is governed under OAC 1509, with oversight and rule-making authority delegated to the Department of Natural Resources Division of Oil and Gas. Permitting of Class II injection wells is likewise delegated from OEPA to ODNR DOG under OAC 3745-34-12(A). Authority over Class I disposal is still held by OEPA as part of Ohio's Underground Injection Control program (UIC) (OAC 3745-34-12).

In 1983, US EPA granted Ohio primacy for UIC for Class II injection wells in the state (ODNR UIC; Program Approval, 48 Fed Reg 38238 (1983); 40 CFR 147). Thus, the legislature should be able to reclassify UOGD flowback as hazardous under Ohio law. This would require operators to dispose of UOGD flowback under more stringent standards in Class I wells or establish a stricter framework for disposal of fluids. Under Federal law, Class I wells require injection into a separate formation beneath the lowermost formation containing drinking water. This carries with it a quarter mile (1320 ft) radius for establishing drinking water sources. By contrast, a Class II well requires a 50 ft exclusion zone beneath drinking water sources. Given the vertical migration observed in other parts of the Marcellus Shale, this separation is insufficient to protect drinking water sources (Fu and Dehghanpour 2020). A bill was introduced in 2012 (HB474 129th General Assembly) that would revise OAC 1501 to revise the procedures and requirements for permitting UOGD fluid disposal, effectively treating it as Class I waste. However, the bill did not advance and died at the end of the General Assembly.

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Recommendations

Water Quality

- **Classify UOGD waste as hazardous and require Class I disposal.** While the ideal would be to ban disposal of UOGD waste within the state of Ohio, a reasonable step would be to reclassify UOGD waste to require disposal in more stringently regulated Class I wells. This would place these wastes at a lower formation than existing drinking water wells, rather than the 50-foot vertical buffer required for Class II wells. It could also prohibit municipal water treatment systems from accepting UOGD waste, raising the cost of disposal and encouraging flowback recycling. Short of fully reclassifying UOGD wastes as hazardous, implementing a waste management plan requirement prior to permitting may serve a similar purpose, if the waste management plans are sufficiently stringent.
- **Mandate UOGD waste recycling as the preferred method of disposal.** Currently, Ohio does not mandate recycling of UOGD flowback or other brine waste. Thus, the operator is free to dispose of wastes using any method that complies with state and federal law. Mandating recycling of UOGD wastes diverts those fluids from injection wells or municipal systems to new UOGD wells, reducing not only the risk to shallower aquifers but also reducing demand for new freshwater resources.
- **Baseline groundwater monitoring prior to UOGD.** Because of the sensitivity of groundwater resources and the inability to mitigate contamination of aquifers, additional protections need to be implemented. Prior to development, a baseline needs to be established in order to determine future contamination. At a minimum, a series of groundwater wells should be sampled over a period of time and major ions (Na, K, Ca, Mg, Cl, sulfate) be determined. To better detect intrusions, isotopic markers can be measured such as $\delta^2\text{H}$ and $\delta^{18}\text{O}$. Background organic contaminants should be measured to determine natural levels of e.g., benzene and toluene.
- **Groundwater monitoring wells at injection well sites to identify migration of fracking fluids.** While this measure may not prevent contamination of groundwater resources, identifying when these leaks occur can be an important public health measure, mitigating the impact of intrusions when they do occur. Coupled with baseline measurements, routine monitoring will better enable detection of UOGD intrusions. Electrochemical detection of major ions such as chloride and overall conductivity can be implemented for real-time monitoring at specific sites. Organic contaminants (benzene, toluene, etc.) can be monitored as well, particularly with passive integrating samplers to assess long-term exposure.
- **Establish routine monitoring for trihalomethanes in surface waters.** While trihalomethanes are routinely monitored in drinking water, monitoring has not been established for surface waters or wastewater discharges. Accepting UOGD waste into municipal water treatment systems increases the potential for trihalomethanes to be released into surface waters.

- **Add testing of wastewater prior to discharge for radium-226/228.** Radium is currently tested in drinking water sources, where it falls under EPA regulations. Radium is one of the priority pollutants present in fracking waste that is not currently routinely testing in wastewater discharges, however. Measuring radium-226/228 in discharges will protect aquatic ecosystems, especially when coupled with enforcement of limits similar to the NRC limit (600 pCi/L).

Water Quantity

- **Limit total water withdrawals based on recharge. Water is a finite resource.** With multiple users within a watershed, each party must take care not to over-use water resources, whether groundwater or surface. For each watershed, the total amount of water extracted by all users (including natural losses such as evapotranspiration and groundwater recharge) should not exceed the total amount of water entering the watershed from all sources. Placing these limits ensures long-term sustainability for all users, including natural processes.
- **Establish cumulative water withdrawal limits for surface waters.** Each new UOGD well removes surface water, and more wells lead to additive withdrawals. The more intensively a water body is used for UOGD, the greater the potential for low flow events. Establishment of limits for cumulative withdrawals will be one more tool to protect Ohio waters.
- **Lower thresholds for water withdrawal permitting.** Ohio watersheds are at disproportionate risk of low flow events due to UOGD, primarily due to the higher threshold for withdrawal permitting. Establishing a lower volume threshold or placing a “no adverse effect” standard will help to prevent excessive withdrawals before they happen.
- **Require water withdrawal metering for UOGD wells.** The gap in water withdrawal reporting represents not only missing water, but missing money. Metering withdrawals will force operators to report their use and properly compensate for water withdrawals.
- **Install gauging stations in headwater streams potentially impacted by UOGD.** Small streams are more likely to have significant negative impacts when water withdrawals occur. However, the USGS does not typically have gauge stations installed on these rivers and so monitoring requires modelling of flow in these watersheds, creating a time lag and potentially introducing errors. Installation of gauging stations to monitor water depth and flow will close a significant knowledge gap. Monitoring prior to withdrawals or UOGD will enable a better estimation of the potential impacts on any particular stream reach.
- **Charge operators for water withdrawals according costs of water replacement.** Although the Ohio River Basin is relatively water-rich, the cost of water is significantly below national average and has consistently declined over the past decade. The price of water does not account for future projections due to climate, nor does it account for the costs associated with disposal and treatment of UOGD waste.



RADIOACTIVE POLLUTION

ActionNow

This paper is authored by:
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This paper is commissioned by FreshWater Accountability Project with appreciation for funding from New World Foundation.

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From: [Amanda Finn](#)
To: [Richardson, Ryan](#); [Moffitt, Nathan](#)
Subject: JCARR Hearing- Oil and Gas Land Management Commission Proposed Rule 155-1-01
Date: Monday, April 3, 2023 2:35:34 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[ARU - JCARR State Leasing Letter 4-3-2023-Final.pdf](#)

Ryan & Nathan,

Please see the attached comments from Ascent Resources on the Oil and Gas Land Management Commission Proposed Rule 155-1-01 that we submitted to all JCARR members. Should you have any questions on our comment letter please do not hesitate to call or email me at the contact information below. Look forward to speaking Thursday.

Thank you,



Amanda Finn

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April 3, 2023

VIA EMAIL

Jamie Callender, Chair
Joint Committee on Agency Rule Review
Vern Riffe Center
South High Street
Columbus, OH 43215

RE: Comments of Ascent Resources – Utica, LLC
Oil and Gas Land Management Commission Proposed Rule 155-1-01

Mr. Chairman and Members of the Committee,

My name is Robert W. Kelly II, and I am General Counsel for Ascent Resources – Utica, LLC (“Ascent”). Ascent has been one of the most active oil and gas operators in the State of Ohio since its inception in 2013 (formerly American Energy – Utica, LLC). Although Ascent was not in existence at the time the General Assembly first enacted the state lands leasing legislation in 2011¹, Ascent has played a key role in the recent efforts surrounding the amendments and legislative framework of the state lands leasing set forth in Ohio Revised Code 155.30, *et seq.*

The fundamental intent of O.R.C. 155.30, *et seq.* was set forth by the General Assembly when it expressly stated: “It is the policy of the state to promote the exploration for, development of, and production of oil and natural gas resources owned or controlled by the state in an effort to use the state’s natural resources responsibly.”² As part of the legislation, the General Assembly required, within 120 days of the effective date of this amendment³, the adoption, by rule, of a standard lease form that is “consistent with the practices of the oil and natural gas industries”⁴ and contains the following: (i) “[a] one-eighth gross landowner royalty,”⁵ defined to mean “a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.”⁶; (ii) [an] option for the lessee to extend the primary term of the lease for an additional three

¹ Formerly located in O.R.C. 1509.70, *et seq.* as enacted in 2011 via HB 133.

² O.R.C. 155.31(A).

³ Effective date of O.R.C. 155.34 was September 30, 2021.

⁴ O.R.C. 155.34(A)(1).

⁵ O.R.C. 155.34(A)(1)(b).

⁶ O.R.C. 155.30(B).

years by tendering to the state agency the same bonus paid when first entering into the lease.”⁷

A standard lease form was not drafted nor adopted prior to the deadline of January 28, 2022 as set by the General Assembly⁸. In fact, a draft of the standard lease form was not issued for review and comment until December of 2022. Ascent actively participated in the public comment and review of that initial draft. Ascent notes the Ohio Oil and Gas Land Management Commission (“Commission”) has made several requested changes to the draft lease form, to conform to the General Assembly’s requirements. However, numerous provisions in the draft lease form cause it to: (a) directly conflict with current Ohio statutes; (b) exceed the Commission’s authority; and (c) impair the legislative intent to promote the exploration, development, and production of Ohio’s oil and natural gas resources.

The following provisions serve as examples to highlight the issues noted above⁹:

Paragraph 8, Term. The General Assembly required the state lease form to contain “[a]n option for the lessee to extend the primary term of the lease for an additional three years by tendering to the state agency the same bonus paid when first entering into the lease.”¹⁰ However, the draft lease form provides “[t]he extension of the original Primary Term shall be under the same terms and conditions as contained in this Lease, except that the consideration to be paid by Lessee to Lessor for the extension shall be equal to 120% of the original Bonus paid to Lessor on a per Net Mineral Acre basis and calculated on the number of Net Mineral Acres of the Leased Premises that are then subject to the Lease.” As drafted, the state lease form is in direct conflict with the Ohio statute and demonstrates the Commission has exceeded its authority when drafting the form by failing to adhere to the terms set forth in statute. Further, the extension is calculated on “the number of Net Mineral Acres of the Leased Premises that are then subject to the Lease.” This language is ambiguous and inconsistent with the practices of the oil and natural gas industry. This provision disregards the then existing status of the Leased Premises from a production standpoint. If any portion of the Leased Premises are included in a producing unit, those respective Net Mineral Acres are held by production upon the expiration of the primary term, and subject to the habendum clause of the lease and should not require any extension payment be made to maintain those Net Mineral Acres under the lease. However, under the provision as drafted, a Lessee seeking to extend the primary term would be required to pay for every Net Mineral Acre subject to the lease regardless if the acreage has been included in a producing unit. Essentially, the Commission is more than double charging a Lessee for producing acreage since the draft lease form is requiring a Lessee to pay the full Bonus payment (plus an additional 20% as noted above) on all the Leased Premises to extend only the non-producing acreage that is outside of a producing unit. This provision creates a significant financial burden for a Lessee and impairs the legislative intent to promote the exploration, development, and production of Ohio’s oil and natural gas resources.

⁷ O.R.C. 155.34(A)(1)(d).

⁸ O.R.C. 155.34(A).

⁹ Capitalized terms not otherwise defined herein shall have the meaning set forth in the draft lease form.

¹⁰ O.R.C. 155.34(A)(1)(d).

Paragraph 9, Royalty and Gas Measurement. The General Assembly required the state lease form to contain “[a] one-eighth gross landowner royalty;”¹¹ and “gross landowner royalty” is defined by statute to “a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.”¹² First, the Commission has declined to insert the statutorily defined royalty percentage into the draft lease form. In fact, the Commission leaves the royalty percentage blank in the introductory language of Paragraph 9, stating only that “Lessee shall pay to Lessor a _____ (./.) or _____ percent (___%) gross landowner royalty on Oil and Gas produced from the Leased Premises.” Second, the draft lease form provides that the royalty can be based on something different than the “proceeds received” on the sale of production in the context of a sale to a Lessee’s Affiliate. The Commission is basing royalties on amounts that “would have been received”, but were not actually received, by the Lessee if the production had been sold to an unaffiliated buyer, and the price would have been higher. Both portions of this provision directly conflict with the Ohio statutes and fails to adhere to the requirements of the Ohio statutes.

Paragraph 12, Audit/Inspection Rights. The draft lease form contains an audit and inspection provision that is beyond the scope of the reporting detail owed to holders of a royalty interest as set forth by the General Assembly in O.R.C. 1509.30. The Commission again exceeded its authority in requiring a Lessee to provide the Lessor the right “to examine, audit, copy, and inspect the books and records of Lessee pertinent to the purpose of verifying the accuracy of the reports and statement furnished to the Lessor, and for checking the amount of the payments lawfully due the Lessor under the terms of this Lease.” O.R.C. 1509.30 specifically sets forth the payment and production information an owner of a well is required to provide a holder of a royalty interest. Expanding the audit rights of the Lessee creates the risk that proprietary business documents and agreements would be subject to open records requests and would result in irreparable harm to the Lessee.

Paragraph 14(B), Pooled Production Unit Limited. The draft lease form requires a Lessee to include at least 50% of the Leased Premises in any unit established under this Lease. This provision is ambiguous and onerous thereby impairing the legislative intent to promote the exploration, development, and production of Ohio’s oil and natural gas resources. As drafted, this would require at least 50% of the Leased Premises be included in any unit. If a Lessee includes 51% of the Leased Premises in a unit, then the Lessee has satisfied the requirements for the initial unit; however, the Lessee is unable to meet this requirement as to the remaining 49% of the Leased Premises rendering those Net Mineral Acres undevelopable as a result of this provision. This provision is not practical and creates confusion as the protection sought by this provision is provided in Paragraph 16, the Pugh Clause provision. The above noted provision and the Pugh Clause provision are both intended to avoid undeveloped Net Mineral Acres from being continuously subject to the Lease without full development. However, Paragraph 14(B) creates confusion and ambiguity in seeking to enforce the same concept in a more onerous, unclear manner.

¹¹ O.R.C. 155.34(A)(1)(b).

¹² O.R.C. 155.30(B).

Further, this provision seems to conflict with the terms of the Pugh Clause, which states “[t]he Lease shall expire upon the expiration of the Primary Term of this Lease as to any lands comprising the Leased Premises that are not included in one or more units.” The current phrasing of Paragraph 14(B) would only allow more than one unit if a Lessee could guarantee 50% of the Leased Premises were in each unit and does not provide for more than two. Given the amount of existing development with defined units surrounding state lands it will be extremely difficult, if not impossible for a Lessee to precisely include 50% of the Leased Premises in each unit. Further, it may not be feasible from an economic, legal, technical, or operational perspective, thus rendering the draft lease form as undevelopable, which may cause producers to avoid leasing the state lands as a result of this provision. Paragraph 14(B) impairs the legislative intent of the statute and demonstrates the Commission exceeded its authority by including such a restrictive provision.

Paragraph 21, Insurance. The General Assembly enacted O.R.C. 1509.07 to specifically set forth insurance requirements to permit and operate oil and gas wells in the state of Ohio which provides the following respectively:

Except as provided in division (A)(1)(b) or (A)(2) of this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized or approved to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.¹³ and;

An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.¹⁴

Although the insurance requirements are clearly defined by statute, the draft lease form directly conflicts with the Ohio Revised Code on this matter. In fact, the Insurance provision of the draft lease form requires minimum coverages that exceed the statutory requirements by as much as two hundred percent (200%)¹⁵ and additional policies not required by the General Assembly. The draft lease form requires an operator to maintain

¹³ O.R.C. 1509.07(A)(1)(a).

¹⁴ O.R.C. 1509.07(A)(2).

¹⁵ The 200% amount pertains to horizontal wells such as those operated by Ascent Resources – Utica, LLC; for conventional operators this percentage is much greater and this requirement is much more burdensome.

Commercial General Liability Insurance with a minimum limit of ten million dollars (\$10,000,000.00) and an excess umbrella liability policy with a minimum amount of five million dollars (\$5,000,000.00). This is a direct conflict with the Ohio Revised Code, an overreach in authority, and further impairs the legislative intent for the exploration, development, and production of Ohio's oil and natural gas resources.

Paragraph 22, Well Plugging Security. The draft lease form includes a Well Plugging Security provision, but the Commission again exceeded its authority and has required further assurances, security, and bonding above and beyond the current statutory requirements. The General Assembly enacted O.R.C. 1509.07 to specifically set forth security and bonding requirements for an owner/operator to permit and operate oil and gas wells in the state of Ohio, including any plugging or reclamation requirements.¹⁶ The draft lease form states “[t]he security posted shall be earmarked for the cost of plugging and reclamation, and shall be in addition to, and not in lieu of, the bonding requirements in O.R.C. 1509 and the rules and regulations promulgated thereunder.” By including this language in the draft lease form, the Commission acknowledges that it is requiring further security above and beyond that required by statute. This is clearly in direct conflict with the Ohio Revised Code, an overreach of authority, and further frustrates the legislative intent of state lands leasing.

Paragraph 44, Termination of Public Use. The draft lease form includes a termination provision that completely impairs and frustrates the legislative intent behind O.R.C. 155.30, *et seq.* The subject provision allows the Lease to be terminated, unilaterally by the Lessor state agency, “if the Leased Premises, or any part thereof, is needed for any public use or quasi-public use or purpose.” The provision further provides “Lessee shall have no claim against Lessor for the value of any unexpired term of this Lease, or for any costs related thereto, if termination happens pursuant to this paragraph.” This provision exceeds the Commission's authority and for all intent and purposes completely nullifies the legislative intent of the statute. First, this provision is more properly classified as a surface use provision because it relates to public use of state lands, and because the state lease form is a non-surface use form, there is no reason to include it in the standard lease form. Second, the provision provides no protection or recourse for the Lessee for any and all monies paid for the purchase of the Lease and allows a state agency to receive its bonus payment and then immediately notify the Lessee of a change in the classification of the Leased Premises and terminate the lease, thus providing a windfall for the state agency at the Lessee's expense. Third, the provision provides no protection or recourse for the Lessee when all or a portion of the Leased Premises have been included in a producing well(s) and the associated unit(s). This would mean the state agency can terminate the lease after the Lessee has started production of the leased premises. To establish production the Lessee would have spent millions of dollars permitting, surveying, engineering, drilling, completing, setting facilities, and connecting the well(s) only to lose any and all rights to maintain those operations and recoup any costs. Further, the provision does not address what would be required of the Lessor in ceasing production when this clause is enforced. Fourth, this provision subjects any and all private landowners whose lands are included in a unit with state lands to irreparable harm and substantial economic loss. If a state agency terminates

¹⁶ O.R.C. 1509.07(B)(1),(2),(3) and 1509.07(C).

a lease once production has been established, then any and all oil and natural gas resources included in such existing wellbores, including privately owned oil and gas interest, would be left sterilized preventing any future development of the resources. Further, the private landowners would lose out on all future royalties from the production of the well(s). Lastly, any undeveloped acreage of private landowners adjacent to the Leased Premises could be impacted and caused substantial economic loss because the termination of the lease directly impacts any and all offset development if the state lands subject to said lease were included or necessary for the development prior to termination. This provision is clearly detrimental to the legislative intent and renders the draft lease form undevelopable. As drafted, this provision will discourage any utilization of the state leasing option and continue to stifle the development of Ohio's oil and natural gas resources.

In conclusion, the state lease form, as currently drafted, threatens the General Assembly's intent to promote the responsible development of Ohio's oil and natural gas resources. To encourage such development the General Assembly passed O.R.C. 155.30, *et seq.* and required the adoption of a standard lease form that is consistent with the practices of the oil and natural gas industry and complies with the statutory requirements. Although the Commission has made certain revisions culminating in the draft before you today, as noted above, there remain several provisions that will hinder or deter the development of state lands contrary to the public policy behind the statute and further impact private landowners as well. To facilitate the intent of the General Assembly and avoid impairing the development of state lands, Ascent asks this Committee to, prior to adopting an invalidating concurrent resolution regarding this proposed rule, direct the Commission to submit a revised draft of the state lease form, specifically addressing the issues noted above, in order to carry out the express legislative intent and comply with Ohio law, or authorize the Commission to revise and refile its proposed rule, rule summary, and fiscal analysis as contemplated in Ohio Revised Code 106.022.

Sincerely,



Robert W. Kelly II

From: [Jon Srofe](#)
To: [Commission Clerk](#)
Subject: JCARR- Public comment
Date: Friday, April 7, 2023 11:11:22 AM

To Whom It May Concern,

In regards to the JCARR public comment period on RC 155-01-1 , I would like to make the following comment.

To begin with I would hope that we all understand and agree that there is the need to expedite the review of RC 155-01-1 with the understanding that HB 507 is now in effect. The amendment which was tacked onto this bill allows for a present possible “land grab” by the oil and gas industry in which case could have a profound effect in State Park ,State Forests, and other Sate owned land for years to come. The insidious nature of the amendment means that an oil or gas company could pretty much tell a State agency that they were going to drill on public land without any kind of review process by the O&GLMC . HB 507 uses the wording a “good faith” agreement, as a basis for the working relationship between the pertinent State agency and the oil company which will have drilling access to State land.

The Rule RC 155-01-1 as proposed by the O&GLMC would seem be pretty straight forward . The Lease form is , as I understand it, a standard industry document. What is being presented has gone thru 3 drafts , the third of which is in the final document. The rest of the rule has to do with a time frame for any proposed changes to the present lease form to be presented on the Commission’s website for 14 days of consideration and comment before any changes are made. Also a 7 day notice is to be made before any Commission meeting is to be held. In consideration of the circumstances and the simplicity of the Rule as submitted , there would be an opportunity for the JCARR committee to utilize its time on more complicated matters and to allow this simple but very important RC 155-01-1 to pass through the review process as quickly as possible after this Apr 10th public comment period. We know that there was industry pressure on Rep. Romanchuk to squeeze that amendment into the totally unrelated bill at the last minute with no public comment period at all. So it’s very likely that these companies will do their best to take advantage of the gaping “open door” which now presents itself.

PLEASE CLOSE THAT DOOR AS SOON AS POSSIBLE BY EXPEDITING THE REVIEW PROCESS AND APPROVING RC 155-01-1!!

In God’s Light
Jon Srofe
1547 Hogan St
Portsmouth , Oh 45662
Sent from my iPad

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From: [Jacob Brenner](#)
To: [Commission Clerk](#)
Subject: Leasing of Public Land for Extraction of Resources
Date: Friday, April 7, 2023 4:08:09 PM

Greetings,

I am a lifelong resident of Dayton Ohio, and a current college student. I have been unaware of the law that was passed that will allow the leasing of Ohio land for the extraction of resources. I am personally against this, due to the inevitable environmental and health consequences that major mining operations will have on the Ohio area, and want to ask you of something.

1. The people need to be far more informed of these decisions; this law needs to be advertised to the Ohioan people as it will affect every single one of them.
2. Any lease that is given out to any mining operation needs to be first ratified by the locals in the area that the operation will take place in.
3. Heavy regulations need to be put in place to ensure that our water isn't being poisoned by any mining operations. Depending on how bad the leak is, it could potentially be even worse than the train derailment in East Palestine.
4. I would like you to rollback this legislation that will allow leasing of our land for mining.

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From: [Mark Laskovics](#)
To: [Commission Clerk](#)
Subject: Mitigate the Effects of HB507
Date: Saturday, April 8, 2023 11:50:00 AM

Dear Oil & Gas Land Management Commission,

Being a citizen of Ohio, residing in the Cincinnati area, I am concerned about further insults to our environment and want to move forward as fast as possible to now-established, sustainable energy technologies. While Ohio has made some important initial steps toward building a sustainable energy future, we are not moving fast enough and should not cling to high-polluting, heat trapping practices of the past. These older practices are not sustainable and have brought us stronger storms, enhances atmospheric rivers, wider temperature swings and continual warming oceans that risk our food supply and increase human suffering

The root cause of these climate insults is well established as the burning of fossil fuels. The Oil & Gas Industry has known this for well over 50 years. HB 507, which mandates fracking in our Ohio state parks, forests, and wildlife areas, is a giant step backwards for the State of Ohio and for our global environment because it embraces the extraction and generation of fossil fuels as well as the eventual generation of their associated pollutants.

More specifically, this draft rule has significant areas of concern that include:

- The complete lack of procedures in the rule for public engagement and commentary. These are public lands and belong to the Ohio tax payer. There must be procedures in place for public engagement to ensure transparency and avoid conflict of interest.
- The discrepancy between Gov. DeWine's statements and the lease form regarding surface impacts in our state parks.
- The impacts of fracking on public health and the climate crisis. It is well established that fossil fuels are the root cause of our current climate crisis. Furthermore, fracking on public lands is ripe for "out-of-site" malfeasance. The fracking industry has taken shortcuts in the past that result in someone-else's problem to clean up. This industry just deepens the climate crisis hole and exacerbates our current crisis.
- The statements by prominent politicians that they want to frack our most treasured spaces to provide tax cuts for the rich. This attitude is unconscionable in today's world. Our political leaders would be much better off working toward accelerating the transition to a clean, sustainable energy future that creates good paying jobs and enhances our tax base.

For these reasons, I implore this commission to mitigate the HB 507 mandate and protect our public lands for our children and grandchildren.

Sincerely,

F. Mark Laskovics

Montgomery, Ohio

Cell: 513-470-1085

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From: [Jenny Morgan](#)
To: [Commission Clerk](#)
Cc: [Jenny Morgan](#)
Subject: My Testimony re: Rules related to HB 507 (The New Law)
Date: Sunday, April 9, 2023 4:54:54 PM
Attachments: [Hydro-frack Tort Litigation.pdf](#)
[Jenny Morgan Testimony HB 507.docx](#)

Hello,

I will be testifying at the hearing tomorrow (April 10, 2023) re: Admin Rules related to the new law that has passed, and that stems from HB 507. Please see my enclosed testimony and the accompanying 102 page document entitled *Hydraulic Fracturing Tort Litigation Summary*

Thank you,

Jenny Morgan
Founder www.KidsandNature.org www.CitizenPollutionWatch.org
www.jennymorganmusic.com

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**HYDRAULIC FRACTURING TORT LITIGATION SUMMARY
(JULY 19, 2022)**

**Blake Watson
Samuel A. McCray Chair in Law
University of Dayton School of Law
bwatson1@udayton.edu**

Selected Books and Articles on Fracking Contamination and Trespass Litigation

**Summary of Tort Litigation Involving Hydraulic Fracturing
(and Some Related Cases)**

Selected Articles and Cases Involving “Lone Pine” Orders

Selected Books and Internet Resources

COMPENDIUM OF SCIENTIFIC, MEDICAL, AND MEDIA FINDINGS DEMONSTRATING RISKS AND HARMS OF FRACKING (5th ed. 2018) (a compilation of evidence outlining risks and harms of fracking housed on the websites of Concerned Health Professionals of New York (www.concernedhealthny.org) and Physicians for Social Responsibility (www.psr.org))

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Daniel Raimi, *THE FRACKING DEBATE: THE RISKS, BENEFITS, AND UNCERTAINTIES OF THE SHALE REVOLUTION* (2017)

Eliza Griswold, *AMITY AND PROSPERITY: ONE FAMILY AND THE FRACTURING OF AMERICA* (2018)

Mark S. Guralnick, *FRACKING: LAW AND POLICY* (2016)

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Jenny Lisak, *LIST OF THE HARMED*, Pennsylvania Alliance for Clean Water and Air, at <http://pennsylvaniaallianceforcleanwaterandair.wordpress.com/the-list/>

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Jason B. Binimow, *Liability for Trespass or Nuisance in Hydraulic Fracturing, Hydro-fracturing, or Hydro-fracking*, 41 A.L.R. 7th Art. 1, § 2 (2019).

William S. Blocker, Note, *Trespassing under the Surface: Does Hydraulically Fracturing Across Boundaries Constitute Actionable Trespass?*, 44 Oklahoma City University Law Review 83 (2019)

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Brent Chicken, *Subsurface Trespass and Pore Space in Colorado*, Rocky Mountain Landman (Sep. 2011)

Hannah Coman, Note, *Balancing the Need for Energy and Clean Water: The Case for Applying Strict Liability in Hydraulic Fracturing Suits*, 39 Boston College Environmental Affairs Law Review 131 (2012)

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Matt Douglas and Jamen Tyler, *Shaking it Up: Sierra Club Brings Novel RCRA Claim in an Attempt to Tighten Regulation of Fracking-Related Activities*, in Trends, ABA Section of Environment, Energy, and Resources Newsletter, Vol. 47 No. 6 (July/August 2016), available at http://www.americanbar.org/publications/trends/2015-2016/july-august-2016/shaking_it_up.html

Monika U. Ehrman, *Earthquakes in The Oilpatch: The Regulatory and Legal Issues Arising Out of Oil And Gas Operation Induced Seismicity*, 33 Georgia State University Law Review 609 (2017)

Victoria N. Georgevich, Comment, *Tapping into Trespass: Fracking, the Rule of Capture, and Landowner Protection*, 69 DePaul Law Review 793 (2020)

Hilary M. Goldberg, Melanie Stallings Williams, and Deborah Cours, *It's a Nuisance: The Future of Fracking Litigation in the Wake of Parr v. Aruba Petroleum, Inc.*, 33 Virginia Environmental Law Journal 1 (2015)

Michael Goldman, *A Survey of Typical Claims and Key Defenses Asserted in Recent Hydraulic Fracturing Litigation*, 1 Texas A&M Law Review 305 (Fall 2013)

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Keith B. Hall, *Hydraulic Fracturing: If Fractures Cross Property Lines, is There an Actionable Subsurface Trespass?*, 54 Natural Resources Journal 361 (2014)

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Keith B. Hall, *Hydraulic Fracturing Litigation*, For the Defense 66 (January 2012)

Alia Y. Heintz, Note, *What's the Harm in a Subsurface Trespass?*, 51 Tulsa Law Review 777 (Spring 2016)

Oliver Hutchison, *Hydraulic Fracturing Litigation: The Case of Jessica Ernst & the Problem of Factual Causation*, 42 Canada-United States Law Journal 184 (2018)

Jeffrey C. King, Jamie Lavergne Bryan, and Meredith Clark, *Factual Causation: The Missing Link in Hydraulic Fracture-Groundwater Contamination Litigation*, 22 Duke Environmental Law and Policy Forum 341 (2012)

Bruce M. Kramer, *Horizontal Drilling and Trespass: A Challenge to the Norms of Property and Tort Law*, 25 Colorado Natural Resources, Energy & Environmental Law Review 291 (2014)

Christopher S. Kulander & R. Jordan Shaw, *Comparing Subsurface Trespass Jurisprudence - Geophysical Surveying and Hydraulic Fracturing*, 46 New Mexico Law Review 67 (2016)

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Michael R. Lieberman, *Evaluating Hydraulic Fracturing Regulation under a Theory of Strict Liability*, 22 Buffalo Environmental Law Journal 37 (2014-2015)

James Patrick Logan, *What's Shakin'? Ladra v. New Dominion, LLC: A Case of Consequence for the Hydraulic Fracturing Industry and Those Affected by Induced Seismicity*, 34 Pace Environmental Law Review 207 (2016), available at: <http://digitalcommons.pace.edu/pelr/vol34/iss1/5>

Caleb Madere, Comment, *Covert Capture: Hydraulic Fracturing and Subsurface Trespass in Louisiana*, 75 Louisiana Law Review 865 (2015)

David G. Mandelbaum, *Regulation of Unconventional Natural Gas Development*, 25 Probate and Property 44 (September/October, 2011)

Neal J. Manor, Note, *"What the Frack?" Why Hydraulic Fracturing Is Abnormally Dangerous and Whether Courts Should Allow Strict Liability Causes of Action*, 4 Kentucky Journal of Equine, Agriculture, and Natural Resources Law 459 (2011-2012)

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Lucas Satterleea, *Shattered Nerves: Addressing Induced Seismicity Through the Law of Nuisance*, 46 Environmental Law Reporter News & Analysis 10326 (April 2016)

Joe Schremmer, Comment, *Avoidable “Fraccident”: An Argument Against Strict Liability for Hydraulic Fracturing*, 60 University of Kansas Law Review 1215 (2012)

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Meredith A. Wegener, *Shake, Rattle, and Palsgraf: Whether an Actionable Negligence Claim Can Be Established in Earthquake Damage Litigation*, 11 Texas Journal of Oil, Gas, and Energy Law 115 (2016)

Hannah Wiseman, *Beyond Coastal Oil v. Garza: Nuisance and Trespass in Hydraulic Fracturing Litigation*, The Advocate (Texas State Bar Litigation Section Report), Vol. 57 (Winter 2011)

Travis Zeik, *Hydraulic Fracturing Goes to Court: How Texas Jurisprudence on Subsurface Trespass Will Influence West Virginia Oil and Gas Law*, 112 West Virginia Law Review 599 (2010)

**TORT LITIGATION INVOLVING HYDRAULIC FRACTURING
(AND RELATED CASES)**

<u>Filed</u>	<u>Case</u>	<u>Status</u>	<u>State</u>
2011	03-23	Sheatsley v. Chesapeake Operating, Inc.	dismissed earthquake AR
2011	05-17	Tucker v. Southwestern Energy Co.	settled AR
2011	05-17	Berry v. Southwestern Energy Co.	settled AR
2011	05-17	Ginardi v. Frontier Gas Services	settled AR
2011	05-20	Lane v. BHP Billiton Petroleum (Arkansas) Inc.	dismissed earthquake AR
2011	05-23	Frey v. BHP Billiton Petroleum (Arkansas) Inc.	dismissed earthquake AR
2011	05-24	Palmer v. BHP Billiton Petroleum (Arkansas) Inc.	dismissed earthquake AR
2011	05-24	Hearn v. BHP Billiton Petroleum (Arkansas) Inc.	dismissed earthquake AR
2011	06-07	Hiser v. XTO Energy Inc.	decided, affirmed AR
2011	09-12	Scoggin v. Cudd Pumping Services, Inc.	dismissed AR
2011	12-23	Bartlett v. Frontier Gas Services, LLC	dismissed AR
2012	07-11	Smith v. Southwestern Energy Co.	dismissed AR
2012	08-10	Hill v. Southwestern Energy Co.	settled AR
2012	11-02	Pruitt v. Southwestern Energy Co.	dismissed AR
2012	12-07	Scoggin v. Southwestern Energy Co.	dismissed AR
2013	01-31	Yanke v. Fayetteville Gathering	settled AR
2013	03-11	Miller v. Chesapeake Operating, Inc.	dismissed earthquake AR
2013	04-01	Sutterfield v. Chesapeake Operating, Inc.	dismissed earthquake AR
2013	04-01	Mahan v. Chesapeake Operating, Inc.	dismissed earthquake AR
2013	04-01	Thomas v. Chesapeake Operating, Inc.	dismissed earthquake AR
2013	08-12	Ramsey v. DeSoto Gathering Co., LLC	settled AR
2013	08-23	Kay v. Peak Water Systems, LLC	settled AR
2014	02-11	2010-11 Guy-Greenbrier Earthquake Victims v. Chesapeake	dismissed earthquake AR
2014	02-12	Davis v. Chesapeake Operating, Inc.	dismissed earthquake AR
2014	04-24	Ramsey v. DeSoto Gathering Co., LLC	pending AR
2014	11-14	Stratton v. Kinder Morgan Treating	closed AR
2015	05-15	Gardiner Family LLC v. Crimson Resource Mngmt.	settled CA
2016	06-03	Gus Who v. US Government	closed earthquake CA
2011	03-23	Strudley v. Antero Resources Corp.	pending CO
2011	07-20	Evenson v. Antero Resources Corp.	dismissed CO
2011	04-15	Andre v. EXCO Resources, Inc.	settled LA
2011	04-18	Beckman v. EXCO Resources, Inc.	settled/dismissed LA
2012	01-12	Teekell v. Chesapeake Operating, Inc.	settled/dismissed LA
2020	04-30	Walsh v. Comstock Oil and Gas-Louisiana LLC	settled LA
2009	08-27	Maring v. Nalbone	pending NY
2011	03-09	Baker v. Anschutz Exploration Corp.	closed NY
2009	08-13	Kartch v. EOG Resources	settled ND
2010	10-22	Armes v. Petro-Hunt LLC	dismissed/settled ND

<u>Filed</u>	<u>Case</u>	<u>Status</u>	<u>State</u>
2008	07-22	Siers v. John D. Oil and Gas Co.	OH
2009	01-30	Payne v. Ohio Valley Energy Systems Corp.	OH
2010	10-22	Alford v. East Gas Ohio Co.	OH
2012	03-12	Boggs v. Landmark 4 LLC	OH
2012	03-12	Mangan v. Landmark 4, LLC	OH
2016	03-18	Crothers v. Statoil USA Onshore Properties	OH
2018	10-05	Rohn v. Precision Pipeline LLC	OH
2018	11-29	Kiefer v. Chesapeake Exploration	OH
2018	12-06	J&R Passmore LLC v. Rice Drilling D LLC	OH
2022	05-05	Golden Eagle Resources v. Rice Drilling D LLC	OH
2011	10-06	Reece v. AES Corporation	OK
2014	08-04	Ladra v. New Dominion LLC	earthquake OK
2015	02-10	Cooper v. New Dominion LLC	earthquake OK
2016	01-11	Felts v. Devon Energy Corp.	earthquake OK
2016	01-12	Griggs v. Devon Energy Corp.	earthquake OK
2016	02-12	Lene v. Chesapeake Operating LLC	earthquake OK
2016	02-16	Sierra Club v. Chesapeake Operating LLC	quake/RCRA OK
2016	02-18	West v. ABC Oil Company, Inc.	earthquake OK
2016	04-22	Almont Energy v. Newfield Exploration	OK
2016	09-16	National American Insurance v. New Dominion	earthquake OK
2016	11-17	Adams v. Eagle Road Oil, LLC	earthquake OK
2016	12-05	Reid v. White Star Petroleum, LLC	earthquake OK
2017	03-03	Pawnee Nation v. Eagle Road Oil LLC	earthquake OK
2017	03-08	Bryant v. Eagle Road Oil LLC	earthquake OK
2017	06-13	Meier v. Chesapeake Operating LLC	earthquake OK
2017	07-21	Griggs v. New Dominion LLC	earthquake OK
2017	12-28	Chacko v. Sundance Energy Oklahoma LLC	earthquake OK
2017	12-29	Felts v. Grayhorse Operating Corp.	earthquake OK
2018	03-26	Bennett v. Chapparral Energy LLC	earthquake OK
2018	05-17	Pawnee Nation v. Eagle Road Oil LLC	earthquake OK
2018	08-28	Mercer v. Eagle Oil LLC	earthquake OK
2018	08-31	Steadfast Insurance Co. v. Eagle Oil LLC	earthquake OK
2018	09-19	Harvey v. Cher Oil Co.	earthquake OK
2018	09-19	James v. Berexco LLC	earthquake OK
2018	09-19	Nelson v. Berexco LLC	earthquake OK
2018	09-19	Steele v. Berexco LLC	earthquake OK
2018	09-19	Oravetz v. Berexco LLC	earthquake OK
2018	09-19	Jones v. Berexco Oil Co.	earthquake OK
2018	09-19	Bonard v. Cher Oil Co.	earthquake OK
2019	08-14	Depew v. Sundance Energy Oklahoma LLC	earthquake OK
2019	09-13	Newby v. Farmers Insurance Co.	earthquake OK
2020	09-09	Barton v. Ovintiv Mid-Continent Inc.	OK
2020	11-19	Dooley v. Cher Oil LTD	earthquake OK
2021	04-01	Oklahoma v. Farmers Insurance Exchange	OK
2021	05-16	National Union Fire Ins. v. New Dominion LLC	earthquake OK

<u>Filed</u>	<u>Case</u>	<u>Status</u>	<u>State</u>	
2009	09-21	Zimmermann v. Atlas America, LLC	settled	PA
2009	11-19	Fiorentino (Ely) v. Cabot Oil and Gas Corp.	jury verdict/settled	PA
2010	05-27	Hallowich v. Range Resources Corp.	settled	PA
2010	09-14	Berish v. Southwestern Energy Production Co.	closed	PA
2010	10-27	Armstrong v. Chesapeake Appalachia, LLC	pending	PA
2010	12-17	Bidlack v. Chesapeake Appalachia, LLC	closed	PA
2010	12-17	Otis v. Chesapeake Appalachia, LLC	closed	PA
2011	02-25	Burnett v. Chesapeake Appalachia, LLC	dismissed	PA
2011	04-25	Phillips v. Chesapeake Appalachia, LLC	settled	PA
2011	07-18	Becka v. Antero Resources	settled	PA
2011	07-18	Dillon v. Antero Resources	settled	PA
2011	08-03	Kamuck v. Shell Energy Holdings GP, LLC	decided	PA
2012	03-12	Roth v. Cabot Oil & Gas Corporation	settled	PA
2012	04-09	Manning v. WPX Energy Inc.	settled	PA
2012	04-20	Kalp v. WPX Energy Appalachia, LLC	settled	PA
2012	05-25	Haney v. Range Resources	pending?	PA
2012	07-10	Butts v. Southwestern Energy Production Company	settled	PA
2013	06-18	Bezjak v. Chevron Appalachia LLC	settled	PA
2013	06-19	Leighton v. Chesapeake Appalachia, LLC	settled	PA
2013	09-13	Brown v. WPX Appalachia LLC	settled	PA
2013	12-27	Russell v. Chesapeake Appalachia	closed / time-barred	PA
2014	01-22	Arbitration between J. Place and Chesapeake	decided	PA
2014	04-09	Chaffee v. Talisman Energy USA Inc.	decided	PA
2014	07-21	Tiongco v. Southwestern Energy Production Co.	pending	PA
2014	10-07	Lauff v. Range Resources - Appalachia LLC	pending	PA
2014	10-28	Chito v. Hilcorp Energy Company	dismissed	PA
2015	04-21	Dubrasky v. Hilcorp Energy Company	closed/settled?	PA
2015	03-29	Baumgardner v. Chesapeake Appalachia	pending	PA
2015	11-05	Briggs v. Southwestern Energy Production	closed (but see Briggs 2021)	PA
2017	04-13	Kemble v. Cabot Oil & Gas Corporation	dismissed	PA
2017	08-07	Cabot Oil & Gas Corporation v. Speer	pending	PA
2018	03-15	March v. Sunoco Pipeline LP	closed	PA
2020	02-04	Range Resources-Appalachia v. Pennsylvania	settled (administrative appeal)	PA
2021	02 15	Stanley v. Pennsylvania DEP	open (administrative appeal)	PA
2021	05 10	Glahn v. Pennsylvania DEP	open (administrative appeal)	PA
2021	03-02	Briggs v. Southwestern Energy Production	pending	PA
2021	03-09	Waller v. Cabot Oil and Gas Corp.	pending	PA
2022	04-22	Teorsky v. Penneco Environmental Solutions	pending	PA
1997	-----	Coastal Oil and Gas Corp. v. Garza Energy Trust	decided	TX
2006	-----	Environmental Processing Systems v. FPL Farming	decided	TX
2008	05-08	Gardiner v. Crosstex North Texas Pipeline LP	dismissed	TX
2010	07-15	Scoma v. Chesapeake Energy Corp.	settled	TX
2010	10-18	Ruggiero v. Aruba Petroleum, Inc.	settled	TX
2010	10-22	Knoll v. Gulftex Operating, Inc.	settled	TX
2010	11-03	Heinkel-Wolfe v. Williams Production Co., LLC	settled	TX
2010	11-03	Sizelove v. Williams Production Co., LLC	settled	TX

<u>Filed</u>	<u>Case</u>	<u>Status</u>	<u>State</u>
2010	12-15	Mitchell v. Encana Oil & Gas (USA)	settled TX
2010	12-22	Harris v. Devon Energy Production Company, L.P.	dismissed TX
2011	01-31	Smith v. Devon Energy Production Co., LP	dismissed TX
2011	02-28	Eric Dow v. Atmos Energy Corp.	pending TX
2011	02-28	Town of Dish v. Atmos Energy Corp.	dismissed TX
2011	02-28	William Sciscoe v. Atmos Energy Corp.	pending TX
2011	03-08	Parr v. Aruba Petroleum, Inc.	Plaintiff verdict appealed; affirmed TX
2011	06-20	Lipsky v. Range Resources Corp.	settled TX
2011	06-27	Marsden v. Titan Operating Corp.	Plaintiff judgment; reversed TX
2011	11-07	Crowder v. Chesapeake Operating, Inc.	jury verdict; settled TX
2011	11-08	Mann v. Chesapeake Operating, Inc.	dismissed TX
2011	11-09	Anglim v. Chesapeake Operating, Inc.	settled TX
2011	11-10	Gutierrez v. Chesapeake Operating, Inc.	settled TX
2011	12-01	Beck v. ConocoPhillips Company	dismissed TX
2011	12-02	Strong v. ConocoPhillips Company	dismissed TX
2013	05-21	Cerny v. Marathon Oil Corp.	dismissed/ affirmed TX
2013	07-30	Finn v. EOG Resources, Inc.	dismissed earthquake TX
2013	10-10	Dueling v. Devon Energy Corp.	settled TX
2013	11-06	Nicholson v. XTO/Exxon Energy	dismissed TX
2014	02-28	Alexander v. Eagleridge Operating, LLC	dismissed TX
2015	08-06	Murray v. EOG Resources, Inc.	settled TX
2017	10-31	Berlanga v. Barnett Gathering LLC	pending TX
2018	03-16	Amador v. Barnett Gathering LLC	closed TX
2010	02-24	Magars v. Chesapeake Appalachia, LLC	settled WV
2010	10-26	Hagy v. Equitable Production Co.	dismissed; affirmed WV
2010	12-08	Teel v. Chesapeake Appalachia, LLC	dismissed; affirmed WV
2011	02-07	Whiteman v. Chesapeake Appalachia, LLC	decided; affirmed WV
2011	04-10	Rine v. Chesapeake Appalachia, LLC	settled WV
2011	04-14	Bombardiere v. Schlumberger Technology Corp.	dismissed WV
2011	06-21	Cain v. XTO Energy Inc.	settled WV
2011	12-21	Perna v. Reserve Oil & Gas, Inc.	dismissed WV
2012	02-27	Dent v. Chesapeake Appalachia, LLC	settled WV
2013	????	Dytko v. Chesapeake Appalachia, LLC	dismissed WV
2014	09-30	Bertrand v. Gastar Exploration	pending WV
2014	11-26	Crowder v. EQT Production	decided; affirmed WV
2014	-----	In Re: Marcellus Shale Litigation	pending WV
2016	02-29	Easthom v. EQT Production Co.	settled WV
2017	09-25	Adams v. Chesapeake Corp.	dismissed/settled WV
2019	03-01	Haywood v. Caretta Minerals	dismissed WV
2019	08-23	American Petroleum Partners v. Schaber	settled WV
2019	09-24	Pike v. Antero Resources Corp.	dismissed WV
2021	11-24	Scott v. SWN Production Co. LLC	pending WV
2014	05-21	Locker v. Encana Oil and Gas (USA) Inc.	settled WY
-----	-----	Ernst v. EnCana Corporation, et al.	pending Canada
2013	-----	Daunheimer v. Angle Energy (2013)	settled Canada

----- earthquake suit against Netherlands Petroleum Co. pending earthquake Netherlands

ARKANSAS

***Sheatsley v. Chesapeake Operating, Inc. and Clarita Operating, LLC*, No. 2011-28 (Perry County Circuit Ct., Ark., Mar. 23, 2011), removed, No. 4:11-cv-353 (E.D. Ark., Apr. 4, 2011)**

On March 23, 2011, Jacob Sheatsley filed a class action lawsuit, alleging causes of action for public nuisance, private nuisance, absolute liability, negligence, and trespass. The claims were based on an alleged connection between earthquakes and other seismic activity and the disposal of hydraulic fracturing wastes at injection wells. The suit was **dismissed** on July 13, 2011, in light of the *Hearn* class actions (see below). Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Tucker v. Southwestern Energy Co., et al.*, No 1:11-cv-0044-DPM (E.D. Ark., May 17, 2011). See 2012 WL 528253 (E.D. Ark., Feb. 17, 2012) (order on motion to dismiss). See pleadings at 2011 WL 1980530 and 2011 WL 2148645.**

***Berry v. Southwestern Energy Co.*, No 1:11-cv-0045-DPM (E.D. Ark., May 17, 2011). See pleadings at 2011 WL 2198667.**

On May 17, 2011, three class actions were filed alleging that hydraulic fracturing operations polluted the atmosphere, groundwater, and soil. *Tucker v. Southwestern Energy Co.*; *Berry v. Southwestern Energy Co.*, and *Ginardi v. Frontier Gas Services, LLC*. (see below). The *Tucker* and *Berry* cases were consolidated on July 22, 2011. Plaintiffs alleged strict liability, nuisance, trespass, and negligence. On February 17, 2012, the district court ruled on the motion to dismiss some of the claims in the consolidated *Tucker* and *Berry* cases. The court held that the plaintiffs have not yet pled enough facts to state a nuisance claim, noting that “[g]eneral statements about dangerous substances used in fracking, and conclusory statements about the migration of those substances, will not suffice.” With regard to strict liability, the court followed *Fiorentino* and *Berish* and held that the claim should not be decided on a motion to dismiss. The defendants next argued that allegations about air contamination cannot support a trespass claim, but can only support a nuisance claim. Although other states favor this view, the court did not dismiss the trespass claim, stating that “Arkansas law has not answered whether a trespass occurs when a thing passes unwanted through the air above a person's property.” The district court on July 24, 2012, granted a joint motion to dismiss all claims against one defendant, BHP Billiton Petroleum (Fayetteville) LLC, pursuant to a confidential **settlement**. Thereafter, **the parties settled and the cases were dismissed** on August 29, 2012. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Ginardi v. Frontier Gas Services*, No 4:11-cv-0420 BRW (E.D. Ark., May 17, 2011). See pleadings at 2011 WL 2198664.**

On May 17, 2011, a class action suit was filed on behalf of Arkansas residents who live or own property within one mile of any natural gas compressor or transmission station. Defendants use hydraulic fracturing to produce gas from the Fayetteville Shale, and plaintiffs allege such operations pollute the atmosphere, groundwater, and soil. The causes of actions alleged are strict liability, nuisance, trespass, and negligence. An order denying class certification was issued on April 19, 2012. Thereafter, **the parties settled** all their claims and cross-claims, **and the district court dismissed the case** on July 11, 2012. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Lane v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 23CV-11-482 (Faulkner County Circuit Ct., Ark., May 20, 2011), removed, No. 4:11-cv-477 (E.D. Ark., June 9, 2011); *Frey v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 23CV-11-488 (Faulkner County Circuit Ct., Ark., May 23, 2011), removed, No. 4:11-cv-475 (E.D. Ark., June 9, 2011); *Hearn v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 23CV-11-492 (Faulkner County Circuit Ct., Ark., May 24, 2011), removed, No. 4:11-cv-474 (E.D. Ark., June 9, 2011); and *Palmer v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 23CV-11-491 (Faulkner County Circuit Ct., Ark., May 24, 2011), removed, No. 4:11-cv-476 (E.D. Ark., June 9, 2011). Consolidated under *Hearn v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 4:11-cv-00474 (E.D. Ark., Aug. 31, 2011)**

Plaintiffs assert hydraulic fracturing damaged their land by causing earthquakes and claim public nuisance, private nuisance, strict liability for ultra-hazardous activities, negligence, and trespass. An amended complaint was filed on April 9, 2013. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On August 20, 2013, the *Frey* case was severed and consolidated with *Mahan v. Chesapeake Operating, Inc.* (No. 4:13-cv-184). On August 29, 2013, the court granted the joint motion to dismiss the consolidated *Hearn*, *Palmer*, and *Lane* cases. On March 20, 2014, the consolidated *Mahan* and *Frey* cases were **dismissed** with prejudice (see below).

***Hiser v. XTO Energy Inc.*, No. CV-11-112-1 (White County Circuit Court, Jun. 7, 2011), removed, No. 4:11-cv-517 (E.D. Ark., June 24, 2011), affirmed, 768 F.3d 773 (8th Circuit, Oct. 3, 2014.). See 2012 WL 3542009 (denying summary judgment to defendant); 2013 WL 1749731 (interim order on motion for new trial); 2013 WL 5467186 (order denying motion for new trial)**

Plaintiff Ruby Hiser alleged her home was damaged by vibrations resulting from nearby drilling activity conducted by defendant XTO Energy Inc. Ms. Hiser filed her action in Arkansas state court, and XTO removed it to federal court. XTO moved for summary judgment on Hiser's claims of negligence, nuisance, and trespass, but the court denied the motion. 2012 WL 3542009 (Aug. 14, 2012). A trial was held in September 2012 and the jury found in favor of plaintiff on her claims of negligence, private nuisance, and trespass, and awarded \$100,000 in compensatory damages and \$200,000 in punitive damages. On October 8, 2012, XTO filed a motion for judgment as a matter of law and for a new trial. XTO submitted an affidavit from a juror who stated that a fellow juror asked during deliberation whether fracking had been used, and then explained what fracking is. XTO contended it was prejudiced by the discussion of fracking because fracking has received negative attention in the press. On April 23, 2013, the district court took the motion under advisement, and stated that it would conduct hearings to determine whether the jury may have been exposed to extraneous prejudicial information. 2013 WL 1749731. On September 30, 2013, the court denied XTO's motion for judgment as a matter of law. The court rejected XTO's contention that (1) Hiser did not present any testimony that XTO breached a duty of reasonable care in support of her negligence claim; (2) there was no proof at trial that XTO's drilling operation caused vibrations that entered onto Hiser's property and proximately caused damage to her home; (3) Hiser offered no proof from which a reasonable jury could determine the reasonable expense of necessary repairs to her home and the loss of usable value during the time she was deprived of its use; and (4) there was not sufficient evidence to submit the issue of punitive damages to the jury. 2013 WL 5467186. The court also rejected the argument that the jury improperly considered extra-record evidence during deliberations, holding that the jury's verdict was not influenced by extraneous, prejudicial information. 2013 WL 5467186. On October 3, 2014, the U.S. Court of Appeals

for the Eighth Circuit **affirmed**, holding that XTO did not show a reasonable possibility that any fracking and earthquake discussions by the jury prejudiced it or altered the verdict. 768 F.3d 773.

***Scoggin v. Cudd Pumping Services, Inc.*, No. 4:11-cv-00678-JMM (E.D. Ark., Sept. 12, 2011).**

Suit on behalf of two children for personal injury resulting from exposure to chemicals released during fracking operations conducted 250 feet from children’s residence. Plaintiffs, who assert claims based on strict liability, nuisance, trespass, and gross negligence, seek \$20 million in compensatory damages, \$50 million in punitive damages; the establishment of a monitoring fund to pay for monitoring of the plaintiffs; attorney fees; and prejudgment interest. Causes of action include strict liability, nuisance, trespass, and negligence. On June 10, 2013, the case was **dismissed** by stipulation without prejudice. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Bartlett v. Frontier Gas Services, LLC*, No 4:11-cv-0910 (E.D. Ark., Dec. 23, 2011)**

This class action is brought on behalf of all citizens, residents, and property owners who live or own property within a one mile radius of defendants’ Point Remove Compressor Station near Solgohacia, Arkansas. Plaintiffs seek injunctive relief to stop defendants’ operation of the station and assert causes of action for strict liability, nuisance, trespass, and negligence. After class certification was denied on April 19, 2012, in *Ginardi v. Frontier Gas Services* (see *supra*), the court granted the joint motion for voluntary **dismissal** in this case on September 17, 2012. Nicholson, *Analysis of Litigation Involving Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Smith v. Southwestern Energy Company*, No. 4:12-cv-00423 (E.D. Ark., July 11, 2012).**

William and Margaret Smith allege that the defendant’s compressor station causes noise, vibration and emissions. They assert causes of action for strict liability, nuisance, trespass, and negligence, and seek damages for property, soil, and groundwater contamination, vibration damages, diminution in property values, personal injuries, and mental distress. On May 14, 2013, the court **dismissed** the case for lack of subject matter because the joinder of a necessary party would destroy diversity jurisdiction. Nicholson, *Analysis of Litigation Involving Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Hill v. Southwestern Energy Company*, No. 4:12-cv-00500-DPM (E.D. Ark., Aug. 10, 2012). See 2013 WL 5423847 (Sep. 26, 2013) (order dismissing certain claims), 2015 WL 5679744 (Sept. 25, 2015) (order granting judgment to defendants on remaining claims); reversed and remanded, 858 F.3d 481 (Eighth Cir., May 22, 2017)**

Plaintiffs, Robbie and Gwenna Hill and 16 other plaintiffs, own land near Class II disposal wells and claim that injection of oilfield waste has exceeded the storage capacity of subsurface strata beneath the wells and migrated to their land. On September 26, 2013, the district court dismissed the civil RICO claim; the Arkansas Deceptive Trade Practices Act claim; the fraud claims; the civil conspiracy claim; the contract-based claims for violations of the implied lease covenants of good faith and fair dealing; and the conversion claim. The strict liability claims also failed because the injury alleged—wrongful *occupation of* (as opposed

to damage to) the subsurface “makes this case primarily, if not exclusively, a matter of trespass.” Plaintiffs stated claims for trespass and unjust enrichment. See Amended Class Action Complaint, 2014 WL 12866057 (Jan. 10, 2014). On February 14, 2014, the court dismissed the claim for intentional and reckless conduct.

On November 6, 2014, all plaintiffs were dismissed except for Dale and Kari Stroud. According to the Strouds, they were asked in 2009 to lease the right to inject fracking waste water into a plugged production well on their land. After negotiations failed, the Strouds were allegedly told that Southwestern was going to use the well on the neighbor's property “to fill up the empty gas space under [the Strouds'] property since it was all connected.” However, on September 25, 2015, the court granted the defendants' motion for judgment. The court acknowledged it was “certainly possible that some of the injected waste migrated into the Strouds' subsurface property. But a jury would be speculating to return a verdict that a trespass did or did not occur.” The court said “expert testimony was crucial” in determining how fluid moves underground. The plaintiffs were unable to offer “a methodologically sound expert opinion that marries geology and waste flow” and “[w]ithout that opinion, in the absence of some proof of actual contamination, a person could not reasonably decide one way or the other about this alleged underground trespass without some guesswork.” 2015 U.S. Dist. LEXIS 129609.

The Strouds appealed, and the Eighth Circuit Court of Appeals reversed and remanded on May 22, 2017. The court held that the district court abused its discretion by excluding the report of Walter Dowdle, the plaintiffs' expert. 858 F.3d 481. According to the court, although Dowdle's equation and report imperfectly described where the fracking waste spread, the methodology was scientifically valid, could properly be applied to the facts, and was reliable enough to assist the trier of fact. The court of appeals also held that -- even without Dowdle's expert opinion -- the Strouds submitted evidence that could enable a jury to draw a reasonable inference that 7.6 million barrels of waste, poured into an area capable of holding no more than 1.1 million barrels, migrated 180 feet to cross the property line.

On November 13, 2018, a judgment was entered dismissing all claims against Chesapeake Energy with prejudice. All claims against XTO Energy Inc., were dismissed without prejudice. All claims against Southwestern Energy Company and Seeco, Inc., by Robbie and Gwenna Hill, Joseph and Catherine Smith, Kathy Hamilton, and Larry and Margaret King were dismissed with prejudice. All of Dale and Kari Stroud's claims against Southwestern Energy Company and Seeco, Inc., were dismissed with prejudice based on the remaining parties' stipulation. **The case is closed.**

Pruitt v. Southwestern Energy Company, No. 4:12-cv-00690 (E.D. Ark., Nov. 2, 2012). See 2013 WL 588998 (order, dated Feb. 13, 2013, denying motion to dismiss).

Plaintiffs alleged that defendant's compressor station produced noise, vibration, and emissions, and claimed damages for, *inter alia*, soil and groundwater contamination, diminution in property value, personal injuries, and severe mental distress. Claims asserted included strict liability, nuisance, trespass, and negligence. On February 13, 2013, the court denied Southwestern Energy's Motion for Partial Dismissal of Amended Complaint. With respect to Plaintiffs' claim that the compressor station activities are ultra-hazardous, the court held that dismissal of the strict liability claim was improper because the claim “may turn on evidence that has yet to be developed, such as expert testimony.” 2013 WL 588998. On May 14, 2013, the court **dismissed** the case for lack of subject matter jurisdiction. The court held that the joinder of a necessary party would destroy diversity jurisdiction. See also Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Scoggin v. Southwestern Energy Company*, No. 4:12-cv-00763 (E.D. Ark., Dec. 7, 2012).**

This class action suit on behalf of residents and property owners within 500 feet of drilling and fracturing operations by the defendant claims that such operations cause a nuisance, contamination, trespass, physical harm and property damage. On March 15, 2013, the court denied the defendant's motion to dismiss, which in part argued that plaintiffs failed to plead the requisite elements of a strict liability claim. 2013 WL 11821470. However, on May 29, 2013, the court **dismissed** the case for lack of subject matter jurisdiction because joinder of a necessary party would destroy diversity jurisdiction. 2013 WL 12172041.

***Yanke v. Fayetteville Gathering*, No. 23CV-13-97 (Faulkner Cty. Cir. Ct., Ark., Jan. 31, 2013)**

Paul and Ashley Yanke sued for abatement of nuisance due to a natural gas compressor station approximately 1,650 feet from their residence. The parties **settled**, and the case was **dismissed** on December 2, 2015.

***Miller v. Chesapeake Operating, Inc.*, No. 4:13-cv-131 (E.D. Ark, Mar. 11, 2013); *Thomas v. Chesapeake Operating, Inc.*, No. 4:13-cv-182 (E.D. Ark., Apr. 1, 2013); *Sutterfield v. Chesapeake Operating, Inc.*, No. 4:13-cv-183 (E.D. Ark., Apr. 1, 2013); *Mahan v. Chesapeake Operating, Inc.*, No. 4:13-cv-184 (E.D. Ark., Apr. 1, 2013); *Frey v. BHP Billiton Petroleum (Arkansas) Inc.*, No. 23CV-11-488 (Faulkner County Circuit Ct., Ark., May 23, 2011), removed, No. 4:11-cv-475 (E.D. Ark., June 9, 2011)**

Plaintiffs Johnny Fred Miller, Jr., and Patsy Miller, and Christopher and Rebecca Krisell, are residents of Faulkner County, Arkansas. Plaintiffs Jonathan and Lindy Thomas, Thomas and Sarah Gamelin, Micheal and Celeste Phillips are residents of Faulkner County. Plaintiffs Jimmy Waco Sutterfield and Callie Sutterfield, Rodger Waldrip and Sonya Waldrip, and Russell Gillion are residents of Faulkner County, Arkansas. Plaintiffs Mark and Wendy Mahan, and Mary and Norman Mahan, are residents of Faulkner County, Arkansas. Plaintiffs allege that disposal-well operations by Chesapeake Operating, Inc., and BHP Billiton Petroleum (Fayetteville) LLC, caused thousands of earthquakes in mini-clusters in central Arkansas in 2010 and 2011 and damaged their homes. Plaintiffs assert claims for public nuisance; private nuisance; absolute liability due to ultra-hazardous activities; negligence; trespass; deceptive trade practices; and outrage. On August 20, 2013, the *Frey* case [see above] was severed and consolidated with *Mahan v. Chesapeake Operating, Inc.* (No. 4:13-cv-184). Amended complaints were filed in both the *Sutterfield* lawsuit (2014 WL 7178812 (Jan. 6, 2014) and the *Mahan* lawsuit (2014 WL 7178807 (Jan. 9, 2014)). The *Miller*, *Thomas*, *Sutterfield*, and *Mahan/Frey* lawsuits were **dismissed** with prejudice on March 20, 2014. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Kay v. Peak Water Systems, LLC*, No. 4:13-cv-487 (E.D. Ark., Aug. 23, 2013)**

Plaintiffs, who own land within three miles of disposal wells operated by the Defendants, claim that fracking fluids and other oilfield wastes are migrating horizontally under their properties after being injected into vertical disposal wells. Plaintiffs claim that Defendants profit from disposal, but do not compensate Plaintiffs for such permanent trespass. The action is for trespass, theft of property, unjust enrichment, and replevin. Plaintiffs also assert that Defendants have engaged in abnormally dangerous and ultra hazardous activities and are strictly liable without regard to fault for damages proximately caused by injection of wastes

into the lands of the Plaintiffs. On November 15, 2013, the court granted the defendants' motion to dismiss except for the trespass and unjust enrichment claims. The court adopted its reasoning in *Hill v. Southwestern Energy Co.*, 2013 WL 5423847 (Sep. 26, 2013), and stated that – if it is shown that defendants are using the subsurface storage capacity of plaintiffs' property permanently – Arkansas would recognize a claim either for trespass or unjust enrichment. **The parties settled and the case was closed** in July 2015.

2010-2011 Guy-Greenbrier Earthquake Swarm Victims v. Chesapeake Operating, Inc. and BHP Billiton Petroleum (Fayetteville) LLC, No. 23CV-14-84 (Faulkner Cty. Cir. Ct., Ark., Feb. 11, 2014)

Landowners in Faulkner County, Arkansas, claim they incurred damages due to earthquakes caused by disposal of wastewater. Plaintiffs asserted claims of public and private nuisance, absolute (strict) liability, negligence, trespass, deceptive trade practices, and outrage. The case was **dismissed** with prejudice on March 31, 2014. See *Arkansas Frackquake Victims Commiserate With Oklahomans As Fracking Wastewater Injection Continues, Risking Deadly Earthquakes*, by Julie Dermansky, DeSmog Blog (Jan. 26, 2016), at <http://www.desmogblog.com/2016/01/26/arkansas-frackquake-victims-commiserate-oklahomans-fracking-wastewater-injection-continues-risking-deadly-earthquakes> (the **settlement** in the Guy-Greenbrier earthquake swarm class action lawsuit required people to sign a nondisclosure agreement).

Davis v. Chesapeake Operating, Inc., No. 4:14-cv-81 (E.D. Ark., Feb. 12, 2014)

Daryl and Nicole Davis, and Joel and Terri Van Pelt are residents of Faulkner County, Arkansas, and own homes in Greenbrier, Arkansas. They claim that they suffered damages, including property damage to their respective homes, due to defendants' disposal-well operations, which allegedly caused thousands of earthquakes in mini-clusters and swarms in central Arkansas in 2010 and 2011. Claims include public and private nuisance, negligence, trespass, and deceptive trade practices. In addition plaintiffs bring an absolute liability claim, asserting that defendants' disposal well operations and actions “are ultra-hazardous activities that necessarily involve a risk of serious harm to a person or the chattels of others that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage.” See Matthew Cabral, *Shale Watch, Arkansas Families Blame Fracking Operations for Earthquakes* (02/27/14), at <http://shalewatchblog.com/2014/02/27/arkansas-families-blame-fracking-operations-for-earthquakes/> (in addition to property damage, plaintiffs claim emotional distress and increased anxiety and worry of additional and possibly more severe earthquakes that could further damage their property or injure themselves or a family member in their home” and they seek punitive damages for public and private nuisance, absolute liability, trespass, negligence, deceptive trade practices, outrage and emotional distress). On March 20, 2014, about five weeks after filing, the claims were **dismissed** with prejudice pursuant to plaintiffs' motion.

Ramsey v. DeSoto Gathering Co., LLC, No. 23CV-13-624 (Faulkner Cty. Cir. Ct., Ark., Aug. 12, 2013), removed, No. 4:13-cv-626 (E.D. Ark., Nov. 4, 2013), remanded, Ramsey v. DeSoto Gathering Co., LLC, No. 23CV-13-624 (Faulkner Cty. Cir. Ct., Ark., Aug. 12, 2013); and Ramsey v. DeSoto Gathering Co., LLC, No. 23CV-14-258 (Faulkner Cty. Cir. Ct., Ark., Apr. 24, 2014)

[See https://caseinfo.aoc.arkansas.gov/cconnect/PROD/public/ck_public_qry_main.cp_main_idx]

In the August 2013 lawsuit, Barbara Ramsey seeks damages for contamination and for loss and enjoyment of her land. She asserts claims for strict liability, nuisance, trespass, and negligence. On October 2, 2013, the amended complaint added new plaintiffs and defendants. The lawsuit was removed to federal district court, which on March 27, 2014, dismissed several plaintiffs and certain claims. On April 9, 2014, a second amended complaint was filed, naming the plaintiffs dismissed from the federal court action. In light of a dispute as to the validity of the second amended complaint, plaintiffs filed a new complaint, in April of 2014, on behalf of those dismissed from the federal court action. The suit claims that DeSoto's operations cause loud noises and toxic emissions, including methane and hydrogen sulfide as well as other flammable, malodorous and noxious gases. The families also claim their residences are within blast range if the gases would catch fire and cause an explosion. They assert that when there are "equipment blowdowns" the noise sounds like explosions. Seven families assert claims of negligence and strict liability due to abnormally dangerous activity and seek \$8 million in damages and one plaintiff seeks \$20 million for injuries due to post-traumatic stress disorder. See Luke Jones, Arkansas Business, *DeSoto Gathering Co. Sued for \$76M* (Apr. 28, 2014), at <http://www.arkansasbusiness.com/article/98407/desoto-gathering-sued-for-76-million>.

On May 15, 2014, the plaintiffs moved for a default judgment in 23-cv-13-624. On May 19, 2014, the defendants argued that because 23-cv-13-624 was removed to federal court, the state court lacks jurisdiction over the suit. On July 8, 2014, the second suit (23-cv-14-258) was transferred from the 1st Division of the Circuit Court to the 5th Division of the Circuit Court, where 23-cv-13-624 was filed. On December 2, 2014, DeSoto Gathering Company's motion to dismiss or transfer for improper venue was denied in both 23 CV-14-258 and 23 CV-13-624 (Faulkner County, 20th Judicial District). On January 7, 2015, both cases were transferred to the Second Division Circuit Court. On January 26, 2015, a writ of prohibition was sought from the Arkansas Supreme Court in which DeSoto Gathering Company argues that the Faulkner County Circuit Court is not the proper venue for this case. No. CV-15-65.

No. 23CV-13-624 – On February 12, 2015, the federal district court (4:13-cv-626) remanded the case (No. 23CV-13-624) back to the Circuit Court of Faulkner County. On March 9, 2015, defendants moved to dismiss or transfer for improper venue. On July 17, 2015, the court stayed matters until the Arkansas Supreme Court ruled in the related case (23CV-14-258). The state Supreme Court issued its decision on January 28, 2016 (see below). On October 31, 2016, the court entered an order dismissing 13 plaintiffs without prejudice. The defendants waived objections to venue, and the parties agreed to file a joint status report, no later than February 6, 2017, reporting on the progress of settlement discussions and mediation. On January 30-31, 2017, the parties participated in mediation of this case and some, but not all, of the plaintiffs settled. On August 31, 2017, an order was entered stating that all claims as to Lindell and Claudia Southerland, Casey and Nita Chastain, and Thomas and Jenny Whitehurst have been resolved and should be dismissed with prejudice. The claims of William and Margaret Smith remain. On September 1, 2017, claims against Southwestern Midstream Services Company and SEECO, Inc. were dismissed with prejudice. Only the claims against Desoto Gathering Company remain.

On October 3, 2017, DeSoto Gathering Company, LLC filed a motion for summary judgment. It stated that the remaining claims are (1) strict liability based on allegations of ultra-hazardous activity; and (2) negligence. It contends that plaintiffs lack evidence of physical personal injuries; cannot recover damages for emotional distress without an attendant physical injury; lack any proof of legal causation of any type of injury; cannot meet their burden of proving that the Puma North natural gas compressor facility is an ultra-hazardous activity; and have not sustained any injury of the type associated with the alleged ultra-hazardous activities (danger of fire or explosion). On October 18, 2017, the jury trial was cancelled.

The claims as to remaining plaintiffs, William E. Smith, William and Margaret Smith, were settled and the case was dismissed on November 2, 2017. **The case is closed.**

23CV-14-258 – DeSoto Gathering filed a petition for writ of prohibition with the Arkansas Supreme Court (CV-15-65) requesting that the Faulkner County Circuit Court be barred from conducting further proceedings. On January 28, 2016, the Arkansas Supreme Court denied DeSoto Gathering's petition. 480 S.W.3d 144. Thereafter, on March 2, 2016, DeSoto filed its answer. On November 2, 2016, the court in No. 23CV-14-258 entered an order that stayed proceedings until a joint status report is filed no later than February 6, 2017. According to the order, the allegations with respect to Scotland II Compressor Station, brought by Clifford and Loveta Pruitt, Allan and Tammy Peterson, Jeffrey and Kimberly Wyborny, Virginia Mills, and Molly O. Stone, shall be assigned a new case number. On May 4, 2017, the plaintiffs informed the court they had settled and filed a motion to dismiss their claims with prejudice. On July 25, 2017, **the case was dismissed**.

Stratton v. Kinder Morgan Treating, No. 4:12-cv-718 (E.D. Ark., Nov. 14, 2012)

Roger and Marla Stratton of Conway County alleged that a nearby compressor station created a noxious and harmful nuisance. Compressor stations employ turbines to compress natural gas and filter and dehydration units to remove impurities. The units allegedly emit methane and hydrogen sulfide, and create odors and loud noises. Plaintiffs asserted a strict liability claim for abnormally dangerous activities, as well as claims for nuisance, trespass, and negligence. On February 13, 2012, the joint motion to dismiss was granted. **The case is closed.**

CALIFORNIA

Gardiner Family, LLC v. Crimson Resource Management Corp., No. 1:15-cv-751 (E.D. Cal., May 15, 2015)

The Gardiner family operates one of the largest almond orchards in the San Joaquin Valley. It alleges that its almond trees have been damaged by salt water pulled up during oil production. The salt water contains high concentrations of sodium, chloride, and boron. The plaintiffs allege that the defendants' oil production and waste disposal processes have damaged the Gardiner's land, crops, and trees. The wastes include salt water (also called "brine" or "produced water"); drilling mud and drill cuttings; and hydraulic flowback (fluids and chemicals used for hydraulic fracturing mixed with naturally occurring chemicals and fluids that flow back to the surface during and after the completion of hydraulic fracturing). The wastes are re-injected underground in waste disposal wells. The plaintiffs assert claims of negligence, trespass, private nuisance, public nuisance. 2016 WL 9448256 (first amended complaint). The case was settled on dismissed on October 13, 2017. **The case is closed.**

Gus Who v. US Government, No. 16-cv-02993 (N.D. Cal., Jun. 3, 2016)

An anonymous plaintiff using the pseudonym Gus Who claims he has "prophetic dreams" about earthquakes that will happen as a result of fracking done in secret by the United States government. On July 21, 2016,

the United States Magistrate recommended that the case be dismissed because “Plaintiff has failed to state the legal or factual elements of a claim and has failed to show why he should be permitted to bring his case anonymously.” The Magistrate also found that the plaintiff “fails to identify any legal basis for his claims and alleges facts that are wholly incredible.” 2016 WL 11475280. The case was dismissed on September 26, 2016. Gus Who’s appeal to the Ninth Circuit (No. 16-16476) was dismissed. **The case is closed.**

COLORADO

***Strudley v. Antero Resources Corp.*, No. 2011-cv-2218, 2011 WL 1156763 (Denver County Dist. Ct., Colo., Mar. 24, 2011), 2012 WL 1932470 (order granting motion to dismiss, May 9, 2012), reversed, 350 P.3d 874 (Colorado Ct. of Appeals, July 3, 2013), affirmed, 347 P.2d 149 (Colorado Sup. Ct., Apr. 20, 2015)**

On March 23, 2011, the William Strudley family sued Antero Resources and two drilling and service companies, alleging damages due to contamination from the drilling of three natural gas wells in Silt, Colorado. Plaintiffs allege negligence, negligence per se, nuisance, strict liability, trespass, and medical monitoring trust funds, and violation of the Colorado Hazardous Waste Act and the Oil and Gas Conservation Act. 2011 WL 1156763. On May 9, 2012, the district court dismissed the case. The court noted that the central issue was whether defendants caused plaintiffs’ alleged injuries. Following *Lore v. Lone Pine Corp.*, 1986 WL 637507 (N.J. Sup. Ct., Nov. 18, 1986), the Colorado court required plaintiffs -- before allowing full discovery -- to make a prima facie showing of exposure and causation. The court noted that the Colorado Oil and Gas Conservation Commission had concluded that the water supply was not affected by oil and gas operations.

Lone Pine order – Plaintiffs were instructed to establish (1) the identity of each hazardous substance from defendants’ activities to which they were exposed and which caused them injury; (2) whether these substances can cause the types of disease or illness that plaintiffs claim (general causation); (3) a quantitative measurement of the concentration, timing and duration of their exposure to each substance; (4) if other than the plaintiffs’ residence, the precise location of any exposure; (e) an identification, by way of reference to a medically recognized diagnosis, of the specific disease or illness from which each plaintiff allegedly suffers or for which medical monitoring is purportedly necessary; and (5) a conclusion that such illness was in fact caused by such exposure (specific causation). Plaintiffs were ordered to provide all reports that contain any finding of contamination on their property; a list of the health care providers who provided plaintiffs with health services along with a release authorizing transmittal of medical records; and identification and quantification of the contamination of the plaintiffs’ real property attributable to defendants’ operations.

The district court, on May 9, 2012, found that plaintiffs “failed to produce sufficient information and expert opinions upon which to establish the prima facie elements of their claims, including exposure, injury, and both general and specific causation.” The court noted that the plaintiffs’ doctor opined that environmental and health information exists to merit further substantive discovery,” but failed to provide an opinion as to whether exposure was a contributing factor to plaintiffs’ alleged injuries or illness. In the words of the court, “Plaintiffs’ requested march towards discovery without some adequate proof of causation of injury is precisely what the [*Lone Pine order*] was meant to curtail.” The court noted that the Colorado Oil and Gas Commission had concluded that “there is no data that would indicate the water quality in [plaintiffs’] domestic well has been impacted by nearby oil and natural gas drilling and operations.” The court stated that, “[t]hough the evidence shows existence of certain gases and compounds in both the air and water of

Plaintiffs’ Silt home, there is neither sufficient data nor expert analysis stating with any level of probability that a causal connection does in fact exist between Plaintiffs’ injuries and Plaintiffs’ exposure to defendants drilling activities.” The district court concluded that the plaintiffs failed to make a prima facie claim for injuries, and dismissed the claims with prejudice. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

This is the first time a court dismissed a fracking case due to the non-compliance with a *Lone Pine* order. See <http://www.velaw.com/resources/FirstKnownIndustryOrderDismissingPlaintiffsCaseFailuretoComplyLonePineOrder.aspx>. [NOTE: A list of selected *Lone Pine* cases and articles about *Lone Pine* can be found at the end of this document.] Subsequent to *Strudley*, there is two known groundwater contamination cases in which a court has likewise issued a *Lone Pine* order. *Teekell v. Chesapeake Operating, Inc.*, No. 5:12-cv-00044 (W.D. La. Aug. 20, 2012) (unreported order), and *Baker v. Anschutz Exploration Corp.*, 2013 WL 3282880 (W.D. N.Y. Jun. 27, 2013) (describing *Lone Pine* order entered September 25, 2013). There have been three reported decisions in which motions for *Lone Pine* orders were denied in hydraulic fracturing cases. See *Hagy v. Equitable Production Co.*, 2012 WL 713778 (S.D. W. VA. Mar. 5, 2012); *Kamuck v. Shell Energy Holdings GP, LLC*, 2012 WL 3864954 (M.D. Pa. Sept. 5, 2012); and *Roth v. Cabot Oil & Gas Corporation*, 287 F.R.D. 293, 2012 WL 4895345 (M.D. Pa. Oct. 15, 2012). There are two known unreported orders denying motions for *Lone Pine* orders. *Boggs v. Landmark 4 LLC*, No. 1:12-cv-00614 (N.D. Ohio, Aug. 13, 2012); and the combined cases of *Beck v. ConocoPhillips Company*, No. 2011-484; and *Strong v. ConocoPhillips Company*, No. 2011-487 (Dist. Ct. Panola County Tex. Mar. 28, 2012).

Subsequent developments – On July 3, 2013, the Colorado Court of Appeals reversed, holding that *Lone Pine* orders are prohibited under Colorado law. The court stated the issue as “whether a trial court in a toxic tort case can enter an order requiring plaintiffs to present prima facie evidence supporting their claims after initial disclosures, but before other discovery commences, or risk having their case dismissed.” The state appellate court offered several reasons for its decision. First, it noted that federal courts rely on Fed.R.Civ.P. 16(c)(2) as authority for *Lone Pine* orders, but the Colorado version of Rule 16 is different and “contains no language granting trial courts the broad discretion contemplated in the rule's federal counterpart.” Second, it noted that courts are more inclined to issue *Lone Pine* orders after extensive discovery has been conducted than early on in the litigation before plaintiffs are fully able to develop their case. In this case, “the court issued the *Lone Pine* order after initial disclosures, but before other discovery began.” Third, the present case is not a “mass tort case” but instead involves one parcel of land and four family members suing four defendants. Under such circumstances, the court saw “no reason why existing procedural mechanisms should be supplanted by ad hoc procedures not otherwise provided for under Colorado law.” 2013 WL 3427901. On August 29, 2013, the Defendants filed a Petition for Writ of Certiorari with the Colorado Supreme Court.

On April 20, 2015, the Colorado Supreme Court affirmed, holding that Colorado’s Rules of Civil Procedure 16(c) does “not allow a trial court to issue a modified case management order, such as a *Lone Pine* order, that requires a plaintiff to present prima facie evidence in support of a claim before a plaintiff can exercise its full rights of discovery under the Colorado Rules.” In support of its decision, the court noted that C.R.C.P. 16 differs from Fed. R. Civ. P. 16 insofar as the state rule “primarily addresses basic scheduling matters” and “does not contain a grant of authority for complex cases or otherwise afford trial courts the authority to require a plaintiff to make a prima facie showing before the plaintiff fully exercises discovery rights under the Colorado Rules.” The court agreed with the United States District Court for the Middle District of Pennsylvania, which stated that it is “preferable to yield to the consistency and safeguards of the [rules of civil procedure], as well as the [c]ourt’s own flexibility and discretion to address discovery disputes

as they arise, as opposed to entering [a] rigid and exacting Lone Pine order.” *Roth v. Cabot Oil & Gas Corp.*, 287 F.R.D. 293, 299-300 (M.D. Pa. 2012). **This case is pending.**

***Evenson v. Antero Resources Corp.*, No. 2011-cv-5118 (Denver County Dist. Ct., Colo., July 20, 2011)**

Several families filed a lawsuit alleging that drilling and exploration activities of defendant company exposed their properties to hazardous gases, chemicals, and industrial wastes. Plaintiffs are seeking class action status. The complaint includes causes of action for negligence and medical monitoring, among others. The defendants moved to dismiss, arguing among other things that plaintiffs failed to plead any injury to their property and that their claims lack ripeness, being based on speculative future drilling and operational activities. The court **dismissed** all claims on August 17, 2012. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014); and Jennifer Quinn-Barabanov, *Fracking Plaintiffs Can't Anticipate a Nuisance*, Law360, Steptoe & Johnson LLP (Sept. 25, 2012) at <http://www.steptoel.com/publications-8413.html>.

LOUISIANA

***Andre v. EXCO Resources, Inc.*, No. 5:11-cv-00610-TS-MLH (W.D. La., Apr. 15, 2011)**

***Beckman v. EXCO Resources, Inc.*, No. 5:11-cv-00617-TS-MLH (W.D. La., Apr. 18, 2011)**

Plaintiff David Andre brought suit on April 15, 2011, on behalf of consumers of water in Caddo Parish. Three days later, Daniel Beckman and seven other plaintiffs filed a similar suit. According to both complaints, on April 18, 2010, a natural gas well operated by EXCO contaminated the Caddo Parish aquifer and the plaintiffs' property. While the complaints do not allege that EXCO engaged in hydraulic fracturing, they seek to compel disclosure of the drilling muds and solutions used by EXCO. Both complaints allege causes of action for negligence, strict liability, nuisance, trespass, unjust enrichment, and impairment of use of property. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On May 28, 2013, the parties in the *Andre* litigation filed a joint motion for approval of a proposed **settlement**. On July 1, 2013, a Settlement Class was conditionally certified and the court granted a “Motion to Preliminarily Approve the Proposed Settlement.” On October 25, 2013, the parties filed a Joint Motion for Final Approval of Proposed Settlement, Settlement Class, and Other Related Relief. The Settlement Agreement provides that EXCO be given credit for the \$420,000 previously paid out and will pay an additional sum of \$135,000, which includes payment of attorneys’ fees in an amount not to exceed \$30,000. The court granted the joint motion on November 12, 2013, and entered an order of dismissal. In the *Beckman* litigation, a joint motion to **dismiss** was granted on August 14, 2014.

***Teekell v. Chesapeake Operating, Inc.*, No. 555,703 (La. Dist. Ct., Caddo Parish, Dec. 8, 2011), removed, No. 5:12-cv-00044 (W.D. La., Jan. 12, 2012)**

Plaintiffs allege their groundwater was contaminated by gas drilling and production operations on adjacent property. The causes of action include negligence and strict liability. On August 20, 2012, the court signed an order in which the parties agreed to the entry of a “*Lone Pine*” order requiring plaintiffs to make a prima facie case as to causation through expert witnesses prior to full discovery. See Nicholson, *Analysis of*

Litigation Involving Shale & Hydraulic Fracturing (June 1, 2014). On June 25, 2013, the court **dismissed** the claims against the defendants with prejudice.

***Walsh et al v. Comstock Oil and Gas-Louisiana LLC*, No. 623544-C (1st Jud. Dist. Court, Caddo Parish, La., Apr. 30, 2020), removed, No. 5:20-CV-00770 (W.D. La., Jun. 18, 2020)**

Arthur and Susan Walsh of Greenwood, Louisiana, who leased their land for production, claim that fracking operations disrupted their sleep and enjoying their home, and that vibrations caused damage to their residence and swimming pool, and that these actions and the failure to minimize dust constitute an actionable nuisance. The parties settled and the case was dismissed on April 9, 2021. **The case is closed.**

NEW YORK

***Maring v. Nalbone*, No. K12009001499 (N.Y. Sup. Ct., Chautauqua County, Aug. 27, 2009)**

Plaintiff alleges that oil and gas companies have contaminated her water well with methane gas. The complaint alleges causes of action for trespass, nuisance, and negligence. Source: Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). Documents were filed as recently as March 1, 2016, indicating that the **case is pending**. See <http://www.searchiqs.com/chautauqua.html>.

***Baker v. Anschutz Exploration Corp.*, No. 2011-1168 (N.Y. Sup. Ct., Chemung County, Feb. 11, 2011), transferred, 6:11-CV-6119 (W.D. N.Y., Mar. 9, 2011). See 68 F.Supp.3d 368, 2014 WL 7215153 (summary judgment, Dec. 17, 2014)**

Landowners in Chemung County, New York, claim that improper drilling, well capping, and cement casing caused toxic chemicals to be discharged into their groundwater. The plaintiffs also claim Conrad Geoscience failed to conduct a reasonable investigation of possible contamination. The wells were horizontally drilled but not subject to hydraulic fracturing. The plaintiffs allege negligence per se, common law negligence, nuisance, strict liability, trespass, premises liability, fear of cancer, medical monitoring, and deceptive business acts and practices. On July 13, 2012, the court ordered the parties to mediate. On May 3, 2013, the court stayed discovery pending resolution of the defendants' motion to dismiss. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On September 25, 2013, the court issued a *Lone Pine* order that required plaintiffs to provide defendants with expert reports establishing the identity of hazardous substances to which plaintiffs claim exposure as a result of defendants' activities, the locations of exposures, and an explanation of causation. Plaintiffs were required to identify and quantify the contamination of their property attributable to defendants' operations. 2013 WL 3282880. On June 27, 2013, the court denied the defendants' motion to strike plaintiffs' expert reports. The court noted the reports were "far from models of clarity," but held that "they meet the essential requirements imposed by the *Lone Pine* Order." The court left the question of the admissibility of the reports "for another day." 2013 WL 3282880. Summary judgment motions were submitted on November 13, 2014. On December 1, 2014, the plaintiffs dismissed some of their claims, including the strict liability claim based on abnormally dangerous activity, fear of cancer, and future medical monitoring. On December 17, 2014, the district court disallowed the plaintiffs' expert testimony -- that a particular gas well was the cause of methane contamination -- as neither based upon sufficient facts or data nor the product of reliable principles and methods. Consequently, plaintiffs were unable to show causation and the court granted summary judgment to Anschutz. 68

F.Supp.3d 368; 2014 WL 7215153. On March 15, 2016, the court denied the plaintiffs' motion for reconsideration, reaffirming its prior determination that the testimony of plaintiff's expert would not be admissible at trial because it "would not be based upon sufficient facts or data, would not be the product of reliable principles and methods, and that, in any event, [the expert] has not applied the principles and methods reliably to the facts of the case." **The case is closed.**

NORTH DAKOTA

***Kartch v. EOG Resources*, No. 31-9-c-225-1 (Mountrail Coun/ty Dist. Ct., Aug. 13, 2009), removed, No. 4:10-cv-00014 (D. N.D. Mar. 4, 2010)**

Frankie and Kristin Kartch alleged that EOG Resources placed a road, a well pad, and a waste pit, and a producing well with storage tanks on their property without authorization. Plaintiffs further alleged that the waste pit was negligently constructed and toxic wastes were left in place which damaged the surface estate. Pursuant to a settlement, the case was **dismissed** on September 18, 2012. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Armes v. Petro-Hunt LLC*, No. 4:10-cv-00078 (D. N.D., Oct. 22, 2010). Order Granting Defendant's Motion for Partial Summary Judgment, 2012 WL 1493740 (Apr. 27, 2012)**

This lawsuit does not involve any allegations of contamination, but instead was brought by an individual injured when an explosion occurred during hydraulic fracking operations. Among other claims, plaintiffs argued that Petro-Hunt engaged in an abnormally dangerous activity and was strictly liable for injuries caused by those activities. The court in April 2012 granted **summary judgment** for the defendant on the strict liability claim, holding that (1) plaintiffs failed to present sufficient evidence to show hydraulic fracturing is an abnormally dangerous activity; and (2) the North Dakota Supreme Court has yet to recognize a claim premised on abnormally dangerous activities. **The case was closed on June 11, 2012.**

OHIO

***Siers v. John D. Oil and Gas Co.*, No. 08cv2322 (Court of Common Pleas, Lake County, Ohio, July 22, 2008)**

Dawn and Carl Siers sued John D. Oil and Gas Company and Great Plains Exploration after the family was forced out of their home and the children spent the night in a hospital emergency room due to exposure to hydrogen sulfide emitted during the drilling of a gas well in Lake County, Ohio. The **case was settled** in March 2009. See <http://www.ernstversusencana.ca/ohio-bill-h-b-278-sparks-controversy> and Shalefield Stories, http://www.environmentamericacenter.org/sites/environment/files/reports/ShalefieldStoriesnp_0.pdf (page 31).

***Payne v. Ohio Valley Energy Systems Corp.*, No. 09P00015 (Court of Common Pleas, Geauga County, Ohio) (complaint, filed Jan. 30, 2009, available at <http://www.tddl.com/documents/Complaint.pdf>)**

This case involved allegations of insufficient cementing of production casing of a vertical gas well (rather than contamination due to horizontal fracturing). In December 2007 gas seeped into nearby water wells and caused an explosion at a residential home in Bainbridge, Ohio (near Cleveland). See *Gas-Well Ordeal Finally Ends Well*, Chagrin Valley Times, available at <http://www.chagrinvalleytimes.com/NC/0/2811.html>. Plaintiffs brought an action “in trespass, negligence, private nuisance, nuisance per se, engaging in an ultra hazardous activity, fraudulent concealment, failure to warn, and negligent infliction of emotional distress, for actions and inactions stemming from the drilling of a gas well that has caused the explosion of Richard and Thelma Payne's home ... and the contamination of Plaintiffs' properties, including but not limited to the groundwater aquifer which serves as the drinking water supply for Plaintiffs' properties.” Complaint page 7. Pursuant to a **settlement** in February 2011, forty-three households received an undisclosed amount and Bainbridge Township received \$50,000 for replacement of a water well and for other expenses at its police station. In 2008, the Ohio Department of Natural Resources issued a lengthy report on the incident. See <http://www.dnr.state.oh.us/Portals/11/bainbridge/report.pdf>.

***Alford v. East Gas Ohio Co.*, No. 2010 CT 10 1185 (Court of Common Pleas, Tuscarawas County, Ohio, Oct. 22, 2010), No. 2013 AP 030014, 2014 WL 2109320 (Court of Appeals, Fifth District, Ohio, May 12, 2014)**

Brian and Erin Alford and their children lived near Port Washington, Ohio, within 400 yards of two compressor stations. After a new engine was installed in January of 2007, the Alfords began experiencing excessive noise, fumes and vibration on their property. The Alfords brought claims against East Ohio Gas (doing business as Dominion East Ohio) for nuisance, trespass, intentional and negligent infliction of emotional distress, negligence and punitive damages. The trial court directed a verdict on the nuisance, trespass, intentional infliction of emotional distress and punitive damages claims. The jury found for the defendant on the claim for negligent infliction of emotional distress, but found in favor of the Alfords on the negligence claim. The jury assigned \$132,000 in damages (\$32,000 for annoyance, injury; inconvenience, endangered comfort, health and safety; \$25,000 for loss of consortium; and \$75,000 for injury to real property). On May 12, 2014, the Court of Appeals for the Fifth District held that (1) the verdict on the negligence claim was supported by sufficient evidence; (2) damages for loss of consortium were improperly granted as the Alfords did not plead a loss of consortium claim; (3) the damages for property value diminution was upheld; (4) the trial court properly directed a verdict for defendant on the claims for punitive damages as there was no intentional infliction of emotional distress, and the defendant’s actions were insufficient to demonstrate malice; and (5) the trial court did not err in directing a verdict as to claims for absolute nuisance as the compressor stations operated lawfully and according to certifications and permits and there was no of violations of any permit or standard regarding emissions. On remand, the judgment was modified on June 3, 2014, and reduced to \$107,000 with interest. **The case is closed.**

***Boggs v. Landmark 4 LLC*, No. 1:12-cv-00614 (N.D. Ohio, Mar. 12, 2012). See 2012 WL 3485288 (Order on Defendant's Motion to Dismiss) (Aug. 13, 2012); *Mangan v. Landmark 4, LLC*, No. 1:12-cv-00613 (N.D. Ohio, Mar. 12, 2012)**

After filing – and then voluntarily dismissing – a state action in 2010, these suits were filed on March 12, 2012. See 2012 WL 960913 (*Boggs* complaint); and 2012 WL 924852 (*Mangan* complaint). Plaintiffs allege they suffered health injuries, loss of use and enjoyment of their property, loss of quality of life, emotional

distress, and other damages due to drilling and hydraulic fracturing activities. Plaintiffs claim fracking fluids and other chemicals were discharged into the ground or into the waters near their home and water well. Plaintiffs allege the defendant failed to disclose, to the plaintiffs and to public authorities, material facts concerning the nature and extent of the contaminants. The wells are approximately 2500 feet from plaintiffs' property. Plaintiffs assert claims for negligence, strict liability, private nuisance, unjust enrichment, negligence per se, battery, intentional fraudulent concealment, and negligent misrepresentation. On August 13, 2012, Judge Donald Nugent refused to dismiss the negligence and strict liability claims on statute of limitations grounds. The battery claim, which was not raised in the state action, was held to be time barred. The fraudulent concealment claim was not pled with requisite particularity to withstand dismissal because "failure to warn of potential contamination or exposure to dangerous chemicals, without more, is not actionable as fraudulent concealment." On the same day, the court denied the defendant's request for a "Lone Pine" order. On March 11, 2013, the court dismissed the negligence per se claims, but refused to dismiss the strict liability claims, and allowed plaintiffs to assert their negligence and strict liability claims in the alternative. See *Boggs*, 2013 WL 944776, at *2; and *Mangan*, 2013 WL 950560, at *2. In both cases, the court held that the complaints alleged "sufficient facts and information to raise a question as to whether fracking, even in the absence of negligence, should be considered an abnormally dangerous activity." *Id.* See also *Legal Opinion: Federal Suit Could Impact Utica Drilling*, Crain's Shale Report (Dec. 11, 2012), <http://www.craigslist.com/article/20121211/SHALEMAGAZINE/121129868/1225/newsletter04>; and Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On May 23, 2014, defendant filed a motion for summary judgment on claims for negligence, nuisance, medical monitoring, unjust enrichment, and strict liability. With regard to the strict liability, the defendant pointed to a recent decision of the Middle District of Pennsylvania which rejected a similar claim. See *Fiorentino v. Cabot Oil and Gas Corp.*, No. 3:09-cv-02284, recaptioned as *Ely v. Cabot Oil and Gas Corp.*, discussed *infra*. The defendant also argued that there is no evidence that its activities caused the alleged damages. On June 30, 2014, the plaintiffs withdrew their request for medical monitoring and their claims for strict liability and unjust enrichment. Plaintiffs argue that issues of material fact exist regarding whether the defendant was negligent and caused the degradation of the water quantity and quality of their well water. On September 24, 2014, the district court granted summary judgment to Landmark on the claims for unjust enrichment, strict liability, and medical monitoring, but denied summary judgment as to the remaining claims. 2014 WL 12546488. On February 3, 2015, the court entered an order stating that the *Boggs* and *Mangan* cases have been **settled and dismissed**.

***Crothers v. Statoil USA Onshore Properties, Inc.*, No. 2016-095 (Court of Common Pleas, Monroe County, Ohio, Mar. 18, 2016), removed, No. 2:16-cv-00261 (S.D. Ohio, Mar. 25, 2016)**

James and Linda Crothers of Monroe County allege that Statoil's activities caused physical damage to the foundation of their home; diminution in property value; interference with their use and enjoyment of their land via alleged noise pollution, light pollution, and air pollution; and substantial inconvenience and mental anguish. On December 6, 2017, the court granted Statoil summary judgment on all of claims except the nuisance claim. The court held that, although the plaintiffs not own the property, they can pursue their nuisance allegations claiming interference with their daily use of the property because of loud noises, vibrations, dust, and light pollution. Plaintiffs state they have an oral agreement to occupy the property, and that the property will pass to them upon the owner's death, who is the father of one of the plaintiffs. 2017 WL 6035232. On July 24, 2018, the parties filed a notice of settlement. On September 24, 2018, an Agreed Stipulation of Dismissal was filed. **The case is closed.**

***Rohn v. Precision Pipeline, LLC*, No. 2018-CV-01947 ((Court of Common Pleas, Stark County, Ohio, Oct. 5, 2018), removed, No. 5:18-cv-02621-KBB (N.D. Ohio, Nov. 14, 2018)**

Earl Rohn sought damages in connection with a April 2017 spill of an estimated two million gallons of drilling fluids near his farm. The spill occurred in connection with a pipeline project. During the cleanup defendant allegedly used Rohn's land without permission and caused substantial damage. Rohn asserted claims of negligence and trespass and sought compensatory and punitive damages. The parties settled the dispute, and on March 20, 2019, an order was entered dismissing the case. **The case is closed.**

***Kiefer v. Chesapeake Exploration, LLC, et al.*, No. 18CVH29188 (Court of Common Pleas, Carroll County, Ohio, Nov. 29, 2018), removed, No. 5:18-CV-02983 (N.D. Ohio, Dec. 28, 2018)**

In his first amended complaint, 2019 WL 2165967 (Mar. 22, 2019), James Kiefer of Carroll County alleges that the defendants, Chesapeake Exploration LLC; Encino Acquisition Partners Holdings, LLC; Encino Energy, LLC; Encino Acquisition Partners, LLC; and EAP Ohio, LLC; are operating well pads in a manner that harms his health and property, as well as his use and enjoyment of his property. Kiefer alleges destruction of his water well, a “constant roar of machinery” when he is in his yard, vibrations that shake his home on a daily basis, cracks in walls and ceilings, and strong, offensive and noxious gas odors on his property and inside his home. In November 2018, the Ohio EPA issued a Notice of Violation to Chesapeake for producing visible emissions in violation of state law, the federal Code of Federal Regulations, and the terms and conditions of defendant's air permit.

He is pursuing claims for negligence, private nuisance, public nuisance, trespass, abnormally dangerous activity, negligent and intentional infliction of emotional distress, and medical monitoring. With regard to strict liability, Kiefer alleges that “[t]he harmful noise pollution and vibrations, as well as the hazardous, toxic chemicals and compounds resulting from Defendants’ operation of its well pads are of a hazardous nature capable of causing severe personal injuries and damages to persons and property, and are, therefore ultra hazardous and abnormally dangerous.” The parties settled, and on June 4, 2019, the court closed the case. **The case is closed.**

***J&R Passmore LLC v. Rice Drilling D LLC*, No. 2:18-cv-1587 (S.D. Ohio, Dec. 6, 2018)**

Owners of mineral rights in Belmont County, Ohio, contend that the defendant energy companies do not have lease rights to extract oil and gas from the geological formations that lie below the base of the Utica Shale, including the Point Pleasant Formation. They assert claims for intentional subsurface mineral trespass; intentional subsurface mineral conversion; and unjust enrichment. They believe the lease only conveyed rights to produce oil and gas from the Marcellus Shale and Utica Shale, and reserved the rights to all other geological formations. On July 8, 2020, plaintiffs filed a motion for summary judgment. On December 1, 2021, plaintiffs filed a motion for class certification. **The case is pending.**

***Golden Eagle Resources II LLC v. Rice Drilling D LLC*, No. 22CV122 (Court of Common Pleas, Belmont Cty., Ohio, May 5, 2022), removed, No. 2:22-cv-02374 (S.D. Ohio, Jun. 3, 2022)**

Jeremiah and Terri Gillespie signed a lease in 2013 with Paloma Partners III LLC allowing production from the Marcellus Shale and Utica Shale formations, but reserving production from all other formations and prohibiting drilling through formations below the Utica. The lease was assigned to defendant Rice Drilling. Golden Eagle owns mineral rights that are not part of the Rice Drilling's lease rights.

Golden Eagle has asserted claims for trespass and conversion. Rice on June 10, 2022, moved to dismiss the case on the ground that it never entered underground space claimed by Golden Eagle and because "the Rule of Capture bars the claim." On July 1, 2022, Golden Eagle filed its opposition to Rice's motion to dismiss for failure to state a claim. Golden Eagle claims that Rice "physically invaded and unlawfully entered" the Point Pleasant formation and contends, relying in part on *Chance v. BP Chemicals, Inc.*, 670 N.E.2d 985 (1996), that Ohio in Revised Code 2305.09(E) recognizes an action for trespassing underground. Golden Eagle claims that subsurface trespass by fluid injection "has been accepted (explicitly or implicitly) in every jurisdiction to have considered the issue other than Texas." Golden Eagle says Rice included portions of its underground property within its drilling unit, which it claims is prima facie evidence of hydraulic fracturing that "necessarily constitutes trespass under the facts of this case." **The case in pending.**

OKLAHOMA

Reece v. AES Corporation, No. 11-CJ-256 (District Ct., LeFlore Cty., Okla., Oct. 6, 2011), removed, No. 6:12-cv-00457-JH (E.D. Okla., Nov. 5, 2012). See 2013 WL 11104374 (first amended complaint, dated Aug. 19, 2013); and 2014 WL 61242 (order, dated Jan. 8, 2014), affirmed on appeal, No. 14-7010 (10th Cir. Feb. 9, 2016) (638 Fed.Appx. 755; 2016 WL 521247).

This case concerns alleged contamination caused by disposal of drilling fluids, as opposed to contamination caused by the hydraulic fracturing process. Defendants removed the case to federal court under the Class Action Fairness Act (CAFA). Plaintiffs contend companies involved in generation, transportation and disposal of coal combustion waste and oil and gas drilling waste fluids polluted the environment in LeFlore County, Oklahoma. Defendants include oil and gas companies that generated fluid wastes, and companies that transported fluid wastes to a commercial disposal pit. Plaintiffs claim the fluids contaminated the air, land, surface waters and groundwater at the disposal pit and adjacent area. Plaintiffs raise several claims, including strict liability, medical monitoring, nuisance, trespass, negligence, negligence per se and unjust enrichment. On January 8, 2014, the district court dismissed some of the claims. The district court dismissed the negligence-per se claims with prejudice because the plaintiffs failed to address defendants' argument that the environmental statutes and regulations relied upon were intended to protect the public welfare, not support private actions. With regard to strict liability, the claims against the "oil producers" and "fluid waste" transporters were dismissed because such liability may not be imposed on parties that generate or transport materials to a disposal site from which the materials then escaped. [Oklahoma law does not "impose strict liability on any party that generated or transported materials to a disposal site from which the materials then escaped".] With respect to other claims against the "fluid waste truckers," the court held that there are no facts pleaded which they could be held liable for any other claim. As for the medical monitoring claim, the court noted there are no allegations of physical injury stemming from the oil and gas drilling fluids, and held that – if physical injuries are established – plaintiffs will be allowed to seek necessary future medical expenses, which may include monitoring on an individual basis.. With respect to the "oil producers," the plaintiffs alleged no facts showing what harms they suffered" or how the alleged contamination affected specific properties. Plaintiffs did not plead facts showing any plaintiff has come into contact with any contaminated fluids that has caused specific injury, and plaintiffs did not allege any loss in property values

or other property damage resulting from the fluid waste. Plaintiffs were granted leave to amend their complaint to sufficiently plead that they personally sustained injuries as the result of the oil producers' alleged conduct. The trespass and nuisance claims were not dismissed; however, on January 28, 2014, all remaining claims were dismissed without prejudice. On February 26, 2014, a notice of appeal was filed (10th Cir. 14-7010).

On February 9, 2016, the court of appeals affirmed. It held that the case was properly removed to federal court under the Class Action Fairness Act. Under CAFA, a federal district court has subject matter jurisdiction over class actions involving at least 100 members and over \$5 million in controversy when minimal diversity is met. However, the “local-controversy exception” requires remand if greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed. Plaintiffs did not introduce sufficient evidence to establish the exception. Regarding the adequacy of Plaintiffs’ amended complaint, the court held that a plaintiff in a toxic tort case must prove that he or she was exposed to and injured by a harmful substance, and then held that the plaintiffs’ complaint “fails to state a plausible claim for strict liability, negligence, and negligence per se because it does not contain adequate factual allegations that Plaintiffs have been injured by Defendants’ alleged wrongdoing.” 638 Fed.Appx. 755; 2016 WL 521247 at *17. The allegations of reasonable concern about an injury occurring in the future were not sufficient to allege an actual injury in fact. Under Oklahoma law, a cause of action does not accrue until an injury in fact occurs. The allegations of present physical harm did not satisfy the *Twombly/Iqbal* plausibility standard. Plaintiffs did not identify anyone who sustained personal injuries or property damage as a result of the allegedly contaminated water” and did not point to any specific patient whose symptoms might plausibly be linked to the actions of Defendants. **Dismissal affirmed.**

***Ladra v. New Dominion LLC*, No. CJ-2014-00115 (District Ct., Lincoln Cty., Okla., Aug. 4, 2014), remanded, 2015 OK 53 (Oklahoma Sup. Ct., Jun. 30, 2015)**

Sandra J. Ladra of Prague County was injured in November of 2011 during an earthquake when the walls of her house shook and her chimney toppled, sending bricks down on her legs. She claims the earthquake was caused by the injection of oil and gas wastewater, and is suing more than 25 energy companies, including New Dominion and Spess Oil Company. See http://www.eenews.net/assets/2014/08/06/document_ew_01.pdf(complaint); and Maria Gallucci, *Oklahoma Earthquake Tied To Fracking Wastewater Draws First Lawsuit*, International Business Times (Aug. 8, 201), <http://www.ibtimes.com/oklahoma-earthquake-tied-fracking-wastewater-draws-first-lawsuit-joins-growing-legal-1653508>. On October 16, 2014, the court held that the case should be heard by the Oklahoma Corporation Commission. Oklahoma Judge Throws Out Lawsuit over Earthquake, Disposal Wells, at <http://www.insurancejournal.com/news/southcentral/2014/10/29/345299.htm>. On November 17, 2014, the dismissal was appealed. On June 30, 2015, the Oklahoma Supreme Court reversed and remanded, holding that “[w]hether Appellees are negligent or absolutely liable is a matter to be determined by a district court.” See <http://law.justia.com/cases/oklahoma/supreme-court/2015/113396.html>. See also *id.* (“Appellees confuse the statutory grant of exclusive jurisdiction to the OCC to regulate oil and gas exploration and production activities in Oklahoma, with the jurisdiction to afford a remedy to those whose common law rights have been infringed by either the violation of these regulations or otherwise.”). On December 18, 2015, the district court denied the defendants’ motion to dismiss, which was based on the fact that the case was filed on August 4, 2014, more than two years after the earthquake on November 5, 2011. Judge Cynthia Ferrell Ashwood, however, held that (1) the discovery rule allows limitations in tort cases to be tolled until the injured party

knows of or, in the exercise of reasonable diligence, should have known, of the injury or its cause; and (2) whether the discovery rule tolled the statute of limitations in this case is a question of fact. On August 17, 2016, the defendants moved to dismiss for failure to join Mr. Ladra as an indispensable or necessary party. However, on November 7, 2016, New Dominion withdrew its motion to dismiss. On November 14, 2016, the plaintiffs filed a first amended petition. On November 23 and 29, 2016, Spess Oil Company and New Dominion LLC filed answers and counterclaims. On January 24, 2017, the parties agreed to protocols for inspections of the plaintiff's properties. On January 30, 2017, the court filed a protective order. According to news sources, on August 15, 2017, it was determined that, pending approval by his current federal employer, former State Seismologist Austin Holland, can be deposed by plaintiffs. In addition, New Dominion must turn over communications with government officials and agencies that discuss waste water disposal and earthquakes.

On September 20, 2017, an order of dismissal was prejudice was filed after the case was settled. See <http://kfor.com/2017/10/20/settlement-reached-between-two-oklahoma-oil-and-gas-companies-and-prague-e-resident-injured-in-2011-earthquake/>. The case is **closed**.

Jennifer Lin Cooper v. New Dominion LLC, No. CJ-2015-0024 (District Ct., Lincoln Cty., Okla., Feb. 10, 2015)

Jennifer Cooper of Prague County alleges New Dominion and Spess Oil Company are responsible for property damage from earthquakes in November of 2011. Cooper is seeking class-action status for people in Lincoln County and eight surrounding counties whose homes were damaged by earthquakes that have been blamed on water disposal wells. According to Cooper's attorney, she has suffered property damage and property stigma that has lowered the market value of her home. See <http://bakken.com/news/id/232502/oklahoman-sues-energy-companies-earthquake-damage/>. On November 24, 2015, defendant Spess Oil Company filed and amended answer and counterclaim. 2015 WL 9687755. Spess admits that Oklahoma has naturally occurring seismicity, but denies that its operations are causing earthquakes. It raises several affirmative defenses, including (1) that the claims are barred by the applicable statutes of limitations; (2) that Spess was permitted by the applicable authorities to operate its wells; (3) that the alleged injuries were not a foreseeable result of its actions, and its actions were not the proximate cause of Plaintiff's alleged injuries; and (4) the Prague earthquakes were not a foreseeable result of Spess' actions and its actions were not the proximate cause of the Prague earthquakes. In its counterclaim, Spess seeks a declaration that its operation of injection wells is not an ultrahazardous activity. On January 24, 2017, the parties agreed to protocols for inspections of the plaintiff's properties. On January 30, 2017, the court filed a protective order. Former state seismologist Dr. Austin Holland was deposed in October 2017 in the class action case filed in Lincoln County that involves the large earthquakes near Prague in November 2011. See <https://www.poynterlawgroup.com/single-post/2017/10/19/Former-States-Seismologist-Deposed-in-Oklahoma-Earthquake-Case>.

On October 11, 2017, former Oklahoma seismologist Austin Holland stated in a deposition that he was pressured by officials to suppress findings that link earthquakes with fracking wastewater disposal. See http://www.normantranscript.com/news/former-state-seismologist-testifies-officials-coerced-him-to-alter-research/article_d8383864-cb20-11e7-8206-2bc32ae1169a.html.

On May 22, 2018, the court granted the plaintiffs' motion for class certification. On August 2, 2018, the court entered an order granting a stay of proceedings pending appeal. A certificate of appeal was filed on August

15, 2018. On September 4, 2018, the court granted a stay pending appeal to the Oklahoma Supreme Court. On November 19, 2018 the court granted an unopposed motion to approve a settlement with Spess, Equal Energy, and Fairfield. The companies did not admit to any liability but agreed to put \$925,000 into a settlement fund. See <https://www.insurancejournal.com/news/southcentral/2018/12/04/510892.htm>.

On January 18, 2019, final approval of the \$925,000 settlement was reached in a class action lawsuit about whether Spess Oil Company, Equal Energy US, Inc., and Fairfield Oil & Gas Corp. operated wastewater disposal wells that allegedly contributed to causing the earthquakes near Prague, Oklahoma. On the same day, an order of dismissal with prejudice was filed. According to a website set up for landowners to submit claims, the settlement “resolves any and all claims alleged to arise against the Settling Defendants, from earthquakes up to the Effective Date with epicenters within a 15 mile radius of Prague, Oklahoma, including, but not limited to the earthquakes occurring between November 5th and 8th, of 2011. The Settling Defendants dispute and deny all of the allegations made by the Plaintiffs.” See <http://www.oklahomaguakes.com/>. The settlement covers property owners in Lincoln, Payne, Logan, Oklahoma, Cleveland, Pottawatomie, Seminole, Okfuskee, and Creek counties who suffered earthquake damages from earthquakes up to November 16, 2018 with epicenters within a 15 mile radius of Prague, Oklahoma, including but not limited to those occurring between November 5th and 8th, of 2011. Settlement claims must be submitted by April 29, 2019.

Another defendant, New Dominion LLC, is not included in the agreement. See Associated Press, 3 oil companies agree to settle in Oklahoma earthquake suit (Dec. 2, 2018), at <https://kfor.com/2018/12/02/3-oil-companies-agree-to-settle-in-oklahoma-earthquake-suit/>.

On November 15, 2019, the Oklahoma Court of Civil Appeals affirmed the district court's decision to adopt the plaintiffs' case management plan to certify eight common issues “for issue class trial” and to reserve other issues for subsequent individual non-class trials. The district court found that the predominant issue is whether Defendant's disposal well operation caused the earthquakes in question. *Cooper v. New Dominion, LLC*, No. 117,281 (Okla. Ct. of Civ. App., Nov. 15, 2019), available at <file:///C:/Users/bwatson1/Downloads/1044682340-20200110-104624-.pdf>. The court of appeals found that plaintiff Cooper met her burden of establishing the prerequisites for a class action under 12 O.S. § 2023.

New Dominion on January 9, 2020, filed a petition for a writ of certiorari to review the opinion of the Court of Civil Appeals. *Cooper v. New Dominion, LLC*, No. IN-117281 (Okla. Sup. Ct., Jan. 9, 2020) (interlocutory). New Dominion challenges an interpretation of state law regarding class certification defined in terms of actual injury (“which suffered earthquake damages”). New Dominion argues that issues such as whether its operations constituted an ultra-hazardous activity, a private nuisance, or a trespass are not appropriate for “issue class” certification under Oklahoma law. On May 18, 2020, the petition for a writ of certiorari was denied. **The case is pending.**

***Felts v. Devon Energy Production Company LP*, No. CJ-2016-137 (District Ct., Oklahoma Cty., Okla., Jan. 11, 2016)**

Terry and Deborah Felts and twelve other residents of Oklahoma County, Oklahoma, filed a lawsuit on January 11, 2016, against Devon Energy Production Company and eleven other energy companies. The complaint alleges that the defendants injected large volumes of drilling waste in disposal wells located near the cities of Edmond and Oklahoma City under conditions that the defendants knew, or should have known,

would result in the increased likelihood that earthquakes would occur. On December 29, 2015, and on January 1, 2016, earthquakes of 4.3 and 4.2 magnitude occurred and allegedly caused damage to the plaintiffs. Plaintiffs' first claim asserts that, as a result of defendants' negligent disposal of drilling waste, plaintiffs suffered damage to their property. In their second claim, plaintiffs contend that the defendants' actions in disposing of drilling waste into disposal wells is abnormally dangerous and an ultra-hazardous activity, and therefore the defendants are liable for damages they caused regardless of the amount of care exercised. The plaintiffs also seek punitive damages and injunctive relief.

In March of 2016, several defendants filed motions to dismiss. Plaintiffs filed a response on March 30, 2016. On May 19, 2016, the court granted in part, and denied in part, Devon's motion to dismiss. On June 8, 2016, New Dominion filed its answer and counterclaims. On December 9, 2016, the plaintiffs dismissed, without prejudice to refiling, their causes of action against Special Energy Corporation and Devon Energy Production Company, L.P. In February and March of 2017, the defendants filed answers to the first amended petition. On August 31, 2017, the following defendants were dismissed without prejudice: Marjo Operating Mid-Continent LLC; New Dominion LLC; Pedestal Oil Company Inc.; R.C. Taylor Operating Company; Rainbo Service Co.; Sundance Energy Oklahoma LLC; TNT Operating Company; and White Operating Company. On the same day, the court entered an order on agreed protocols for inspection of the plaintiffs' property. On April 23, 2018, defendant Meadowbrook Oil Corporation moved for summary judgment. Additional summary judgment motions were filed on August 13, 2018. On November 13, 2018, claims against Sundance Energy Oklahoma LLC, Marjo Operating Mid-Continent LLC, White Operating Company, and TNT Operating Company were dismissed with prejudice. On February 4, 2019, claims against R.C. Taylor Operating Co., LLC, and Rainbo Service Company were dismissed with prejudice. On December 3, 2019, claims against Federal Oil Company were dismissed with prejudice. New Dominion LLC and Callie Oil Company LLC remain as defendants. A pre-trial conference is scheduled for October 19, 2022. **The case is pending.**

RELATED LAWSUIT: *State National Insurance Company v. Rainbo Service Company*, No. CV-16-481-W (W.D. Okla.). In light of the above lawsuit, State National Insurance Company and National Specialty Insurance Company brought an action seeking a declaration that their policies provide no coverage for the claims asserted against Rainbo in the state court action. On June 8, 2018, the district court granted summary judgment for the insurers. 2018 WL 8332538. The court held that Rainbo's allegedly careless and reckless action in locating and operating its disposal wells at or near geological faults was an arguably unexpected, unforeseen, and therefore, accidental, event. However, the court held that the state claims fell within the policies' Pollution Exclusions because the state lawsuit contends that the "bodily injury" or "property damage" sustained was caused by earthquakes that arose out of the actual discharge, dispersal or release of pollutants and would not have occurred but for the actual, alleged or threatened discharge, dispersal or release of pollutants.

See also <http://www.stopthequakes.com/lawsuit-information>.

***Griggs v. Chesapeake Operating LLC*, No. CJ-2016-6 (District Ct., Logan Cty., Okla., Jan. 12, 2016); removed, No. 5:16-cv-138-D (W.D. Okla., Feb. 16, 2016).**

Lisa Griggs of Logan County, Oklahoma, and April Marler of Oklahoma County, Oklahoma, filed suit against Chesapeake Operating, LLC, New Dominion, LLC, Devon Energy Production Co., LP and Sandridge Exploration and Production, LLC., seeking to assert a class action on behalf of landowners who have

suffered damages from earthquakes caused by the operation of wastewater disposal wells. The complaint alleges that “the causation link is inescapable” between injection and seismic activity in the state. Griggs asserts that the area around her Guthrie, Oklahoma, home has suffered over 100 earthquakes of greater than 3.0 magnitude in the past two years. Her foundation has been damaged, the chimney has separated from the home, and numerous other cracks have developed. In the same fashion, Marler states that similar seismic activity has damaged her home in Choctaw, Oklahoma. The complaint asserts claims of private nuisance; strict liability due to ultra-hazardous activities; negligence; and trespass. Punitive damages are requested. Injunctive relief is not specifically requested, although the plaintiffs ask for “all other relief to which Plaintiffs and the Class are entitled or that the Court deems just and proper.”

On February 16, 2016, Devon Energy filed a notice of removal pursuant to the Class Action Fairness Act and other federal statutes. Shortly thereafter, defendants filed motions to dismiss. On April 8, 2016, the plaintiffs moved to remand the lawsuit back to state court. On May 20, 2016, the action against Sandridge was stayed in light of its petition for bankruptcy. On June 30, 2016, the court denied the motion to remand. On July 21, 2016, the plaintiffs voluntarily dismissed all of their claims without prejudice to refile. The case is **closed**. However, the plaintiffs apparently intend to re-file their case in state court after waiting a year. See *Lawyers Blaming Earthquakes On Fracking Drop Case Rather Than Continue In Fed Court*, <http://www.forbes.com/sites/legalnewsline/2016/10/18/lawyers-blaming-earthquakes-on-fracking-drop-case-rather-than-continue-in-fed-court/#4e475162159d> (Oct. 18, 2016) (suggesting that the plaintiffs prefer state court due to less rigorous standards for pleading and expert witnesses). See also <http://www.stopthequakes.com/lawsuit-information>.

SECOND LAWSUIT: On July 21, 2017, Lisa Griggs and April Marler filed a class action lawsuit in state court against New Dominion LLC and two dozen other energy companies. On September 1, 2017, the defendants removed the case to federal district court. On September 7, 2017, the plaintiffs moved to remand the case to state court. *Griggs v. New Dominion LLC*, No. CJ-2017-174 (District Ct., Logan County, Okla., Jul. 21, 2017), removed, No. 5:17-cv-00942 (W.D. Okla., Sep. 1, 2017), remanded (Dec. 28, 2017). This case is discussed elsewhere in this document.

***Lene v. Chesapeake Operating, LLC*, No. CJ-2016-27 (District Ct., Logan County, Okla., Feb. 12, 2016)**

Brenda and Jon Darryn Lene filed suit against Chesapeake Operating, LLC; ; New Dominion, LLC; Devon Energy Production Co., LP; and Sandridge Exploration and Production, LLC; and John Does 1-100, seeking compensation for damages “due to earthquakes caused by Defendants' wastewater disposal operations.” The “John Does” are other Oklahoma entities that have engaged in injection well operations in the vicinity around Plaintiffs' home, and which have also contributed to the earthquakes and resulting damages to Plaintiffs. Plaintiffs assert claims of private nuisance, ultra-hazardous activities, negligence, and trespass. Defendants' actions and operations as alleged to constitute a nuisance because they have “unlawfully and unreasonably interfered” with the plaintiffs' property rights. With respect to the claim based on ultra-hazardous activities, plaintiffs assert that the defendants engage in activities “that involve a high degree of some risk of serious harm to a person or the chattels of others,” and that “the risk cannot be eliminated by exercising the utmost care, and is not a matter of common usage.” Plaintiffs claim they “have sustained damages, which are the direct and proximate result of Defendants' ultra-hazardous or abnormally dangerous activities, to which Defendants are strictly liable.” With regard to the negligence claim, plaintiffs state that “Defendants owed a duty to Plaintiffs to use ordinary care and not to operate or maintain their injection wells in such a way to cause or contribute to seismic activity. Defendants, experienced in these operations, knew or should have

known of the connection between injection wells and seismic activity, and acted in disregard of these facts.” As for trespass, plaintiffs allege that “Defendants, without the permission or consent of Plaintiffs and without legal right, intentionally engaged in activities that resulted in concussions or vibrations entering Plaintiffs' property.” Such unauthorized invasion of Plaintiffs' property interests constitutes a trespass. On May 20, 2016, Sandridge and Devon Energy filed motions to dismiss. Sandridge also filed for bankruptcy on May 20, 2016. On July 20, 2016, the plaintiffs moved to voluntarily dismiss all of their claims without prejudice to refiling. **The case is closed.**

Sierra Club. v. Chesapeake Operating LLC, 5:16-cv-00134 (W.D. Okla., Feb. 16, 2016). Motions to dismiss granted, 2017 WL 1287546 (April 4, 2017)

This is a civil action for declaratory and injunctive relief, and costs and fees, under the citizen suit provision of the Resource Conservation and Recovery Act, 42 U.S.C. § 6972(a)(1)(B). The Sierra Club alleges that the defendants, Chesapeake Operating LLC, Devon Production Co., and New Dominion, LLC, “are placing people and the environment in Oklahoma and Kansas at significant and immediate risk from major man-made earthquakes induced by Defendants’ waste disposal practices.” The defendants, by their disposal activities at the injection wells throughout Oklahoma and southern Kansas, are alleged to have contributed to the increased seismicity in the area. The induced earthquakes allegedly present an imminent and substantial endangerment to health and the environment in violation of RCRA. Plaintiff request that the Defendants “reduce immediately and substantially the amounts of Production Wastes they are injecting into the ground to levels that seismologists believe will not cause or contribute to increased earthquake frequency and severity.” Plaintiff also seeks an order “requiring Defendants to reinforce vulnerable structures that current forecasts indicate could be impacted by large magnitude earthquakes during the interim period.” Plaintiff further seeks an order “requiring the establishment of an independent earthquake monitoring and prediction center to determine the amount of Production Wastes which may be injected into a specific well or formation before induced seismicity occurs.”

The Sierra Club filed an amended complaint on April 11, 2016. Sandridge Exploration and Production, LLC, was added as a defendant. On April 25, 2016, the defendants moved to dismiss. They argue, among other things, that (1) RCRA only covers hazardous contamination; and (2) the Oklahoma Corporation Commission (OCC) has sole authority to address the issue of increased seismic activity and oil and gas operations. The response of the Sierra Club was filed on May 25, 2016. On May 20, 2016, the action against Sandridge was stayed in light of its petition for bankruptcy.

On April 4, 2017, the district court granted the defendants' motions to dismiss. The court first concluded that, pursuant to the abstention doctrine set forth in *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943), it should refrain from exercising federal jurisdiction. The court concluded that *Burford* abstention was appropriate because (1) the suit only requests declaratory and injunctive relief; (2) federal review would disrupt state efforts to establish a coherent policy with respect to a matter of substantial public concern; and (3) the primary relief that the Sierra Club seeks is available from the OCC. Alternatively, the court held that the action should be dismissed because primary jurisdiction to redress the harm alleged rests with the OCC. According to the court, the OCC “is better equipped than the court to resolve the seismicity issues relating to disposal well activities. In light of its ruling, the court did not address whether the Sierra Club's claims fall outside RCRA's zone of interests and/or are barred by RCRA’s anti-duplication provision. 2017 WL 1287546. On April 18, 2017, the court dismissed without prejudice plaintiff’s First Amended Complaint against defendant, SandRidge E&P, for the same reasons (*Burford* abstention and primary jurisdiction

doctrines) stated in the April 4, 2017 order granting the motions to dismiss of defendants, Devon Energy Production Company, L.P., New Dominion, LLC, and Chesapeake Operating LLC. **The case is closed.**

***West v. ABC Oil Company, Inc.*, No. CJ-2016-00049 (District Ct., Pottawatomie County, Okla., Feb. 18, 2016), removed, No. 5:16-cv-00264-F (W.D. Okla., Mar. 18, 2016), appeal pending, No. 18-600 (10th Cir.)**

Lisa West and Stormy Hopson, individually and as class representatives, have sued 15 named defendants, “and a proposed defendant class of other companies operating in injection wells.” Plaintiffs ask the Court “to order Defendants to pay earthquake premiums as they are incurred in the future” and also “to award back insurance premiums.” They state that “relief regarding purchase of insurance policies needed because of Defendants' injection of wastewater into the Arbuckle formation has induced or triggered earthquakes and will continue to do so for some time even if injection wells were immediately stopped.” The proposed class action is on behalf of “Oklahoma residents who own real property in Oklahoma for which they have either purchased earthquake insurance or for which they desire to purchase such insurance, but have been unable to afford to do so.” Lisa West asserts that, while her insurance claim for earthquake damage was paid, no one has reimbursed her “for the premiums she incurred and which she will continue to incur as a result of earthquakes induced by Defendants' activities.” Stormy Hopson, who resides in Pottawatomie County, “would like to purchase earthquake insurance, and she believes that it is needed based on the increased rate of earthquakes in her area. However, due to her other financial commitments, purchase of earthquake insurance has not been practical.” Plaintiffs assert claims of private nuisance, ultrahazardous activity, negligence, and trespass. Plaintiffs seek the entry of a permanent injunction directing Defendants to reimburse Plaintiffs for earthquake insurance premiums incurred a directing Defendants “to reimburse Class Members for earthquake insurance premiums as they are incurred until such time as Defendant Class shows the Court by satisfactory evidence that their activities no longer present a reasonable risk of creating earthquakes or as otherwise directed by the Court.” On September 19, 2016, the court noted that the plaintiffs' had withdrawn their motion to remand to state court. On October 14, 2016, the plaintiffs filed an amended complaint.

On November 18, 2016, Eastok Pipeline filed a to dismiss and presented six arguments for dismissal: (1) the claims occurred in November 2011 and are barred by a two-year statute of limitations; (2) plaintiffs have failed to allege that actions attributable to EastOK caused them injury; (3) EastOK's disposal operations do not constitute an ultrahazardous activity as a matter of law; (4) plaintiffs failed to allege facts demonstrating any duty or breach of duty by EastOK; (5) plaintiffs failed to allege facts showing that the alleged disposal operations were unlawful; and (6) plaintiffs failed to allege any physical invasion of their property by EastOK.

On December 2, 2016, Leasehold Management Corp. filed a motion to dismiss for lack of jurisdiction. Leasehold argues that the lawsuit is an improper collateral attack on a final order of the Oklahoma Corporation Commission (OCC) authorizing operation of disposal wells. Leasehold also argues that, given “the economic importance of Oklahoma's oil and gas industry in the United States” and “the enormity of the the putative class of plaintiffs,” the litigation is “a matter of public interest” and is “no longer a private cause of action.” According to Leasehold, “[a]lthough this litigation may appear to be a matter of private rights, the issue is so tightly intertwined with production of oil and gas in this state that it must be considered a public right and all legal matters regarding such rightfully rest in the purview of the OCC.”

On December 19, 2016, several other defendants filed motions to dismiss. The defendants argue that the plaintiffs have failed to plead facts supporting the elements of their claims for private nuisance, strict liability, negligence, or trespass. In particular, the defendants contend that the amended complaint fails to allege any injuries caused by the defendants; and also argue that the underground injection of fluids in connection with oil and gas production is not an abnormally dangerous or ultrahazardous activity. The defendants further assert that the lawsuit is barred by the applicable statute of limitations; that the request for past and future earthquake insurance premiums is not an available remedy under Oklahoma law; and that the request for an injunction is improper because it would interfere with the exclusive jurisdiction of the Oklahoma Corporation Commission to regulate the operation of disposal wells.

On January 19, 2017, the plaintiffs replied to the motions to dismiss. They argue in part that (1) their complaint plausibly alleges individual harm caused by each of the defendants' contributions to earthquakes; (2) Oklahoma law allows recovery for trespass when vibrations cause property damage; (3) strict liability should be applied because defendants' injection of wastewater is an abnormally dangerous (ultrahazardous) activity; (4) defendants have a duty to conduct their operations so they do not damage the property of others or interfere with their use and enjoyment of same, and defendants breached this duty by causing earthquakes; (5) injunctive relief is appropriate; and (6) the plaintiffs' claims are not controlled, or defined, by the Oklahoma Corporation Commission (OCC). On May 12, 2017, by minute order, the court granted the defendants' motions to dismiss "based upon lack of sufficient allegations of causation." The court granted the plaintiffs leave to amend their complaint, within 30 days, to set forth causation allegations. A second amended complaint was filed on July 18, 2017. See 2017 WL 10940278.

On August 13, 2018, the court ruled on several motions to dismiss. The court agreed with defendants that insurance premiums are not recoverable as damages as a matter of law. After noting that the issue has not been addressed by Oklahoma courts, the federal court found that "the Oklahoma Supreme Court, if confronted with the issue, would find the money damages sought by plaintiffs are not legally cognizable." It further held that the Oklahoma Supreme Court would not recognize the payment of insurance premiums as falling within the scope of the relief available on account of annoyance, discomfort and inconvenience. With respect to causation, the court held in several instances that the second amended complaint "fails to connect any alleged act or omission of the defendants with damage to a named plaintiff." The plaintiffs failed to state a plausible claim against Devon, Oklahoma Oil and Gas Management, and New Dominion with respect to the Edmond earthquake swarm, and against White Star Petroleum with respect to the Crescent earthquake swarm. The court also dismissed claims against Chaparral, Sandridge, and Range. The court further held that the plaintiffs failed to allege facts sufficient to show that any named plaintiff was damaged because of any wastewater injection activities allegedly causing the Edmond and Crescent earthquake swarms. However, with regard to the remaining earthquake swarms – Prague, Fairview/Cherokee, Pawnee and Cushing – the court concluded "that the second amended complaint sufficiently alleges facts to establish a reasonable connection between the injection well activities of defendants in question and damage to named plaintiffs." The court also concluded that plaintiffs satisfied their burden of plausibly alleging causation with respect to the Prague, Pawnee, Fairview/Cherokee, Cushing, and Prague earthquakes.

On August 16, 2018, the court granted the motions of defendants, Equal Energy U.S. Inc., Fairfield Oil & Gas Corp., and Chesapeake Operating, LLC, to strike the class allegations contained in plaintiffs' second amended complaint. The court held that a class action cannot be maintained. The court stated that the earthquake problem "unquestionably exists in several regions of the State of Oklahoma," but held that plaintiffs did not meet the requirement, for a class action, of demonstrating "a common – and predominant

– issue, the adjudication of which will determine the rights of the plaintiffs and their proposed class members ‘in one stroke.’”

On August 30, 2018, the plaintiffs filed a notice for permission to appeal to the 10th Circuit. No. 18-600. However, on September 24, 2018, the Tenth Circuit denied the Plaintiffs’ request to appeal the district court’s order granting defendants’ motion to strike the class allegations contained in plaintiffs’ Second Amended Complaint. The court of appeals denied interlocutory review because “this matter is not appropriate for immediate review.”

On June 19, 2020, an “administrative closing” order terminated the action “without prejudice to the rights of the parties to file any stipulation or dismissal, or to seek any order required to obtain a final determination of these proceedings based on the settlement. If parties have not filed any such document within 45 days for the purpose of dismissal pursuant to the settlement and compromise, this action shall be deemed dismissed with prejudice.” **The case has been settled.**

Almont Energy LLC v. Newfield Exploration Mid-Continent Inc., No. CJ-16-00028 (District Ct., Oklahoma Cty., Okla., Apr. 22, 2016), removed, No. 5:16-cv-00640-M (W.D. Okla., Jun. 13, 2016)

Almont Energy and TLS Oil and Gas sued Newfield Exploration Mid-Continent on April 22, 2016, in Kingfisher County, Oklahoma (north and west of Oklahoma City). Plaintiffs alleged that the defendant’s hydraulic fracturing activities have caused contamination and have devalued the plaintiffs’ oil and gas well by allowing water, frack fluids, and other substances to invade plaintiff’s producing formations. Plaintiffs asserted claims of nuisance, trespass, negligent injury to real property, unjust enrichment, punitive damages, and attorney fees. However, on June 19, 2017, the plaintiffs filed a Stipulation of Dismissal With Prejudice. The case is **closed**.

***National American Insurance Co. v. New Dominion LLC*, CV-2016-00079 (Lincoln Cty., Okla, Sep. 16, 2016), on appeal, No. 118,490, 2021 OK 62 (Okla. Sup. Ct., Nov. 23, 2021)**

On September 16, 2016, National American Insurance Company (NAICO) sued New Dominion, LLC, seeks declaratory judgment that its insurance policies did not provide coverage for bodily injury and property damage claims asserted against New Dominion in several “earthquake” lawsuit. New Dominion counterclaimed for breach of contract, indemnity, estoppel, and reformation. The trial court in January 2019 held (1) the Total Pollution Exclusions and the Subsidence and Earth Movement Exclusions precluded coverage for the claims asserted in the earthquake lawsuits; but NAICO was estopped from denying claims for bodily injury during one of the four policy periods. The court denied all other equitable claims by New Dominion. On November 23, 2021, the Oklahoma Supreme Court held that the Total Pollution Exclusions do **not** clearly and unambiguously preclude coverage but agreed with the trial court that the Subsidence and Earth Movement Exclusions **do preclude** coverage for the claims asserted in the earthquake lawsuits. The Court found that there is no basis for New Dominion’s estoppel or reformation claims.

With regard to the Total Pollution Exclusion, the Court agreed with New Dominion that the trial court erred in holding that the exclusion clearly precluded coverage. The exclusion excludes coverage for injury and property damage due to ‘pollutants’ – defined as an “irritant or contaminant.” The Court held that “irritant or contaminant” does not clearly encompass the wastewater at issue. "The wastewater does not meet this

definition because the harm caused was not the result of the wastewater's irritating or contaminating nature," Justice Rowe wrote. "Rather, the earthquakes and the harm they caused were the result of wastewater being injected back into the ground under highly pressurized conditions." The Court held it was reasonable for New Dominion "to have understood the Total Pollution Exclusion as applicable only in instances where bodily injury or property damage resulted from the irritating or contamination nature of a pollutant" (as opposed to its "pressurizing" contribution to earthquakes). Consequently, the Court found that "the Total Pollution Exclusions were never meant to apply to earthquake-related incidents."

In contrast, although the subsidence and earth-movement exclusion in policies from 2012 to 2016 was modified over time to more explicitly bar coverage for earthquakes, the Court held that even the earlier language was clear, and found that "it would be absurd to find that the subsidence exclusions do not contemplate earthquakes as well."

New Dominion's estoppel claim was rejected because New Dominion did not act on the alleged representations as to coverage, and the reformation claim was rejected in part due to the absence of a showing of fraud or mutual mistake.

The case was remanded. **The case is pending**

***Adams v. Eagle Road Oil, LLC*, No. CJ-2016-00078 (District Ct., Pawnee County, Okla., Nov. 17, 2016), removed, No. 4:16-cv-00757 (N.D. Okla., Dec. 21, 2016), remanded (Apr. 12, 2017), removed, No. 4:18-cv-00568 (N.D. Okla., Nov. 2, 2018), remanded (July 23, 2019)**

James Adams is the lead plaintiff in a class action seeking property damages, fair market value loss, and emotional harm for individuals affected by a 5.8 magnitude earthquake that occurred on September 3, 2016, near Pawnee, Oklahoma. The earthquake is reported to be the largest ever in the state. Defendants operate wastewater disposal wells that allegedly contributed to the earthquake and aftershocks. Plaintiffs claim that defendants' actions "are ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage," and further assert that the defendants are strictly liable for property damages and emotional harm suffered as a direct and proximate result of defendants' activities. Plaintiffs also assert claims for negligence, private nuisance, and trespass. They seek punitive damages and trial by jury. 2016 WL 11518981.

On December 21, 2016, defendant Cummings Oil Company removed the lawsuit to federal court. On December 27, 2016, Cummings Oil moved to dismiss the class action petition for failure to state a claim. Cummings Oil contends that the plaintiff attributes the earthquake in the Pawnee area on September 3, 2016, "to the Defendants, without alleging specific facts linking Cummings Oil or the other Defendants to such earthquake." Cummings Oil also states that joint and several liability was abrogated by the Oklahoma legislature in 2011, and further argues that the plaintiff's "collective" liability theory is not recognized by Oklahoma law. Finally, Cummings Oil argues that the complaint contains general and conclusory allegations that fall short of required pleading standards, and fails to state a claim for strict liability for ultra-hazardous activities. On April 12, 2017, the district court remanded the action to state court. The court found that the putative class action would not necessarily include individual Indian owners of trust or restricted lands, and concluded that it consequently lacked federal question jurisdiction because "federal law governing lands held by Indians in trust or restricted status will not be applicable to the claims of any potential class member and

there is no substantial issue of federal law that would support removal of this case to federal court.” The court observed that defendants could “seek clarification from the state court as to whether any person owning trust or restricted lands could be a member of the class, but this must be established before the case may be removable on the basis of federal question jurisdiction.” A hearing on the defendants’ motion to dismiss was held in the state court on July 10, 2017. On September 11, 2017, the plaintiffs filed a second amended class action petition. On September 11, 2017, the plaintiffs filed a second amended class action petition. On August 13, 2018, the court postponed a scheduled evidentiary hearing to determine if ejection disposal wells constitute an ultra-hazardous activity under the Restatement (Second) of Torts Section 520. A third amended class action petition was filed on August 27, 2018. On November 2, 2018, Trinity Operating LLC removed the case to the U.S. District Court for the Northern District of Oklahoma.

On July 23, 2019, the court granted the plaintiffs' motion to remand to state court. 2019 WL 3304813. The case was removed pursuant to the Class Action Fairness Act provisions of 28 U.S.C. § 1332(d). The plaintiffs, however, contend the court should remand pursuant to § 1332(d)(4)(A), the local controversy exception to CAFA jurisdiction. The local controversy exception provides that a federal court shall decline jurisdiction where: (1) more than two-thirds of the class members are citizens of the state where the action is filed; (2) plaintiffs seek “significant relief” from at least one local defendant who is a citizen of the state and whose alleged conduct forms a “significant basis” for the claims asserted; (3) the “principal injuries” were incurred in the state; and (4) no other class action “has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons” in the three years prior. The court held that the requirements of the local controversy exception are satisfied, and remanded the case back to state court.

A petition for leave to file an appeal was filed August 6, 2019 with the United States Court of Appeals for the Tenth Circuit (No. 19-604), but on September 18, 2019, the Tenth Circuit denied the petition for leave to appeal, holding that (1) the decision whether to grant leave to appeal under the Class Action Fairness Act is discretionary and (2) “Trinity Operating has not established that review is appropriate.” On January 3, 2020, Cummings Oil Company filed its answer to the Third Amended Petition. On August 24, 2020, the court said it would hear on January 25, 2021, the motion to strike class allegations. On October 27, 2020, Enervest Operating LLC moved to dismiss Count 1 (Absolute Liability). On January 25, 2021, the court heard argument on the motion to strike class allegations set forth in the Third Amended Petition, and the court reserved ruling on the motion until a hearing on class certification.

The parties have settled. On June 21, 2022, plaintiffs filed a motion for the court to provide preliminary settlement approval of a class resolution with Eagle Road LLC and the notice plan to settlement class members. **The case is pending.**

Reid v. White Star Petroleum, LLC, No. CJ-2016-00543 (District Ct., Payne County, Okla., Dec. 5, 2016).

David Reid is the lead plaintiff in a class action seeking property damages, fair market value loss, and emotional harm for individuals affected by a 5.0 magnitude earthquake that occurred on November 7, 2016, near Cushing, Oklahoma. Defendants operate wastewater disposal wells that allegedly contributed to the earthquake and aftershocks. Plaintiffs claim that defendants' actions “are ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage,” and further assert that the defendants are strictly liable for property damages and emotional harm suffered as a direct and proximate result of defendants' activities.

Plaintiffs also assert claims for negligence, private nuisance, and trespass. They seek punitive damages and trial by jury. See <https://www.rt.com/usa/369520-oklahoma-fracking-earthquake-lawsuit/>; and <https://www.fastcoexist.com/3066380/in-oklahoma-people-are-suing-fracking-companies-after-earthquakes-knocked-down-their-houses>.

On December 30, 2016, White Star Petroleum moved to dismiss the class action petition on three grounds: “(1) The Petition fails to plead allegations sufficient to state an actionable claim for relief against White Star, and in any event omits allegations that any Plaintiff has suffered any injury caused specifically by White Star; (2) the Petition fails to state a claim for absolute liability for harm resulting from an ultrahazardous activity; and (3) the Petition fails to state a claim for trespass.” In its motion, White Star argues that Oklahoma has rejected market share liability and other forms of collective liability. It also contends that the operation of an injection well is not an ultrahazardous activity as a matter of law. Finally, noting that Oklahoma has rejected the suggestion that vibrations from the use of explosives can be an actionable trespass, White Star asserts that “if the use of explosives very near a building damaged by vibrations cannot give rise to a claim for trespass, neither can a seismic event which could have originated dozens of miles away.” Defendant FHA Investments LLC filed a similar motion to dismiss on February 23, 2017. On May 31, 2017, the court denied the defendants’ motions to dismiss and ordered that the case proceed with discovery. On March 1, 2018, the court stayed the case, but the stay was lifted on September 6, 2018. On November 20, 2018, plaintiffs filed a motion for class certification. On December 19, 2018, the court entered an order regarding class certification discovery and the defendant's response to the motion for class certification. On April 15, 2022, White Star Petroleum opposed plaintiffs’ November 2021 motion for leave to amend petition. **The case is pending.**

***Pawnee Nation of Oklahoma v. Eagle Road Oil LLC*, No. Civ-2017-803 (Pawnee Nation District Court, Okla., Mar. 3, 2017)**

The Pawnee Nation of Oklahoma has filed a lawsuit in tribal court against oil and gas producers, claiming that wastewater injected into disposal wells triggered a 5.8-magnitude earthquake on September 3, 2016, the strongest on record in the state, that damaged several Pawnee Nation buildings. The complaint is available at <https://turtletalk.files.wordpress.com/2017/03/complaint-pawnee-v-eagle-road-oil-et-al.pdf>. Some of the defendants operate wastewater injection wells on lands within the Pawnee Nation, less than 10 miles from the epicenter of the September 2016 quake. The Tribe is seeking at least \$250,000 in damages. Among the tribal structures damaged is the former Pawnee Nation Indian School, a sandstone building on the National Register of Historic Places that houses the tribe’s administrative offices. The suit claims the damage to the tribal buildings is the result of more than 53 earthquakes that took place between September and November of 2016. In particular, the complaint alleges that the defendants have engaged in “ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage.” The plaintiffs also assert claims for negligence, private nuisance, and trespass. They seek punitive damages based on their allegation that the defendants' actions “constitute wanton or reckless disregard for public or private safety.” A jury trial is requested.

The U.S. Supreme Court, in *Montana v. United States*, 450 U.S. 544 (1981), held that, as a general rule, tribes lack regulatory authority over non-Indians on non-Indian fee land within the reservation. The Court, however, set forth two exceptions. First, it stated that “the tribe may regulate ... the activities of nonmembers who enter consensual relationships with the tribe or its members.” Second, it stated that tribes may regulate “the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some

direct effect on the political integrity, the economic security, or the health and welfare of the tribe.” The Court later applied the Montana standard to tribal civil adjudicatory authority in *Strate v. A-1 Contractors*, 520 U.S. 438 (1997), and *Nevada v. Hicks*, 533 U.S. 353 (2001). The existence of tribal adjudicatory jurisdiction over non-members is a federal question, and it can be challenged in federal court. However, under the exhaustion of remedies doctrine, the tribal court must be allowed to address questions of its own jurisdiction. *National Farmers Union Ins. Cos. v. Crow Tribe of Indians*, 471 U.S. 845 (1985). Exhaustion is not required in a few limited circumstances, including when the action is patently violative of express jurisdictional prohibitions.

On October 27, 2017, Judge Dianne Barker Harrold rejected arguments that the tribal court lacked jurisdiction, and ordered the suit to move forward in the discovery process. <https://www.poynterlawgroup.com/single-post/2017/10/27/Pawnee-Nations-Earthquake-Case-Moves-Forward>. **The case is pending.**

***Bryant v. Eagle Road Oil LLC*, No. CJ-2017-00018 (District Ct., Pawnee County, Okla., Mar. 8, 2017).**

Johnny Lee Bryant and Janice Marie Bryant seek compensatory and punitive damages and assert claims of absolute liability, negligence, private nuisance, and trespass. They claim that, by disposing of fracking wastewater deep into the earth, defendants Eagle Road Oil LLC and Cummings Oil Company caused adverse change in the form of unnatural seismic activity and earthquakes. On August 13, 2018, the court postponed a scheduled hearing to determine if ejection disposal wells constitute on ultra-hazardous activity in accordance with the guidelines set forth in the Restatement (Second) of Torts section 520. In November and December 2018, several defendants filed motions to dismiss. On November 1, 2019, the case was dismissed with prejudice. It is not known if the case was settled. **The case is closed.**

***Meier v. Chesapeake Operating LLC*, No. CJ-2017-277 (District Ct., Payne Cty., Okla., June 13, 2017), removed, No. 5:17-cv-00703-F (W.D. Okla. Jun. 28, 2017), affirmed, No. 18-6152 (10th Cir., Jun. 21, 2019)**

Matt Meier, Sheryl Meier, and Kai Bach filed a class action lawsuit in Payne County on June 13, 2017, seeking damages relating to earthquake insurance costs allegedly due to the operation of wastewater injection wells. Plaintiffs allege that since 2008, defendants’ operation of wastewater disposal wells drilled into the Arbuckle formation has caused thousands of man-made earthquakes throughout large swaths of Oklahoma, and as a result, many Oklahomans have been forced to purchase earthquake insurance to provide financial protection against damage to their homes and property. In addition, plaintiffs allege that the man-made earthquakes caused by defendants’ injection wells have caused the cost of earthquake insurance to soar. Plaintiffs allege that the substantial increase in earthquake activity in Oklahoma has caused earthquake insurance companies to hike their premiums by as much as 260 percent from 2014 to 2017. The complaint asserted claims of public nuisance, private nuisance, ultrahazardous activities, and negligence. They seek the “value of premiums paid to obtain earthquake insurance coverage” and the “excess amount required to maintain earthquake insurance coverage after 2009.”

After the lawsuit was removed to federal district court, the defendants moved to dismiss. On August 13, 2018, the court dismissed the proposed class action. *Meier v. Chesapeake Operating LLC*, 324 F.Supp.3d 1207 (W.D. Okla 2018). The court rejected the defendants’ standing and ripeness challenges, but held that

the complaint failed to state a cognizable claim. Noting that the homeowners did not allege their property was damaged, the court held that “the Oklahoma Supreme Court would not allow recovery of earthquake insurance premiums or an increase in earthquake insurance premiums when plaintiffs have not sustained earthquake damage to their property or to their person.”

The United States Court of Appeals for the Tenth Circuit affirmed on June 21, 2019. 2019 WL 2564069,778 Fed. Appx. 561. On appeal, the homeowners argued that the district court dismissed the lawsuit based on an erroneous guess of Oklahoma tort law, and alternatively requested that the question be certified to the Oklahoma Supreme Court. The Tenth Circuit declined to certify the question, and affirmed the district court. The question -- whether a plaintiff may collect damages for increased insurance premiums absent any physical damage -- has not been addressed by the Oklahoma Supreme Court. But the court of appeals held that “it is highly unlikely, given Oklahoma law and the bulk of out-of-state authority, that the Oklahoma Supreme Court would hold in favor of the homeowners.” The court noted that the the homeowners never requested certification until the district court ruled against them on the merits. After declining to certify the question, the court held that, under Oklahoma law, a homeowner cannot sue for increased insurance premiums absent any actual damage to property. **The case is closed.**

See *Oklahoma v. Farmers Insurance Exchange*, No. CJ-2021-92 (District Ct., Pottawatomie County, Okla., Apr. 1, 2021)

***Griggs v. New Dominion LLC*, No. CJ-2017-174 (District Ct., Logan County, Okla., Jul. 21, 2017), removed, No. 5:17-cv-00942 (W.D. Okla., Sep. 1, 2017), remanded (Oct. 17, 2017), removed, No. 5:17-cv-01232-F (W.D. Okla., Nov. 16, 2017), remanded (Dec. 28, 2017), interlocutory appeal, No. IN-119185 (Okla. Sup. Ct.), assigned to Court of Civil Appeals (Jun. 15, 2022)**

Lisa Griggs and April Marler filed a class action lawsuit against New Dominion LLC and two dozen other energy companies, claiming that “by disposing of fracking wastewater deep into the earth, Defendants introduced contaminants into the natural environment that caused an adverse change to it in the form of unnatural seismic activity.” Plaintiffs claim damages were proximately caused by pollution of the environment through the disposal of fracking wastewater with injection wells. Plaintiffs seek compensation for physical damages to real and personal property; market value losses to their real property; and for emotional distress. In addition, punitive damages are requested. The lawsuit focuses exclusively on wastewater disposal injection into Oklahoma’s Arbuckle formation, and is limited to earthquakes of 4.0 magnitude or greater. Plaintiffs have identified eight clusters of earthquake swarms between February 9, 2014 and August 17, 2016. The complaint presents claims for strict liability for ultrahazardous activity; negligence; private nuisance; and trespass.

On September 1, 2017, the defendants removed the case to district court; however, on September 9, 2017, the plaintiffs moved to remand the case to state court. On October 17, 2017, the case was remanded to state court. On October 24, 2017, a first amended class action petition was filed in state court. On November 16, 2017, the case was transferred to federal court. On December 28, 2017, the case was remanded to Logan County District Court. On March 1, 2018, the court stayed the case, but on September 6, 2018, the stay was lifted. Motions to dismiss were filed in September and October 2018. On November 16, 2018, the court sustained the motions to dismiss based on bankruptcy, but overruled all other motions to dismiss. The judge denied class-action status to Griggs and Marler, who filed on behalf of other central Oklahomans. See

<https://www.news-star.com/news/20181120/judge-denies-request-to-dismiss-lawsuit-over-earthquake-damage>.

2020 Interlocutory appeal. – After receiving permission on October 8, 2020, plaintiffs filed an interlocutory appeal (Supreme Court Case No. IN-119185) of the decision to strike plaintiffs' class action allegations. In its Petition in Error, filed November 9, 2020, plaintiffs argue that in the Cooper litigation, class certification was upheld by the Court of Appeals on November 15, 2019. On April 27, 2022, the energy appellees' filed a joint answer brief, arguing that the district court correctly struck class allegations and that the class claims fail as a matter of law because they do not depend on a common contention that is capable of classwide resolution. On June 15, 2022, the case was assigned to the Court of Civil Appeals, Tulsa. **The case is pending.** <http://www1.odcr.com/>

***Chacko v. Sundance Energy Oklahoma LLC*, No. CJ-2017-7308 (District Ct., Oklahoma Cty., Okla., Dec. 28, 2017)**

George and Christie Chacko, and other residents of Logan and Oklahoma counties, claim property damage due to earthquakes and seismicity proximately caused by produced water disposal operations within and near Oklahoma County, Oklahoma, by Sundance Energy and other energy companies. The plaintiffs asserted claims for negligence, strict liability/ultrahazardous activity, and nuisance. On August 15, 2018, the case was voluntarily dismissed. See *Depew v. Sundance Energy Oklahoma LLC*, No. CJ-2019-4520. **The case is closed.**

***Felts v. Grayhorse Operating, Inc.*, No. CJ-2017-7329 (District Ct., Oklahoma Cty., Okla., Dec. 29, 2017)**

G. Terry Felts and eleven other individuals sued Grayhorse Operating, Inc., Baron Exploration Company, and Meadowbrook Oil Corporation. The plaintiffs alleges that defendants were negligent in conducting activities related to their disposal wells, in part due to failure to protect against earthquakes. The plaintiffs further allege that disposing fracking wastes into wells is an ultra-hazardous activity requiring imposition of strict liability. Finally, the plaintiffs contend that the actions constitute an actionable nuisance. On July 23, 2018, Grayhorse Operating filed a motion to dismiss. On August 29, 2018, Meadowbrook Oil Corporation moved to re-assign the case to Judge Trevor Pemberton, who is presiding over No. CJ-2016-137 (District Ct., Oklahoma Cty., Okla., filed Jan. 11, 2016). On September 14, 2018, the motion to dismiss filed by Grayhorse Operating Inc. was granted. On October 4, 2018, plaintiffs dismissed their case against Baron Exploration Company. On October 5, the court granted Meadowbrook Oil Corporation's transfer order. On October 11, 2018, Baron Exploration dismissed its counterclaims without prejudice. On February 4, 2019, claims against the remaining defendant, Meadowbrook Oil Corporation, were dismissed with prejudice. **The case is closed.**

***Bennett v. Chapparral Energy LLC*, No. CJ-2018-58 (District Ct., Logan County, Okla., Mar. 26, 2018), interlocutory appeal, No. CI-119122 (Okla. Sup. Ct.)**

Lacheverjuan Bennett and twenty-five other individuals sued Chapparral Energy, L.L.C., and twenty-one other energy companies for compensatory and punitive damages. Plaintiffs assert claims of absolute liability, negligence, gross negligence, private nuisance, public nuisance, and trespass. They allege that injection of

wastewaters have induced earthquakes in the vicinity of Guthrie, Oklahoma. On June 15, 2018, the action was stayed and reassigned to Judge Philip Corley. Motions to dismiss were filed in October 2018. On July 10, 2019, the court lifted the stay and reopened the case. On August 16, 2019, Judge Corley granted the defendants' motion to dismiss in part and granted plaintiffs 45 days to amend the petition. On September 3, 2019, plaintiffs moved the court to either reconsider its dismissal of claims on statute of limitations grounds or delay an entry of an order. On September 20, 2019, Judge Corley granted the defendants' motion to settle the August 16th journal entry and denied the plaintiffs' motion to reconsider. A second amended petition was filed on November 1, 2019. Motions to dismiss were argued on February 21, 2020.

On April 13, 2020, the court rejected the position of the plaintiffs regarding tolling based on fraudulent concealment, and held that “the earthquakes that occurred prior to March 26, 2016 are outside the two year statute of limitations and defendants' Motion to Dismiss as to those earthquakes is sustained.” The court reaffirmed its prior ruling that “the continuing tort doctrine does not apply to specific earthquakes alleged to have been caused by defendant's waste water injections,” and found that “each earthquake is its own and separate cause of action.” On September 10, 2020, the court certified its order, entered April 13, 2020, for an immediate appeal. No. CI-119122 (Okla. Sup. Ct.). On January 11, 2021, the petition for an interlocutory appeal was denied. **The case is pending.**

Pawnee Nation of Oklahoma v. Eagle Road Oil LLC, No. 18-cv-00263 (N.D. Okla., May 17, 2018)

The Pawnee Nation alleges that the defendants have polluted the environment around Pawnee, Oklahoma, through the disposal of fracking wastewater with injection wells. The Nation seeks damages in the form of (1) physical damages to real and personal property; (2) market value losses to the real property; and (3) punitive damages. Defendants include Eagle Road Oil LLC and Cummings Oil Company.

The Nation, which seeks to bring a class action on behalf of itself and its members, claims to have suffered more than \$400,000 in physical and market value damages to its historical government buildings. The Nation asserts a claim of Absolute Liability on the basis that the Defendants’ actions “are ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage.” The Nation also asserts claims of negligence, private nuisance, and trespass. On May 6, 2020, a third amended complaint was filed. The parties entered into a settlement agreement and the case was closed on November 9, 2021. **The case is closed.**

Mercer v. Eagle Road Oil, LLC, No. CJ-2018-00080 (District Ct., Pawnee County, Okla., Aug. 28, 2018)

Anna Mercer seeks damages due to permanent nerve damage to her arm and neck after falling down stairs during the magnitude 5.8 earthquake that struck the Pawnee area in September 2016. She asserts claims of absolute liability for ultrahazardous activities, and negligence. She seeks compensatory and punitive damages. The defendants are Eagle Road Oil LLC, Cummings Oil CO., Territory Resources LLC, Enervest Operating LLC, Petro Warrior LLC, Petroquest Energy LLC, and Trinity Operating LLC. Motions to dismiss are pending. In 2019 it appears Petroquest Energy LLC and Trinity Operating (USG) LLC were dismissed, and on January 6, 2022, Enervest Operating LLC was dismissed. On June 8, 2022, the case was settled. **The case is dismissed.**

***Steadfast Insurance Company v. Eagle Road Oil LLC*, No. 4:18-CV-00457 (N.D. Okla., Aug. 31, 2018)**

The Steadfast Insurance Company sued to recover insurance proceeds (approximately \$325,000) paid to the Pawnee Nation, which suffered induced earthquake damages proximately caused by defendants' disposal of fracking wastewater. Plaintiff asserts claims of absolute liability based on ultrahazardous activity, negligence, private nuisance, and trespass.

On June 7, 2019, the court granted motions to dismiss plaintiff's claims based on the rule against claim splitting. Three months prior to this lawsuit, the Pawnee Nation commenced a related lawsuit captioned *Pawnee Nation of Oklahoma v. Eagle Road Oil LLC*, No. 4:18-cv-263 (N.D. Okla. May 17, 2018) (described elsewhere in this document). The Nation's allegations in that lawsuit largely mirror Steadfast's allegations in this lawsuit, and the Nation asserts the same causes of action against the same defendants and seeks to recover the same damages. Oklahoma law permits a subrogated insurer and the insured to join as co-plaintiffs in the same action against the defendant to recover for the entire loss. Therefore, the court dismissed the present action: "In another lawsuit pending in this district, Steadfast's insured—the Pawnee Nation—asserts the same causes of action against the same defendants and seeks to recover the same damages arising from the same injury. These duplicative actions concern the same factual and legal issues. Allowing both actions to proceed would waste judicial resources, risk inconsistent rulings, and unfairly subject defendants to multiple lawsuits arising from the same transaction and the same injury. Steadfast has identified no reason why it did not file a single lawsuit with the Nation as co-plaintiffs or why it could not seek to intervene in the Nation's first-filed lawsuit." 2019 WL 2410083. **The case is closed.**

***Harvey v. Cher Oil Company, Ltd.*, No. CJ-2018-5146 (District Ct., Oklahoma County, Okla., Sep. 19, 2018). See 2022 WL 1157309 (Second Amended Petition for Damages, Mar. 29, 2022)**

Based on two sequences of earthquakes -- the "Pawnee Seismicity Sequence" and the "Cushing Seismicity Sequence" -- Michelle Harvey and other Oklahoma citizens assert continuing torts of negligence, private nuisance, trespass, and ultrahazardous activities warranting application of strict liability. Plaintiffs seek damages for damages to real and personal property; emotional distress; and punitive damages. Defendants are Cher Oil Company, Ltd; Cimarron River Operating Corp.; Circle 9 Resources, LLC; Crown Energy Company; Equal Energy US Inc.; FHA Investments LLC; Koby Oil Company LLC; Mid-Con Energy Operating LLC; Oakland Petroleum Operating Company Inc; Orca Operating Company LLC; Petco Petroleum Corp; Shields Operating Inc.; Special Energy Corporation; Tarka Energy LLC; Territory Resources LLC; White Star Petroleum LLC; Eagle Road Oil, LLC, and Cummings Oil Company. On April 27, 2022, Tarka Energy LLC filed a motion to dismiss. **The case is pending.**

***James v. Berexco LLC*, No. CJ-2018-5143 (District Ct., Oklahoma County, Sep. 19, 2018), removed, No. 5:19-cv-00646-F (W.D. Okla. Jul. 18, 2019)**

***Nelson v. Berexco LLC*, No. CJ-2018-5140 (District Ct., Oklahoma County, Sep. 19, 2018), removed, No. 5:19-cv-00647-F (W.D. Okla. Jul. 18, 2019)**

***Steele v. Berexco LLC*, No. CJ-2018-5144 (District Ct., Oklahoma County, Sep. 19, 2018), removed, No. 5:19-cv-00648-F (W.D. Okla. Jul. 18, 2019)**

***Oravetz v. Berexco LLC*, No. CJ-2018-5142 (District Ct., Oklahoma County, Sep. 19, 2018), removed, No. 5:19-cv-00649-F (W.D. Okla. Jul. 18, 2019)**

In these suits by Oklahoma residents against numerous energy companies, it is contended that the injection of fracking waste water into the ground caused earthquakes and property damage. Plaintiffs assert causes of action for absolute liability, negligence, gross negligence, private and public nuisance, and trespass in connection with damages experienced during earthquakes in 2016 near Cushing and Pawnee. Plaintiffs also seek punitive damages for “knowingly causing seismic activity” as a result of waste water injection activities, which “constitute intentional, wanton, or reckless disregard” for public and private safety.

The lawsuits were removed to federal court on July 18, 2019. On September 19, 2019, the plaintiffs’ motion to remand to state court was denied. In October of 2019 the defendants filed motions to dismiss. Defendants argue that the the claims related to the Pawnee earthquake are barred by the statute of limitations. They also contend that the claim of strict liability for ultrahazardous activity must be dismissed because there are alternative safe methods of disposing of waste water. Defendants argue that plaintiffs have not pleaded sufficient facts to show what each defendant did to make it liable or how its actions caused or contributed to any specific earthquake, and instead rely on a theory of market share and joint liability.

On November 19, 2019, the court granted the plaintiffs' motion for voluntary dismissal. **The case is closed.**

***Jones v. Berexco, LLC*, No. CJ-2018-5141 (District Ct., Oklahoma County, Okla., Sep. 19, 2018). See 2021 WL 8129938 (First Amended Petition for Damages, Sep. 21, 2021)**

Susan Jones and other Oklahoma citizens allege their properties have been damaged by defendants’ creation of hundreds of earthquakes induced by wastewater disposal operations. Plaintiffs assert continuing torts of negligence, private nuisance, trespass, and ultrahazardous activities warranting application of strict liability. Each Plaintiff seeks damages, including punitive damages, being caused by the Pawnee Seismicity Sequence and the Cushing Seismicity Sequence. The defendants are Crown Energy, Equal Energy, Mid-Con Energy, White Star, FHA Investments, Oakland Petroleum, Marjo Operating, Cher Oil, Koby Oil, and Cimarron River (Cushing Seismicity Sequence), and Territory Resources, Petro Warrior, White Star, Eagle Road, and Cummings Oil (Pawnee Seismicity Sequence). Plaintiffs disclaim any allegations sounding in market share or joint and several liability, as Oklahoma law does not accept either of these legal theories. Plaintiffs assert that their claims are not time-barred because (1) they allege continuing wrongs and continuing torts; and because (2) claims were tolled due to the oil and gas industry’s false, fraudulent, or misleading conduct. Each Plaintiff is included within the class definition as pled in the Third Amended Class Action Petition filed in *Adams v. Eagle Road, et al.*, Pawnee County District Court, Case No. CJ-2016-78, which was filed on August 27, 2018 (the “Adams Class Action”), and as it relates to the Pawnee Seismicity Sequence. Plaintiffs contend that the commencement of a class action suspends the statute as to all members of the defined class. Plaintiffs allege (1) defendants’ actions are ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and are not matters of common usage, and plaintiffs have suffered damages to which defendants are strictly liable; (2) defendants were negligent; (3) defendants’ conduct constitutes a private nuisance; (4) defendants engaged in activities that resulted in concussions or vibrations entering Plaintiffs’ properties, which remain and are continuing unlawful invasions and constitute trespasses. Punitive damages are requested because defendants’ actions are alleged to constitute wanton or reckless disregard for public and private safety.

A second amended petition for damages was filed on April 25, 2022. On May 2, 2022, the court upheld motions to dismiss by Eagle Road LLC and Cummings Oil Company and gave plaintiffs 20 days to amend their petition. In the order, the court held that (1) the continuing tort doctrine does not apply because the earthquakes at issue were separate and discrete occurrences; (2) the fraudulent concealment exception does not toll the statute; (3) all claims prior to September 21, 2019, are barred; (4) Oklahoma has not adopted the market share theory of tort liability; (5) the petition does not show a reasonable connection or causation link between any individual defendant's conduct, a specific earthquake, and any specific injury of plaintiffs; and (6) the action for strict liability for ultrahazardous activity is dismissed as no authority was submitted that operation of an injection and saltwater disposal is an ultrahazardous activity. On May 13, 2022, three other defendants filed motions to dismiss. **The case is pending.**

***Bonar v. Cher Oil Ltd.*, No. CJ-2018-5145 (District Ct., Oklahoma County, Okla., Sep. 19, 2018).**

David Bonar and other residents of Oklahoma County assert claims for absolute liability based on ultrahazardous activities; negligence, gross negligence, private nuisance, public nuisance, trespass, and punitive damages connected to seismic activity allegedly due to wastewater injection well operations. A first amended petition for damages was filed on February 16, 2022. A hearing on defendants' motion to dismiss is set for June 23, 2022. **The case is pending.**

***Depew v. Sundance Energy Oklahoma LLC*, No. CJ-2019-4520 (District Ct., Oklahoma County, Aug. 14, 2019)**

This case is a re-filing of *Chacko v. Sundance Energy Oklahoma, LLC.*, No. CJ-2017-7308 (District Ct., Oklahoma County, Dec. 28, 2017), which was voluntarily dismissed on August 15, 2018. The plaintiffs in this case, Greg and Janice Depew, and other residents of Creek, Garfield, Kay, Kingfisher, Lincoln, Logan, Noble, Oklahoma, and Payne counties, own properties in central Oklahoma. They claim damages due to earthquakes and seismicity proximately caused by produced water disposal operations within and near Oklahoma County, Oklahoma, by Sundance Energy and other energy companies. They assert claims for strict liability for ultrahazardous activity, negligence, private nuisance, and trespass. They argue that the statute of limitations for their claims has been tolled. They claim compensatory and punitive damages and demand a jury trial. On July 30, 2020, a second amended petition was filed. 2020 WL 7767756.

On December 8, 2020, the court entered an order on defendants' motions to dismiss. The court held that "Plaintiffs cannot use Okla. Stat. tit. 12, s 100, commonly referred to as the "Savings Statute," to expand the Depew case beyond the named Plaintiffs and the named Defendants and the claims for relief common to both the *Chacko* case and the *Depew* case. However, the Court FINDS that the "Edmond Cluster" identified in Depew is substantially similar between *Chacko* and *Depew* sufficient to include a sixth earthquake in the "Edmond Cluster," one more earthquake than the five earthquakes included in the alleged "Edmond Cluster" as pleaded in the *Chacko* case." On January 4, 2021, the court denied a motion to reconsider and granted a request to certify for appeal. On September 29, 2021, the Oklahoma Supreme Court denied the petition for certiorari to review certified interlocutory order. No. 119,665. **The case is closed.**

***Newby v. Farmers Insurance Company*, No. CJ-2019-5138 (District Ct., Oklahoma Cty., Okla, Sep. 13, 2019), 2019 WL 13094207 (petition)**

Cole and Teri Newby of Edmond, Oklahoma, allege that the defendant, Farmers Insurance Company, "collects massive amounts in premiums from the earthquake policies and pays very little out to the insured and when payouts are possible." Plaintiffs allege that the defendants breached their contractual obligations; hired a company "to perform a sham analysis" and minimized reported damage and thus breached its duty of good faith and fair dealing. On December 15, 2021, the court granted defendants' motion for summary judgment based upon the failure of plaintiffs to file their lawsuit within the time required by the suit limitation clause of the insurance policy. A motion to reconsider was denied on April 14, 2022. The case has been appealed to the Oklahoma Supreme Court. No. 120421. **The case is pending.**

Barton v. Ovintiv Mid-Continent Inc., No. CJ-2020-00065 (District Ct., Kingfisher Cty., Okla., Sep. 9, 2020), removed, No. 5:20-cv-01098-F (W.D. Okla., Oct. 29, 2020), order on motion to dismiss, 2021 WL 1566451 (Apr. 21, 2021)

Julie Barton, Kenny Barton, and Katie Barton commenced this action in Kingfisher County. In June of 2020, Ovintiv began drilling a horizontal well within several hundred feet of plaintiffs' property. Plaintiffs allege that they suffered lightheadedness, nausea, and shortness of breath due to the drilling operations, which generated emissions and well as continuous noise and bright lights at night. Carbon monoxide on July 19, 2020, indicated the presence of 400 ppm of carbon monoxide, which could result in hallucinations, dementia, and serious headaches within one to two hours and risk of death after three hours. In August 2020, after completion of initial drilling, plaintiffs returned from a hotel to their home. At this point the well was fracked, and plaintiffs allege the fracking operations have continued to interfere with plaintiffs' quiet enjoyment of the property resulting from fumes and emissions from Ovintiv's flare, lights coming into Julie's bedroom window at night, loud and continuous noises, and droplets of petroleum fluid "spattered" around the property.

The state lawsuit alleged a claim of private nuisance. After the case was removed to federal court, plaintiffs added an additional plaintiff, a minor child of Julie Barton, and added claims of trespass, intentional interference with prospective economic advantage, strict liability, and negligence. Defendant moved to dismiss the the four newly added claims. On April 21, 2021, the court dismissed the claims of trespass and intentional interference with prospective economic advantage, but denied the motion to dismiss the claims of strict liability and negligence.

Trespass - With regard to trespass, the court concluded that plaintiffs have not alleged a plausible claim because -- although perceptible through smell -- the fumes or emissions at issue are impalpable and constitute an intangible intrusion, which requires an allegation of substantial damage to the property as opposed to personal harm to plaintiffs.

The plaintiffs also failed to allege a plausible claim for **intentional interference with a prospective economic advantage**. The elements of the claim are the existence of a valid business relation or expectancy; knowledge of the relationship or expectance on the part of the interferer; an intentional interference inducing or causing a breach or termination of the relationship or expectancy; and resultant damage to the party whose relationship has been disrupted." *Loven v. Church Mutual Insurance Company*, 452 P.3d 418, 425 (Okla. 2019). With respect to plaintiffs who do not own the home, there are no factual allegations of the existence of a valid business relation or expectancy. As for the homeowner, the allegations do not indicate that Ovintiv

drilled the horizontal well in close proximity to the property for the intentional purpose of interfering or disrupting Kenny's economic business advantage in the future sale of the property.

Negligence - The court denied the motion to dismiss the claim for negligence against Ovintiv based upon its decision to locate, drill, and operate the horizontal well in close proximity to their property. It concluded that "plaintiffs have advanced factual allegations sufficient to support a claim that defendant failed to fulfill its duty of due care to plaintiffs and that plaintiffs' injuries were proximately caused by defendant's failure to satisfy that duty."

Strict Liability – Perhaps most significantly, the court denied the motion to dismiss the claim that Ovintiv is strictly liable to them for its conduct of drilling and fracking in close proximity to their property. Defendant asserted that the operation of an oil and gas well is not an ultrahazardous activity as the possible risks involving its operation can be minimized through reasonable care. Plaintiffs contended that the ultrahazardous nature of oil and gas wells is a matter of first impression under Oklahoma law. The court's analysis is set forth below:

Whether an activity is an ultrahazardous one so that strict liability will be imposed is to be determined by the court. The court is to consider "all the factors listed in [Section 520], and the weight given to each that it merits upon the facts in evidence." Restatement (Second) of Torts § 520, comment (1). Although the court recognizes that the issue can be determined at the pleadings stage, see, *Reece v. AES Corp.*, Case No. CIV-12-0457-JH, 2014 WL 61242, at *6 n. 13 (E.D. Okla. Jan. 8, 2014), the court nonetheless concludes the record in this case is insufficiently developed for the court to appropriately determine whether the doctrine of strict liability should be applied in this case. On that point, the court reminds the parties that we are still at the pleading stage. The question presented is whether plaintiffs have, with nothing more than black letters on white paper, pled themselves into court on the strict liability claim. Any sort of a broad ruling that strict liability might apply in the general circumstances of the drilling of a well in the hope of finding and producing hydrocarbons would be truly extraordinary. But plaintiffs have managed to plead some notably unusual circumstances. Consequently, at this juncture, the court is constrained to conclude that the strict liability claim is not subject to dismissal under Rule 12(b)(6). Defendant may challenge the strict liability claim at the summary judgment stage based upon a more fully developed record.

On June 10, 2022, a minute order was entered stating that the case was settled.

***Dooley v. Cher Oil Company, Ltd.*, No. CJ-2020-03578 (District Ct., Tulsa Cty., Okla., Nov. 19, 2020)**

Dorothy Dooley and ninety-one other plaintiffs from Tulsa County sued Cher Oil Company and nineteen other energy companies for damages related to a sequence of earthquakes near Cushing and Pawnee. Plaintiffs have alleged continuing wrongs and continuing torts that have created temporary damages to their properties. Under Oklahoma law, the applicable statutes of limitations has not yet begun. Plaintiffs assert claims of strict liability for ultrahazardous activity; negligence; private nuisance; and trespass; and seek actual and punitive damages. First amended petition was filed on September 20, 2021. See 2021 WL 5872236. A hearing on defendants' motions to dismiss was held on June 17, 2022. **The case is pending.**

***Oklahoma v. Farmers Insurance Exchange*, No. CJ-2021-92 (District Ct., Pottawatomie County, Okla., Apr. 1, 2021)**

Oklahoma sued Farmers Insurance Exchange and related companies for unjust enrichment and for violations of the state Consumer Protection Act and the state Unfair Claims Settlement Practices Act. In support of its claims, the state alleges that the defendants “misrepresented to the claimants pertinent facts or policy provisions relating to the coverage at issue, ... failed to adopt and implement reasonable standards for prompt investigation of such claims, and ... did not effectuate prompt, fair and equitable settlement of claims submitted in which liability was reasonably clear.” The state sought injunctive relief, civil penalties and “disgorgement of Farmers’s profits obtained from premiums paid by said insureds,” and the return of premiums.

On April 5, 2021, the case was settled and a consent judgment was entered. Oklahoma's attorney general and insurance commissioner announced that they reached a settlement. Farmers will reopen the claims process and evaluate the denied claims using an independent administrator. Farmers Insurance has agreed to pay at least \$25 million to resolve claims and will go beyond the \$25 million fund if eligible property damage claims go beyond the agreed upon amount. Barbara Hoberock, *Tulsa World*, *State announces \$25 million settlement with Farmers Insurance over earthquake claims*, at https://tulsa-world.com/news/state-and-regional/state-announces-25-million-settlement-with-farmers-insurance-over-earthquake-claims/article_bceafb2-9632-11eb-8af5-b7c62bd651cd.html (Apr 6, 2021). **The case is closed.**

***National Union Fire Insurance Company v. New Dominion LLC*, No. 5:21-cv-00547-D (W.D. Okla., May 26, 2021)**

Plaintiff insurer seeks a declaration that no coverage is owed to its insured for the disposal of fracking wastewater that caused earthquake activity in Oklahoma. In particular, plaintiff alleges that its obligations to defend and indemnify New Dominion under the umbrella policies extend only to covered damages occurring during the policy periods, that the underlying lawsuits seek damages outside those periods, that Plaintiff has no duty to indemnify New Dominion for such damages, that Plaintiff has only a proportionate duty to pay defense costs related to its share of covered damages, and that a limitation of coverage provision applies. The "Cooper defendants" argue that they should be dismissed from National Union's suit because they are not parties to the insurance contracts at issue. They argue they should not be joined as necessary parties. The court, on April 28, 2022, disagreed, holding that "a resolution of the alleged dispute could affect the Cooper Defendants’ rights as claimants to proceeds of the insurance policy." **The case is pending.**

PENNSYLVANIA

***Zimmermann v. Atlas America, LLC*, No. 2009-7564 (Ct. Common Pleas, Washington Cty., Pa., Sept. 21, 2009). See 2009 WL 3753890 (complaint); 2010 WL 4680900 (Aug. 23, 2010) (amended complaint); and 2009 WL 7120525 (Oct. 12, 2009) (answer)**

Surface owners George and Lisa Zimmermann claim Atlas America used toxic chemicals during the fracturing process that polluted the freshwater aquifers and destroyed farmland. The suit alleges trespass, nuisance, negligence, negligence per se, res ipsa loquitur, fraud and misrepresentation, breach of the settlement agreement, and violation of the casing requirements of the Pennsylvania Oil and Gas Act. On August 4, 2011, the court dismissed the res ipsa loquitur and gross negligence claims. The court also dismissed the fraud and misrepresentation claim, but held that the Zimmermanns could amend their complaint and reinstate this claim. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). See also *Pennsylvania Lawsuit Says Drilling Polluted Water*, at <http://www.reuters.com/article/2009/11/09/us-fracking-suit-idUSTRE5A80PP20091109>. On April 14, 2014, **the case was settled and closed.**

***Fiorentino v. Cabot Oil and Gas Corp.* [recaptioned *Ely v. Cabot Oil and Gas Corp.*], No. 3:09-cv-02284 (M.D. Pa., Nov. 19, 2009). See 750 F.Supp.2d 506 (M.D. Pa., Nov. 15, 2010) (opinion on motion to dismiss); 38 F.Supp.3d 518 (order holding that natural gas drilling activities, including hydraulic fracturing, are not abnormally dangerous, and imposition of strict liability for damages caused by such activities is not warranted); and 2017 WL 1196510 (opinion denying defendant’s motion for judgment as a matter of law, but granting its motion for a new trial (Mar. 31, 2017)).**

Residents in Dimock and Montrose, Pennsylvania, alleged defendants conducted hydrofracturing and other extraction activities that released methane, natural gas, and other toxins onto their land and into their groundwater. See pleadings at 2010 WL 931974, 2010 WL 2070478, and 2010 WL 46220704. Plaintiffs assert claims based on negligence, gross negligence, private nuisance, strict liability, breach of contract, fraudulent misrepresentation, the Hazardous Sites Cleanup Act; and medical monitoring. [Note: the problems in Dimock were featured in the *Gasland* documentary.] The federal district court, on November 15, 2010, refused for the most part to grant defendants’ motion to dismiss for failure to state a claim. With respect to the Pennsylvania Hazardous Sites Cleanup Act, the court held that plaintiffs stated a plausible claim for relief under Section 702, which provides that a defendant who is responsible for releasing hazardous substances is strictly liable for response costs, including the cost of a health assessment or health effects study. As for common law strict liability, the court allowed the claim to proceed, noting that Pennsylvania courts have concluded that storage and transmission of gas and petroleum products are not abnormally dangerous activities, but have not decided whether gas well drilling and operation are the same. Plaintiffs also alleged plausible facts necessary to support a claim for medical monitoring. The cause of action for gross negligence, however, was dismissed since it is not recognized under Pennsylvania law. With respect to the claim for fear of future illness and emotional distress, the court noted that Pennsylvania law does not allow recovery without some manifestation of actual physical injury, but held that plaintiffs did allege physical injury. Although punitive damages is not a separate claim, because the defendants were allegedly grossly negligent, the court declined to strike the allegations regarding punitive damages. Subsequent procedural rulings: 2011 WL 4944274 (Oct. 17, 2011); 2011 WL 5239068 (Nov. 1, 2011); and 2012 WL 959392 (Mar. 19, 2012). Subsequent developments – The Pennsylvania Department of Environmental Protection also sued Cabot Oil, and reached a settlement on December 16, 2010. The affected families received \$4.1 million and Cabot paid a \$500,000 penalty to the PDEP. The settlement allowed Cabot to resume its hydraulic fracturing activities. See *Pennsylvania, Cabot Reach Settlement Over Methane Contamination*, Greenwire (Dec. 16, 2010), available at <http://www.eenews.net/Greenwire/2010/12/16/20/>. In May of 2012, the U.S. Environmental Protection Agency announced that its well water test results “did not show levels of contaminants that would give EPA reason to take further action.” The test results were both praised and criticized. USA Today, *EPA: Pa. Village's Water Not Polluted by Gas Fracking* (May 11, 2012), at

<http://content.usatoday.com/communities/ondeadline/post/2012/05/epa-pa-villages-drinking-water-not-polluted-by-fracking/1>. Most of the parties settled in August of 2012. See Christian Science Monitor, *Pa. Drilling Town Agrees to Settlement in Fracking Federal Lawsuit* (Aug. 15, 2012), at <http://www.csmonitor.com/USA/Latest-News-Wires/2012/0815/Pa.-drilling-town-agrees-to-settlement-in-fracking-federal-lawsuit> (“Documents indicate that residents of Dimock Township, Pa., who claim their water was poisoned by fracking, have reached a confidential **settlement**”). On September 12, 2012, a joint stipulation of dismissal was filed with the court. The stipulation covers the majority of plaintiffs, with only three families continuing the lawsuit. On December 17, 2012, the Court allowed counsel for the remaining three families to withdraw, giving these families days in which to secure new attorneys or to proceed pro se. On September 18, 2013, the case was recaptioned as *Nolen Scott Ely, et al. v. Cabot Oil & Gas Corporation and Gassearch Drilling Services Corporation*. See also Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

Strict liability claims. – On January 9, 2014, Magistrate Martin C. Carlson recommended (in a 37 page order) that defendants' summary judgment motion on plaintiffs' strict liability claim should be granted. See 38 F.Supp.3d 518. The Magistrate declined “to become the first court in this or any other jurisdiction to conclude that such natural gas drilling operations constitute abnormally dangerous activities,” and instead found as a matter of law “that natural gas drilling operations and hydraulic fracturing are not abnormally hazardous activities on the basis of the record developed in this case” The Magistrate applied Restatement (Second) of Torts § 520 and considered the following six factors: (a) existence of a high degree of risk of some harm to the person, land or chattels of others; (b) likelihood that the harm that results from it will be great; (c) inability to eliminate the risk by the exercise of reasonable care; (d) extent to which the activity is not a matter of common usage; (e) inappropriateness of the activity to the place where it is carried on; and (f) extent to which its value to the community is outweighed by its dangerous attributes.

With regard to factor (a), the Magistrate concluded that drilling operations do not present a high degree of risk of harm, but found that properly drilled, cased and hydraulically fractured gas wells create, at most, relatively low risk to water supplies. With regard to factor (b), the Magistrate concluded that plaintiffs have not shown a sufficient likelihood that harm resulting from the defendants' gas drilling operations will be great, noting that “there is substantial evidence offered in support of the Defendants' view that proper gas drilling techniques mitigate risks, and such risks while already low will continue to be mitigated as the industry develops further safety precautions.”

With respect to whether the exercise of due care can eliminate risks posed by drilling operations (factor c), the Magistrate held that although he could not conclude that all risk of harm is absolutely foreclosed by the exercise of due care, “the great weight of the evidence that the parties have submitted indicates that such risks are substantially mitigated when due care is exercised.” On this point the Magistrate noted that the report of Cornell University Professor Anthony Ingraffea focused “on improper well completion and faulty casing, or other negligent failings,” but did not “contain any explanation of, or identify any examples where a gas well was properly constructed and completed, and nevertheless fluid migration or water contamination occurred.” [Subsequent to his report and recommendation, the Magistrate on March 27, 2014, denied the defendant's motion to strike the plaintiffs' experts' affidavits and supplemental reports. 2014 WL 1276487.]

With regard to factor (d), the Magistrate rejected the plaintiffs' contention that natural gas drilling, and hydraulic fracturing, is a “novel” activity in the area and thus not a matter of common usage. As for factor (e), the Magistrate noted that the wells were drilled pursuant to permits and in compliance with legal requirements with respect to setback limits, and held that the activities were not conducted in inappropriate

locations. Finally, with respect to the last factor – whether the economic value to the community outweighs any dangers posed by gas drilling operations – the Magistrate found that “this industrial activity has benefits that extend throughout the Commonwealth, affecting individuals, businesses, local communities, and government.” In its conclusion the Magistrate found that “strict liability should not apply” and that plaintiffs’ claims for property damage and personal injury “should be considered under traditional and longstanding negligence principles, and not under a strict liability standard.”

On April 23, 2014, the district court (without further elaboration) adopted “in its entirety” the magistrate’s recommendation of January 9, 2014, and granted the defendants’ summary judgment motion on the plaintiffs’ strict liability claims. 38 F.Supp.3d 518.

Claims other than strict liability. – On July 22, 2014, the district court granted the defendants’ summary judgment motion on the claims of Nolen Scott Ely, as the executor of the Estate of Kenneth R. Ely. On July 29, 2014, the court likewise granted summary judgment against Hubert family (with the exception of their private nuisance claim) and also dismissed with prejudice claims of plaintiffs Jeanette Carter and Todd Carter, as well as all related counterclaims. See 2014 WL 12479991 (Magistrate Report and Recommendation). On August 26, 2014, Nolen S. Ely filed a notice of appeal (No. 14-3698). On November 19, 2014, the appeal was dismissed for lack of appellate jurisdiction because the July 22, 2014, order is not yet appealable in light of pending claims.

On January 12, 2015, the court denied summary judgment on the private nuisance and negligence claims. However, it granted summary judgment on claims of breach of contract; lost royalties; fraudulent inducement; negligence per se; medical monitoring; violations of Pennsylvania environmental statutes; and the negligence claim brought by the Ely children. The court suggested that the Ely family and a handful of other landowners remaining in the litigation should enter mediation with Cabot Oil. See *Drilling contamination case narrowed against Cabot in Susquehanna County*, Legal Intelligencer (Jan. 20, 2015), <http://www.post-gazette.com/business/legal/2015/01/20/Drilling-contamination-case-narrowed-against-Cabot-in-Susquehanna-County/stories/201501200019>. An appeal was filed on February 13, 2015 (No. 15-1439). On May 1, 2015, the court denied a motion to certify the order denying the Ely estate claims as final pursuant to Rule 54(b). 2015 WL 1963108. On May 8, 2015, Judge Carlson granted the defendants’ motion to amend their answer to include the affirmative defenses of recoupment and mitigation of damages.

Trial and Jury Verdict on March 10, 2016 – On February 17, 2016, the ruled on the defendant’s motion to exclude the testimony of one of the plaintiff’s expert witnesses, Paul A. Rubin, finding “narrow areas ... where this witness may testify.” 2016 WL 4169220. Trial began on February 22, 2016, with regard to the negligence and private nuisance claims. The plaintiffs were represented by Leslie Lewis. Magistrate Carlson on March 8 dismissed the negligence claim, holding that Nolen Scott Ely and his wife, Monica-Marta Ely, cannot recover any monetary damages for the alleged loss in value of their Susquehanna County property because they had not presented evidence that could establish the pre-injury value of their property. The court limited the potential damages in the remaining private nuisance claim to “inconvenience and discomfort” caused by the nuisance, which does not include mental and emotional discomfort or the cost to replace water. The case proceeded on nuisance claims by the Elys and their co-plaintiffs, Raymond and Victory Hubert. On March 10 the jury awarded \$4.24 million. Forty-four plaintiffs initially claimed property damage and injuries, but after settlements and court rulings, only four plaintiffs remained. Jurors were asked to determine whether Cabot was negligent in drilling or completing two wells and whether the work on the wells created a nuisance by contaminating the water wells on the Ely’s 8.8 acre property. The jury awarded Mr. and Mrs. Ely \$2.6 million and their three minor children \$50,000 each. Mr. and Mrs. Hubert were awarded \$1.4

million, while another family member was awarded \$50,000. Cabot stated it would file a motion to set aside the verdict and/or grant a new trial based on Ms. Lewis' conduct during the trial.

The District Court, on March 31, 2017, denied defendant's Motion for Judgment as a Matter of Law but granted its Motion for a New Trial granted. On April 7, 2016, Cabot Oil & Gas filed a motion for a Judgment as a Matter of Law, a motion for New Trial, a Motion to Set Aside Verdict, and a Motion for Damages Remittitur. On March 31, 2017, the district court denied Cabot's motion for judgment as a matter of law. Cabot argued it was entitled to judgment in part because plaintiffs' admissions established that water problems existed before Cabot began drilling. The court acknowledged that the evidence showed one of the plaintiffs had been able to light his water on fire before drilling operations commenced. The Court, however, observed that Cabot must meet "exacting standards" to have judgment entered as a matter of law, and found that plaintiffs had submitted sufficient evidence as to whether Cabot's activity was negligent and had contributed to the interference with the plaintiffs' use of their water and enjoyment of their property.

On the other hand, the Court granted Cabot's motion for a new trial, holding that "the weaknesses in the plaintiffs' case and proof, coupled with serious and troubling irregularities in the testimony and presentation of the plaintiffs' case – including repeated and regrettable missteps by counsel in the jury's presence – combined so thoroughly to undermine faith in the jury's verdict that it must be vacated" The court described in detail "manifold instances of improper conduct at trial, and repeated testimony and argument by counsel that was prejudicial to Cabot." It also stated that "the plaintiffs' expert witnesses offered opinion testimony that came perilously close speculation and at best were inferences that had weak factual support."

The court also observed that "the jury's award of more than \$4 million in damages for private nuisance bore no discernible relationship to the evidence." The case had been narrowed to a remaining nuisance claim, and the court held that jury's award of \$4.24 million "bore no relationship to the facts of the case, the plaintiffs' own testimony, or the Court's instructions on the law." 2017 WL 1196510.

On September 21, 2017, a one-page order was entered dismissing the case without prejudice, with the right to reinstate with 60 days if the settlement is not consummated.

See <http://www.pahomepage.com/news/cabot-oil-gas-and-dimock-families-settle-civil-lawsuit/818382810>.

On October 3, 2017, a sealed order was filed settling the minors' actions. **The case is closed.**

Criminal charges. – In June 2020 a grand jury ended a 2-year investigation of Cabot Oil for environmental crimes in northeastern Pennsylvania. Attorney General Josh Shapiro on June 15, 2020, announced that the Pennsylvania Office of Attorney General plans to file 15 criminal counts against the Houston-based Cabot Oil and Gas, including nine felonies. Cabot will be charged with 7 counts of Prohibition Against Discharge of Industrial Wastes, 7 counts of Prohibition Against Other Pollutions and one count of Unlawful Conduct under the Clean Streams Law. The Grand Jury's investigation into the contamination of well water in Dimock, Susquehanna County, revealed that Cabot's fracking activities were responsible for methane pollution in the local water supply. *Houston energy company hit with criminal charges in Pennsylvania*, <http://www.okenergytoday.com/2020/06/houston-energy-company-hit-with-criminal-charges-in-pennsylvania/> (Jun. 19, 2020). **The criminal case is pending.**

Related news. – A fracking wastewater treatment company announced in November 2020 that it is exploring the possibility of constructing an underground deep injection well in Dimock, Susquehanna County. If approved, it would be the first deep injection well to handle fracking wastewater in eastern Pennsylvania. See Northern Tier Residents Worry About Planned Fracking Waste Well In Dimock (Nov. 30, 2020), at

***Hallowich v. Range Resources Corp.*, No. C-63-CV-201003954 (Ct. Common Pleas, Washington Cty., Pa., May 27, 2010) (praecipe to issue a writ of summons; no complaint was filed). See also *Hallowich v. Range Resources Corp.*, No. 234 WDA 2012 and 235 WDA 2012 (Pa. Superior Court, Dec. 7, 2012)**

Plaintiffs claim that gas wells and gas processing facilities caused their health to deteriorate. **The parties settled in July 2011.** On August 23, 2011, the Court of Common Pleas closed proceedings to the public, approved a confidential settlement, and entered an order sealing the record. On January 31, 2012, the court denied as untimely motions by newspapers to intervene and unseal the record. The decision was appealed, and an environmental group, doctors, and several medical organizations filed a joint amicus brief in April of 2012. See http://www.rcfp.org/sites/default/files/docs/20120208_165629_jt_court_rev1.pdf; and <http://blogs.artvoice.com/avdaily/2012/05/01/pennsylvania-doctors-newspapers-sue-frack-companies-over-secrecy/>. On December 7, 2012, the Pennsylvania Superior Court held that the Court of Common Pleas should have considered the petitions to intervene and unseal the record. Consequently, the appellate court vacated the lower court order and remanded for the court to rule on the merits of the newspapers' petitions. On March 20, 2013, the court ordered the terms of the settlement unsealed. Pursuant to the terms of the settlement, Range Resources paid \$750,000 to Stephanie and Chris Hallowich, who in turn agreed that there was no medical evidence that drilling harmed their health or their children's health. See [http://earthjustice.org/documents/legal-document/pdf/hallowich-appeal-ruling\(decision\);JudgesRuleThatFrackingSecrecyCourtCaseMustBeHeard,PressRelease,Earthjustice\(Dec.7,2012\),athttp://ohiocitizen.org/wp-content/uploads/2012/12/Harrisburg.pdf](http://earthjustice.org/documents/legal-document/pdf/hallowich-appeal-ruling(decision);JudgesRuleThatFrackingSecrecyCourtCaseMustBeHeard,PressRelease,Earthjustice(Dec.7,2012),athttp://ohiocitizen.org/wp-content/uploads/2012/12/Harrisburg.pdf); and Rob Wile, *Unsealed Settlement Shows A Shale Driller Paid Family \$750,000 Over Health Claims*, Business Insider (Mar. 21, 2103), at <http://www.businessinsider.com/hallowich-range-drilling-settlement-ppg-2013-3>. The settlement agreement prohibits the plaintiffs – and also their children – from talking about the litigation. See Don Hopey, *Pittsburgh-area shale settlement 'gag' questioned*, Pittsburgh Post-Gazette (Aug. 1, 2013), at <http://www.post-gazette.com/stories/local/washington/confidential-agreement-should-have-been-part-of-washington-county-marcellus-shale-case-record-697530>. **The case is closed.**

In January 2019 it was reported that Pennsylvania Attorney General Josh Shapiro is pursuing criminal investigations of “environmental crimes” committed by the oil and gas industry in Washington County and possibly throughout the state. See *State conducting criminal investigation of shale gas production*, at <https://www.post-gazette.com/news/crime-courts/2019/01/28/pa-attorney-general-josh-shapiro-criminal-investigation-oil-gas-industry-washington-county-environmental-crimes/stories/201901210078> (Jan. 28, 2019). Stephanie Hallowich testified before the investigative grand jury in Pittsburgh on February 19, 2019. See *Woman who sued natural gas driller Range Resources testifies before grand jury*, at <http://www.witf.org/news/2019/02/woman-who-sued-natural-gas-driller-range-resources-testifies-before-grand-jury.php> (Feb. 22, 2019). See also *Haney v. Range Resources*, No. C-63-CV-201203534 (Ct. Common Pleas, Washington Cty., Pa., May 25, 2012) (discussed below). Scott Perry, who heads the Pennsylvania Department of Environmental Protection's oil and gas office, testified before a state grand jury investigating environmental crimes involving the shale gas industry on November 14, 2019. See Pittsburgh Post-Gazette, *Pennsylvania grand jury probing shale gas industry over environmental concerns*, at <https://www.mcall.com/news/pennsylvania/mc-nws-pa-shale-grand-jury-20191122-2g44ixkirvba3cljuai0hn3wwm-story.html> (Nov. 22, 2019).

***Berish v. Southwestern Energy Production Co.*, No. 2010-1882 (Ct. Common Pleas, Susquehanna Cty., Pa., Sept. 14, 2010), removed, No. 3:10-cv-01981 (M.D. Pa., Sept. 29, 2010). See 763 F.Supp.2d 702 (M.D. Pa., Feb. 03, 2011) (opinion on motion to dismiss)**

The lawsuit was first filed in September 2010 in Susquehanna County, Pennsylvania, but was removed to federal district court. The complaint alleges that improper casing of fracking wells allowed chemicals to migrate and contaminate water wells. Plaintiffs assert claims for violation of the Hazardous Sites Cleanup Act, negligence, private nuisance, strict liability, trespass, and medical monitoring. See pleadings at 2010 WL 3627011 and 2010 WL 4230599. The federal district court held on February 3, 2011, that the plaintiffs stated a claim for strict liability, but failed to state a claim for emotional distress (except as to one plaintiff). With respect to the strict liability claim, the court noted that Pennsylvania cases have held that oil and gas extraction activities are not abnormally dangerous, but nevertheless declined to grant the motion to dismiss because the determination of whether a particular activity is abnormally dangerous is a fact intensive inquiry. In Pennsylvania, claims for emotional distress require that the plaintiff allege an attendant physical injury. Pennsylvania, however, does recognize a cause of action for inconvenience and discomfort caused by interference with another's peaceful possession of his or her real estate. Subsequent developments -- On May 3, 2012, the district court allowed the plaintiffs to file a third amended complaint and add four additional defendants. The court, however, reserved the right to determine whether the claims against the new defendants are barred by the statute of limitations. See 2012 WL 1569592. On May 17, 2012, plaintiffs filed their third amended complaint in order to add four new defendants. On August 21, 2012 and August 31, 2012, the court dismissed all personal injury claims (except for a minor who retained the right to assert a personal injury claim in the future if she develops an injury), all claims for natural resource damages, and all claims for negligence per se. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On August 10, 2015, the court approved the stipulated dismissal of plaintiffs' claims for medical monitoring, strict liability, and all claims under the Pennsylvania Hazardous Sites Cleanup Act.

On March 7, 2016, the court was informed that the parties “are progressing forward with the settlement of this matter” and that “all but two (2) individual plaintiffs have yet to execute the settlement.” On April 26, 2016, an order was entered dismissing the “Minor Plaintiffs” claims. On September 6, 2016, the court entered an order dismissing the case with prejudice. **The case is closed.**

***Armstrong v. Chesapeake Appalachia, LLC*, No. 10-cv-000681 (Ct. Common Pleas, Bradford County, Pa., Oct. 27, 2010), removed, No. 3:10-cv-002453 (M.D. Pa., Nov. 29, 2010), remanded to state court (July 29, 2011), denial of motion to compel arbitration (Jun. 27, 2012), affirmed, 2014 WL 10919559, No. 1346 MDA 2012 (Superior Court of Pennsylvania, Jun. 17, 2014)**

Judy Armstrong, Carl Stiles, and Angelina Fiorentino allege that drilling caused substances to contaminate their water. Causes of action include negligence, strict liability, trespass, medical monitoring, and violation of the Pennsylvania Hazardous Sites Cleanup Act. The action was removed to federal court in 2010, but was remanded in July 2011. Prior to remand, on May 17, 2011, Chesapeake settled an action by the Pennsylvania Department of Environmental Protection. See *Chesapeake Fined \$1 Million*, Tulsa World, at http://www.tulsaworld.com/site/printerfriendlystory.aspx?articleid=20110518_49_E1_HARRIS80433&PrintComments=1 (“the action stems from Chesapeake's contamination of private water supplies with methane in northern Pennsylvania's Bradford County and a February tank fire at a drilling site in southwestern Pennsylvania's Washington County.”).

After the case was remanded to state court Chesapeake, filed a motion on September 14, 2011, to compel arbitration and to stay further proceedings. Carl Stiles died in 2012. See Randy LoBasso, *Fracking Unbelievable*, Phila. Weekly (Jly. 31, 2012), at <http://www.philadelphiaweekly.com/news-and-opinion/164465496.html> (“Late anti-fracking activist Carl Stiles of Bradford County, Pa., died earlier this year after living with illnesses he believed were brought on by shale gas drilling near his home. Stiles, who had intestinal cancer, abandoned his property last year after a toxicologist found barium, arsenic and other volatile organic chemicals in his blood. The radioactivity in his home was nearly seven times the EPA standard limit. And still, no one can say for sure if hydraulic fracturing chemicals were the cause of Stiles’ death.”).

The Court of Common Pleas denied the 2011 motion and, on June 17, 2014, the Superior Court affirmed, holding that the gas lease – which stated that arbitration could be compelled as to a disagreement over the operations of Chesapeake on the property – did not compel arbitration regarding damages resulting from operations on another person’s property. See *Estate of Stiles v. Chesapeake Appalachia, LLC*, 2014 WL 10919559. On November 18, 2015, the state court granted the plaintiffs’ motion to amend their complaint to include a wrongful death action, but dismissed their claim for negligent infliction of emotional distress. Judy Armstrong, as representative of the Estate of Carl Stiles, was permitted to continue to pursue the claims of Carl Stiles. **The case is apparently pending.**

***Bidlack v. Chesapeake Appalachia, LLC*, No. 10-EQ-000761 (Ct. Common Pleas, Bradford Cty., Pa., Dec. 17, 2010), removed, No. 3:11-cv-00129-ARC (M.D. Pa. (Scranton), Jan. 19, 2011). See 2012 WL 1657934 (denial of Plaintiffs' motion for relief from the Arbitration Order) (May 11, 2012)**

***Otis v. Chesapeake Appalachia, LLC*, No. 10-EQ-000775 (Ct. Common Pleas, Bradford Cty., Pa., Dec. 17, 2010), removed, No. 3:11-cv-00115-ARC (M.D. Pa. (Scranton), Jan. 18, 2011). See 2012 WL 1657930 (denial of Plaintiffs' motion for relief from the Arbitration Order) (May 11, 2012)**

Plaintiffs’ suits, which allege that defendants operated natural gas wells in a manner that contaminated their groundwater supplies, were both filed in the Court of Common Pleas of Bradford County, Pennsylvania. After defendants removed the actions to federal district court, the parties in both cases filed a joint motion for a stay pending arbitration. Claims asserted include negligence, private nuisance, strict liability, and trespass. The court granted the motions and directed the parties to engage in binding arbitration. However, before the parties engaged in binding arbitration, the plaintiffs filed the present motions seeking relief from the court's order. On May 11, 2012, the district court held in both cases that plaintiffs failed to articulate a sufficient basis to set aside the parties' stipulation to arbitrate, and ordered the case stayed until arbitration is completed. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On August 21, 2015, the court denied the defendants' motion to dismiss, but stated that the defendants may renew their request for dismissal if the parties cease settlement negotiations and plaintiffs fail to commence arbitration proceedings.

Bidlack – On September 11, 2017, the *Bidlack* case was dismissed with prejudice. **This case is closed.**

Otis – On May 25, 2017, the defendants moved to dismiss, but on June 12, 2017, the motion to dismiss was withdrawn. On September 28, 2017, the court granted the parties' motion to dismiss with prejudice all claims. **This case is closed.**

***Burnett v. Chesapeake Appalachia, LLC*, 11-CV-80 (Ct. Common Pleas, Bradford Cty., Pa., Feb. 25, 2011), removed, No. 3:11-cv-01059 (M.D. Pa., June 1, 2011), remanded to state court (Aug. 31, 2011). See 2011 WL 3876412 (memorandum ordering remand)**

Truman and Bonnie Burnett of Grandville Summit, Pennsylvania, claim they were falsely told their lands would not be damaged by the drilling and operating of gas wells, but in fact suffered injuries when toxic materials were released onto the property and into the water supply. Plaintiffs sued in the Court of Common Pleas of Bradford County, asserting nine causes of actions: Hazardous Sites Cleanup Act, negligence, negligence per se, private nuisance, strict liability, trespass, medical monitoring trust funds, breach of contract, and fraudulent inducement. Chesapeake removed the action to federal court, but on August 31, 2011, the court **remanded** the case back to state court. The court disagreed with defendants that one of the defendants was included in the suit solely to defeat diversity jurisdiction. A notice of discontinuance was filed on January 28, 2013. **The case is closed.**

***Phillips v. Chesapeake Appalachia, LLC*, No. 3:11-mc-00126 (M.D. Pa., Apr. 25, 2011). See 2011 WL 8153167 (M.D. Pa., Apr. 25, 2011) (Petition to Compel Arbitration); 2011 WL 8153165 (Response to Petition to Compel Arbitration) (May 13, 2011); and 2011 WL 8153166 (Petitioners' Reply in Support of Petition to Compel Arbitration) (May 27, 2011)**

Three couples from Wyalusing, Pennsylvania (Bradford County), who leased their oil and gas rights, alleged that drilling activities caused releases, spills, and discharges that contaminated their land and water supplies. Plaintiffs asserted claims for negligence, gross negligence, trespass, nuisance, strict liability, and breach of contract. On April 25, 2011, defendants petitioned to compel arbitration. On June 21, 2012, it was reported that defendants agreed to pay \$1.6 million in damages. **The settlement agreement was filed on December 10, 2012.** The three families agreed to convey their properties (on Paradise Road, Terry Township) to Chesapeake Appalachia on or before December 31, 2012. The case may be the first Marcellus contamination lawsuit to be resolved without a nondisclosure agreement. In a written statement, Chesapeake Energy noted no pre-drill water tests were conducted at these homes, and that pre-drill testing done in other homes in the area showed methane contamination. See *Chesapeake Pays Another \$1.6 million for Bad Marcellus Wells*, at <http://www.platts.com/RSSFeedDetailedNews/RSSFeed/NaturalGas/6413043> (Jun. 22, 2012).

***Becka v. Antero Resources*, No. 11:4812 (Ct. Common Pleas, Washington Cty., Pa., July 18, 2011), removed, No. 2:11-cv-01040 (W.D. Pa., Aug. 12, 2011)**

Paul and Yvonne Becka claim drilling operations contaminated their drinking water. Defendant moved for protective order governing discovery on April 2, 2012. **The case was settled on September 24, 2012.** Sources: Earthjustice, *Fracking Damage Cases and Industry Secrecy*; and Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Dillon v. Antero Resources*, No. 11:4813 (Ct. Common Pleas, Washington Cty., Pa., July 18, 2011), removed, No. 2:11-cv-01040 (W.D. Pa., Aug. 12, 2011). See 2012 WL 2899710 (W.D. Pa., Jul. 10, 2012) (opinion regarding discovery process)**

Two families claim various harms to their personal and property interests arising from hydraulic fracturing activities adjacent to their land. Causes of action include negligence, strict liability, and trespass. Defendant moved for a “Confidentiality Order” regulating the discovery process. The court noted that a protective order was appropriate for discovery of information such as plaintiffs’ medical records, private property appraisals, business methods and gas recovery processes used by defendant, and the terms of business arrangements between the defendant and vendors. The court placed the burden of demonstrating the need for confidentiality on the party asserting it, and reserved to the court the decision as to whether any specific information is to be treated as confidential in whole or in part. **The case was settled on August 9, 2012.** Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Kamuck v. Shell Energy Holdings GP, LLC*, No. 4:11-cv-01425-MCC (M.D. Pa., August 3, 2011). See 2012 WL 1463594 (Magistrate's Recommendation on Motions to Dismiss and Strike Claims) (Mar. 19, 2012); 2012 WL 1466490 (District Court Memorandum on Magistrate's Recommendation) (Apr. 27, 2012); and 2012 WL 3864954 (order denying “*Lone Pine*” motion) (Sept. 5, 2012) [Tioga County]**

The surface owner alleges that fracking activities harmed him and his property. Edward Kamuck asserts claims for anticipatory trespass, private nuisance, negligence and strict liability. On March 19, 2012, the U.S. Magistrate recommended dismissal of the anticipatory trespass claim, which does not allege an actual intrusion. The Magistrate recommended that the gross negligence and negligence per se claims should be dismissed, but the “simple” negligence claim should not be dismissed. Gross negligence in Pennsylvania is not a separate cause of action, but is instead a factor which may support a claim for punitive damages. Negligence per se was not properly pled because the complaint did not identify any breaches of statutes designed to protect persons like the plaintiff, and did not identify any statutory violation which was the proximate cause of some injury to the plaintiff. As for strict liability, the Magistrate followed prior cases holding that whether a specific activity is abnormally dangerous is a question of law for the court to resolve, typically after discovery is complete. As for private nuisance, the Magistrate stated that the complaint alleges actions which could support a private nuisance claim. The district court adopted the recommendations on April 27, 2012. See 2012 WL 1466490. On June 21, 2012, defendants requested that the court enter a “*Lone Pine*” order (see, e.g., *Strudley v. Antero Resources Corp.*, 2012 WL 1932470). On September 5, 2012, the court denied this motion. 2012 WL 3864954. In March of 2013 plaintiff’s counsel withdrew from the case. Plaintiff is proceeding pro se. See also Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

On March 25, 2015, the court granted the defendants' motion to strike and motion for **summary judgment**. The court ordered that judgment be entered in favor of the defendants and the case be closed. With respect to the strict liability claim, the court found that “the natural gas drilling activities challenged in this particular case are not abnormally dangerous, and strict liability should not apply.” The private nuisance claim and negligence claims were held to be “unadorned by any competent evidence.” **The case is closed.**

***Roth v. Cabot Oil & Gas Corporation*, No. 2012-324CP (Ct. Common Pleas, Susquehanna Cty., Mar. 19, 2012), removed, No. 3:12-cv-00898 (M.D. Pa. May 14, 2012). See 287 F.R.D. 293, 2012 WL 4895345 (M.D. Pa., Oct. 15, 2012) (decision denying *Lone Pine* case management order); and 919 F.Supp.2d 476 (M.D. Pa., Jan. 30, 2013) (granting in part and denying in part motion to dismiss)**

Frederick and Debra Roth owns property in Springville, Pennsylvania, about 1,000 feet from defendants' gas wells. Plaintiffs had their groundwater tested before commencement of drilling operations, and those tests revealed that the groundwater did not contain detectable levels of methane gas. In August 2010 the Plaintiffs noticed their groundwater supply had become sediment-laden and malodorous. An inspection of Well #2 in April of 2010 revealed the waste pit liner was riddled with holes. Other problems occurred, such as the failure to properly cement Well #3. Plaintiffs' claimed violation of the Pennsylvania Hazardous Sites Cleanup Act; negligence; negligence per se; private nuisance; strict liability; trespass; inconvenience and discomfort; breach of contract; and fraudulent misrepresentation and inducement. On October 15, 2012, the district court denied defendants' motion for a *Lone Pine* order, thus rejecting the defendants' contention that the Court should forego traditional discovery in favor of requiring Plaintiffs to make a prima facie showing of exposure, injury, and causation in support of their claims. See 2012 WL 4895345. On September 4, 2012, defendants moved to dismiss all claims. On January 30, 2013, the district court granted the motion in part, dismissing the trespass, inconvenience and discomfort, and fraudulent misrepresentation claims. With respect to the strict liability claim, the court followed the *Fiorentino* precedent and deferred ruling on the issue to the summary judgment stage, where a more fully developed factual record would better inform its decision. 919 F.Supp.2d 476. **In November of 2013 the parties settled the dispute, and on December 12, 2013, the case was closed with prejudice pursuant to a joint motion.**

Manning v. WPX Energy Inc., No. 3:12-cv-00646 (M.D. Pa., April 9, 2012) [Susquehanna County]

Plaintiffs assert that hydraulic fracturing at fifteen wells near their home contaminated their water supply and diminished property values. See Lauren Petracca, *Fracking's Real-Life Victims - Meet the Pennsylvania residents who say their lives have been changed by gas drilling*, Rolling Stone Magazine (Jan. 2013), at <http://www.rollingstone.com/politics/pictures/frackings-real-life-victims-20130123>. Causes of action include violations of the Hazardous Sites Cleanup Act, negligence, private nuisance, strict liability, trespass, and medical monitoring trust funds. On April 10, 2012, the Pennsylvania Department of Environmental Protection advised plaintiffs that their water supply contained methane and contained barium above maximum allowable levels. In April 2013, the Pennsylvania Department of Environmental Protection released the results of its study, which concluded that the methane in the private water wells was not production gas from the gas wells drilled by WPX Energy Inc. Ben Wolfgang, *Methane study, EPA debunks claims of water pollution, climate change from fracking*, The Washington Times (Apr. 29, 2013), at <http://www.washingtontimes.com/news/2013/apr/29/pa-environment-agency-debunks-fracking-water-claim/print/>. Tammy Manning appealed this determination on May 29, 2013, and has declared that her lawsuit will continue. She notes that the methane contamination only began after the fracking activities commenced. Mark Drajem, *Fracking Ruled Out by Pennsylvania in Town's Water Case*, Bloomberg (Apr. 30, 2013), at <http://www.bloomberg.com/news/2013-04-29/fracking-ruled-out-by-pennsylvania-in-town-s-water-case.html>. See also Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

After the defendants moved for summary judgment on April 15, 2015, the plaintiffs withdrew their Hazardous Sites Cleanup Act; strict liability; and medical monitoring claims, and stated that they are not claiming intentional trespass. On June 30, 2015, the court granted summary judgment for the defendants on the remaining claims (negligence, private nuisance, and negligent trespass) with regard to some, but not all, of the plaintiffs. 2015 WL 3972609. Jury selection was set for April 11, 2016, but on March 22, 2016, the court was informed that **the case had been settled**, and the court dismissed the action without prejudice to reinstate the action with 45 days if the settlement is not consummated.

On Sept. 21, 2016, Tammy Hadlick and the Mannings filed a brief arguing that they were misinformed as to the terms of the settlement, and that the settlement agreement should have included mutual releases in order to protect “against any retaliations or countersuits.” On September 30, 2016, the defendants submitted a revised settlement agreement which pertains to all types of litigation, “whether in tort or contract, known or unknown, direct or indirect, suspected or unsuspected, foreseen or unforeseen, real or imaginary, actual or potential, at law or in equity, under the common law, state law, federal law, or any other law.” On February 23, 2017, the court ordered the case dismissed with prejudice. **The case is closed.**

Kalp v. WPX Energy Appalachia, LLC, No. 2460 (Ct. Common Pleas, Westmoreland Cty., Pa., Apr. 20, 2012), removed, No. 2:12-cv-00662-LPL (W.D. Pa., May 16, 2012)

Two couples, Galen and Virginia Kalp and Glenlyn and Audrey Kalp, leased their farm in 2006 prior to advent of horizontal hydraulic fracturing. In 2011, WPX constructed a 27 acre drilling site to extract gas from 1,300 acres of adjoining lands. The Kalps argued that this use of their land was unlawful and a breach of contract. **On November 21, 2013, an order was entered closing the case due to a settlement.**

Related regulatory action. – On July 2, 2015, the Pennsylvania Department of Environmental Protection ordered WPX Energy Appalachia LLC to restore or replace the water supply of Virginia and Glen Kalp after determining that WPX's fracking activities were responsible for contamination of the water. On August 3, 2015, WPX filed a notice of appeal with the Pennsylvania Environmental Hearing Board (EHB). See *In the Matter of WPX Energy Appalachia LLC*, No. 2015-110, Pa. EHB). WPX, however, withdrew its appeal, and the EHB terminated the appeal on March 4, 2016. See http://ehb.courtapps.com/public/update_info_pub.php. **The regulatory proceeding is closed.**

2017 fine – According to news sources, the Pennsylvania Department of Environmental Protection on February 27, 2017, fined WPX Energy Appalachia \$1.2 million for contaminating drinking water. The penalty comes nearly four years after WPX's wastewater leaked from an on-site fracking impoundment pond, contaminating the drinking water of five Westmoreland County families. WPX will also remediate soil, groundwater and surface water.

Haney v. Range Resources, No. C-63-CV-201203534 (Ct. Common Pleas, Washington Cty., Pa., May 25, 2012)

Washington County landowners claim their water was contaminated from fracking flowback, that they and their farm animals became ill, and that they face a risk of cancer due to exposure to spills, leaks and air pollutants. The Plaintiffs (Stacey Haney, Beth, John and Ashley Voyles, Loren and Grace Kiskadden) also allege that Range Resources intentionally hid test results, and asserted several claims, including strict liability, negligence, negligent and intentional infliction of emotional distress, battery, private nuisance, and trespass. Defendants include Range Resources, 12 drilling company subcontractors or suppliers, two individuals, and two water testing laboratories.

On November 16, 2012, January 18, 2013, and July 8, 2015, the court denied Range Resources's motions for a case management order. On November 5, 2013, the trial court directed all third-party manufacturers of products used at the Yeager Drilling Site to disclose the constituent ingredients of their products. On June 11, 2014, the court issued an order placing the burden on Range Resources to secure and provide the desired

information. Range Resources filed an appeal, but the Superior Court held that the trial court's 2014 order was interlocutory and not immediately appealable. *Haney v. Range Resources-Appalachia Inc.*, No. 1130 WDA 2014 (Apr. 14, 2015).

On February 5, 2015, the trial court quashed Range's objection to service of a subpoena on URS Corporation, an engineering firm retained by Range. Plaintiffs seek information related to air and water monitoring and testing by URS. Range appealed, but the Superior Court held that "Range has no grounds for objecting to Residents' request for relevant information possessed by URS in its capacity as an engineering consultant that was not retained in anticipation of litigation." See No. 257 WDA 2015 (Jan. 29, 2016), at <http://www.pacourts.us/assets/opinions/Superior/out/j-a35021-15m%20-%201025251956056506.pdf>.

On October 7, 2016, the court granted summary judgment and dismissed Testamerica Laboratories from the case. On April 3, 2017, the court granted summary judgment in favor of Universal Well Services and dismissed it from the case. In September and October of 2017, the court dismissed the claims for strict product liability against Halliburton Energy, Services, Saxon Drilling, and Solmax International, Inc. (but left intact a claim for negligence against Solmax).

A settlement was reached on January 19, 2018, and the terms were spelled out in a court order dated August 31, 2018. The order was issued under seal but became available in May 2019. Range Resources and other defendants agreed to pay \$3 million. The settlement includes a release of claims; a clause preventing plaintiffs from making disparaging comments; and language giving Range Resources a right of first refusal regarding the properties. See Reid Frazier, *Court document reveals Range Resources, other defendants agreed to \$3 million settlement in Washington County contamination suit*, StateImpact Pennsylvania, at <https://www.witf.org/news/2019/06/court-document-reveals-range-resources-other-defendants-agreed-to-3-million-settlement-in-washington.php> (June 4, 2019).

In February 2019, the Pittsburgh Post-Gazette petitioned to intervene and unseal the records. A hearing on the Post-Gazette's petition was held on May 25, 2019, and a ruling is expected in the near future. **The motion to unseal the records is pending.**

The Haney family's problems are documented in book, "**Amity And Prosperity: One Family And The Fracturing of America**," by Eliza Griswold. See *Local family's battle over fracking inspires new book*, at <https://www.post-gazette.com/news/science/2018/06/19/Fracking-Washington-County-Eliza-Griswold-Haney-farm-Marcellus-Shale/stories/201806080134> (June 19, 2018).

In January 2019 it was reported that Pennsylvania Attorney General Josh Shapiro is pursuing criminal investigations of "environmental crimes" committed by the oil and gas industry in Washington County and possibly throughout the state. See *State conducting criminal investigation of shale gas production*, at <https://www.post-gazette.com/news/crime-courts/2019/01/28/pa-attorney-general-josh-shapiro-criminal-investigation-oil-gas-industry-washington-county-environmental-crimes/stories/201901210078> (Jan. 28, 2019). Almost two years earlier, in May 2017, seventeen people met with the Attorney General to complain about environment and health impacts from shale gas extraction. Attorney General Shapiro and investigators also met with representatives from environmental advocacy groups in western Pennsylvania. In August 2018 Shapiro sent a letter to the attorneys in the *Haney* litigation which referred to an ongoing "Stacey Haney/Range Resources Investigation" and requested that the attorneys preserve the documents in the litigation. See also *Hallowich v. Range Resources Corp.*, No. C-63-CV-201003954 (Ct. Common Pleas, Washington Cty., Pa., May 27, 2010) (discussed above). Scott Perry, who heads the Pennsylvania

Department of Environmental Protection's oil and gas office, testified before a state grand jury investigating environmental crimes involving the shale gas industry on November 14, 2019. See Pittsburgh Post-Gazette, *Pennsylvania grand jury probing shale gas industry over environmental concerns*, at <https://www.mcall.com/news/pennsylvania/mc-nws-pa-shale-grand-jury-20191122-2g44ixkirvba3cljuaiohn3wwm-story.html> (Nov. 22, 2019). On March 9, 2020, as reported by StateImpact Pennsylvania, Attorney General Josh Shapiro says he is conducting "more than a dozen" investigations into companies involved in the oil and gas industry in the state. See Reid Frazier, Attorney General says he's investigating 'more than a dozen' criminal cases into oil and gas companies, at <https://stateimpact.npr.org/pennsylvania/2020/03/09/attorney-general-says-hes-investigating-more-than-a-dozen-criminal-cases-into-oil-and-gas-companies/> (Mar. 9, 2020). A grand jury in Pittsburgh has been convened for more than a year, and Shapiro said criminal charges were expected "in the near future."

On June 12, 2020, Range Resources pled no contest to environmental crimes at two Washington County sites and will pay a fine of \$150,000. One of the locations was the Yeager site. In announcing the charges, Attorney General Josh Shapiro said Range Resources withheld internal knowledge of contamination and was negligent in protecting the state's environment. Reid Frazier, StateImpact Pennsylvania, *Range Resources pleads no contest to environmental crimes at southwest Pa. well sites*, at <https://stateimpact.npr.org/pennsylvania/2020/06/12/range-resources-pleads-no-contest-to-environmental-crimes-at-southwest-pa-well-sites/> (June 12, 2020).

Related regulatory action. – *Haney, et al v. Pennsylvania DEP, Case No. 2013-112.* – The Pennsylvania Department of Environmental Protection issued permits to Range Resources on June 26, 2013, authorizing hydraulic fracturing operations. Plaintiffs appealed the decision to the Pennsylvania Environmental Hearing Board on July 26, 2013. However, on June 11, 2014, the **appeal was withdrawn** by stipulation. See http://ehb.courtapps.com/public/document_shower_pub.php?csNameID=4694.

Related regulatory action and litigation. – *Kiskadden v. PA DEP and Range Resources, PA Environmental Hearing Board Case No. 2011-149-R; petition for review filed, No. 1167 CD 2015 (Commonwealth Court, July 9, 2015), opinion, 149 A.3d 380, 2016 WL 6242604 (Oct. 26, 2016)* – Loren Kiskadden also filed a complaint with the Pennsylvania Department of Environment Protection. The DEP, after sampling his well in June 2011, found dissolved methane gas, chloroform, butyl alcohol, acetone, and high levels of sodium and total dissolved solids, but determined that the well was not contaminated by nearby Marcellus Shale gas drilling by Range Resources. When Kiskadden sought to appeal this determination, the DEP argued he had no right to appeal because the "discretionary" report did not direct or require drilling companies to do anything. On May 16, 2012, the Environmental Hearing Board held Kiskadden may appeal and argue the investigation was inaccurate and incomplete. According to the Pittsburgh Post-Gazette article, Kiskadden's appeal of the DEP's determination that his well was not contaminated by Range Resources is the first administrative appeal in Pennsylvania to challenge a DEP water supply determination denying contamination. On June 12, 2015, the Board dismissed the claim, holding that Kiskadden failed to show by a preponderance of the evidence that any pollution to the water well was caused by the drilling operations.. Noting that there were no pre-drilling samples of water quality, the Board stated that "[s]imply because there are problems on a drilling site ... does not mean that a water well located approximately one half mile away was impacted by those drilling operations." See http://ehb.courtapps.com/public/document_shower_pub.php?csNameID=4351.

On July 9, 2015, Kiskadden filed a petition for review in the Commonwealth Court, contending that the Board erred in rejecting the conclusion that constituents from the Yeager Impoundment migrated to

petitioner's well water. [Cmwlth. Ct. No. 1167 CD 2015]. On December 7, 2015, the court denied Kiskadden's application to vacate and remand to the EPB.

On October 26, 2016, the Commonwealth Court issued its decision. 149 A.3d 380. The court affirmed the Board's determination that Kiskadden did not meet his burden of proving that the drilling operations at the Yeager Site contaminated his well water. In particular, the Court rejected Kiskadden's contentions that (1) substantial evidence does not support the Board's factual findings; (2) that the Board capriciously disregarded material competent evidence demonstrating a hydrogeological connection between his well and the natural gas operations at the Yeager Site; and (3) that the Board erred by relying on speculative evidence to support its finding that a hydrogeological connection did not exist. The majority decried "Range's reckless business practices" as "irresponsible in the extreme, bordering on reprehensible," but noted that the issue in the case was not whether the activities at the Yeager Site impacted the environment and contaminated the soil and adjacent springs, but was instead "whether Range's activities impacted Kiskadden's water well." Id. at 403. The Court held that "Kiskadden's evidence did not outweigh strong, conflicting evidence that the contaminants in his well water, particularly in the ratios and concentrations detected, were naturally occurring and not unique to oil and gas activities. Moreover, his evidence did not prevail over other credible evidence refuting the existence or likelihood of a physical pathway between his well and the Yeager Site." Id. Judge Patricia McCullough dissented. She relied on the fact that the Board had granted a rebuttable evidentiary presumption to Kiskadden that the chemicals in his well water were contained in products used at the Yeager Site, and noted that the Board did not find that this presumption was rebutted.

On May 2, 2017, the Pennsylvania Supreme Court denied the Petition for Allowance of Appeal. **The case is closed.**

Butts v. Southwestern Energy Production Company, No. 3:12-cv-01330 (M.D. Pa., July 10, 2012)

Plaintiffs own vacation homes on Round Pond, a lake in Susquehanna County, Pennsylvania. They assert causes of action for private nuisance (noise, light, deforestation, and excessive traffic) and negligence, and claim their well water is no longer safe and property values have decreased. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On April 26, 2013, the magistrate found that, "given the proximity of plaintiffs' Round Pond properties to SEPCO's gas and drilling activities, coupled with the fact that plaintiffs aver that such activities have impacted the use and enjoyment of their land, a private nuisance cause of action has been stated." 2013 WL 12177102. The magistrate's report, adopted on May 14, 2013, also rejected the arguments that the complaint fails to state a plausible claim for contamination of water wells, and that the claims are subject to dismissal under Pennsylvania's economic-loss doctrine. On August 12, 2014, the court denied Defendant's summary judgment motion. With respect to the claim of water contamination, the court that that – since the defendant did not produce expert testimony to negate Plaintiffs' firsthand observations that their water was contaminated -- the only evidence regarding causation of record (Plaintiffs' testimony that their water turned black right after the drilling operations) is sufficient to survive summary judgment. **The suit was apparently settled, and on November 12, 2014, all parties stipulated to the dismissal of this action** with prejudice pursuant to Federal Rule of Civil Procedure 41.

Bezjak v. Chevron Appalachia LLC, No. GD-13-011271 (Ct. Common Pleas, Allegheny Cty., Pa., Jun. 13, 2013)

Joseph and Mildred Bezjak, David and Linda Headley, and eleven other individuals in the Pittsburgh area sued eleven companies, claiming noise and odors associated with nearby gas wells constituted a nuisance. See <http://www.cnsenvironmentallaw.com/2013/06/18/neighbors.pdf> (complaint). See also See <http://www.cnsenvironmentallaw.com/2013/06/18/neighbors.pdf> (complaint) and Jim Efstathiou Jr., et al., *Missouri Lawyer Brings Nuisance Claims to Fracking Arena*, at <http://www.bloomberg.com/news/2013-06-11/missouri-lawyer-brings-nuisance-claims-to-fracking-arena.html> (Jun. 11, 2013). On August 14, 2013, the nine defendants were dismissed, leaving Laurel Mountain Midstream Operating LLC and Atlas Resources LLC. On July 25, 2014, the court dismissed Counts II, IV, and VI, raising claims of “negligence/recklessness” on the ground that the “duties and remedies for nontresspassorial invasions are those set forth in the law governing nuisances.” The court declined to dismiss the plaintiffs' private nuisance claims and punitive damage claims. On May 14, 2018, a scheduling order was filed setting February 22, 2019, as the date for filing motions for summary judgment. On October 26, the parties stipulated to the dismissal of the claims of plaintiff Albert Stronko. On November 14, the parties informed the court that all claims and counterclaims in connection with Laurel Mountain Midstream Operating LLC have been settled. On January 31, 2019, all claims by the Headley family were settled and discontinued with prejudice. **The case is closed.**

***Leighton v. Chesapeake Appalachia, LLC*, No. 2013-cv-0169 (Ct. Common Pleas, Bradford Cty., Pa., Jun. 19, 2013), removed, No. 1:13-cv-02018 (M.D. Pa., Jul. 26, 2013). See 2013 WL 6191739 (M.D. Pa., 11-26-13) (order on duty to arbitrate)**

Michael and Nancy Leighton signed a lease with Chesapeake Appalachia with an arbitration clause. In 2011 their water supply was found to be of good quality. Chesapeake Appalachia, Chesapeake Energy, Nomac Drilling, and Schlumberger Technology engaged in fracking operations near the property and contaminants escaped. The groundwater had increases in methane, ethane, propane, iron, and manganese, changes in clarity, foul odor, noticeable levels of natural gas, and was flammable. Creek water on the property began bubbling. Plaintiffs allege seven causes of action against all defendants: (1) violation of the Pennsylvania Hazardous Sites Cleanup Act; (2) negligence; (3) negligence per se; (4) private nuisance; (5) strict liability for abnormally dangerous and ultra-hazardous activities; (6) trespass; and (7) “inconvenience and discomfort.” The eighth cause of action is for breach of contract and names only their lessee, Chesapeake Appalachia. On November 26, 2013, the district court held that the claims were within the scope of the arbitration agreement even though the damages did not arise from activities performed on the property. In *Armstrong v. Chesapeake Appalachia, LLC*, No. 10-CV-0681, (Bradford County Common Pleas, Jun. 27, 2012) (unpublished), the court held that arbitration could not be compelled under similar circumstances; however, the district court distinguished *Armstrong* because it involved only tort claims, whereas in the present case the plaintiffs alleged their lease applies to activities on adjoining land by bringing a claim for breach of the lease in addition to tort claims. The court ordered the plaintiffs to arbitrate their claims against Chesapeake Appalachia, Chesapeake Energy, and Nomac, and held that the claims against Schlumberger should also be arbitrated if it is shown that Schlumberger was an agent of Chesapeake Appalachia. **On February 12, 2014, the case was dismissed pursuant to a settlement.**

***Brown v. WPX Appalachia, LLC*, No. 13CI04923 (Ct. Common Pleas, Westmoreland Cty., Pa., Sept. 16, 2013)**

Ralph Brown filed a complaint with the Pennsylvania DEP in September 2012, stating that his 600-foot-deep well was contaminated by fracking wastewater that had leaked from the 3 million gallon impoundment. In June 2013 the DEP determined that his well had been contaminated and ordered the drilling company to permanently replace his water supply. See Don Hopey, Pittsburgh Post-Gazette, *Families' well water disrupted near Ligonier* (July 4, 2014). On September 16, 2013, Brown filed a lawsuit asserting a claim of nuisance. The suit alleged that the contamination reduced the value of his property and interfered with his family's ability to use and enjoy the land. On April 1, 2016, the suit was settled and discontinued.

***Russell v. Chesapeake Appalachia, LLC*, No. 2013-cv-11291 (Ct. Common Pleas, Dauphin Cty., Pa., Dec. 27, 2013), removed, No. 4:14-cv-00148 (M.D. Pa.). See 2014 WL 7935781 (First Amended Complaint, Dec. 12, 2014); and 305 F.R.D. 78 (M.D. Pa. 2015) (Lone Pine order)**

Sheila Russell and twelve other residents and/or landowners in Bradford County, Pennsylvania, sued Chesapeake and Nabors Completion and Production Services for private, temporary, continuing, abatable nuisance, and negligence/recklessness, seeking recovery of damages arising from defendants' natural gas exploration, extraction, transportation, and associated activities. Plaintiffs complain of wells that intermittently leak natural gas and other toxic and/or radioactive substances into the air, ground, and nearby waterways; daily discharges of toxic and/or radioactive substances and other emissions into the air by manually venting and/or flaring wells; excessive noise; discharges and improper disposal of radioactive materials on or around Plaintiffs' properties; methane migration; excessive lights and offensive odors; excessive dust and silica sand, diesel fumes, or other airborne particulate matter; and excessive unpermitted or unauthorized truck and heavy machinery transportation and traffic.

On March 2, 2015, the court denied the defendants' motion to sever and motion for a *Lone Pine* case management order. With regard to the *Lone Pine* motion, the plaintiffs argued that the request "is akin to a pseudo-summary judgment order requiring that Plaintiffs, without the benefit of discovery, prove facts with specificity beyond what is required by the Federal Rules and ordinary federal practice at this juncture in the litigation." 305 F.R.D. at 85. The court agreed, and found that "[r]equiring Plaintiffs to prove their *prima facie* case with the specific evidence the Defendants request at this juncture is effectively imposing a summary judgment standard on the Plaintiffs without the benefit of discovery." *Id.* The court also noted that "the Defendants did not challenge the substantive sufficiency of the Plaintiffs' claims in their First Amended Complaint by a Rule 12 motion, and instead filed an answer." *Id.*

On December 27, 2018, the court granted summary judgment for Chesapeake on the remaining private nuisance claim. The court held that -- to the extent Chesapeake's operations constitute a nuisance -- the nuisance is permanent and private nuisance claims are time-barred because plaintiffs filed suit more than two years after they were first injured. The court held that "Chesapeake's energy extraction operations concern a permanent change in the condition of the land because Chesapeake's wells and the accompanying operation evince permanence." Plaintiffs experienced harm when wells were drilled between 2009 and 2011, more than two years before the lawsuit was filed. Moreover, the record did not contain evidence that Chesapeake acted in a way to create a new and distinct nuisance after their wells were initially drilled. "Although sympathetic to Plaintiffs' exhaustive and individualized descriptions of their plight," the court concluded that "because Plaintiffs filed the present action more than two years after their claims accrued, Plaintiffs' nuisance action is barred by the statute of limitations." The case is **closed**.

In the Matter of Arbitration between Jacqueline Place and Chesapeake Appalachia, LLC, 14 115 00299 12 (American Arbitration Assn.), at <https://dl.dropboxusercontent.com/u/48182083/Award.pdf> (Jan. 22, 2014)

Jacqueline Place conducted baseline tests of her well water prior to entering into a 2008 lease. In 2010 her water had become “reddish brown” and “oily,” and new tests found dissolved methane levels 1,300 to 2,000 times higher than the baseline tests. Pursuant to her lease, she filed a claim with an arbitrator, and stated that she “lived for ten months deprived totally of the use of her well, and even after its 'restoration,' has been burdened with a water supply with chronic contamination, requiring constant vigilance and ongoing monitoring.” **The arbitrator in January 2014 ordered Chesapeake to pay \$59,381.42 for contaminating her water well with methane.** See Brendan Gibbons, *Bradford County woman wins arbitration case with Chesapeake over well contamination*, Scranton Times-Tribune (02/19/14) , at <http://thetimes-tribune.com/news/bradford-county-woman-wins-arbitration-case-with-chesapeake-over-well-contamination-1.1637029>

Chaffee v. Talisman Energy USA Inc., No. 3:14-cv-00690 (M.D. Pa. Apr. 9, 2014)

Residents or owners of property in Bradford County, Pennsylvania, seek damages from Talisman Energy USA Inc. and Central New York Oil and Gas Company, L.L.C. for private, temporary, continuing, abatable nuisance, and negligence/recklessness arising from natural gas exploration, extraction, transportation, storage, and other associated activities. Among other things, the plaintiffs allege that (1) drilling and hydraulic fracturing activities caused unpleasant noises; (2) flaring released toxic or hazardous smoke into the air and ground of the surrounding areas; (3) construction and operation of well pads caused and continues to cause a dangerous amount of large truck and heavy machinery traffic and excessive amount of dust, silica sand, or particulate matter to enter the air; (4) immediately after hydraulic fracturing occurred, water from water wells frequently turned milky white in color with an oily sheen and contained methane. **On September 5, 2014, the court entered an order dismissing the case** in light of the parties' stipulation of dismissal without prejudice for lack of subject matter jurisdiction.

Tiongco v. Southwestern Energy Production Co., No. 3:14-cv-01405 (M.D. Pa., Jly. 21, 2014). See 214 F.Supp.3d 279 (order, dated Oct. 14, 2016, denying defendant's motion for summary judgment with respect to the private nuisance claim)

Stephanie Tiongco raises alpacas in Susquehanna County and creates dolls from alpaca fiber on her land. She leased her land to the defendant. She alleges that defendant's operations have caused her home to vibrate and structural beams to shift and sag. She complains of excessive light, noise, dust, and truck traffic. She initially asserted claims for private nuisance and negligence, and sought to enjoin unreasonable drilling activities, but subsequently dropped her negligence claim and her request for injunctive relief. On October 14, 2016, the court denied the defendant's motion for summary judgment with respect to the private nuisance claim. 214 F.Supp.3d 279. The court held that the plaintiff produced sufficient evidence demonstrating that the defendant was the legal cause of the private nuisance, and plaintiff has produced sufficient evidence for a reasonable juror to conclude defendant acted intentionally. However, by agreement of the parties, the court dismissed the case with prejudice on January 20, 2017. **The case is closed.**

***Lauff v. Range Resources - Appalachia, LLC*, No. GD-14-018458 (Ct. Common Pleas, Allegheny Cty., Pa., Oct. 7, 2014)**

Christopher Lauff and his family sued Range Resources and others for damages arising from oil and gas drilling and extraction activities. The plaintiffs assert a claim for nuisance based on releases, spills, emissions, and discharges of hazardous gases, chemicals, and wastes into the air; contamination of surface waters and groundwater supplies; and excessive noises, odors, lights and truck traffic. The plaintiffs also assert claims for negligence and trespass. On January 7, 2016, certain negligence claims were withdrawn, as well as all strict liability and negligence per se allegations. A second amended complaint was filed on November 17, 2016. On February 22, 2017, the court overruled the defendants' preliminary objections, holding that the allegations, if proven, are adequate to permit a jury to draw a reasonable inference that the defendants "were aware of the nature of the operations to be performed by their lessees on their land so as to charge them with sufficient knowledge of the specific nuisance created on their land and complained of by the Plaintiffs in their Second Amended Complaint. Moreover, the plaintiffs allege that the defendants "entered into additional leases with the natural gas operators even after having actual knowledge of the specific allegations of nuisance set forth in Plaintiffs' Complaint." **The case is pending.**

***Chito v. Hilcorp Energy Company*, No. 11091/14 (Ct. Common Pleas, Lawrence Cty., Pa., Oct. 28, 2014), removed, No. 2:14-cv-01576-TFM (W.D. Pa., Nov. 17, 2014), and *Dubrasky v. Hilcorp Energy Company*, No. 10411/15 (Ct. Common Pleas, Lawrence Cty, Pa., Apr. 21, 2015), removed, No. 2:15-cv-00664-TFM (W.D. Pa., May 20, 2015)**

Timothy Chito and Elizabeth Kesner own property in Pulaski, Pennsylvania, and Kathy and Ivan Dubrasky own property in New Wilmington, Pennsylvania. The plaintiffs in both cases assert claims for private nuisance, negligence, recklessness, and strict liability for abnormally dangerous activity. They allege drilling activities have rendered their land unenjoyable due to "excessive noise, odors, blinding light, tremors, and twenty-four hour operation of heavy industrial equipment." On August 27, 2015, the court consolidated the two cases (under 2:14-cv-01576) and denied the plaintiffs' motion to remand to state court. On August 19, 2016, Hillcorp Energy filed a motion for summary judgment. On October 4, 2016, the court granted the plaintiffs' motion to discontinue and to dismiss the case without prejudice. **The case is closed.**

***Baumgardner v. Chesapeake Appalachia LLC*, No. GD-15-004224 (Ct. Common Pleas, Allegheny Cty., Pa., Mar. 19, 2015)**

Gary Baumgardner and other homeowners sued Chesapeake Appalachia and other defendants for damages based on allegations that their homes and quality of life have been negatively impacted by problems with air quality, emissions, noises, vibrations, and odors. They assert claims of nuisance, negligence, and fraudulent inducement. An amended complaint was filed on December 14, 2016, and an answer was filed on September 21, 2017. **The case is pending.**

***Briggs v. Southwestern Energy Production Co.*, No. 2015-01253 (Ct. Common Pleas, Susquehanna Cty., Pa., Nov. 5, 2015), reversed and remanded, No. 1351 MDA 2017, 2018 PA Super 79, 184 A.3d 153 (Pa. Super. Ct., Apr. 2, 2018), vacated and remanded, No. 63 MAP 2018, 224 A.2d 334 (Pa. Sup. Ct., Jan.**

22, 2020), decision on remand affirming the trial court’s order, 2020 WL 7233111 (Pa. Super. Ct., Dec. 8, 2020)

Adam Briggs, Paula Briggs, Joshua Briggs, and Sarah Briggs assert claims of trespass and conversion, and request punitive damages. They allege that Southwestern, in its operation of drilling units located on the adjoining property, has unlawfully been extracting natural gas from beneath Appellants' property. Appellants also allege that Southwestern's actions constitute a past and continuing trespass. The land in question is approximately 11.07 acres in Harford Township, Susquehanna County. Southwestern holds a lease on an adjoining tract. The trial court held that the actions of Southwestern were permitted by the rule of capture.

On April 2, 2018, the appellate court reversed and remanded. 184 A.3d 153. The court was persuaded by the dissenting opinion in *Coastal Oil & Gas Corp. v. Garza Energy Trust*, 268 S.W.3d 1 (Tex. 2008), which argued that the rule of capture should not apply when an adjoining lessee “drains minerals by means of an artificially created channel or device, and then ‘captures’ the minerals” 268 S.W.3d at 43. The appellate court also cited with approval the vacated decision in *Stone v. Chesapeake Appalachia, LLC*, 2013 WL 2097397 (N.D. W.Va. 2013), order vacated, 2013 WL 7863861 (N.D. W.Va. 2013), where the district court stated that hydraulic fracturing beneath a neighbor’s land without consent constitutes an actionable trespass. *Id.* at *8. In holding that the rule of capture should not govern and sanction the actions at issue, the court held that “hydraulic fracturing “may constitute an actionable trespass where subsurface fractures, fracturing fluid and proppant cross boundary lines and extend into the subsurface estate of an adjoining property for which the operator does not have a mineral lease, resulting in the extraction of natural gas from beneath the adjoining landowner’s property.” 184 A.3d 163-164. In support of its determination, the court noted that “precluding trespass liability based on the rule of capture would effectively allow a mineral lessee to expand its lease by locating a well near the lease’s boundary line and withdrawing natural gas from beneath the adjoining property, for which it does not have a lease. Such an allowance would nearly eradicate a mineral lessee’s incentive to negotiate mineral leases with small property owners, as the lessee could use hydraulic fracturing to create an artificial channel beneath an adjoining property, and withdraw natural gas from beneath the neighbor’s land without paying a royalty.” 184 A.3d 163.

On **January 22, 2020**, the Pennsylvania Supreme Court vacated the order of the Superior Court and remanded to that court for further proceedings. *Briggs v. Southwestern Energy Production Co.*, 224 A.2d 334. The Court affirmed that the rule of capture applies to hydraulically fractured wells. As stated by Chief Justice Thomas Saylor, “the rule of capture applies although the driller uses further artificial means, such as a pump, to enhance production from a source common to it and the plaintiff — so long as no physical invasion of the plaintiff’s land occurs.” *Id.* at 348. The Court held that post-fracking migration of natural gas across property lines is not, in and of itself, evidence of a trespass. In support of this statement, the Court noted that a fracture created entirely on a driller’s property could create an area of low pressure sufficient to cause gas to move from a neighboring property even without a physical intrusion. The Court held that the plaintiff must prove that a physical intrusion onto their property took place. *Id.* at 352 (“a plaintiff alleging trespass by invasion of property must aver something more than mere drainage of minerals from the subject property”). For example, fracking fluids that migrate into adjacent property would be a physical intrusion. On March 19, 2020, the record was remitted to the Susquehanna County Court of Common Pleas.

On **December 8, 2020**, the Superior Court of Pennsylvania issued its decision following the remand from the Pennsylvania Supreme Court. 2020 WL 7233111. The court held that the complaint “does not specifically allege that Southwestern engaged in horizontal drilling that extended onto their property, or that Southwestern propelled fracturing fluids and proppants across the property line.” The court reinstated the

order of the Court of Common Pleas of Susquehanna, entered August 8, 2017, granting summary judgment in favor of Southwestern (that the actions of Southwestern were permitted by the rule of capture). In a concluding footnote, the court noted that “the Supreme Court’s holding leaves open for future plaintiffs the possibility of litigating trespass claims based on hydraulic fracturing, so long as they specifically plead that hydraulic fracturing resulted in a physical invasion of their property.” As noted in *Briggs II* (see below) the plaintiffs did not take further action in this case. **The case is closed.**

Briggs v. Southwestern Energy Production Company, No. 2021-51 CP (Ct. Common Pleas, Susquehanna County, Pa., Mar. 2, 2021), motion for removal, No. 3:21CV00520, 2021 WL 2808903 (M.D., Pa., Mar. 22, 2021)

Adam, Paula, Joshua, and Sarah Briggs claim that the defendant injects fluids and proppants into its well bore holes on adjacent land, and that the fluids and proppants are “forcible propelled and injected” into their property in Harford Township, Susquehanna County, and that defendant is liable for trespass and conversion of natural gas. Plaintiffs seek actual and punitive damages. In its motion to dismiss, Southwestern argues that the complaint must be dismissed under the doctrine of claim preclusion in light of the prior lawsuit filed in 2015. **The case is pending.**

Kemble v. Cabot Oil and Gas Corporation, No. 3:17-CV-00665 (M.D. Pa., Apr. 13, 2017)

Raymond Kemble filed suit against Cabot Oil and Gas Corp. and GasSearch Drilling Services Corp. (natural gas producers), and Williams Field Services Company, LLC (compressor station owner) with respect to natural gas drilling and fracking activities and operations near his property in Dimock Township, Montrose, Susquehanna County. The action asserts claims for private temporary continuing nuisance and negligence/recklessness. Allegation of impairment of use and enjoyment of property include contamination of water supply; loud noises, bright lights, excessive dust, silica, and particulate matter, disruptive truck and heavy machinery traffic on rural roads. Plaintiff also alleges that a nearby Teel Compressor Station emits toxic substances and produces “horrific odors” and frequent “high decibel screeching and high pressure venting noises. On June 5, 2017, the defendants moved to dismiss based on the absence of federal question and federal diversity jurisdiction. On June 9, 2017, the court dismissed the complaint without prejudice. **The case is closed.**

Criminal charges. – In June 2020 a grand jury ended a 2-year investigation of Cabot Oil for environmental crimes in northeastern Pennsylvania. Attorney General Josh Shapiro on June 15, 2020, announced that the Pennsylvania Office of Attorney General plans to file 15 criminal counts against the Houston-based Cabot Oil and Gas, including nine felonies. Cabot will be charged with 7 counts of Prohibition Against Discharge of Industrial Wastes, 7 counts of Prohibition Against Other Pollutions and one count of Unlawful Conduct under the Clean Streams Law. The Grand Jury’s investigation into the contamination of well water in Dimock, Susquehanna County, revealed that Cabot’s fracking activities were responsible for methane pollution in the local water supply. *Houston energy company hit with criminal charges in Pennsylvania*, <http://www.okenergytoday.com/2020/06/houston-energy-company-hit-with-criminal-charges-in-pennsylvania/> (Jun. 19, 2020). **The criminal case is pending.**

Cabot Oil & Gas Corporation v. Speer, No. 2017-936 (Ct. Common Pleas, Susquehanna Cty., Pa., Aug. 7, 2017)

Cabot Oil & Gas Corp. and GasSearch Drilling Services Corp. (GDS) have sued Raymond Kemble and attorneys Charles F. Speer, Edward Ciarimboli, and Clancy Boylan, as well as the Speer Law Firm and Fellerman & Ciarimboli. Plaintiffs seek \$5 million in punitive damages for “tortious, malicious, wrongful, and improper use of the legal process” related to what they call “frivolous litigation.” Cabot and GDS allege that defendants knew Kemble had settled his claims against the companies, yet filed a complaint in the U.S. District Court for the Middle District of Pennsylvania without probable cause. The plaintiffs assert claims for wrongful use of civil proceedings; breach of contract; and tortious interference with contract. The plaintiffs also contend that Kemble breached a settlement agreement when he filed another lawsuit against Cabot and GDS in April 2017. See *supra*, *Kemble v. Cabot Oil and Gas Corporation*, No. 3:17-CV-00665 (M.D. Pa., Apr. 13, 2017). The settlement was reached in July 2012 in *Fiorentino v. Cabot Oil and Gas Corp.* [recaptioned *Ely v. Cabot Oil and Gas Corp.*], No. 3:09-cv-02284, *supra*.

On December 11, 2017, the court heard arguments. *Gas driller: Make homeowner pay for disparaging us*, (Dec. 11, 2017), at http://m.apnews.com/ap/db_268748/contentdetail.htm?contentguid=E7QoB1Jj. In February 2019, the court permitted Kemble's attorney to withdraw. At the same hearing the court declined to find Kemble in contempt of court for refusing to answer questions in the form of a deposition. Kemble claims he is unable to answer questions due to illness. The court continued the matter until March 2019. See <http://www.susqcoindy.com/PS/2019/02/06/court-gives-kemble-more-time-in-cabot-case/> (Feb. 6, 2019). In August 2019 Susquehanna County judge Judge Jason Legg rejected the invocation of attorney client privilege and ordered Kemble's attorneys to respond to Cabot's requests within 30 days. See <http://www.susqcoindy.com/PS/2019/08/06/anti-gas-activist-denies-knowing-about-lawsuit/> (Aug. 6, 2019).

In March 2020 Cabot Oil pulled out of settlement talks because the parties made “no progress” toward resolution. On February 10, 2022, Judge Legg recused himself. Cabot is now known as Coterra Energy Inc.

The case is pending.

Sources: Michael Rubinkam, Associated Press, *Gas driller pulls out of talks in \$5M suit against resident*, https://www.heraldmillmedia.com/news/nation/gas-driller-pulls-out-of-talks-in-m-suit-against/article_debd3119-d690-5ab3-90e6-1b37c72536d3.html (Mar. 5, 2020). See also *Judge Gets Angrier by the Day with Lawyers in Cabot Case* (May 25, 2021), Marcellus Drilling News, at <https://marcellusdrilling.com/2021/05/judge-gets-angrier-by-the-day-with-lawyers-in-cabot-case/> (judge angry delays in Cabot Oil's lawsuit); and *Judge's connection to driller at issue in Pennsylvania pollution case*, <https://www.wesa.fm/environment-energy/2022-03-07/judges-connection-to-driller-at-issue-in-pennsylvania-pollution-case> (Mar. 7, 2022).

***March v. Sunoco Pipeline L.P.*, No. 001793 (Philadelphia County Court of Common Pleas, Mar. 15, 2018), removed, No. 2:18-cv-02774 (E.D. Pa. Jul. 02, 2018)**

Mary March, Russel March, and Jared Savitski bring this action on behalf of themselves and as a class action against Sunoco Pipeline L.P. and Energy Transfer Partners, L.P. in connection with the Mariner East Pipeline project. The pipeline will carry natural gas liquids (“NGL’s”) from Ohio, West Virginia, and western Pennsylvania to the Philadelphia area. Sunoco's use of horizontal directional drilling caused an underground explosion of pressurized drilling fluids on November 11, 2017. As a result of the defendants' conduct, plaintiffs and members of the proposed class have allegedly suffered loss of quiet enjoyment of their property. In their First Amended Class Action Complaint, filed October 23, 2018, they assert claims of negligence, negligence per se, inconvenience and discomfort, private nuisance, negligent hiring, training, and

supervision, loss of subjacent support, and loss of lateral support. On March 25, 2019, the court entered an order dismissing action with prejudice. The case is closed.

Range Resources-Appalachia, LLC v. Commonwealth of Pennsylvania, Department of Environmental Protection, EHB Docket No. 2020-014-R (filed Feb. 4, 2020)

See http://ehb.courtapps.com/public/document_shower_pub.php?csNameID=5844

In 2011 Range Resources drilled and fracked the “Harman Lewis” well in Lycoming County, which was never put into production. After finding methane in nearby water wells, DEP in 2015 threatened Range Resources with a \$9 million fine. Range Resources maintained it was not the source of the problem, and in 2016 the DEP dropped its action when the company agreed to engage in remediation efforts. In 2019, however, research suggested that a methane plume is moving through the aquifer, giving water a rotten-egg odor, and turning stream sediment and residents’ plumbing fixtures orange. See *Years after record Marcellus Shale fine was dropped, gas leak continues in Lycoming County*, at <https://www.post-gazette.com/business/powersource/2019/04/22/DEP-Range-Resources-Harman-Lewis-natural-gas-well-leak-Lycoming-Pennsylvania/stories/201903310037> (Apr. 22, 2019).

In January 2019, Nancy DeWire and six other homeowners received a letter from DEP confirming that changes in their water were caused by gas drilling. On January 13, 2020, the DEP announced that Range Resources had failed to take any meaningful action to remediate the contamination and ordered the company to propose a new plan to address methane leaks. Range Resources was given two months to submit a plan to reduce the gas migration from the Harman Lewis well, which the DEP claims has defective cement casing. Once the plan is approved, Range has four months to submit a plan to plug the well.

Rather than submit a plan, Range Resources filed an appeal of the January 13, 2020, order with the Pennsylvania Environmental Hearing Board. *Range Resources-Appalachia LLC v. Commonwealth of Pennsylvania*, No. 2020-014 (Feb. 4, 2020). Range argues the methane contamination it has been ordered to remediate is coming from either geological formations that were not disturbed during drilling or from drilling conducted by other companies. On May 6, 2022, the Board terminated the appeal as a result of a settlement agreement. See http://ehb.courtapps.com/public/document_shower_pub.php?csNameID=5844. **The case is closed.**

Stanley v. Commonwealth of Pennsylvania, Department of Environmental Protection, EHB Docket No. 2021-013 (filed Feb. 15, 2021)

See https://ehb.courtapps.com/public/update_info_pub.php

Tonya Stanley, Bonnie Dibble and Jeffrey Dibble appealed the Pennsylvania Department of Environmental Protection (DEP) determination, dated January 15, 2021, that Cabot Oil & Gas Corp.'s fracking activities have not adversely affected the Stanley parties' water supply. Appellants argue that they cannot live at respective properties in Wexford, Pennsylvania due to contamination of water with TEG (triethylene glycol). Appellants' summary judgment motion (seeking a determination that the DEP erred when it issued a report saying that issues of turbidity and sediment in the water supply were not caused by Cabot's oil and gas operations) was denied on June 11, 2021, on the grounds that more discovery of the water contamination issues was needed. On November 10, 2021, the EHB granted a partial summary judgment, finding (1) the distance between the water supply and the nearest gas wells is greater than the liability presumption set forth

in the Oil and Gas Act; and (2) the argument advanced by the appellants that the Department committed an unconstitutional taking is not contained in their notice of appeal. Summary judgment was held to be inappropriate for the remaining issues in the appeal that involve disputed material facts.

On February 17, 2022, the Board held that appellants' pre-hearing memorandum "did not identify any scientific tests, list or attach any exhibits, or name any expert witnesses. Accordingly, the appellants will be precluded from utilizing scientific tests, offering or introducing exhibits, and relying on expert testimony in their case-in-chief at the upcoming hearing on the merits." On April 7, 2022, the state defendants supported the motion of Cabot Oil (now Coterra Energy) for a nonsuit because – at a hearing on February 22, 2022 – appellants allegedly did not present any evidence during their case-in-chief. The landowners opposed the motion on May 9, 2022, and the following day requested the removal of Judge Labuskes for "punishing Landowners for exercising their First Amendment rights of free speech against the Department of Environmental Protection and the Environmental Hearing Board."

On June 15, 2022, the Environmental Hearing Board granted a motion of nonsuit in favor of Cabot (now Coterra Energy Inc.), finding that Tonya Stanley, Bonnie Dibble and Jeffrey Dibble's refusal to be subject to cross-examination by Coterra's counsel meant they had failed to present a case to the board. The board held that landowners failed to prove by a preponderance of the evidence that the department erred when it determined that Coterra's operations did not contaminate their water supply. The landowners did not reference or attach any water sample results and did not identify any expert witnesses to support their claim that there was causal link between Coterra's operations and their water supply. **The case is pending.**

Glahn v. Commonwealth of Pennsylvania, Department of Environmental Protection, EHB Docket No. 2021-049-L (filed May 10, 2021)

See https://ehb.courtapps.com/public/document_shower_pub.php?csNameID=6007

Roger Glahn and Donna Gorecel live in Wyoming County. They seek review of the following Pennsylvania DEP's actions: (1) not advising Appellants of the distance between nearby well bores operated by Southwestern and the absence of GPS coordinates in the Department's correspondence, (2) not requiring that Southwestern Production to provide water to Appellants under the Oil and Gas Act; (3) not advising Appellants that Southwestern is presumptively liable under the Oil and Gas Act, (4) and not testing for chemicals used by oil and gas operations. They allege the DEP has not acted in a timely fashion in issuing a determination letter, has acted in ways "to keep Mr. Glahn and Ms. Gorencel from asserting their rights," and has concealed information regarding chemicals at the site. Among other requests for relief, appellants ask that DEP "make[] a criminal referral of this matter to the Pennsylvania Attorney," and request "that the ATSDR undertake a health assessment in North Branch Township and all other areas in Pennsylvania where oil and gas operations have been as well as where oil and gas operations continue to operate." On November 12, 2021, the Environmental Hearing Board granted the DEP's motion to dismiss for lack of jurisdiction. Chief Judge Thomas Renwand dissented, arguing that jurisdiction exists to review DEP's failure under the Oil and Gas Act to make a determination on a water supply complaint within 45 days of notification. The landowners filed a petition in the Commonwealth Court of Pennsylvania to review the EHB decision. No. 1273 CD 2021. On January 7, 2022, the court refused enter an order suspending oil and gas operations. On April 18, 2022, the court struck the petitioners' brief and record and granted 30 days to file an amended brief. **The case is pending.**

***Waller v. Cabot Oil and Gas Corp.*, No. (Ct. of Common Pleas, Susquehanna County, Pa., Mar. 9, 2021), removed, No. 3:21-CV-569 (M.D. Penn., Mar. 29, 2021)**

On March 9, 2021, Robert and Anne Brennan Waller sued Cabot Oil & Gas Corporation in the Court of Common Pleas of Susquehanna County, alleging trespass, conversion, and punitive damages. Their land in Dimock Township, Susquehanna is not subject to any gas lease, but they allege that fluid and proppants have crossed over and that proppants remain under their land, allowing for the extraction of natural gas from under their land. After removing the case to federal court, Cabot moved to dismiss, which the court granted in part and denied in part on May 18, 2022. The court held that “the Complaint plausibly alleges a cause of action for punitive damages, and specifically that Cabot’s alleged actions and inactions were done with a bad motive or with a reckless indifference to the interests of the plaintiffs and others.” 2022 WL 1120217. **The case is pending.**

***Teorsky v. Penneco Environmental Solutions, LLC.*, No. GD-22-004214 (Ct. of Common Pleas, Allegheny County, Pa., Apr. 14, 2022), 2022 WL 1120217**

Robert Teorsky of Allegheny County sued Penneco Environmental Solutions, LLC, Dakota Oil & Gas Company, EQT Production Company, Sedat, Inc., and Petroleum Service Partners, Inc., in connection with the conversion of a well into a Class II-D Injection Well approximately 1,500 feet from his property line. Teorsky asserts claims of negligence, gross negligence, private nuisance, strict liability, and trespass, as well as claims under the Hazardous Sites Cleanup Act and for medical monitoring. He relies on a ground water well and asserts that his water supply is contaminated; his property has been harmed and diminished in value; he has become physically ill manifesting in burning skin, shortness of breath, burning eyes, headaches, nausea, sore throat, decreased appetite, loss of smell, and loss of taste; and he has been forced to stay away from his property in order to avoid the toxic fumes. He alleges that "Defendants, by engaging in abnormally dangerous and ultra hazardous activities, are strictly liable with regard to fault for all the damages and injuries to Plaintiff proximately or legally caused by the spills, releases and contamination caused by Defendants, and to remediate the contamination." On July 12, 2022, EQT filed preliminary objections to plaintiff's complaint. **The case is pending.**

TEXAS

***Coastal Oil and Gas Corp. v. Garza Energy Trust*, (206th District Court, Hidalgo County, Tex., 1997). See 268 S.W.3d 1 (Tex. Sup. Ct. 2008)**

Plaintiff argued that drainage caused by hydraulic fracturing was analogous to trespass by a slant or deviated well. The **Texas Supreme Court held** that drainage caused by hydraulic fracturing is not a form of trespass, but is sanctioned by the rule of capture. 268 S.W.3d at 14 (“the rule of capture determines title to gas that drains from property owned by one person onto property owned by another.”). See, e.g., Owen L. Anderson, *Subsurface “Trespass”: A Man’s Subsurface Is Not His Castle*, 49 Washburn Law Journal 247 (2010); Travis Zeik, *Hydraulic Fracturing Goes to Court: How Texas Jurisprudence on Subsurface Trespass Will Influence West Virginia Oil and Gas Law*, 112 West Virginia Law Review 599 (2010); Aaron Stemplewicz, *The Known “Unknowns” of Hydraulic Fracturing: a Case for a Traditional Subsurface Trespass Regime in Pennsylvania*, 13 Duquesne Business Law Journal 219 (2011); Owen Anderson, *Lord Coke, the Restatement, and Modern Subsurface Trespass Law*, 6 Texas Journal of Oil, Gas, and Energy Law 203 (2010-2011).

Environmental Processing Systems, L.C. v. FPL Farming Ltd., No. CV71974 (75th District Court, Liberty County, Tex., 2006), on appeal, 305 S.W.3d 739 (9th Court of Appeals, 2009), remanded, 351 S.W.3d 306 (Tex. S.Ct. 2011), on remand, 383 S.W.3d 274 (9th Court of Appeals, 2011), reversed, No. 12-0905, 457 S.W.3d 414 (Tex. Sup. Ct., Feb. 6, 2015)

This is a dispute between a rice farmer (FPL) and an injection well operator (EPS) over the leaching of injected fluids into the subsurface of FPL's property. After prior administrative and judicial proceedings, FPL brought suit in Liberty County in 2006, alleging that EPS's injectate leached into its property, and seeking damages based on trespass, nuisance, and unjust enrichment. After an adverse jury verdict, FPL appealed to the Beaumont Court of Appeals. The court of appeals held it could not review the merits of FPL's trespass claims. 305 S.W.3d 739, 744 (2009), but the Texas Supreme Court remanded the trespass issue. 351 S.W.3d 306 (2011) (possession of an injection well permit does not insulate the operator against trespass or other tort liability). On remand, the court of appeals held that Texas law recognizes a trespass action to protect possessory rights in the deep subsurface. 383 S.W.3d at 282 (2012) (“We conclude that Texas law recognizes FPL's property interest in the briny water underneath its property. We do not agree with EPS that no trespass action exists under Texas law to protect FPL's legal interest in its property.”).

On February 6, 2015, the **Texas Supreme Court reversed** the court of appeals' judgment and reinstated the trial court's judgment “that FPL Farming take nothing.” 457 S.W.3d 414. The court did not clarify the distinctions between traditional trespass and subsurface trespass and declined to answer the question of whether Texas recognizes a cause of action for subsurface trespass. Instead, the court focused on whether lack of consent is an element of the trespass cause of action on which the plaintiff bears the burden of proof, or whether consent is instead an affirmative defense on which the defendant bears the burden. The court held that “lack of consent as an element of a trespass action that a plaintiff must prove.” In light of its holding, the court concluded that it “need not address whether Texas law recognizes a trespass cause of action for deep subsurface wastewater migration because the jury found in EPS's favor on all of FPL Farming's claims and any error would be harmless.” FPL failed to prove that it did not consent to EPS's alleged entry.

Gardiner v. Crosstex North Texas Pipeline LP, No. 2008-40133-362 (442nd District Court, Denton County, Tex., May 5, 2008; transferred to 431st District Court, Denton County, Tex.), on appeal, 305 S.W.3d 739 (9th Court of Appeals, 2009), on appeal, 451 S.W.3d 150 (Court of Appeals of Texas, Fort Worth, Nov. 13, 2014), on appeal, 505 S.W.3d 580 (Tex. S.Ct. Jun. 24, 2016) (affirming remand to trial court)

Andrew and Shannon Gardiner, who own a 95-acre ranch in Denton County, sued Crosstex North Texas Pipeline LP after its compressor station began operating in May 2007. The compressor station includes four diesel engines that are “bigger than mobile homes” and produce a “constant roar.” Crosstex implemented a series of mitigation efforts to eliminate unreasonable noise levels, but in 2008 the Gardiners told Crosstex the mitigation efforts were inadequate. The Gardiners asserted claims for private nuisance, ordinary negligence, and gross negligence. They amended their petition to allege that Crosstex had both intentionally and negligently created a nuisance. After the trial court granted a directed verdict to Crosstex on the negligence cause of action, the jury found Crosstex liable for negligent nuisance and awarded the Gardiners \$2,042,500 in damages. See 451 S.W.3d at 154. Crosstex appealed, and the court of appeals held that the evidence was legally sufficient (to state a claim), but not factually sufficient to support the jury's finding of a negligently created nuisance. 451 S.W.3d at 176. It also held that the trial court erred by denying the

Gardiniers' request for a trial amendment and should have submitted a jury question on whether Crosstex created a nuisance through conduct that was “abnormal and out of place.” Id. at 177, 179. The court remanded the case “for a new trial and to allow the Gardiniers to add the abnormal and out-of-place variation of their nuisance claim.” Id. at 179. Both parties filed petitions with the Texas Supreme Court for review.

The Texas Supreme Court affirmed on June 24, 2016. It held “that the term 'nuisance' refers not to a defendant's conduct or to a legal claim or cause of action but to a type of legal injury involving interference with the use and enjoyment of real property.” 505 S.W.3d at 588. According to the court, “a defendant can be liable for causing a nuisance if the defendant intentionally causes it, negligently causes it, or — in limited circumstances — causes it by engaging in abnormally dangerous or ultra-hazardous activities.” Id. The Court affirmed the court of appeals' judgment remanding this case to the trial court for a new trial. On May 30, 2017, the lawsuit was dismissed with prejudice. **The case is closed.**

The *Crosstex* decision will guide Texas courts in the future in nuisance claims. The decision clarifies that whether a defendant may be held liable for causing a nuisance depends not only on proof that the interference is a nuisance, but also on proof of the culpability of the defendant's conduct. A defendant can be liable for causing a nuisance if the defendant intentionally causes it, negligently causes it, or causes it by engaging in abnormally dangerous or ultra-hazardous activities. The mere fact that the defendant's use of its land is “abnormal and out of place in its surroundings” will not support a claim alleging a nuisance. In the absence of evidence that the defendant intentionally or negligently caused the nuisance, the abnormal and out of place conduct must be “abnormally dangerous” conduct that creates a high degree of risk of serious injury to be actionable.

In a prior decision of the Texas Supreme Court, also involving a compressor station, the Court held that (1) evidence that the homeowners were harmed by noise and gas was sufficient to support finding that homeowners were harmed, but (2) a remand of the permanent nuisance claim for a new trial on liability and damages was warranted because the evidentiary standard concerning valuation of property had changed since the time of the trial. *Natural Gas Pipeline Company of America v. Justiss*, 397 S.W.3d 150 (Texas 2012).

***Scoma v. Chesapeake Energy Corp.*, No. 3:10-cv-01385 (N.D. Tex., July 15, 2010). See also 2010 WL 3706170 (Aug. 11, 2010) (Second Amended Complaint)**

Jim and Linda Scoma, property owners in Johnson County, Texas, allege their water well is contaminated due to hydraulic fracturing actions, including storage of drilling waste and disposal of fracturing waste in injection wells. Plaintiffs claim negligence, nuisance, and trespass, and seek the cost of testing, loss of use of land, loss of market value of land, loss of intrinsic value of well water, emotional harm, nominal damages, exemplary damages, and injunctive relief. **The case was dismissed on December 9, 2011, pursuant to a settlement agreement.** Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Ruggiero v. Aruba Petroleum, Inc.*, No. 10-10-801 (District Court, Wise County, Tex., Oct. 18, 2010)**

The Ruggieros, who only owned the surface, learned in 2009 that their ten acres were part of a lease held by Aruba Petroleum, who drilled two gas wells within 300 feet of their home. According to the Ruggieros, thousands of gallons of drilling mud were negligently discharged, the ground was saturated when a frac tank

valve was not shut properly, and another tank overflowed and gushed out condensate for more than twelve hours. See <http://shalegasoutrage.org/wp-content/uploads/2011/09/Tim-Christine-Ruggieros-Story.pdf>. **An out of court confidential settlement was reached in 2011.** See also Sixty Minutes, Gas drilling horror story (Nov. 14, 2010), at <http://www.cbsnews.com/video/watch/?id=7054281n>.

***Knoll v. GulfTex Operating, Inc.*, No. 2010-10345-16 (431rd Dist. Ct., Denton County, Tex., Oct. 22, 2010)**

Michael and Susan Knoll are surface owners who lived near a well and a compressor station. The Knolls allege that drilling and hydraulic fracturing operations created odors, contaminated water in their well, and caused headaches and nosebleeds. S.C. Gwynne, Elizabeth Souder and Gary Jacobson, Dallas Morning News, *In Midst of Gas Boom, Anti-Drilling Movement Gains Ground*, Dallas Morning News (May 15, 2011), <http://www.dallasnews.com/business/energy/20110515-in-midst-of-gas-boom-anti-drilling-movement-gains-ground.ece>. In March and April of 2012, the district court dismissed several of the defendants. **On May 7, 2012, the remaining parties settled, and the case was closed on May 16, 2012.** See <http://justice1.dentoncounty.com/PublicAccess/CaseDetail.aspx?CaseID=1201683> (docket sheet).

***Heinkel-Wolfe v. Williams Production Co., LLC*, No. 2010-40355-362 (362nd Dist. Ct., Denton County, Tex., Nov. 3, 2010)**

Margaret and Paige Heinkel-Wolfe claim drilling operations contaminated the water and air on and surrounding their property. In their amended complaint, plaintiffs dropped their negligence claims and allegations of water contamination, but retained causes of action for nuisance and trespass. **The case was settled at mediation on August 14, 2012, and a final judgment entered on August 27, 2012.** Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Sizelove v. Williams Production Co., LLC*, No. 2010-50355-367 (367th Dist. Ct., Denton County, Tex., Nov. 3, 2010) (transferred to 431st Dist. Ct., Denton County, Tex., Jan 1, 2011)**

John and Jayme Sizelove claim drilling operations and gas compressor stations harmed their health. Plaintiffs allege claims for nuisance and trespass, and seek property damages, damages for mental anguish, and exemplary damages. **This case was settled at mediation on November 9, 2012.** Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Mitchell v. Encana Oil & Gas (USA)*, No. 3:10-cv-02555 (N.D. Tex., Dec. 15, 2010). See 2010 WL 5384210 (complaint)**

Grace Mitchell, a property owner in Johnson County, Texas, alleged her water well was contaminated due to hydraulic fracturing and associated storage of drilling wastes, and brought claims of nuisance, negligence, fraud, trespass, and strict liability. See *Resident Files Lawsuit Against Encana, Chesapeake*, available at <http://www.cleburnetimesreview.com/local/x1112342972/Resident-files-lawsuit-against-Encana-Chesapeake> (Dec. 21, 2010). The fraud and strict liability claims were not included in the plaintiff's amended complaint

filed on April 25, 2011. **The case was dismissed on December 27, 2011, pursuant to a settlement agreement.** Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Harris v. Devon Energy Production Company, L.P.*, No. 4:10-cv-00708 (E.D. Tex., Dec. 22, 2010). See 2011 WL 2729242 (Magistrate Recommendation to grant Motion for Partial Dismissal for Failure to State a Claim) (Jun. 14, 2011)**

Doug and Diana Harris sued Devon Energy Production Company in December 2010 for negligence, strict liability, nuisance, and trespass. See pleadings 2010 WL 5384209. Plaintiffs allege that hydraulic fracturing operations near their property caused groundwater contamination, and assert claims of nuisance, trespass, negligence, strict liability, and fraudulent concealment. With respect to fraud, plaintiffs argued that, by concealing the fact that the gray substance in the well water contained chemicals typically found in drilling mud, defendant intended to induce plaintiffs to drill a new well. On June 14, 2011, the U.S. Magistrate recommended that the fraud claim be dismissed because plaintiffs failed to identify any damages which resulted from the alleged false representation. [Plaintiffs did not ask for damages related to the costs of constructing and maintaining the well.] On July 12, 2011, the district court dismissed the fraud claim. **On January 25, 2012, the court dismissed all claims** “on the basis that recent testing of the plaintiffs’ groundwater wells showed no contamination present at levels that are toxic for human consumption.” Margaret A. Hill, Mary Ann Mullaney, and Heather L. Demirjian, Blank Rome LLP, *United States: Shale Development and Fracking Litigation Trends* (Aug. 7, 2012), at <http://www.law.com/jsp/pa/PubArticlePA.jsp?id=1202564505201&slreturn=20130004165637>.

***Smith v. Devon Energy Production Co., LP*, No. 3:11-cv-00196 (N.D. Tex., Jan. 31, 2011), transferred, No. 4:11-cv-00104 (E.D. Tex., Mar. 7, 2011). See 2011 WL 474901 (complaint) (Jan. 31, 2011); and 2011 WL 2936737 (amended complaint) (Mar. 21, 2011)**

Damon and Amber Smith of Denton County, Texas, allege that fracturing fluids and associated drilling wastes contaminated their water well. The case was transferred to the Eastern District of Texas on March 3, 2011, and the Plaintiffs’ first amended complaint was filed on March 21, 2011, asserting trespass, nuisance, and negligence. **On May 25, 2012, the lawsuit was dismissed on plaintiffs’ motion.** See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014).

***Eric Dow v. Atmos Energy Corp.*, No. 2011-30097-211 (211th Dist. Ct., Denton County, Tex., Feb. 28, 2011); *Town of Dish v. Atmos Energy Corp.*, No. 2011-40097-362 (362nd Dist. Ct., Denton County, Tex., Feb. 28, 2011); *William Sciscoe v. Atmos Energy Corp.*, No. 2011-70084-431 (431st Dist. Ct., Denton County, Tex., Feb. 28, 2011); transferred and consolidated as *William Sciscoe v. Enbridge Gathering (North Texas), L.P.*, No. 96-254364-11 (96th Dist. Ct., Tarrant County, Tex.). Decision remanding case to trial court, 519 S.W.3d 171 (Court of Appeals, Amarillo, No. 07-13-00391, June 1, 2015), reversed, No. 15-0613 (Tex. Sup. Ct., May 19, 2017).**

Appellants, eighteen homeowners and the Town of DISH, filed three separate lawsuits against six energy production companies alleging that noise, light, odors, and chemical particulates emanating from Appellees’ facilities caused a nuisance and constituted a trespass, thereby entitling them to recover monetary damages. The three lawsuits were transferred to Tarrant County and consolidated into one lawsuit in the 96th District

Court bearing cause number 96–254364–11. The Town of DISH sought recovery of damages occasioned by the erosion of its tax base due to declining property values, together with recovery of “damages” of \$1,000 per day for trespass and exemplary damages. The remaining Appellants sought recovery of damages for (1) the loss of market value of their properties, (2) annoyance and discomfort, (3) injury to personal property, (4) mental anguish, and (5) exemplary damages. None of Appellants sought injunctive relief. The trial court dismissed the complaints.

Court of Appeals – On June 1, 2015, the court of appeals reversed in part. 519 S.W.3d 171. It rejected the argument of the defendants-appellees that the cause of action for trespass by airborne particulates requires both a physical entry and a significant deposit of particulate materials on the properties. The court held that the migration of airborne particulates can constitute an actionable trespass, but noted that, to establish an actionable trespass, appellants on remand must establish that the particulates emanated from the activities of Appellees and that Appellants sustained some compensable injury as a result thereof. The court of appeals also rejected the arguments that the trespass and nuisance claims are (1) pre-empted by regulatory statutes; and (2) are non-justiciable under the political question doctrine. According to the court, the arguments fail “because Appellants simply do not seek to alter or change the emission standards under which Appellees operate. Instead, Appellants seek to compel Appellees to compensate them for actual damages they have sustained as a result of the lawful operations of Appellees. Just because Appellees are operating their natural gas compression facilities within the applicable regulatory guidelines does not mean that Appellants have not suffered compensable injuries as a result of those operations. Nor does it mean that Appellees are somehow immune from liability for damages they may have caused just because they have a regulatory permit. Stated another way, just because you are allowed by law to do something, does not mean that you are free from the consequences of your action. While the appropriateness of Appellees’ conduct according to applicable regulations may affect by the nature and extent of Appellants’ compensation (e.g., the inability to recover exemplary damages), regulation is not a substitute for prudent operation.” The court reversed the lower court and allowed claims for monetary compensation limited to the past diminution in the value of their properties to proceed. The court affirmed the trial court’s order granting summary judgment as to claims seeking recovery of monetary damages for prospective injuries, mental anguish, or \$1,000 per day for trespass, and to the extent the claims seek to abate an alleged nuisance or ongoing trespass. 2015 WL 3463490 (June 1, 2015).

Texas Supreme Court – On May 19, 2017, the Texas Supreme Court reversed. It held that, because the plaintiffs began complaining about the noise and odor emanating as early as 2006, but did not sue until 2011, the two-year statute of limitations barred their claims alleging trespass and nuisance injuries. According to the court, the defendants “have proven that any legal injury the residents suffered commenced, at the latest, in May 2008. There is no objective evidence showing that the complained-of conditions worsened in the summer of 2009. Even if they did, the residents’ claims had already accrued more than two years before they sued.” The court also held that summary judgment should have been granted to Enterprise because it presented evidence showing its metering station was not be a source of the residents’ complaints, and “no evidence rebuts Enterprise’s contention it is not one of the alleged offenders.” See No. 15-0613. **The matter is closed.**

***Parr v. Aruba Petroleum, Inc.*, No. CC-11-01650-E (Dallas County Ct., Tex., Mar. 8, 2011), jury verdict overturned, 2017 WL 462340, 05-14-01285-CV (Tex. Fifth Court of Appeal, Feb. 1, 2017)**

Robert and Lisa Parr claim natural gas drilling operations in Wise County, Texas, including releases, spills, emissions, and discharges of hazardous gases, exposed their family and their property to hazardous gases, chemicals, and industrial wastes. Plaintiffs alleged gross negligence, negligence per se, common law negligence, private nuisance, and trespass. They contended that numerous wells within two miles of their home put contaminants in the air that caused extensive health problems like memory loss, sores and bleeding while also killing pets and causing livestock to give birth to newborns with birth defects. Air quality tests by a specialist the family hired found benzene, toluene, ethylbenzene and xylene, toxic chemicals found in petroleum products. The Parrs sued Aruba Petroleum and eight other companies involved with drilling in the area for a total of \$66 million in damages. Some companies were dropped from the suit, while others reached undisclosed settlements with the family. Aruba was the remaining defendant.

Jury verdict – On April 22, 2014, after a trial of two and a half weeks, **a jury awarded \$2.925 million to the plaintiffs.** The jury returned its 5-1 verdict confirming that Aruba Petroleum “intentionally created a private nuisance” through its drilling, fracking and production activities at 21 gas wells near the Parrs' Wise County home over a three-year period between 2008-2011. The verdict included \$275,000 for the Parr’s property loss of market value and \$2 million for past physical pain and suffering by Robert and Lisa Parr and their daughter, \$250,000 for future physical pain and suffering, \$400,000 for past mental anguish. The jury did not find actual malice in Aruba's actions, but found that the energy company’s activities were “intentional” thereby creating a “private nuisance” under Texas law. This has been called the first anti-fracking verdict in the United States, although the complaint concerned not just fracking but all gas production operations. Aruba noted that it is in compliance with Texas air quality rules, but a nuisance claim, as noted by Florida State law professor Hannah Wiseman, “is specifically in addition to the public law.” The case is also notable because it concerned air emissions, whereas much of the debate around fracking has focused on its potential to pollute groundwater.

Trial court – The trial court denied Aruba Petroleum’s motion for judgment notwithstanding verdict on June 19, 2014. Final judgment was filed July 9, 2014. On August 5, 2014, Aruba filed a motion for a new trial, arguing that one of the jurors was statutorily disqualified; the damages awarded by the jury are excessive; and the evidence is legally and factually insufficient to support the judgment. The motion was denied on September 11, 2014.

Court of Appeals overturns jury verdict – On February 1, 2017, the Fifth Court of Appeals in Dallas threw out a \$2.9 million judgment, agreeing with Aruba (which filed for bankruptcy protection in November 2016) that there is no legally sufficient evidence of intent that would support the jury’s finding that Aruba intentionally created a private nuisance. According to the court, “None of the evidence cited by the Parrs of the noise, light, odors, and other claimed effects of Aruba's operations established that Aruba actually intended or desired to create an interference on the Parrs' land that they claim was a nuisance or actually knew or believed that an interference would result.” The panel issued a “take-nothing judgment” after finding that the family's claims did not meet the standards for a private nuisance claim. 2017 WL 462340.

Citing the Texas Supreme Court’s 2016 ruling in *Crosstex v. Gardiner*, 505 S.W.3d 580, which set a new standard for nuisance claims, the appellate court found the Parrs had not proved Aruba intended to create problems for the family. “None of the evidence cited by the Parrs of the noise, light, odors and other claimed effects of Aruba’s operations established that Aruba actually intended or desired to create an interference on the Parrs’ land that they claim was a nuisance or actually knew or believed that an interference would result,” the court said. Aruba successfully argued that generalized grievances about its drilling activity near the Parr property, including some anonymous complaints from plaintiff Lisa Parr that did not specifically

identify their property, were not enough to alert the company to problems specific to the Parr family or its land.

The Parrs had argued Aruba need not have intended to specifically harm them, citing evidence Aruba was aware that its operations at well sites resulted in noise, odors, ground vibrations and bright gas flaring. They also pointed to testimony from Aruba's corporate representative that the drilling was "probably" "a nuisance to people living in the community close to that drill site." But the appellate court held none of the Parrs' evidence established Aruba actually intended to create an interference on their specific land, or that Aruba believed such an interference would result from its drilling activity. The court entered a take-nothing judgment against the Parrs.

***Lipsky v. Range Resources Corp.*, CV11-0798 (District Court, Parker County, Tex., June 20, 2011), 2012 WL 3600014 (Court of Appeals of Texas, Fort Worth, Aug. 23, 2012) (dismissing interlocutory appeal), 411 S.W.3d 530 (Court of Appeals of Texas, Fort Worth, Apr. 22, 2013) (opinion); on appeal, 460 S.W.3d 579 (Texas Supreme Court, Apr. 24, 2015)**

In the summer of 2010, Shyla and Steven Lipsky became upset after Range Production Company and Range Resources Corporation had begun to extract gas from the Barnett Shale formation near their home. Plaintiffs, who created a YouTube video of a Steven Lipsky holding a flaming hose connected to his well, believed Range contaminated their water well. In December of 2010, the EPA issued an emergency order against Range, stating that the hydrocarbons from Range's operations may have caused or contributed to the contamination. The Texas Railroad Commission in March 2011 issued an order stating that Range's wells were not responsible for the contamination of plaintiffs' water and that the methane gas in the water wells likely was naturally occurring and came from a shallow geological formation. In June of 2011, plaintiffs filed a lawsuit in Parker County District Court, alleged that the fracking operations were negligent, grossly negligent, and a nuisance. Range moved to dismiss all claims as an improper collateral attack on the Railroad Commission's ruling, and filed a counterclaim against the Lipskys and environmental consultant Alisa Rich, alleging defamation, business disparagement, and a civil conspiracy.

On January 30, 2012, the Parker County court granted Range's motion to dismiss, agreeing that the Lipskys' claims were an improper collateral attack on the Commission's determination. The court also declined to dismiss Range's claims against the Lipskys and Rich by denying their motions to dismiss under the Texas Citizens Participation ("Anti-Slapp") Act, which protects citizens who petition or speak on matters of public concern from retaliatory lawsuits. While this matter was on appeal, the EPA in March 2012 withdrew its administrative order against Range. See Joint Stipulation of Dismissal Without Prejudice, *United States v. Range Prod. Co.*, No. 3:11-CV-00116-F (N.D.Tex. Mar. 30, 2012). On August 23, 2012, the Texas Court of Appeals dismissed the interlocutory appeal of the Lipskys and Rich for want of jurisdiction. The court, however, allowed the challenge to proceed as an original proceeding. 411 S.W.3d at 536. The Texas Supreme Court declined to review this decision in December 2012.

On April 22, 2013, the Court of Appeals determined that the Texas Citizens Participation Act (TCPA) required the dismissal of Range's claims against Shyla Lipsky and Alisa Rich. 411 S.W.3d at 554. The court also set aside two claims against Steven Lipsky (aiding and abetting and civil conspiracy), but let stand two other claims: defamation and business disparagement. 411 S.W.3d at 556. Both Range and Steven Lipsky appealed. While their appeals were pending, the Texas Railroad Commission in February 2014 investigated nine new water contamination complaints filed from residents in Steven Lipsky's neighborhood, including

one from Lipsky. Mike Soraghan, E&E Energywire, *Texas regulators to finish latest Range investigation this month* (Feb. 6, 2014), at <http://www.eenews.net/energywire/2014/02/06/stories/1059994116>.

On April 24, 2015, the Texas Supreme Court affirmed, denying both petitions. 460 S.W.3d 579; 2015 WL 1870073. With respect to Range's business disparagement claim, the court did disagree with the court of appeals "that general averments of direct economic losses and lost profits, without more, satisfy the minimum requirements of the TCPA." With regard to Range's defamation claim, the court agreed with the court of appeals that "there was some evidence of a defamatory statement concerning Range sufficient to defeat Lipsky's TCPA motion to dismiss." Turning to Range's cross-appeal, the Texas Supreme Court affirmed that determination that "the TCPA required the dismissal of Range's claims against Steven Lipsky's wife and environmental consultant and Range's conspiracy claim against all parties."

Subsequent proceedings in the Lipsky case – On March 8, 2017, the court granted the parties' Joint Motion to Dismiss with Prejudice, having been advised that the parties reached a mutually satisfactory agreement to resolve this litigation. **The case is settled.**

Subsequent proceedings in the Rich case – On remand, the trial court dismissed Range's claims against Alisa Rich and awarded \$470,012.41 in attorney's fees pursuant to the TCPA. The trial court denied Rich's motion for \$30 million in sanctions against Range. On November 22, 2017, the court of appeals held that the trial court did not abuse its discretion by denying the motion for sanctions. *Rich v. Range Resources Corp.*, No. 02-17-00090-CV (Court of Appeals of Texas, Fort Worth, Nov. 22, 2017).

***Marsden v. Titan Operating, LLC*, No. CV-11-0842 (415th Dist. Ct., Parker County, Tex, Jun. 27, 2011), appeal, No. 02-14-00303-CV (Court of Appeals of Texas, Fort Worth, Sept. 17, 2014), reversed, 2015 WL 5727573 (Aug. 27, 2015)**

After signing an oil and gas lease in 2004, Marcus C. Marsden, Jr. and Laura B. Marsden brought an intentional nuisance claim in June 2011, alleging that Titan's drilling activities were substantially interfering with the use and enjoyment of their property. The drilling site for the first well is 176 feet from the house, and the well is about 300 feet away. The Marsdens alleged that Titan's drilling activities had caused constant compressor noise, truck traffic, and truck pump noises. A jury found that Titan had intentionally created a temporary private nuisance and that the Marsdens were not estopped from complaining about the nuisance based on their acceptance of benefits. The jury awarded \$18,000 separately to Marcus and Laura. The trial court entered a final judgment that, in accordance with the jury's verdict, awarded Marcus and Laura \$18,000 each. On August 27, 2015, the **court of appeals reversed**, finding as a matter of law that quasi-estoppel principles preclude the Marsdens from negotiating and signing an oil and gas lease, accepting benefits under that lease and under a related transaction, and later maintaining a nuisance suit against Titan for acts that the lease and the related transaction contemplated or authorized. The lease allowed Titan to drill within 200 feet of any residence or barn.

***Crowder v. Chesapeake Operating, Inc.*, No. 2011-008169-3 (County Court at Law No. 3, Tarrant County, Texas, Nov. 7, 2011), on appeal, 02-14-00323-CV (Texas Second Court of Appeals); *Mann v. Chesapeake Operating, Inc.*, No. 2011-008232-3 (County Court at Law No. 3, Tarrant County, Texas, Nov. 8, 2011); *Anglim v. Chesapeake Operating, Inc.*, No. 2011-008256-1 (County Court at Law No. 3, Tarrant County, Texas, Nov. 9, 2011), on appeal, 02-14-00218-CV (Texas Second Court of Appeals);**

***Gutierrez v. Chesapeake Operating, Inc.*, No. 2011-008274-3 (County Court at Law No. 3, Tarrant County, Texas, Nov. 10, 2011) [search at <https://odyssey.tarrantcounty.com/default.aspx>]**

Samuel Crowder and Jane Crowder of Tarrant County sued Chesapeake Operating, complaining that the noise, odors and truck traffic 165 feet from their backyard fence from a well site were a nuisance. On May 23, 2014, a Tarrant County jury awarded \$20,000 after finding that the three wells at the site constituted a nuisance. The six-person county court jury found that Chesapeake intentionally created a nuisance with its well site, and that the facility was abnormal and out of place for its environment. The couple asked for \$108,000 in past and future damages, but the jury found the site was a temporary nuisance, rather than permanent, and did not award future damages. **Chesapeake's appeal was dismissed on December 4, 2014, pursuant to the settlement agreement in the Crowder case** reached by the litigants.

A jury found for the defendant in the *Anglim* lawsuit on April 21, 2014. See *Tarrant jury awards \$20,000 to homeowners in nuisance suit against Chesapeake*, Fort Worth Star-Telegram (May 24, 2014), at <http://www.star-telegram.com/2014/05/23/5843320/tarrant-jury-awards-20000-to-homeowners.html>. Anglim appealed, but **on December 4, 2014, the appellate court remanded the Anglim case pursuant to the settlement agreement** reached by the litigants.

The Gutierrez lawsuit was settled in November 2014.

On December 10, 2014, an order of dismissal with prejudice was entered in the Mann lawsuit.

***Beck v. ConocoPhillips Company*, No. 2011-484 (123rd Dist. Ct. Panola County, Tex., Dec. 1, 2011)
Strong v. ConocoPhillips Company, No. 2011-487 (123rd Dist. Ct. Panola County, Tex., Dec. 2, 2011)**

Carroll Beck, Bobby Strong, and others allege ConocoPhillips contaminated their water wells by hydraulic fracturing and by disposing fracking waste near their properties. Causes of action are for nuisance, trespass, and negligence. Plaintiffs claim that defendant failed to use a reasonable alternative means of recovering the minerals. Plaintiffs have asked the court for an injunction precluding future drilling and fracking activities near their land. On March 28, 2012, the court denied defendant's request for a "Lone Pine" order in the *Beck* case and a motion to dismiss in the *Strong* case. Motions for summary judgment in both cases were subsequently denied. See Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On February 22, 2015, the two cases were consolidated. **The cases were dismissed with prejudice on May 27, 2015.** See <http://odysseypa.tylerhost.net/Panola/CaseDetail.aspx?CaseID=67140>.

***Cerny v. Marathon Oil Corp.* No. 13-00005-00118-CVK (218th Dist. Ct. Karnes County, Tex., May 21, 2013), removed, No. 5:13-cv-562-XR (W.D. Tex. June 28, 2013); remanded; on appeal, 480 S.W.3d 612 (Texas Fourth Court of Appeals, October 7, 2015, affirming judgment for defendants).**

Michael and Myra Cerny bring causes of action for private nuisance, negligence, and negligence per se, alleging that hydraulic fracturing is causing foundation damage and sinkholes, and that Defendants have released strong odors and noxious chemicals into the environment causing injury. See <http://s3.documentcloud.org/documents/1017919/cernys-lawsuit.pdf>. On August 6, 2013, the federal district court concluded that the negligence claim – that defendants are allowing odors and chemical compounds onto the plaintiffs' property – is preempted by the Clean Air Act inasmuch as that claim would prohibit emissions

in contravention of that allowed by the Clean Air Act and implementing regulations. On October 7, 2013, the court vacated an earlier order and remanded the case to state court. On or about August 15, 2014, the District Court granted motions to strike the majority of the Cernys' summary judgment evidence as inadmissible hearsay, unqualified lay opinions, and unreliable, speculative, and conclusory expert opinions. The trial court then granted both the defendants' no-evidence summary judgment motions and traditional summary judgment motions.

On October 7, 2015, the **Texas Court of Appeals**, San Antonio, **affirmed** the trial court's judgment. See 480 S.W.3d 612. The appellate court held that the Cernys' nuisance and negligence claims are in the nature of toxic tort claims which fall outside a lay person's general knowledge and experience, and must therefore be proven with expert testimony. The court noted that "each of the Cernys suffered from multiple chronic health conditions that existed prior to the defendants' commencement of oilfield operations" and that "the Cerny's home had foundation damage prior to the defendants' operations." The court also held that "other companies' emissions are plausible potential causes of the Cernys' personal injuries and property damage." The Cernys failed "to present more than a scintilla of expert evidence that emissions from a Marathon and/or Plains facility caused their injuries and property damage." As to the portion of the Cernys' nuisance claim, the court likewise concluded that they failed to raise "more than a scintilla of probative evidence that Marathon and Plains were the proximate cause of the dust, noise, traffic, and foul odors experienced by the Cernys." Justice Luz Elena D. Chapa, Justice, dissented in part to the majority's judgment. To the extent that the nuisance claims were not based on the migration of hazardous chemicals and wastes onto their property, but also alleged excessive noise, foul odors, dust pollution, and abnormal traffic, Justice Chapa stated that the latter types of nuisance claims are within common knowledge and experience, and that the record contains some admissible evidence connecting the alleged foul odors to the conduct of one of the defendants.

On January 6, 2016, the petition for review was filed with the Texas Supreme Court. No. 16-0011. On December 2, 2016, the Court denied the petition for review. **The case is closed.**

***Finn v. EOG Resources, Inc.*, No. C201300343 (18th Dist. Ct. Johnson County, Tex., July 30, 2013)**

Dan and Jan Marie Finn and Ed and Norma Specht of Alvarado, Texas (south of Forth Worth) claim fracking damaged their real estate and homes. The defendants are EOG Resources Inc., Shell Trading Co., Sunoco Partners Marketing and Terminals, L.P., and Enterprise Crude Oil LLC. The plaintiffs assert that hydraulic fracturing triggered earthquakes that caused significant structural damage. The case, which asserts claims of negligence, nuisance and strict liability, may become a class-action lawsuit. See Nicholas Sakelaris, *Quakes Caused by Frack Water Disposal Damaged Homes*, <http://www.bizjournals.com/dallas/news/2013/08/02/lawsuit-says-quakes-caused-by-frack.html>; and Tammye Nash, *Property owners sue for fracking damages*, Cleburne (TX) Times-Review (09/01/13), at <http://www.cleburnetimesreview.com/local/x1664875143/Property-owners-sue-for-fracking-damages/print>; and Jordan Fletcher, *The fracking-earthquake connection*, The Dallas Morning News (Dec. 8, 2013), at <http://www.dallasnews.com/opinion/sunday-commentary/20131206-the-fracking-earthquake-connection.ece>.

On April 13, 2015, the case was dismissed. It is not known if a settlement was reached. See <http://pa.johnsoncountytexas.org/PublicAccess/Search.aspx?ID=200&NodeID=200%2c210%2c220%2c230&NodeDesc=All+District+Courts>.

***Dueling v. Devon Energy Corp.*, CV12-0843 (43rd District Court, Parker County, Tex., Oct. 10, 2013), removed, No. 4:14-cv-00325-Y (N.D. Tex., May 9, 2014), dismissed (Oct. 2, 2014), appealed, No. 14-11177 (U.S. Court of Appeals, Fifth Circuit, Oct. 27, 2014), remanded, 623 Fed.Appx. 127 (Aug. 14, 2015)**

Plaintiffs assert that Devon Energy’s oil and gas drilling site, across the street from their homes in a residential area, is noisy and disruptive, and interferes with their use and enjoyment of their properties. The plaintiffs filed their lawsuit in state court within the two-year statute of limitations for nuisance claims, but named Devon Energy Corporation instead of Devon Energy Production Co. LP. After being added as a defendant, DEPCO removed the case to federal court and was granted judgment on the pleadings based on failure to file within the statute of limitations. On appeal the plaintiffs successfully argued that the district court abused its discretion in denying leave to amend the complaint. 623 Fed.Appx. 127 (Aug. 14, 2015). The parties settled on November 7, 2016, and the case was dismissed on November 30, 2016. **The case is closed.**

***Nicholson v. XTO/Exxon Energy, Inc.*, No. 4:13–CV–00899 (N.D. Tex., Nov. 6, 2013). See 2015 WL 1005338 (order dismissing case for lack of jurisdiction, Mar. 4, 2015)**

Pro se plaintiff Daniel Nicholson seeks damages, claiming that his mother’s death was due to the cumulative effects of exposure to chemicals and silica used during hydraulic fracturing drilling, as well as the venting of compressed gas in close proximity to his mother’s house. Nicholson also claimed such operations caused property damage and injured other family members living in the house, and contributed to the deaths of four other neighbors. **On March 4, 2015, the district court dismissed the case** for lack of subject matter jurisdiction due to lack of diversity of citizenship.

***Alexander v. Eagleridge Operating, LLC*, No. 14-01430-393 (393rd Dist. Ct., Denton County, Tex., Feb. 28, 2014)**

John and Linda Alexander and forty-one other residents of Denton, Texas, seek up to \$25 million in damages against Eagleridge Operating, LLC, and Eagleridge Energy, LLC, for drilling operations within a few hundred feet of their homes. The residents complain of offensive air emissions and loud and constant noises from drilling and operation of wells. In addition to claiming the sites are private nuisances, the suit accuses the company of trespassing by contaminating the air. EagleRidge says the permitted wells existed prior to any homes being built in the nearby housing developments. The pad sites are within 300 feet of residences. See Dianna Hunt, Denton Record-Chronicle, *Homeowners Seek up to \$25 Million in Damages from EagleRidge*, (March 9, 2014) at <http://www.dentonrc.com/local-news/local-news-headlines/20140309-lawsuit-filed-against-company.ecc>; and <http://justice1.dentoncounty.com/PublicAccess/default.aspx> (court docket). **On May 28, 2014, the court granted the plaintiffs’ nonsuit without prejudice against all defendants.**

***Murray v. EOG Resources, et al.*, No. DC-15-08865 (95th Dist. Ct., Dallas County, Tex., Aug. 6, 2015); transferred to Tarrant County**

Cody Murray claims EOG Resources, Fairway Resources LLC, and three subsidiaries of Fairway, are responsible for burns from a methane explosion near his house that burned himself and members of his family, and allegedly caused permanent damage. The petition alleges that the high-level methane contamination of the Murrays' water well resulted from natural gas drilling and extraction activities. The Texas Railroad Commission is investigating the accident.

See <http://thinkprogress.org/climate/2015/08/12/3690730/texas-lawsuit-methane-explosion-fracking/>; and <http://www.eenews.net/stories/1060038097> (Jun. 1, 2016 article on Commission's investigation).

On March 22, 2016, the court granted the plaintiffs' notice of partial nonsuit and dismissed CDM Resource Management, Regency Gas Services, and The Goldman Sachs Group. On March 25, 2016, pursuant to an unopposed motion, the Court transferred the case to Tarrant County. According to one source, after EOG Resources settled, the Murrays' attorneys turned their attention to Fairway Resources, a subsidiary of Goldman Sachs, claiming the company's well was the source of the gas that ignited. See <https://www.texastribune.org/2017/03/06/years-after-well-explosion-texas-family-still-waiting-answers-railroad/>. According to another source, the case has been settled. See <https://hamiltonwingo.com/featured-case/something-in-the-water/> (visited Feb. 23, 2019) (statement, on website of the attorney for Cody Murray, that Murray "and his family now have the resources he needs to recover."). **The case is closed.**

Berlanga v. Barnett Gathering, LLC, No. C2017244 (355th Dist. Ct., Hood County, Tex., Oct. 26, 2017)

Josue Berlanga and his son seek damages related to toxic chemical exposure from natural gas activities. The defendants are Barnett Gathering LLC, Exxon Mobil Corporation, XTO Energy Inc., and two landowners who leased their property for oil and gas development. Plaintiffs have experienced rotten egg/raw sewage-like odors, seeping waters -- including "off-white foam" -- on their property. In April 2016, testing showed elevated levels of styrene and benzene, toluene, ethylbenzene, and xylene compounds in the soil. The energy development activities, which involve fracking and include compressor stations, have allegedly released gases through fugitive emissions and venting. In March 2016 the plaintiffs left their property which they consider uninhabitable. They have also sought medical attention for problems allegedly related to exposure to chemicals. The plaintiffs assert claims of assault-infliction of bodily injury; intentional infliction of emotional distress; negligence; gross negligence; negligence per se; and strict liability- abnormally dangerous activity. A jury trial scheduled for August 26, 2019 was cancelled. **The case is pending.**

Amador v. Barnett Gathering, LLC, No. C2018188 (355th Dist. Ct., Hood County, Tex., Aug. 6, 2018)

Donna and Alejandro Amador seek damages related to toxic chemical exposure from natural gas activities. The defendants are Barnett Gathering LLC, Exxon Mobil Corporation, XTO Energy Inc., and two landowners who leased their property for oil and gas development. Prior to the lawsuit, the plaintiffs and their neighbors filed complaints with the Texas Commission on Environmental Quality (TCEQ) (rotten egg/raw sewage-like odors) and with the Railroad Commission of Texas, Oil and Gas Division (concerns regarding adverse impacts from water -- including "off-white foam" -- emanating from the ground). In April 2016, testing showed elevated levels of styrene and benzene, toluene, ethylbenzene, and xylene compounds in the soil. The activities, which involve fracking and include compressor stations, have released gases through fugitive emissions and venting. The plaintiffs assert claims of assault-infliction of bodily injury; intentional infliction of emotional distress; negligence; gross negligence; negligence per se; and strict

liability- abnormally dangerous activity. On July 31, 2018, the lawsuit was transferred from Dallas County to the 355th Judicial District in Hood County, Texas. On March 12, 2020, an order (dismissed/non-suit) was entered. **The case is closed.**

WEST VIRGINIA

***Magers v. Chesapeake Appalachia, LLC*, No. 12-C-36H (Circuit Ct., Marshall County, W. Va., Feb. 24, 2010), removed, No. 5:12-CV-49 (N.D. W. Va.). See 2012 WL 1202801 (Notice of Removal) (Mar. 30, 2012); 2013 WL 4099925 (Order granting CNX Gas Company's motion to dismiss); and 2014 WL 4352084 (Sept. 2, 2014, order granting summary judgment to Chesapeake on negligence claim)**

Plaintiffs allege that the drilling activities by Chesapeake Appalachia on neighboring lands contaminated their well water. Plaintiffs later amended their complaint and added CNX Gas Company and Columbia Gas Transmission, arguing that CNX's shallow gas wells and Columbia's gas storage field also caused methane contamination of their well water. On April 10, 2013, the district court denied Columbia Gas Transmission's motion to dismiss, but granted its motion for a more definite statement. See opinion and order at [http://www.arnoldporter.com/resources/documents/Magers%20v%20Chesapeake%20Appalachia%20\(Apr%202013%20order\).pdf](http://www.arnoldporter.com/resources/documents/Magers%20v%20Chesapeake%20Appalachia%20(Apr%202013%20order).pdf). On August 13, 2013, the court granted CNX's motion to dismiss. The court held that Plaintiffs cannot rely on West Virginia statutes intended to protect surface owners but not adjacent owners. Another West Virginia statute, controlling the reclamation of drilling sites, does not provide a private cause of action, and the court refused to imply any causes of action. In addition, Plaintiffs failed to sufficiently plead the breach of a duty owed by CNX, and thus failed to state a common law negligence claim. On September 2, 2014, Columbia Gas Transmission, L.L.C., was granted summary judgment. Columbia's expert opined that the gas in the water well was from a biogenic source, that Columbia's storage well was not the source of the gas in the well, and that the plaintiffs had no explanation as to how Columbia's operations could have been the cause of the gas in those areas. The court agreed. The court noted that, in a multi-defendant negligence action, although a plaintiff has the burden of proving that a defendant's breach of a particular duty of care was a proximate cause of his or her injuries, the plaintiff does not have to show that such breach was the sole proximate cause of the injury. However, a mere possibility of causation is not sufficient to allow a reasonable jury to find causation. The court held that, in the present case, "it has not been shown that there is more than a mere possibility that Columbia was the source of the methane gas in the plaintiffs' well." 2014 WL 4352084. **On October 7, 2014, the action was dismissed pursuant to a settlement agreement.**

***Hagy v. Equitable Production Co.*, No. 10-c-163 (Circuit Ct., Jackson County, W. Va., Oct. 26, 2010), removed, No. 2:10-cv-01372 (S.D. W. Va., Dec. 10, 2010). See 2012 WL 713778 (denial of motion for a *Lone Pine* order) (Mar. 5, 2012); 2012 WL 1813066 (granting Halliburton's summary judgment motion) (May 17, 2012); and 2012 WL 2562856 (granting BJ Services Company's summary judgment motion) (Jun. 29, 2012), affirmed, 2013 WL 5529753 (4th Cir., Oct. 8, 2013).**

The Hagy family filed suit in state court in October 2010, alleging contamination of the family's property and water well due to defendants' natural gas wells. The case was removed to federal district court. Plaintiffs' causes of action include negligence, nuisance, strict liability, trespass, and medical monitoring trust funds. See 2010 WL 8767305. On July 22, 2011, the court dismissed plaintiffs' claims of strict liability and medical monitoring and dismissed the claims of nuisance and trespass for two individuals who no longer live on the

property. After **settling** with defendants Halliburton Energy Services, Inc. and Warren Drilling Company, Inc., on May 7, 2012, the adult children voluntarily dismissed all their other claims. The court on May 17, 2012, granted Halliburton's motion for summary judgment. See 2012 WL 713778. On June 29, 2012, the court granted summary judgment to BJ Services Company, USA, the remaining defendant at that time. See 2012 WL 2562856. Plaintiffs claim BJ Services negligently cemented shale-gas wells, but the court held the plaintiffs failed to provide evidence of any wrongful act. As for trespass, no support was offered for the assertion that fracturing fluids and other chemicals intruded upon plaintiffs' aquifer. Plaintiffs also failed to provide sufficient evidence to avoid summary judgment on their private nuisance claim. On July 23, 2013, pending claims were dismissed and plaintiffs appealed to the U.S. Court of Appeals for the Fourth Circuit (No. 12-1926), seeking review of the orders granting summary judgment to BJ Services Company USA and Equitable Production Company. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On October 8, 2013, the Fourth Circuit affirmed in an unpublished opinion. 2013 WL 5529753. The court of appeals held that **summary judgment was proper** on the negligence and trespass claims against BJ Services, and the release agreement with EQT covered the claims and was not obtained by fraud. **The case is closed.**

***Teel v. Chesapeake Appalachia, LLC*, No. 10-C-94DH (Circuit Ct., Wetzell County, W. Va., Dec. 8, 2010), removed, No. 5:11CV5 (N.D. W.Va., Jan. 6, 2011). See 906 F.Supp.2d 519 (partial summary judgment to defendant) (Oct. 25, 2012), affirmed, 2013 WL 5647638 (4th Cir., Oct. 17, 2013)**

Although there is no mention of hydraulic fracturing, the surface owners claimed Chesapeake caused damage to their land by depositing drilling waste and other material in pits. Plaintiffs raised claims of nuisance, trespass, negligence, strict liability, intentional infliction of emotional distress, and negligent infliction of emotional distress. On October 25, 2012, the defendant's motion for partial summary judgment was granted in part and denied in part, the defendant's motion to strike was denied; and the parties joint stipulation of dismissal was approved. The issue presented was whether Chesapeake's use of the plaintiffs' land was fairly necessary to the extraction of gas. The lease executed by the mineral interest owner did not provide Chesapeake with the explicit right to dispose of drill cuttings and other materials within in waste pits on the land. The court nevertheless held that the placement of drill cuttings in pits on the property was suitable and reasonable to the natural gas operations. The court rejected the argument that the use of the pits was unreasonable because a closed-loop system existed as an alternative, noting that cases cited by plaintiffs dealt with other minerals and practices, and consequently did not discuss drill cutting pits created in connection with natural gas wells.

On October 17, 2013, the **Fourth Circuit affirmed** in an unpublished opinion. 2013 WL 5647638. The court of appeals relied on *Whiteman v. Chesapeake Appalachia, LLC*, 729 F.3d 381 (4th Cir. Sept. 4, 2013), which held that "a claim for trespass under West Virginia common law can only lie if one's entry upon the land of another – or one's leaving a thing upon the land of another – is without lawful authority." When the surface owner claims trespass based on the mineral estate owner's activities, the burden is on the surface owner to show a lack of reasonable necessity or a substantial burden. The generalized evidence regarding mining operations did not satisfy the fact-intensive inquiry into the reasonable necessity of Chesapeake's actions on the Teels' property. The Teels also failed to produce evidence plausibly suggesting that Chesapeake's operations impose a substantial burden on their property. **The case is closed.**

***Whiteman v. Chesapeake Appalachia, LLC*, No. 10-C-101K (Circuit Ct., Wetzel County, W. Va., Feb. 7, 2011), removed, No. 5:11-cv-00031 (N.D. W. Va. Feb. 23, 2011). See 873 F.Supp.2d 767 (N.D. W. Va., Jun. 7, 2012) (Plaintiffs' motion for partial summary judgment denied, defendant's motion for summary judgment granted in part and denied in part); affirmed, 729 F.3d 381 (4th Cir., Sep 04, 2013)**

Martin and Lisa Whiteman, owners of surface rights to land, brought a state-court action against the holder of subsurface mineral rights in land, asserting nuisance, trespass, strict liability, negligence, and other claims arising from holder's construction and use of drill cutting pits on land. After removal, the district court held, on June 7, 2012, that (1) the construction and use of drill cutting pits did not constitute trespass; (2) the parties' damage release agreement did not bar owners' claims against holder; (3) the West Virginia Oil and Gas Production Damage Compensation Act did not prevent surface owners from recovering damages against holder under common law; and (4) the owners stated common-law damages claims against holder. 873 F.Supp.2d 767. On September 4, 2013, **the Fourth Circuit affirmed**. 729 F.3d 381. The court of appeals concluded that “the district court was correct to hold that creating drill waste pits was reasonably necessary for recovery of natural gas and did not impose a substantial burden on the Whitemans' surface property” Id. at 394. **The case is closed.**

***Rine v. Chesapeake Appalachia, LLC*, No. 11-cv-00004 (N.D. W. Va., Apr. 10, 2011)**

Larry and Jane Rine claim gas wells and associated waste ponds led to various chemicals contaminating their property and causing emotional distress. **An out of court settlement was reached, and the case was dismissed on July 7, 2011.** Source: Earthjustice, *Fracking Damage Cases and Industry Secrecy*.

***Bombardiere, Sr. v. Schlumberger Technology Corp.*, No. 1:11-cv-00050 (N.D. W. Va., Apr. 14, 2011). See 2011 WL 2443691 (N.D. W. Va., Jun. 14, 2011) (Order Denying Motion to Transfer Venue); and 934 F.Supp.2d 843, 2013 WL 588940 (N.D. W. Va., Feb. 13, 2013) (excluding testimony of plaintiff's medical expert and dismissed medical monitoring claim)**

This is a lawsuit brought by a worker who was exposed to chemicals while performing hydraulic fracturing near Waynesburg, Pennsylvania. The plaintiff claims he handled fracking chemicals without training or protective gear and developed an increased risk of cancer, psychological trauma, and other disorders. After defendants removed the action to federal district court, a motion was filed to transfer venue to the Western District of Pennsylvania. The court agreed that Pennsylvania tort law applied, but held that “the balance of the factors for transfer are strongly in favor of not transferring this action.” In April 2012, the district court vacated a protective order by a federal magistrate regarding the dissemination of Schlumberger's trade secrets in three of its fracking chemicals. On January 31, 2013, the district court ruled on Schlumberger's motions for summary judgment. 2013 WL 12143886. Summary judgment was granted on Count One (negligence, willful, wanton and reckless misconduct); Court Four (agency); and Count Eight (punitive damages). Plaintiff withdrew Count Five (strict liability/ultrahazardous activity; Count Six (preparation and use of proprietary chemical fracking fluids); and Count Seven (wrongful interference with employment and wrongful interference with protected property interests). The district court declined to grant summary judgment on Count Two (alter ego). See

[http://www.arnoldporter.com/resources/documents/Bombardiere%20v%20Schlumberger%20Tech%20Corp%20\(STC%20SJ%20Jan%2031%202013\).pdf](http://www.arnoldporter.com/resources/documents/Bombardiere%20v%20Schlumberger%20Tech%20Corp%20(STC%20SJ%20Jan%2031%202013).pdf). On February 1, 2013, the court issued an order granting in part, and denying as moot in part, CNX Gas Company's motion for summary judgment. 2013 WL

12143887. On February 13, 2013, the Court dismissed the medical monitoring claim. 934 F.Supp.2d 843. On February 21, 2013, the Court granted a defendant's summary judgment on Count Two. 2013 WL 12143831. As to the remaining counts, the jury on March 7, 2013, found for defendant Schlumberger Technology Corporation. **The case was dismissed on April 16, 2013.**

***Cain v. XTO Energy Inc.*, No. 11-c-165 (Circuit Ct., Marion County, W. Va., June 21, 2011), removed, No. 1:11-cv-000111 (N.D. W. Va., July 22, 2011)**

Although this is not a groundwater contamination case, it concerns the right to drill horizontally. Richard Cain asserts several causes of action, including trespass, unjust enrichment, and quantum meruit. He claims XTO had no right to enter his land and drill well bores horizontally into neighboring lands, and may not pipe gas from neighboring tracts across his land, and build roads on his property. On March 28, 2013, the district court agreed to certify to the West Virginia Supreme Court of Appeals the question of whether a severance deed gives the legal right to drill horizontal wells on a landowner's property in order to extract oil and gas resources from a shared pool of oil and gas estates. See [http://www.arnoldporter.com/resources/documents/Cain%20v%20XTO%20Energy%20\(Mar%202013\).pdf](http://www.arnoldporter.com/resources/documents/Cain%20v%20XTO%20Energy%20(Mar%202013).pdf) (order); Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014); and *WV court to consider rights of surface owner*, Hydraulic Fracturing Blog (Apr. 5, 2013), at <http://fracking.fulbright.com/2013/04/WestVirginiaCourtToConsiderRightsOfSurfaceOwner.html>. However, on May 16, 2013, the court determined that certification was premature. The case was settled in November 2013, and **on December 23, 2013, the case was dismissed by joint stipulation.**

***Perna v. Reserve Oil & Gas, Inc.*, No. 11-c-2284 (Circuit Ct., Kanawha County, W. Va., Dec. 21, 2011)**

Louis Perna is a surface owner who asserts that his timber has been destroyed and that fracking fluids were deposited in unlined pits. Causes of action include negligence, trespass, and nuisance. Plaintiff also seeks property damages under the West Virginia Oil and Gas Production Damage Compensation Act. Nicholson, *Analysis of Litigation Involving Shale & Hydraulic Fracturing* (June 1, 2014). On January 9, 2015, an order was entered dismissing the case. **The case is closed.**

***Dent v. Chesapeake Appalachia, LLC*, No. 12-C-82 (Circuit Ct., Ohio Cty., W. Va., Feb. 27, 2012), removed, No. 5:12CV53 (N.D. W. Va., Apr. 6, 2012), remanded (Feb. 6, 2013). See 2013 WL 461255 (N.D. W. Va., Feb. 5, 2013) (order granting motion to remand and denying motion to dismiss without prejudice)**

David and Sarah Dent claim defendants are liable for damage to their property resulting from natural gas hydraulic fracturing and drilling-related activities performed on a neighbor's property. Plaintiffs sued in state court, raising state law claims of negligence, private nuisance, trespass, the tort of outrage, and invasion of privacy. The case was removed, but the district court, on February 5, 2013, held that it lacked diversity jurisdiction and thus remanded the case to state court. **The case was settled.**

***Dytko v. Chesapeake Appalachia, LLC*, No. 13-C-14 (Circuit Ct., Ohio Cty., W. Va., ???, 2013), removed, No. 5:13CV150 (N.D. W. VA. Oct. 28, 2013)**

Brian Dytko, the owner of 41 acres in Ohio County, West Virginia, filed suit in 2013 in state court, on behalf of himself and his family, against lessee Chesapeake Appalachia, LLC, asserting claims of fraudulent inducement, private nuisance, negligence/intentional tort, and breach of contract. The case was removed. The amended complaint alleges in part that Brian Dytko has suffered breathing difficulties and problems as a direct result of the dust, dirt and other contaminants being kicked up and/or released into the air and/or surrounding land. On May 30, 2014, the court ordered arbitration of lessor Brian Dytko's claims. After the arbitrator determined the oil and gas lease and the surface use agreement were valid, the defendant moved to dismiss the remaining plaintiffs' claims. On July 25, 2016, the court granted the defendant's motions. With regard to the negligence/intentional tort claim, the complaint only alleged injury to Brian Dytko and not to the remaining plaintiffs. The court further held that the arbitrator's ruling as to the private nuisance claim also is binding on the remaining plaintiffs. The remaining plaintiffs' interests were adequately represented by Brian Dytko in the prior arbitration proceeding in which the arbitrator denied all claims. 2016 WL 3983657. **This case is closed.**

Charles E. Bertrand v. Gastar Exploration Inc., No. 14-C-158 (Circuit Court of Marshall County, W. Va., Sept. 30, 2014), removed, No. 5:14-00147 (N.D. W. Va. Nov. 4, 2014), remanded (Mar. 20, 2015)

Charles E. Bertrand and Debra K. Bertrand complain that oil and gas operations by Gastar on adjacent land have caused fumes and odors, noise, and air pollution. They claim the operations caused contaminated water to flow onto their land and erode their hay fields, and caused dust, dirt, and debris to travel onto their land. In support of their request for compensatory and punitive damages, they allege that Gastar has substantially and unreasonably interfered with their use and enjoyment of their land, and that its actions have been intentional, unreasonable, negligent, and/or reckless. On March 20, 2015, the court remanded the case to the Circuit Court of Marshall County. On May 3, 2016, Gastar moved for summary judgment. **The case is pending.**

Crowder v. EQT Production, No. 14-C-64 (Circuit Court of Doddridge County, W. Va., Nov. 26, 2014), affirmed, EQT Production v. Crowder, 828 S.E.2d 800 (W. Va. Sup. Ct., Jun. 5, 2019)

Plaintiffs Margot Beth Crowder and David Wentz own surface estates in Doddridge County overlying severed mineral estates subject to a 1901 lease. Plaintiffs the right of the lessee (EQT Production) to use their surface estates to drill horizontal wells that extend under neighboring properties. Plaintiffs contend that the 1901 lease does not allow EQT to use their surface estates in this manner, and that EQT is therefore trespassing to the extent it is using their surface estates for drilling and removing minerals from neighboring properties. Plaintiffs acknowledge that EQT has the right to use their surface estates to extract gas from the mineral estate directly beneath their lands.

On February 19, 2016, the circuit court held that EQT was liable to the plaintiffs for trespass because it had no express or implied right to enter or use the plaintiffs' surface estates to drill into and produce gas from neighboring mineral tracts. On July 6, 2017, the circuit court found EQT liable to the plaintiffs for unjust enrichment. The court required the plaintiffs to elect between seeking damages under the trespass claim or the unjust enrichment claim. The plaintiffs chose to proceed under their claim for trespass. A jury awarded Mr. Wentz \$ 180,000 and Ms. Crowder \$ 10,000.

On June 5, 2019, the West Virginia Supreme Court upheld the award of trespass damages. 828 S.E.2d 800. The court agreed with the plaintiffs that there is no implied right to use a surface tract to extract minerals from neighboring tracts, and held that a mineral owner (or its lessee) is not entitled to use the surface for the benefit of other mineral ventures in the absence of an express agreement with the surface owner permitting those operations. According to the court:

Horizontal drilling and hydraulic fracturing techniques are an economical and efficient tool for producing hydrocarbons. Nevertheless, it is trespassing to go on someone's land without the right to do so. A mineral owner or lessee has an implicit right to use the overlying surface to access only the minerals directly below the surface. Using the surface to extract minerals elsewhere, without the permission of the surface owner, is a trespass. Should the mineral owner or lessee want to utilize the surface to access minerals under neighboring land, they can certainly reach a separate agreement with the surface owner.

See Kate Mishkin and Ken Ward Jr., *The Charleston Gazette-Mail*, *Court to Big Fracking Company: Trespassing Still Exists — Even For You* (June 6, 2019), at <https://www.propublica.org/article/west-virginia-eqt-trespassing-fracking>. **The case is closed.**

***In Re: Marcellus Shale Litigation*, Civil Action No. 14-C-3000 (Circuit Court of Ohio County, WV)**

Several suits, first filed in October 2013, focus on noise, dust, excessive traffic, bright lights and a variety of other effects of the boom in the natural gas industry in northern West Virginia. Cases are pending in Doddridge, Harrison, Kanawha, Marion, Monongalia, Pleasants and Ritchie counties. Antero and Hall Drilling, which operate as partners at many sites, are the defendants in almost all of the cases. On November 7, 2014, the state Supreme Court referred the cases to West Virginia's Mass Litigation Panel, which often is used to handle complex lawsuits that involve common issues of law and fact, but also involve large numbers of plaintiffs or multiple defendants. The consolidated action is called *In Re: Marcellus Shale Litigation*, Civil Action No. 14-C-3000, in the Circuit Court of Ohio County, West Virginia. Additional cases were added in 2015 and 2016.

Orders related to the litigation pending before the Mass Litigation Panel can be found at <http://www.courts.wv.gov/lower-courts/mlp/marcellus-shale.html>. See <http://wvpublic.org/post/after-living-next-drilling-activity-100-wva-residents-sue-companies> (Dec. 18, 2014); and <http://www.eenews.net/stories/1060024357> (Sep. 9, 2015).

On January 15, 2016, Antero filed its summary judgment memorandum in cases under the docket 13-C-434. *Andrews v. Antero Resources Corp.*, No. 13-C-434 (Circuit Court of Ohio County) See <https://www.documentcloud.org/documents/2720318-Antero-Memo-of-Law-in-Support-of-MSJ.html>. With respect to the negligence claims, Antero argues that the plaintiffs cannot establish water, soil, or air contamination. Antero claims the nuisance claims are barred by the statute of limitations, and argues alternatively that the it has not substantially and unreasonably interfered with plaintiffs' use and enjoyment of their lands. Antero argues that it has the right to do whatever is "reasonably necessary" to get to the minerals. It also suggests that the social value of its oil and gas operations outweigh the harms allegedly suffered by the plaintiffs.

On February 26, 2016, the litigants appeared before the three-judge Mass Litigation Panel. The plaintiffs dropped their negligence claims. The panel ordered the parties to take part in another mediation session. The parties agreed to meet again with McDowell Circuit Judge Booker Stephens, who led a previous mediation session. On July 11, 2016, an order was entered scheduling mediation of all cases in the Marcellus Shale Litigation (except cases filed against Williams Ohio Valley Midstream, LLC), on October 6, 2016, in Charleston.

On **October 11, 2016**, the Mass Litigation Panel granted summary judgment to Antero Resources and Hall Drilling, in several cases arising from Harrison County (“Harrison County Cherry Camp Trial Group”). See <http://www.courtswv.gov/lower-courts/mlp/mlp-orders/marcellus-shale/final-summary-judgment.pdf>. According to the order, the lawsuits were actions “by residents and/or owners of property in Harrison County, West Virginia for private temporary continuing abatable nuisance and negligence/recklessness arising from oil and/or natural gas drilling, exploration, extraction, pipeline construction, water processing, and related acts and/or omissions.” The Court entered summary judgment based upon Antero’s contractual and property rights, and did not address “whether Antero’s actions or its employees’ or contractors’ actions would otherwise meet the legal definition of a nuisance.” The Court held that “Antero and Hall were operating within the scope of Antero’s leasehold rights” and that the “noise, traffic, dust, lights, and odors of which Plaintiffs complain are reasonable and necessarily incident to mineral development.” The Court found that “the activities complained of were reasonably necessary to the production of the mineral estate and did not exceed the fairly necessary use thereof or invade the rights of the surface owner under the standards outlined in *Adkins v. United Fuel Gas Co.*, 134 W. Va. 719, 61 S.E.2d 633 (1950).”

On **June 10, 2019**, the West Virginia Supreme Court affirmed the summary judgment. *Andrews v. Antero Resources Corp.*, 828 S.E.2d 858 (Jun. 10, 2019). The court (3-2) held that the impacts of horizontal drilling by Antero and Hall Drilling on the landowners were within the lessees' implied rights to use the surface areas in their development activities. According to the court, the plaintiffs “failed to present evidence that the activities of which they complain are not reasonably necessary for Antero and Hall to develop the Marcellus shale, and they also have failed to present evidence that they are being substantially burdened by these activities, which arise from the extraction of oil and gas from the Marcellus shale using wells that are not located on their properties, and that have caused no damage to their surface estates.” 828 S.E.2d at 873.

The landowners had alleged that the activities constituted a nuisance, but the lower court reached its decision based on contract and property law. Consequently, the West Virginia Supreme Court did not address the question of whether the owner of mineral rights underlying a particular property has the right to create a nuisance on the surface of that tract to develop minerals underlying another property.

In her dissent, Justice Margaret Workman asserted that the Mass Litigation Panel (MLP) and the majority “are wrong in holding that a nuisance claim is not tenable under any set of facts when mineral owners act within their implied rights; and they are wrong in failing to establish any analytical framework for creating balance between the sets of competing rights.” 828 S.E.2d at 876. She believes the Supreme Court “should have enunciated the parameters of a nuisance claim in the fracking context; and we should have remanded the case with directions for the MLP to determine whether sufficient material issues of fact exist to permit a jury, under proper instruction of law, to decide whether respondents’ actions constitute a nuisance, and if so, what damages should be awarded.” 828 S.E.2d at 883. She also stated that, with respect to pending cases, “there should be a court-directed process to mediate competing rights of surface/mineral owners.” Id.

[Note: in *EQT Production v. Crowder*, 828 S.E.2d 800 (Jun. 5, 2019) (described elsewhere in this document), the West Virginia Supreme Court held that, a mineral owner or its lessee does not have the right to use the severed surface estate to benefit mining or drilling operations on other lands, in the absence of an express agreement with the surface owner permitting those operations. The *Crowder* case involved a claim for trespass, whereas the *Andrews* case asserted a claim for nuisance.]

See Ken Ward Jr., The Charleston Gazette-Mail, *In West Virginia, fracking companies lost on trespassing, but a court just gave them a different win* (June 14, 2019), at <https://stateimpact.npr.org/pennsylvania/2019/06/14/in-west-virginia-fracking-companies-lost-on-trespassing-but-a-court-just-gave-them-a-different-win/>.

On June 16, 2020, the court granted Antero Resources' motion for partial summary judgment on negligence claims in the litigation pertaining to the North Canton Compressor Station. See <http://www.courtswwv.gov/lower-courts/mlp/mlp-orders/marcellus-shale/OrderGranting-Anteros-Mot-for-PartialSJ.pdf>. Plaintiffs admitted that they have not experienced or identified any medical issues or physical, real and/or personal property damages, and offered no evidence to establish claims for personal injury or property damage.

On July 7, 2021, the court granted summary judgment to Antero and Hall Drilling regarding claims from Doddridge and Harrison Counties in an area known as Halls Run Road. The cases presented the same facts and issues as *Andrews v. Antero Resources Corp.*, 828 S.E.2d 858 (Jun. 10, 2019).

Cases before the Mass Litigation Panel are pending.

***Easthom v. EQT Production Co.*, No. 16-C-23 (Circuit Ct., Wetzel County, W. Va., Feb. 29, 2016), removed, No. 5:16-cv-00042 (N.D. W. Va., Mar. 30, 2016)**

James and Mary Easthom allege that defendant's operations have caused fumes, dust, noise, bright lights, and constant truck traffic. They assert negligence and nuisance claims and seek damages and injunctive relief. On January 6, 2017, the parties submitted a notice of settlement. The parties settled the case and, on March 2, 2017, the case was dismissed. **The case is closed.**

***Adams v. Chesapeake Energy Corp.*, No. 17-C-244-B (Circuit Ct., Logan County, W. Va, Aug. 30, 2017), removed, No. 2:17-cv-04038 (S.D. W. Va., Sept. 25, 2017)**

Charles Adams, Karen Adams and Dreama Davis sued Chesapeake Energy and related companies, seeking damages for contamination due to fracking operations. The complaint alleges that the defendants' well, located on higher ground, leaked and contaminated a pond and a well, and killed fish, cattle, and pets. The defendants' also are alleged to degraded a road, threatened plaintiffs with a gun, and cut locks from gates. Plaintiffs allege claims for private nuisance, intentional infliction of emotional distress, negligence, trespass, breach of contract, and strict liability.

On October 3, 2018, the district court entered an order granting partial summary judgment for the defendants. 2018 WL 4781182. The court found that the report submitted by the plaintiffs' expert was deficient. The

report stated that “there is reason to be concerned that the water is being impacted by fracking activities,” but offered no definitive opinion that the water from Plaintiffs’ well and pond was contaminated, and did not explain how any such contamination might have occurred from “fracking activities.” Chesapeake Appalachia was granted summary judgment on claims for private nuisance, intentional infliction of emotional distress, negligence, trespass, and strict liability. Because the evidence showed that neither Chesapeake Energy nor Chesapeake Operating drilled, completed, owned or operated the well, summary judgment in their favor was granted.

On October 5, an order of dismissal was entered, indicating that the action “has been compromised and settled.” **The case is closed.**

***Haywood v. Caretta Minerals, LLC*, No. 19-C-11 (Circuit Ct., McDowell County, W. Va, Mar. 1, 2019), removed, No. 1:19-cv-00264 (S.D. W. Va., April 11, 2019)**

Teldia Haywood and four others allege their property is “being contaminated by blasting, fracking, and drilling operations.” They assert a strict liability claim; a nuisance claim; a claim for violations of the West Virginia Groundwater Protection Rule; and a negligence claim. The suit was removed to federal court, and on March 30, 2020, the court granted motions to dismiss by Caretta Minerals, LLC’s and CNX Gas Company, LLC. 2020 WL 1520245. The court, in part, held that “plaintiffs have not pled any facts stating that defendants conducted blasting, fracking, or drilling operations in or near the specific area where plaintiffs reside” and no facts have been pled “facts supporting that plaintiffs’ injuries can be traced to defendants’ activities.” Plaintiffs alleged that defendants tortiously contaminated their groundwater by runoff of hazardous chemicals from their blasting, fracking, and drilling activities, but “without knowing where plaintiffs reside, where and when the runoff generally occurred, and which specific activities by which defendant are alleged to have caused the runoff contamination, defendants have no notice of knowing the specific claims alleged against them.” **The case is closed.**

***American Petroleum Partners Operating, LLC v. Schaber*, No. 5:19-cv-250 (N.D. W. Va., Aug. 23, 2019)**

American Petroleum Partners Operating, LLC and APP Midstream, LLC brought this action against Leslie and Lori Schaber, who are farmers and owners of the surface estate of property in Marshall County, West Virginia. The dispute concerns APP's use of the surface for construction and operation of a well pad and midstream facilities. Plaintiffs contend that use of the surface for these purposes is authorized by a Surface Use Agreement and a Right of Way and Easement Agreement, and that APP can drill oil and gas wells on the well pad and complete the wells, and engage in production, by means of hydraulic fracturing.

On November, 21, 2019, the Schabers counterclaimed for breach of contract, negligence, private nuisance, and conversion. 2019 WL 8301247. They claim that APP breached the surface use agreement by permitting the groundwater source on the property to be damaged; by permitting slippage of the surface to interfere with use and enjoyment of the property; by permitting large boulders to become unearthed, rendering pastures unsafe and unusable; by failing to install and replace proper fencing on the Subject Property, causing loss of value to livestock; and, by failing to pay contractors, leading to the attachment of a mechanic’s lien to the property. In particular, they claim that during construction of the well pad, substantial amounts of dirt were removed without compensation, livestock was ensnared in negligently built fencing, negligent construction caused soil movement that cut off access to most of the farm to vehicle and livestock traffic, sediment entered

and negatively affected natural water sources; and large areas not subject to the surface use agreement became inaccessible and unsafe for farming activities. In addition, the Schabers allege that the well pad is emitting hydrogen sulfide, and that two of their children have experienced difficulty breathing and pneumonia since the onset of the sulfurous odor permeating their home.

The Schabers further assert that they attempted to relocate their family, which includes a disabled child who requires specialized equipment, by purchasing property elsewhere, but were unable to use the subject property as collateral for a loan because APP's contractor had recorded a mechanic's lien. The Schabers assert that the surface use agreement requires APP to indemnify the Schabers for injuries due to the mechanic's lien. The parties settled in July 2021. **The case is closed.**

***Pike v. Antero Resources Corp.*, No. 5:19-CV-276 (N.D. W. Va., Sep. 24, 2019)**

Rufus, John, and Daniel Pike, owners of mineral interests in Tyler County, brought claims of intentional surface trespass, conversion, and unjust enrichment. They alleged that Antero, without permission, built a road and drilled horizontal gas wells and improperly converted oil and gas. On November 7, 2019, the court granted Antero's motion to dismiss because plaintiffs failed to meet their burden of proving diversity of citizenship. **CLOSED**

***Scott v. SWN Production Co., LLC*, No. 21-C-101 (Circuit Court, Marshall County, West Virginia, Nov. 24, 2021), removed No. 5:22-cv-3 (N.D. W. Va., Jan. 5, 2022)**

Stephen and Pamela Scott sued SWN Production Company, alleging noise and other nuisance claims based upon SWN's site preparation work, drilling rig construction, drilling operations, and hydraulic fracturing. The Scotts allege that SWN failed to use appropriate noise barriers and have interfered with their use and enjoyment of their land and have caused the emotional and mental anguish, stress and anxiety. 2022 WL 1772973 (complaint). **The case is pending.**

WYOMING

***Locker v. Encana Oil & Gas (USA) Inc.*, No. 39970 (Dist. Ct. for Fremont Cty., Ninth Jud. Dist., May 21, 2014), removed, No. 1:14-cv-00131 (D. Wyo., Jly. 2, 2014)**

Jeff and Rhonda Locker live on a farm near Pavillion, Wyoming. They assert claims of negligence, private nuisance, strict liability, fraud, and medical monitoring, and argue that Encana's gas wells are responsible for Rhonda's deteriorating health. They claim that Encana Oil and Gas (1) negligently contaminated their ground water, (2) intentionally made misrepresentations during a settlement agreement in 2003, (3) fraudulently convinced plaintiffs to consume unsafe water, (4) persuaded plaintiffs to resume consuming contaminated ground water, and (5) concealed and prevented investigation of the contaminated ground water. and that the company tried to cover up evidence linking its operations to the pollution. The drilling at issue took place prior to the development of hydraulic fracturing. Water tests conducted in 1988 showed the water in the Locker's well was clean. In 1992, the well water turned black when a nearby gas well was reworked by Tom Brown Inc., and a test in 2001 revealed the presence of toluene. The Lockers allege they were not

told about the 2001 test results, and assert that when they settled with Tom Brown Inc. in 2002 the company falsely said it had found no evidence of pollution. In 2004 Tom Brown Inc. was purchased by Encana Oil and Gas. On December 21, 2016, the federal district court denied Encana's motion for summary judgment. The court held that issues of disputed fact remain as to whether the Lockers were fraudulently induced to enter into the 2002 settlement agreement. With regard to the defendant's statute of limitations defense, the court held that issues of disputed fact remain as to when the Lockers knew, or had reason to know, of the existence of their causes of action. The case was settled, and an order dismissing the action was entered on February 27, 2018. See *Pavillion couple reach settlement with Encana on polluted water*, at https://trib.com/business/energy/pavillion-couple-reach-settlement-with-encana-on-polluted-water/article_42c6121f-5156-5e70-84f0-d0de2c07b340.html (Jan. 24, 2018) **The case is closed.**

CANADA

***Ernst v. EnCana Corp.* 0702 00120 (Ct. of Queen's Bench of Alberta). 2014 ABQB 672 (Nov. 7, 2014), affirmed, 2017 SCC 1 (Supreme Court of Canada, Jan. 13, 2017), at <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16325/index.do>**

Jessica Ernst sued Alberta Environment, the Energy Resources Conservation Board (now known as Alberta Energy Regulator, or AER), and Encana over the contamination of her well water in Rosebud, Alberta. The 2003 lawsuit claims the contamination was from hazardous and toxic chemicals used for hydraulic fracturing from 2001 to 2006, and asserts that Encana was negligent in the fracking of shallow coal seams. Ernst also alleges that Alberta Environment's investigation into the contamination of her well was negligent.

The AER (the energy regulator) was dismissed in 2013 on the basis of statutory immunity, a decision affirmed by the Supreme Court of Canada on January 13, 2017. The Court held that a provincial provision shielding the Alberta Energy Regulator from legal action was constitutional. Ernst had sought damages of \$50,000 in claiming the regulator breached her constitutional right to free speech. The Supreme Court disagreed that the immunity clause in the Energy Resources Conservation Act was unconstitutional because it barred her claim for charter damages. It observed that Ernst could have asked a court to set aside the regulator's directive instead of seeking damages.

On November 7, 2014, Alberta Chief Justice Neil Wittmann held that Ernst could proceed with her \$30 million lawsuit against Alberta's Ministry of Environment, finding "a reasonable prospect Ernst will succeed in establishing that Alberta owed her a prima facie duty of care." The court held that neither the provincial Water Act nor the Environmental Enhancement and Protection Act conferred statutory immunity, and that government regulators and agencies can be sued if they engage in negligent investigations. See *Judge Rules Landowner May Sue Gov't in Landmark Fracking Case* (Nov. 11, 2014), at <http://theyee.ca/News/2014/11/11/Ernst-Fracking-Update/>; and *Canadian Claiming Fracking Contaminated Water Can Sue Government, Court Rules* (Nov. 19, 2014), at <http://www.bna.com/canadian-claiming-fracking-n17179912027/>. On January 12, 2016, the **Supreme Court of Canada heard argument** on whether immunity bars Ernst from suing AER for infringing her right of expression.

On January 13, 2017, the Supreme Court of Canada ruled that Ernst cannot sue the Alberta Energy Regulator over alleged violations of her right to freedom of expression under the Canadian Charter of Rights and Freedoms. See <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16325/index.do>. The 5-4 majority upheld

an immunity clause passed by the legislature that protects the Alberta Energy Regulator from any Charter claims or lawsuits. Although her claim against the Alberta Energy Regulator has been dismissed, Ernst has stated that she will continue her case against Alberta Environment and Encana. According to her website, Ernst's lead lawyer, Mr. Klippenstein, quit the lawsuit in August 2018, but a year later had not returned files needed to continue her lawsuit. See <https://www.ernstversusencana.ca/the-lawsuit/>.

See Oliver Hutchison, *Hydraulic Fracturing Litigation: The Case of Jessica Ernst & the Problem of Factual Causation*, 42 Canada-United States Law Journal 184 (2018).

On April 1, 2021, Court of Queen's Bench Judge J.T. Eamon accepted applications from Encana and the Alberta government to dismiss the case due to inactivity on the file for three years. See Andrew Nikiforuk, *The Brutal Legal Odyssey of Jessica Ernst Comes to an End*, at <https://theyee.ca/News/2021/05/18/Brutal-Legal-Odyssey-Jessica-Ernst-Ends/> (May 18, 2021).

Daunheimer v. Angle Energy (2013)

In 2013 Diana Daunheimer of south-central Alberta sued Angle Energy, now owned by Bellatrix Exploration, for \$13 million. Her claim alleged that the company did not exercise reasonable care while fracking its oil and gas wells near her home between 2008 and 2012. In 2008 Angle Energy drilled and fracked wells near her family's farm west of Didsbury, Alberta. Thereafter, in August 2010, the company drilled and fracked a sour gas well south of her family's property. Four of the wells were fracked with "frac oil" consisting of kerosene, light aromatic solvent naphtha, benzene, xylene and other additives. The fifth well was a "gas frac" using gelled propane.

The family alleges air, water, and noise pollution. Air pollution is alleged to have affected farm animals and given the family headaches, spells of dizziness, and chronic respiratory infections. Angle's drilling activity is also alleged to have damaged property, killed livestock, contaminated well water, and caused a tumour on Daunheimer's daughter's neck. The noise pollution allegation focused on a "roaring" compressor station.

Angle Energy (now Bellatrix Exploration), in its statement of defence filed in February 2014, denied that its oil and gas operations contributed to or caused the alleged injuries and damages.

On August 25, 2017, an order was entered regarding the settlement of the claims of the two minor children in the sum of \$25,000 for each child. **The case is closed.**

NETHERLANDS

A Dutch court ruled on March 1, 2017, that an energy company jointly owned by Shell and ExxonMobil is liable for the psychological suffering of residents in the north of the country whose homes have been damaged by small earthquakes caused by gas drilling. The court, in the northern city of Assen, found that the Netherlands Petroleum Company (NAM) breached the fundamental right "to the undisturbed enjoyment of living." NAM had previously acknowledged its responsibility for earthquake-related damages. The case was filed by residents near the northern city of Groningen who claimed they suffered emotionally because

of the earthquakes, which have for years rattled homes - and their nerves. While earthquakes caused by the gas drilling are relatively minor, they have caused serious cracks and structural damage to thousands of buildings in the region. NAM already is paying to repair that damage. The court said the Dutch state ignored advice to order NAM to cut the amount of gas it pumped from the Groningen gas field, but stopped short of declaring the government liable for damages. See *Dutch Court Finds Energy Firm Liable for Emotional Suffering*, Associated Press (Mar. 1, 2017).

On April 20, 2017, the Arnhem-Leeuwarden court ruled that the Public Prosecutor must investigate whether NAM violated Article 170 of the Criminal Code by damaging housing and possibly creating life threatening situations. Based on that investigation, a decision could be made to prosecute the Dutch company. See *Court Orders Criminal Investigation Against NAM over Fracking Earthquake Damage* (April 20, 2017), at <http://nltimes.nl/2017/04/20/court-orders-criminal-investigation-nam-fracking-earthquake-damage>. But see March 2021 decision discussed below.

The Dutch Council of State, the country's top administrative court, in January 2019 heard requests calling for production at the giant onshore gas field Groningen to be halted. See <https://www.cnn.com/2019/01/17/reuters-america-dutch-citizens-demand-end-to-quake-hit-groningen-gas-production.html>. On January 31, 2019, the Dutch High Court said gas production at the Groningen field can continue, The court issued a preliminary ruling and said it would reach a final verdict on production plans after it had heard 26 other complaints from local authorities and interest groups in April. See <https://www.reuters.com/article/netherlands-gas-court/update-1-groningen-gas-production-can-continue-a-s-planned-dutch-high-court-idUSL5N1ZV2QW>.

In May 2019 a magnitude 3.4 earthquake hit the Groningen area. The quake near the village of Westerwijtwerd was one of the most powerful to ever hit the Netherlands. Six earthquakes have struck the Groningen gas field so far in 2019, and in 2018 there were 15 tremors. The natural gas is typically extracted through drilling – rather than hydraulic fracturing – and causes earthquakes as the ground settles. See Samuel Osborne, *Groningen earthquake: Dutch province hit by tremor blamed on decades of gas extraction*, <https://www.independent.co.uk/news/world/europe/groningen-earthquake-today-netherlands-gas-extraction-fracking-a8924846.html> (May 22, 2019).

The Netherlands announced in September 2019 that it will halt the production at Groningen by 2022. See <https://www.cnn.com/2019/09/10/reuters-america-update-2-netherlands-to-halt-groningen-gas-production-by-2022.html>.

In March 2021 the Public Prosecution Service (OM) found “no evidence of deliberate criminal behavior by NAM” and recommended that the company not be prosecuted for damages caused by fracking earthquakes in Groningen. In 2017, the Groninger Bodem Beweging and a number of individuals filed an Article-12 procedure to try and force the prosecutor to prosecute NAM for damages caused by fracking earthquakes. The Arnhem-Leeuwarden court ruled that the OM had to investigate possible criminal violations by NAM. <https://nltimes.nl/2021/03/26/nam-prosecuted-groningen-earthquake-damage-prosecutor>.

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David R. Erickson and Justin W. Howard, *Fighting For a Lone Pine Order in Complex Toxic Tort Litigation*, at <http://www.thefederation.org/documents/V57N4-Erickson.pdf> (Summer 2007).

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Jenny Morgan
Founder of The Leave No Child INSIDE Central Ohio Collaborative
Preschool Teacher
Westerville, Ohio 43081
Jennymorgan2@mac.com
April 10, 2023

ODNR Oil & Gas Land Management Commission

RE: Drilling on State lands

Dear Commissioners;

My name is Jenny Morgan, and I am a preschool teacher, and a founder of *The Leave No Child INSIDE Central Ohio Collaborative*. The Collaborative is comprised of over 80 central Ohio organizations working to get more children off their screens, back outside regularly, and reconnected with their natural world. I'm sure you all know that research shows children need frequent time in nature for their healthy development. Commissioners, our children and families need our parks, AND they need our parks to be safe and clean.

A few years ago, ODNR awarded the Collaborative the prestigious Cardinal Award. This award honors individuals and organizations that "demonstrate exceptional awareness and concern for ideas reflected in the department's mission statement: To ensure a balance between the wise use and protection of our natural resources for the benefit of all."

So, today I'm testifying as someone, according to ODNR, who has demonstrated that I have exceptional awareness and concern for our parks ("I speak for the trees for the trees have no tongues!"). I stand before you as a preschool teacher as well. I speak for the children who know not yet what you are planning to do, and what harm your decisions may (OR MAY NOT) bring to their precious parks.

In my written testimony that I sent to you yesterday, I submitted a 2022 document from the University of Dayton School of Law entitled *Hydraulic Fracturing Tort Litigation Summary*. This 102-page document includes details on 173 lawsuits brought forth by citizens, insurance companies, gov't officials and more against various gas and oil companies. These lawsuits give insight into the human suffering, property damage, water contamination, soil contamination, earthquakes, and much more that hydraulic fracturing has caused. These lawsuits show how unsafe hydraulic fracturing is.

Many of the plaintiffs in these lawsuits, who alleged suffering at the hands of gas and oil companies, won their cases. Many others settled, and were paid off in exchange for their silence. In one PA case, when newspapers demanded the unsealing of information, it was discovered that pursuant to the terms of the settlement, Range Resources, the leading U.S. independent producer of natural gas (natural gas that our new Ohio law deems as "green energy")..."Range Resources paid \$750,000 dollars to the Hallowich's, who in turn agreed that there was no medical evidence

that drilling harmed their health or their children's health, AND the settlement agreement prohibits the plaintiffs—and also their children—from talking about the litigation.”

In many of the other cases the plaintiffs lost to big gas and oil. Did they lose because the evidence wasn't strong enough, or, did they lose because they could not possibly compete with the deep pockets of the oil and gas companies? We'll never know. My guess is the latter.

And how about ALL of the suffering that gas and oil companies have caused that never even got to the ears of a lawyer? How many cases are there? Because we all know that the average citizens don't have it in themselves to take on a huge and powerful gas and oil company. I can't even imagine how many have suffered. And that's just the HUMAN suffering.

In the end, what these 173 cases of litigation show (AND what research has shown since the 30s) is that gas and oil extraction is a dirty, toxic, radioactive, destructive business. EVERYONE knows that! Informed citizens know it, our Ohio legislators know it, you-the Gas and Oil Commission know it, the EPA, insurance companies, the Petroleum Institute and the gas and oil companies themselves all KNOW it. Gas and oil drilling and production has contaminated our world since the mid 1800s. It's a toxic mess and everybody knows it!

What I *DON'T* think citizens know is that gas and oil companies have, for decades upon decades, enjoyed waivers under many of environmental laws that other industries have to follow, environmental laws that are there to protect our health and the health of our natural world. Why do gas and oil companies get exempted? Because IF they HAD to follow the environmental laws, they wouldn't be able to operate!

Unfortunately, the consequence of choosing a cancer-causing fossil fuel industry over less toxic energy sources, is that our earth, water, rivers and streams, soil, air, our food AND BODIES, and our children's bodies have been exposed to fossil fuel poisons and radioactivity for 170 years. We are a very sickly human race.

Commissioner McGregor, maybe your wife has breast cancer.

Commissioner Wise, maybe you WILL be diagnosed with bone cancer.

Commissioner Warnock, maybe your daughter or son has leukemia.

Commissioner Buehrer maybe YOU will be diagnosed with lung cancer.

And Chair Richardson, maybe you will be diagnosed with non-Hodgkin lymphoma.

Who knows, maybe ALL of in this room await the bad news of a cancer diagnosis. We all worry about it, I know that.

But here's the head scratcher: We poison ourselves and our children over and over and over again with fossil fuels, and then we wonder why we're all dying of cancer?! And here's an even bigger head scratcher: EVEN when energy choices are out there, ready for the taking, that

would make us healthier, that would make everyone just as much money, AND make us just as energy independent, our legislators, and you, **STILL** choose cancer causing fossil fuels! You **EVEN** go the extra mile for big gas and oil, and roll out the red carpet into our parks!

Two days before Christmas, 2022, our legislators **SNUCK** an amendment into a poultry **BILL** that now will **REQUIRE** state agencies to lease public land to gas and oil companies?! **REQUIRES IT?!** It was introduced 2 days before Christmas, and two and a half weeks later, Governor DeWine, disgracefully signed it into law?! There are no words.

I weep today for our Ohio parks, and for the hikers, boaters, hunters, fisherman, picnickers, campers and the many Ohio families and children who will be visiting our parks. They'll be seeking refuge, as we all do, from our polluted cities, **BUT NOW** they will be exposed to the many layers of toxic fossil fuel extraction.

So, Commissioners: Chair Ryan Richardson, Commissioner Jim McGregor, Commissioner Michael Wise, Commissioner Mathew Warnock, and Commissioner Stephen Buehrer): When our parks are poisoned by gas and oil drilling (and it's going to happen evidenced by the 173 cases of litigation I've provided you), when our parks are poisoned because you've made certain choices, or, **NOT** made certain choices right here, right now, the **BLOOD WILL BE ON YOUR HANDS**, and it will be on the hands of our Ohio Republican legislators and Governor DeWine. Citizens are watching you!

All I can hope for at this point, is, one, that the lawsuit filed against the state of Ohio on this issue succeeds; Two, that citizens, when they learn about this tragedy, rise up; **AND** three, I hope that when you're at Children's Hospital drying your child's eyes because they're in so much pain from their cancer, or, you're comforting your wife who just had a mastectomy, **OR**, you yourself are sitting at the James getting your chemotherapy, I hope you will remember my testimony, and the testimony of all who are here today, **AND** that you will do whatever you can, whatever is in your power, to protect our parks and public lands from dirty, toxic, radioactive and dangerous fossil fuels.

Thank you,

Jenny Morgan

www.kidsandnature.org

www.citizenpollutionwatch.org

****(Unlike most other industries, oil and gas drillers enjoy waivers under the Safe Drinking Water Act, Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, Superfund, the Emergency Planning and Community Right to Know Act and the National Environmental Policy Act).***

From: [Rita Haider](#)
To: [Commission Clerk](#)
Subject: No fracking in Ohio parks
Date: Monday, April 3, 2023 10:48:53 PM

Dear Ohio Oil and Gas Land Management Commission,

I am writing to express my strong opposition to the proposed oil and gas extraction on Ohio public lands. As a concerned citizen, I believe that allowing such activities will have devastating consequences for our environment, wildlife, and public health.

The extraction of oil and gas on public lands is a contentious issue that has far-reaching impacts on our communities. As we have seen in other parts of the country, these activities can result in air and water pollution, damage to wildlife habitats, and other negative impacts on our environment.

Moreover, the extraction of fossil fuels on public lands can lead to the emission of harmful greenhouse gases that contribute to climate change. Ohio has already been experiencing the effects of climate change with increased frequency of extreme weather events such as floods, droughts, and heatwaves. Allowing further extraction of fossil fuels on public lands will only exacerbate this problem and put our future at risk.

I strongly urge you to reconsider the proposed oil and gas extraction on Ohio public lands. Instead, let us focus our efforts on transitioning to cleaner and more sustainable forms of energy that do not harm our environment or our communities.

Thank you for your consideration.

Sincerely,

Rita Haider, RN, MSN, FNP

“The vote is the most powerful nonviolent tool we have.” — [John Lewis](#)

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From: [Aileen Hull](#)
To: [Commission Clerk; jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us)
Subject: ODNR/JCARR HB507 Testimony
Date: Tuesday, April 11, 2023 2:01:01 PM
Attachments: [ODNR HB507 Testimony.pdf](#)

Hello,

I do not know if it is too late, but I would like to submit my comments against HB 507. See attached.

Thank you,
Aileen

--

Aileen Hull (she/her)
Community Engagement Coordinator
(937) 369-0654
<https://daytonenergycollaborative.org>



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ODNR/JCARR hearing on oil and gas extraction on Ohio public lands

"Natural gas is cheaper."

This lie continues to justify investment into the gas industry. This false claim persists in political arguments for natural gas, including within the state of Ohio. It's time we look at the real economics behind natural gas.

While the sticker price of gas may look cheaper, this does not tell the whole picture. Fossil fuels always have short term benefits, long term disasters.

A true economist should always look at ALL of the involved costs that an investment project entails. However, this rarely happens. Economic arguments for natural gas and other fossil fuels almost never paint the full picture. Currently, the cost of gas is determined by extraction, transportation, cleaning, etc. However, it *excludes* the cost of drinking water contamination, health care costs from residents living near fracking sites, habitat and natural resource destruction, etc. Do you know how *long* and *expensive* ecological restoration is?

In 2008, air pollution from gas drilling in the Arkansas' Fayetteville Shale region resulted in an estimated \$10 million in health care costs. (Environment America) In Dimock, Pennsylvania, Cabot Oil and Gas reported spending \$109,000 to remove methane from well water for local households. (Environment America) In Colorado, cleanup from an underground gas leak has cost hundreds of thousands of dollars and has been ongoing for years. (Environment America) Also in Pennsylvania, the clearance of forest required for fracking caused nutrient pollution in the Chesapeake Bay. The estimated cost of reducing the same amount of pollution by fracking is about \$1.5 to \$4 million dollars PER YEAR. (Environment America) This does not even mention the expenses of extreme weather events that will increase as we continue to use fossil fuels that contribute to climate change.

A frack well only produces gas the first few times it is fracked. And in the case of HB 507, this would mean destroying Ohio's parks for only a very small and short term gain. If these expenses are not included in your economic reasoning for investing in gas, then you are missing a huge piece of the financial outlook. Investing in fossil fuels is simply never a sound economic choice. If you are truly doing your job, you would take into account all of these impacts. And if you fail to mention them, then you are lying to the public.

On the contrary, a new report by C40 Cities found that compared to fossil fuels, renewable energies are cheaper, less volatile, and support more jobs. Renewable energy is also a critical piece of stopping climate change. Investment into renewables is the real economic winner.

Repeal HB 507, protect our parks, protect our planet, protect our people.

Thank you,
Aileen
Dayton Energy Collaborative



From: [Valerie Moore](#)
To: [Commission Clerk](#)
Cc: jcarr@icarr.state.oh.us
Subject: ODNR/JCARR Hearing Monday, April 10, 2023, @10 a.m. RE: oil and gas extraction on Ohio public lands
Date: Thursday, April 6, 2023 7:29:32 PM

Nathan Moffitt,

I have a stake in what happens on my public lands in Ohio since, as a life-long resident, taxpayer, and someone who has explored and hiked in all of Ohio's state parks, but 3 islands in Lake Erie (25-30 weekends/year), these lands belong to me along with all Ohioans. As such, we have a say in how they are used regardless of what our General Assembly has done, passing an unwanted and basically hidden land give-away to reward their backers with access to lease our public lands for destructive fracking without consideration to the impacts to communities, climate, wildlife or their constituents' desires. I am 100% against fracking on any public lands, but since the General Assembly does what it wants, not what Ohioans want, it is now your responsibility to make the impact of this unwanted leasing of state recreational and natural area lands, university campuses and historical sites, as open and minimal as possible.

Use scientific facts on actual short and long term impacts when considering approval, or not, of a lease. Regardless of the law, some leases will have too great a cost, environmentally and for communities, to approve, or not. Such as fracking linked earthquakes (<https://www.sciencedaily.com/releases/2014/10/141014211753.htm>); high demand for water and land, adverse impact on biodiversity and landscape, contamination of water and air (in areas of the state still suffering from water/air contamination for coal mining, same areas of the state frackers want to exploit) (<https://www.ncbi.nlm.nih.gov/pub/articles/PMC7225182/>); and release of CO2 is not carbon-neutral at 34% of U.S. of energy-related CO2 emissions (<https://www.eia.gov/energyexplained/natural-gas/natural-gas-and-the-environmental.php>). It is in all our best interests that there are experts in the fields of geology, environmental impacts, wildlife and forestry, ecology, human health, on, or available to, the Commission, who must be required to consult to be sure all facts are considered and best decisions are made.

Please hold required public hearings in a timely and open manner so ALL those affected can have their voices heard, who want to be heard. Pressure will be applied by those who want to drill ASAP and from politicians, but please do your due diligence for your fellow Ohioans. Please make requested changes from various groups who asked to have these additions added to [Draft Rule 155-1-01](#), to make public hearings open and fair, such as 60-120 day notification of a parcel going on the "auction" block posted on your website, where it is, electronic access to the location and factors the commission will be using to make their decision to lease or not.

Keep ALL surface evidence of fracking out of state parks, off any state land actually. Governor Dewine restated his commitment to keep fracking surface evidence off public lands (first said in 2011 when the General Assembly first wanted to open state lands to fracking, specifically Salt Fork State park, largest park in system): "..continuing my administration's policy of prohibiting any new surface access on our public lands." When I'm hiking in a park, I do not want to see a fenced fracking pad informing me I have no access to my land. So it falls to the Commission and your leasing agreement to make sure there is NO evidence of this unwanted, polluting, temporary (each well only good for a few fracks then

obsolete) activity in my state parks or other public lands. As does making sure the price of the lease includes funds for clean-up and remediation for when the well is depleted and needs to be removed or there is the inevitable leak/spill. Maybe even large enough price to run the parks and other public lands fracking will be diminishing.

State parks, natural areas, historical sites, and university campuses are owned by ALL Ohioans, adding to their quality of life that is healthy and meaningful. They are also a draw to out-of-state investors looking for places to locate business. Make sure these lands are kept intact to continue to be the things they are conserved to be.

Thank you.

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From: [Kathleen Burns](#)
To: [Commission Clerk; jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us)
Subject: ODNR/JCARR hearing on oil and gas extraction on Ohio public lands
Date: Thursday, April 6, 2023 4:07:48 PM

I am sending my testimonial regarding draft rules on oil and gas extraction from Ohio public lands. I reject these rules and find them so fundamentally flawed that revision is not a solution. No such industry should be allowed in state parks.

The Oil and Gas Commission does not include people who study the effects of fracking on health and environment or represent the people who use public lands. There are no scientists. There are no health care professionals. There are no botanists or wildlife specialists. There are no climate scientists. Nor is there anyone who represents everyday users of Ohio public lands for hiking, camping, boating, fishing, or hunting. Currently the commission is ALREADY failing to follow state statute: "*Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination.*" Residents and users of the land proposed for fracking should not be relegated to a few minutes of testimony, if they are lucky enough to hear about it. Currently state officials are ignoring all of our concerns and going behind our backs to placate the oil and gas industry.

How has this commission proved responsibility or good faith to abide by state law? They have failed to.

Contrary to the industry's claim that fracking creates jobs, a report from the Ohio River Valley Institute found that the biggest gas-producing counties in Ohio, Pennsylvania, and West Virginia actually saw declines in their share of jobs, income and population. The cost of continued investment into fossil fuels in a state currently that currently takes only 4% of energy from renewable sources is an unacceptable economic burden on Ohioans.

Meanwhile, a 2019 study by Ohio State University on the Economic Value of Natural Areas in Ohio found that each year Ohioans take 171 million outdoor recreational trips in the state, spending \$5.9 billion, employing 132,790 workers, and adding \$8.1 billion to our state economy.

No matter how much the oil and gas industry could make by destroying our most treasured state parks, forests, wildlife areas, and other public lands, it will never come close to what our state makes now by preserving them.

-Katie Burns

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From: [Mary Aguilera](#)
To: [Commission Clerk; jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us)
Subject: ODNR/JCARR hearing on oil and gas extraction on Ohio public lands
Date: Friday, April 7, 2023 1:26:29 PM

Dear ODNR & JCARR,

I am writing to you because I have some serious concerns about rules in regards to the recent law that was passed that will allow fracking on public lands in Ohio. I would like these comments to be considered in the hearing on April 10th. There are several things that should be considered.

1. Public engagement is limited and we are not being listened to.
 - a. Public lands, means public lands. The public should have a say in what happens to these lands but instead you have completely ignored the public outcry about the destruction of these lands and the impacts it will have on our lives and our lands.
2. There is a discrepancy between Governor DeWine's order and lease procedures regarding surface impacts
 - a. Gov. DeWine has issued an order about surface disruption but when you look at the rules and the process there is a clear way for the Oil and Gas industry to manipulate that order and work around it. Which seems to always be the case. So on the surface it all looks safe but in reality the gas companies will be able to get the permits they need and will be fracking before the public knows and can do anything about it. There needs to be a clear provision that says there will be absolutely now surface impacts.
3. The impacts of public health are undeniable.
 - a. There is so much evidence about the impacts of fracking on public health. For the life of me I can't understand how the Ohio Department of Natural Resources and Ohio Legislators who should be protecting and preserving the land can serve our public lands to the gas industry on a silver platter

knowing the harm it will cause Ohioans. There is irrefutable evidence that fracking causes major health risks.

4.

The economics of fracking don't add up! There is strong evidence that fracking is NOT good for the economy despite what the gas companies will tell you. They mask their agenda in saying it will bring so much wealth to Ohio. Fracking a few wells that will go dry in a few years is not good economics when compared to the 6 billion dollars that our parks bring into the state. Short term monetary gain at the risk of poisoning the land and its people? Pretty sure any economist will say that's ridiculous. Also, here's a report about how natural gas counties actually suffered from the fracking boom. -

<https://ohiorivervalleyinstitute.org/new-report-natural-gas-county-economies-suffered-as-production-boomed/>

5.

The oil and gas commission does not include people who study the effects of fracking on health and environment or represent people who use public lands and this is a problem because that is the actual job of the commission. How can you do a job if you aren't qualified to make those decisions? For me it tells me that you don't need to be qualified because you are just going to do the bidding of the oil and gas companies anyways and if that isn't true then show us proof that you are qualified and the reasoning you used based on those qualifications to make your decisions.

These are just some of the issues I think should be considered in this process of allowing fracking on public lands. This is really about the short term monetary gain for a few gas companies at the expense of Ohioans and the land they love.

Thank you,
Mary Aguilera

--

Mary Aguilera
513.739.9724

To schedule an appointment with me [CLICK HERE](#)

Join the revival of the Poor People's Campaign!

Website: <https://poorpeoplescampaign.org>

Everything Thrives Where Water Is Clean - MaMuse
Plastics are fossil fuels - [Tackling the Impacts of Plastic](#)

"If we want a beloved community, we must stand for justice."

- bell hooks

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From: [Mary Earle](#)
To: [Commission Clerk](#)
Subject: OGLMC?JCARR hearing
Date: Friday, April 7, 2023 9:38:23 AM

Sent from [Mail](#) for Windows

Testimony on Oil and Gas Land Management Commission (OGLMC) and the Joint Committee on Agency Rule Review draft rules on gas extraction on public lands.

I am requesting that the Oil and Gas Land Management Commission (OGLMC) and the Joint Committee on Agency Rule Review incorporate the requests made by Buckeye Environmental Network following public testimony regarding the draft rules for HB 507. Public land is just that: land intended for the benefit of the citizens of this state. Since the issue concerns public land, I am concerned that the public is not being included as a stakeholder in the rule making. The rule making is dominated by industry interests that conflict with global climate concerns and local economic and health concerns.

We know that horizontal exploration is just as destructive to the environment as activity on top of the ground. The potential for increased seismic events and contamination of drinking water is great. Not only will exploration damage public land, it will also impact adjacent private land. Exploration will result in more produced water (fracking brine) that will have to be disposed of. This waste water will have to be hauled to injection wells or ponds risking environmental contamination from toxic chemicals and radioactive Radium 226 and 228. The ODNR is currently doing such an inadequate job of monitoring injection wells that citizens are petitioning the EPA to revoke their authority to monitor Class II Injection Wells. The OGLM Commission is not qualified to assess the environmental impact of exploration and the ODNR isn't adequately monitoring the current wells. We do not need additional oil and gas production especially as much of it is intended for export. It is time to think beyond the next financial quarter.

Respectively,

Mary E. Earle

2987 Blue Heron Drive

Hamilton, Ohio 45011

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the Phish Alert Button if available.

From: [Katie O'Neill](#)
To: [Commission Clerk](#)
Subject: Ohio House Bill 507
Date: Monday, April 10, 2023 11:43:01 AM
Attachments: [Ohio Parks.docx](#)

Dear Commissioners,

I could not attend your hearing today due to lack of notice and it being a Monday morning. I have attached my concerns to this email.

Sincerely,

Katie O'Neill
Chagrin Falls, Ohio 44022

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Oil and Gas Land Management Commission
Ohio Department of Natural Resources
2045 Morse Road, Building E., 1st Floor Assembly Center
Columbus, Ohio 43229

April, 10, 2023

Dear Commissioners,

We need an Environmental Impact Statement for Ohio House Bill 507, in regards to the mandatory lease agreement with Ohio Department of Natural Resources and the Oil and Gas industry. There are alternative energy resources that will not cause damage to our environment and risk the health and safety of the public. There are questions that need to be answered before this law can proceed into policy, rules and action.

1. What are the impacts to threatened and endangered species, ecosystems of disaster mitigation, exists in Ohio parks?
2. What are the impacts to historical and cultural sites?
3. What is the social and economical impacts to local communities? Including home-owners, businesses, property value, aesthetics, noise, tourism, safety, traffic, hazardous risks.
4. What is the cost and benefits of a park that is protected and supported versus a park that has fossil fuels extracted?
5. What are the alternatives?

Protecting the Public Trust is vital for any government. Public parks have been proven to enhance the physical, mental, emotional, and spiritual health of people and contributes greatly to the success of a community. We in Ohio are fortunate to have state and national parks. We need our government to protect and manage the health and accessibility of these resources to the public.

Governor Mike DeWine is spending millions of dollars on a Ohio marketing campaign. The abundance of water, forests, prairies, and wildlife is a reason to live, learn, love, work, and grow here in Ohio. Tourism creates jobs, appreciation, pride, and revenue. We have pride in our ability to go on a hike, swim, fish, hunt, bird-watch, play and gather; this is what we value the most. Happiness is not found

in how much money we have, it is how we are able to share memories of value and culture together, this is how we build relationships and create community.

Ohio House Bill 507, was suppose to regulate the agricultural livestock of chickens. This bill has expanded beyond those rules and regulations. Laws that govern are easy to find and follow, this is theft. A taking of the public trust and resources, damaging democracy and public participation in the use and development of a common resource. There are many scientific studies on the health risks and consequences to living near a gas and oil development and waste well.

Ohio House Bill 6, revealed corruption in Ohio governance and now Ohio House Bill 507 takes the egregious criminal offense one step further by mandating that our Ohio Department of Natural Resources permit all lease agreements with the oil and gas industry.

We all need parks that provide peaceful moments of inspiration, motivation, and learning opportunities. A healthy ecosystem of diversity works cooperatively to maintain healthy, vibrant, and resilient wildlife through the deadly storms, changing seasons, pollution, and parasites in our world. It is in nature that I feel the divine source of our nature on this planet, and it inspires me to write, read, create art, work, find compassion and invest in rejuvenation, restoration, healing and learning. We all need that kind of love in our lives. It is what keeps us connected to the goodness in life that we can create and feel around us.

To take the resources and safety from parks is an act of cruelty to the pursuit of happiness. Article One, Section One, of the Bill of Rights in the Ohio Constitution: “All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.” By nature, people are free and independent, and have the civil rights to protect property that they seek and obtain happiness and safety. Ohio House Bill 507 is unconstitutional because it has a mandatory leasing agreement from our public parks to the gas and oil industry, which obstructs my civil right.

Sincerely,

Katie Corrin O’Neill

Juris Doctor, Master Energy Regulation and Law, Bachelor of Specialized Studies
Chagrin Falls, Ohio 44022

From: [john.carmichael](#)
To: [Commission Clerk](#)
Subject: Ohio Oil & Gas Land Management Commission regarding proposed gas & oil extraction on Ohio public lands
Date: Wednesday, April 5, 2023 7:31:24 PM

HB 507 legally defines natural gas as "green energy." This is a lie, as gas is a fossil fuel which is contributing greatly to the increase of carbon in Earth's atmosphere. The legislation expanded drilling rights on state lands including state parks. Along with the actual drilling & extraction in & around Ohio public lands will go other activities damaging to the land, water, atmosphere and ambience of those public lands: waste water trucks going in & out of these public lands, tearing up the roads as they haul the industrial byproduct of fracking, "flaring"- the burning of excess natural gas at the point of extraction and other negative activities.

Salt Fork & Bear Camp State Parks and all other state lands which are opened up for natural gas extraction should instead be excluded from any such activities. All public lands in Ohio are lands that all Ohioans, including future generations, deserve to enjoy access to. HB 507 is dragging Ohio backwards on climate change when we need to be moving forward.

There is much evidence showing the detrimental effects of fracking on public health & the environment, yet this has not been considered by the Oil & Gas Land Management Commission and has not been discussed in any way at their meetings. 1.) The use of PFAS & PFAS precursor substances adds a highly dangerous substance to an already long list of chemicals used in drilling & fracking [New Report: Fracking with "Forever Chemicals by Physicians for Social Responsibility.] 2.) A New York health department report highlights a range of impacts that extend well beyond the fracking process such as "air impacts that could affect respiratory health" & "climate impacts due to methane & other volatile organic chemicals releases."

Do not allow this process to further damage our childrens' health in Ohio. Do not allow this fracking or any such extraction on and around our state parks & other public lands under any circumstances.

John Carmichael Cincinnati Ohio 1639 Sycamore st. 45202

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From: [Joel Moore](#)
To: [Commission Clerk](#)
Cc: jcarr@icarr.state.ohio.gov
Subject: Oil & Gas extraction on Ohio public lands
Date: Saturday, April 8, 2023 8:16:20 PM

Mr. Moffit,

As an avid user of Ohio public lands, especially its state parks, I am a stakeholder in what happens to these natural areas. These lands belong to all Ohioans and as such, we Ohioans have a say in how they are used (or not used). I firmly believe the Ohio Legislature has no right to sell off Ohio's natural areas, just to make a quick dollar for a select few.

I have visited nearly every Ohio State Park, plus many nature preserves, historical sites and recreational areas.

It has always been my understanding that natural areas, state parks in particular, are sacrosanct. So why are plans in place to allow fracking on these sacred lands? The whole idea of this occurring simply leaves me stunned.

Thank you,
Joel Moore

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From: [Rob Brundrett](#)
To: [Commission Clerk](#)
Cc: [Moffitt, Nathan](#)
Subject: OOGA public comments for April 10.
Date: Sunday, April 9, 2023 10:48:08 PM
Attachments: [OOGA.oqlmc.testimony.4.10.2023.FINAL.pdf](#)

Nate –

I hope you had a good weekend. Attached are OOGA's comments for tomorrow's meeting.

See you in the morning.

Rob

Rob Brundrett

President

Ohio Oil and Gas Association

M: 614-348-1233 O: 614-824-3901

88 E Broad Street Suite 1400

Columbus, OH 43215

www.ooga.org

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**Ohio Oil and Gas Association
Public Testimony
Proposed Rule 155-1-01**

**Ohio Department of Natural Resources
Oil and Gas Land Management Commission
April 10, 2023**

My name is Rob Brundrett, and I am the President of the Ohio Oil and Gas Association (OOGA). OOGA is a 75-year-old statewide trade association representing both independent conventional producers and large independent horizontal operators exploring Ohio's shale play. OOGA membership also consists of midstream companies, large-scale transmission line companies, contractors, oilfield service and supply providers, manufacturers, gas utilities and various other professional entities.

Thank you for the opportunity to provide testimony today on Proposed Rule 155-1-01 and its lease form.

The General Assembly first enacted the state land leasing program in 2011, more than a decade ago. As part of that law change, the General Assembly required the adoption – by rule – of a standard lease form that is (i) “consistent with the practices of the oil and natural gas industries;”¹ and (ii) that includes “[a] one-eighth gross landowner royalty.”²

Over the past several months the Oil and Gas Land Management Commission has proposed, taken comments, and revised the rule and draft lease. OOGA has participated in public review and comment at each step.

OOGA appreciates the work and revisions of the Commission. However, several items in the draft lease remain as obstacles to the responsible development of the state's oil and gas natural resources. We are hopeful that the issues outlined in our testimony today can be addressed in a revised version of the rule and lease form.

While I will only discuss the most crucial of these challenges today, my testimony has attached our most recent comments at CSI where we suggested more substantial revisions important to the industry's perspective.

Proposed State Land Lease Form

Paragraph 44, Termination of Public Use. As drafted, the standard lease form allows a state agency that has leased property to a producer to unilaterally terminate that lease if any part of the leased premises are “needed for any public or quasi-public use or purpose.” This termination can occur regardless of how much investment the producer has made in developing the related unit without any concern for the producer's related contractual obligations. That amount could easily be in the tens of millions of dollars. This provision will discourage most, if not all, investment in state lands.

OOGA recommends eliminating this provision from the proposed lease form.

Paragraph 20, Insurance. The General Assembly did not limit the leasing of the state's oil and natural gas resources to any specific type of producer or development. The

¹ See R.C. 155.34(A)(1).

² See R.C. 155.34(A)(1)(b).

current “one size fits all” insurance provisions, would as a practical matter discriminate against Ohio’s long-time conventional producers, most of whom are smaller family businesses. Ohio has already established, by statute, the insurance requirements generally required of Ohio producers for any development in Ohio. These laws allow different insurance coverage for traditional vertical wells than it required for horizontal development.³

OOGA recommends changes to the insurance provisions to avoid this issue and ensure that conventional Ohio producers have the same opportunities to develop state lands as any other producer.

Paragraph 14(B), Pooled Production Unit Limited. As drafted, the standard lease form requires a producer to include at least 50% of the leased parcel in any unit formed by the lessee—regardless of the parcel’s shape, size or orientation, and regardless of the impact this requirement would have on the efficient development of the state’s resources. This requirement will force more leasing, drilling additional wells, and leaving acreage stranded and undeveloped. Most importantly, it will waste both economic and natural resources.

OOGA continues to recommend eliminating this provision from the draft lease form.

Paragraph 9, Royalty and Gas Measurement. The General Assembly required the state lease form to contain “[a] one-eighth gross landowner royalty;”⁴ and it defined “gross landowner royalty” to mean “a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.”⁵

As drafted, the lease does not contain a one-eighth gross landowner royalty as required by statute, but leaves it blank. The draft also states that the royalty can be based on something different than the “proceeds received” on the sale of production in the context of a sale to a lessee’s affiliate. Both conflict with the express terms of the statute. These conflicts are not without potential consequences: It would, for example, allow one bidder to potentially challenge the award of a lease to another if the awarded lease contains a royalty higher than the one provided for by statute (with the argument being that the only reason the first bidder lost the lease was because of this illegal royalty).

To avoid these issues, OOGA recommends changing these provisions to make it abundantly clear and conform to current statute.

³ See R.C. 1509.07.

⁴ R.C. 155.34(A)(1)(b).

⁵ R.C. 155.30(B).

Comments on Draft Rule Text

The Proposed Draft Rule states, in part: “The oil and gas land management commission shall not adopt a new version of the standard lease form until each draft version has been posted on the website of the oil and gas land management commission for at least 21 calendar days.”⁶ OOGA is concerned that this provision suggests that the Commission intends to modify the standard lease form merely by posting its proposed changes on its website for 21 days, and without going through the required rulemaking process. That would violate both Section 155.34 of the Revised Code (stating that the lease form must be adopted by rule) and Section 121.72 of the Revised Code (stating that “[an] agency may not incorporate by reference a future version of the text or other material that is not in existence at the time of its incorporation by reference”).

Conclusion

Thank you for the opportunity to testify before you today. I am joined here today by Greg Russell, OOGA’s General Counsel and we can try and respond to any questions you may have.

⁶ See proposed Ohio Administrative Code Section 155-1-01(B).

**OIL AND GAS LEASE
(PAID UP LEASE)**

This Oil and Gas Lease (hereinafter referred to herein as the "Lease") is dated this ____ day of _____, 20__ (the "Effective Date") by and between the State of Ohio through the [insert relevant state agency], with an address at _____ (hereinafter called "Lessor"), and _____, a _____, with its principal address at _____ (hereinafter called "Lessee"). Lessor and Lessee are sometimes individually referred to as a "Party," and collectively as the "Parties."

Commented [A1]: These comments and proposed revisions are being submitted on behalf of the Ohio Oil and Gas Association (Association), and are attached to the cover letter sent to Lt. Governor Jon F. Husted dated March 1, 2023.

WHEREAS, the Lessor is a state agency authorized pursuant to Ohio Revised Code ("R.C.") Chapter 155 to lease property it owns or controls for oil and gas development.

WHEREAS, the leasing of the lands covered by this Lease followed the requirements set forth in Chapter 155 of the Ohio Revised Code, including the completion of a bidding process, and the Lessee was determined to be the highest and best bidder.

WITNESSETH, that for and in consideration of the mutual benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Lessor and Lessee, intending to be legally bound, agree as follows:

GRANT OF LEASE

1) Lessor hereby leases and lets exclusively to Lessee, and its successors and permitted assigns, all of the Oil and Gas (as defined below) underlying the Leased Premises (as defined below) from [PICK ONE: the surface of the Leased Premises to the top of the Onondaga limestone as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio] [the top of the Onondaga limestone as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio to the bottom of the Queenston formation as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio] [the bottom of the Queenston formation as defined in the _____ Well (API Number _____) located in _____ Township, _____ County, Ohio to the basement rock], together with all such rights in the Leased Premises as may be necessary for Lessee to explore for, drill for, develop, produce, measure, and market production of Oil and Gas from the Leased Premises or lands pooled or unitized therewith, and cease to operate, plug, abandon, and remove wells, materials and equipment.

Notwithstanding the foregoing, Lessor and Lessee agree that, without a separate written surface use agreement signed by Lessor and Lessee, the Lessee shall not have the right under this Lease to: (i) locate any well pad or well site (as those terms are defined in the Ohio Administrative Code); (ii) set any surface equipment, facilities or other structures that may be used in or associated with the exploration and production of Oil and Gas (including, but not limited to, pipelines, pump stations, tank batteries, dryers, pipelines, separators, compressors or any other facilities); (iii) construct access roads; (iv) construct temporary or permanent pits; and/or (v) conduct any activities or operations on the surface of the Leased Premises.

Any surface use agreement signed by Lessor and Lessee that allows for surface operations on the Leased Premises shall, at a minimum, include provisions covering the following: (i) crop and timber damage; (ii) timber removal; (iii) fencing; (iv) gates; (v) roads; (vi) pipelines (including that any pipelines be for transporting Oil and Gas from a well(s) drilled on the Leased Premises or lands pooled therewith, be conspicuously marked, and installed at a minimum depth below ground level); (vii) location approval by Lessor; (viii) setbacks from any structure existing on the Leased Premises at the time of Lessee's operations, and calculated from the edge of the well pad to the nearest structure in question; (ix) surface damages/spud fees of at least \$5,000 per disturbed acre, and a maximum number of acres that can be impacted; (x) surface restoration and reclamation issues; and (xi) water testing. Lessee is, however, granted the right to pool or unitize the Leased Premises with other adjacent or contiguous properties, which other properties shall bear all the drilling and other

surface operations, and any wellbore may, subject to the terms of this Lease and any attached addenda or exhibits, pass under or terminate below the surface of the Leased Premises.

DESCRIPTION OF THE LAND INCLUDED IN THIS LEASE

2) The land included in this Lease is identified as follows (the “Leased Premises”):

Parcel Number	Qtr Sec /Twp/Range	Township	County	Acreage	Prior Deed Reference

The Leased Premises are more particularly described on Exhibit A attached hereto and incorporated herein. For the purposes of this Lease, the Leased Premises contains a total of ____ acres, whether actually more or less. There is no “Mother Hubbard” provision in this Lease, which means that this Lease shall not include any land(s) contiguous, adjacent or adjoining to the Leased Premises that are not described in this Lease; however, this Lease shall cover and include any interest which Lessor may own in any streets, alleys, highways, railroads, streams, canals or rivers adjacent to the Leased Premises.

LESSOR’S RESERVATION OF RIGHTS

3) Lessor reserves all rights and interests not specifically granted to Lessee in this Lease, including but not limited to:

A. All of the Oil and Gas and other mineral rights in all geologic formations not covered under this Lease. Notwithstanding such reservation, Lessee shall be allowed to drill, operate and produce through such reserved formations if necessary for Lessee to have access to the geologic formation(s) subject to this Lease; and, nothing in this paragraph 3, including in subparagraphs (A)-(D), shall permit Lessor to, and Lessor shall not, unreasonably interfere in any way with Lessee’s exercise of its rights under this Lease.

B. The right to grant additional property rights of any kind across, upon, above, through and/or under the Leased Premises.

C. The right to undertake, or cause to be undertaken, the development of the surface of the Leased Premises (or any part thereof) during the term of this Lease, including the construction of certain structures and other improvements and any other use deemed necessary by Lessor, in Lessor’s sole discretion, subject to any limitations set forth in a surface use agreement executed pursuant to R.C. 155.34.

D. The right to continue all of its current activities and programs and initiate new activities and programs including, but not limited to, irrigation and agricultural activities on the Leased Premises.

OIL AND GAS ONLY

4) For the purposes of this Lease, the term “Oil and Gas” shall include the following: (i) “Oil,” which for purposes of this Lease means any hydrocarbons produced from the Leased Premises or lands pooled and/or unitized therewith capable of being produced in liquid form at the wellhead by ordinary production methods, including but not limited to oil, condensate, distillate, and other liquids recovered from a separator or other equipment; and (ii) “Gas,” which for purposes of this Lease means all natural gas and associated hydrocarbons that are not Oil, including but not limited to natural gas liquids produced from the Leased Premises, or lands pooled or unitized therewith. This Lease does not include, and there is

hereby excepted and reserved unto Lessor, all minerals of every kind and character other than Oil and Gas, including, but not limited to, coal seam gas, coalbed methane gas, coalbed gas, coal, sulfur, lignite, uranium and other fissionable material, geothermal energy, base and precious metals, rock, stone, clay, gravel and any other mineral substances in, under, or upon the Leased Premises, together with rights of exploring for, producing and marketing the minerals reserved under this paragraph.

NO STORAGE RIGHTS

5) Lessee shall have no right under this Lease to use the Leased Premises, or any portion thereof, surface or subsurface, for the storage of Oil and Gas or brine. Further, Lessee agrees the Leased Premises shall not be used for the purpose of gas storage as defined by the Federal Energy Regulatory Commission.

NO DISPOSAL AND/OR INJECTION WELLS

6) Lessee is not granted any right whatsoever to use the Leased Premises, or any portion thereof, for the drilling, construction, installation, and/or operation of any disposal well, injection well, or the construction/operation of any other disposal facilities. Lessee shall not use the Leased Premises for the permanent disposal of any drill cuttings or residual wastes.

ADVANCED DELAY RENTALS/BONUS

7) Within ten (10) calendar days after Lessee receives a copy of this Lease executed by Lessor, and in direct exchange for the said executed Lease, the Lessee agrees to pay as advanced delay rentals / a bonus, in proportion to Lessor's percentage of ownership of the oil and gas estate, the sum of _____ Dollars (\$ _____) per Net Mineral Acre (as defined below) of the Leased Premises (for a total of \$ _____) (the "Bonus"). Upon payment of the appropriate amount of the Bonus, the Parties hereto stipulate and agree that this is a "Paid Up" Lease with no further delay rental payments or bonus due to Lessor during the Primary Term (as defined below), and that any and all bonuses and delay rentals due or payable hereunder have been prepaid to Lessor for the purpose of keeping this Lease in effect during and for the entirety of the Primary Term. To avoid all doubt, it is agreed that upon the payment of the appropriate amount of Bonus, Lessee shall have the option, but not the obligation, to drill any or no well or wells on the Leased Premises, in Lessee's sole and absolute discretion, and that Lessor expressly disclaims any and all implied covenants regarding an obligation to drill and produce from the Leased Premises, all during the Primary Term.

- A. For purposes of this Lease, the term "Net Mineral Acre" shall mean the product obtained by multiplying the number of surface acres of land covered by this Lease multiplied by the Lessor's undivided interest in the oil and gas estate of the Leased Premises. For example, if this Lease covers 100 acres of land and the Lessor owns 100% of the oil and gas estate in such land, then this Lease covers 100 Net Mineral Acres; but, if this Lease covers 100 acres of land and the Lessor owns an undivided 50% interest in the oil and gas estate to such land, then this Lease covers 50 Net Mineral Acres.
- B. The Parties agree that if Lessor holds title in the oil and gas estate to the Leased Premises in any amount less than 100%, this Lease shall continue in effect and Lessee shall pay the Bonus to Lessor, but such payments shall be reduced and paid to Lessor only in the proportion which Lessor's interest bears to the whole and undivided fee. In the event it is determined that Lessor owns a lesser interest in the oil and gas estate than the entire or undivided fee simple interest, then any future royalties, delay rentals, bonuses and other payments provided for in this Lease shall be paid to the Lessor only in the proportion which such interest bears to the whole and undivided fee.
- C. Except for instances involving a breach of the limited warranty covenants contained herein, any and all advanced delay rental payment, Bonus, rental, royalty and/or other sums paid (or to be paid) to Lessor under this Lease are nonrefundable, and Lessee agrees

Commented [A2]: The Association and its members would like to make clear that—given that this is a paid up lease—the lessee has the option, but not the obligation, to develop the leased premises during the full primary term without risk of losing the lease for reasons of non-development.

it will not seek reimbursement from Lessor, the State of Ohio or any department, agency, university, college, official, employee, or agent of Lessor or the State of Ohio for the previously paid sums.

- D. Failure by Lessee to pay the appropriate amount of the Bonus within the time described herein shall render this Lease null and void. Lessor reserves any and all of its rights and remedies available under Ohio law for non-payment by Lessee of the payments due pursuant to this Lease.

TERM

8) This Lease shall remain in force for a primary term of three (3) years from the Effective Date (the "Primary Term"), and shall continue beyond the Primary Term, including any extension thereof, as to the entirety of the Leased Premises for so long thereafter as: (i) Oil and Gas are produced in paying quantities (as defined below) from the Leased Premises or lands pooled or unitized therewith; or, (ii) Operations (as defined below) are conducted on the Leased Premises or lands pooled or unitized therewith in the search for Oil and Gas.

~~i. For purposes of this Lease, a well is producing in "Paying Quantities" when the annual gross revenue (on a calendar year basis) from the sale of Oil and Gas produced from a well exceeds that well's operating costs. The calendar year in which such well first produces Oil and Gas shall not be subject to the Paying Quantities calculation.~~

~~i. For purposes of this Lease, the term "Operations" shall mean only (a) the production of Oil and Gas in Paying Quantities subsequent to drilling, or (b) the actual drilling, completing, re-working, plugging back, deepening, treating, stimulating, re-completing of a well to obtain production of Oil and Gas, conducted in good faith and with due diligence. The term "Operations" shall not include conducting seismic or other testing, or the laying of pipeline(s) across the Leased Premises. Further, the commencement of operations shall be defined as Lessee having secured a drilling permit from the relevant regulatory agency and commencement of actual drilling (bit in the ground). As used herein, the term Operations shall mean any activity that is reasonably calculated to obtain or restore production, including without limitation, (i) drilling or any act preparatory to drilling (such as obtaining permits, surveying a drill site, staking a drill site, building roads, clearing a drill site, or hauling equipment or supplies); (ii) reworking, plugging back, deepening, treating, stimulating, refitting, installing any artificial lift or production-enhancement equipment or technique; and (iii) constructing facilities related to the production, treatment, transportation and marketing of substances produced from the lease premises.~~

ii. If during the last ninety (90) days of the Primary Term hereof or any time after the expiration of the Primary Term, production of Oil and Gas in paying quantities from the Leased Premises, or lands pooled or unitized therewith, should cease for any reason, or if during or after such ninety (90) day period and prior to discovery of Oil and Gas on the Leased Premises or lands pooled or unitized therewith, Lessee should complete a dry hole thereon, this Lease shall not terminate if Lessee commences or resumes additional Operations on the Leased Premises or lands pooled or unitized therewith, within ninety (90) days after production in paying quantities ceased or the well was completed as a dry hole, whichever is applicable. If, at the expiration of the Primary Term, Oil and Gas are not being produced in paying quantities from the Leased Premises, or lands pooled or unitized therewith, and the Lease is not being held pursuant to any other provision of this Lease, but

Commented [A3]: The Association respectfully submits that this term, defining "paying quantities," is inconsistent with Ohio law on the issue, inconsistent with industry custom and practice (and thus RC 155.34(A)(1)), and could lead to the premature loss of an economic, producing lease.

"Paying quantities" calculations are *not* typically done on a well-by-well basis, as it could lead to the **ambiguous result** that some wells on a lease satisfy that condition and some do not. These calculations are also typically not done on a calendar year basis, which is **arbitrary and ignores** the very real possibility that some leases may not be in paying quantities during that limited period (due, for example, to fixed operating expenses and a dramatic downturn in price due to events beyond the lessee's control).

As a consequence, it is not custom and practice to include a definition like the one here in an oil and gas lease, and the **Association has recommended its deletion as indicated.**

Commented [A4]: The Association respectfully submits that this term too is inconsistent with Ohio law on the issue, as well as industry custom and practice (contrary to RC 155.34(A)(1)).

Ohio courts have defined the term "operations" much more broadly, in **recognition of the substantial investment** that lessees make when seeking to develop their leasehold acreage and the time that it takes for lessees to acquire that investment—acknowledging that **a limited definition would be unfair** to the lessee and its other lessors who seek development of their mineral resources.

Accordingly, **the Association recommends deleting this subparagraph (ii) in its entirety and replacing it with the added paragraph, as indicated in the body of this lease and which is consistent with industry custom and practice and Ohio law.**

~~the Lessee is then engaged in Operations, this Lease shall remain in full force so long as Operations are prosecuted (whether on the same or different wells) with no cessation of more than ninety (90) consecutive days, and if they result in production, so long thereafter as Oil and Gas are produced in paying quantities from the Leased Premises or lands pooled or unitized therewith, or the Lease is otherwise being held pursuant to any other provision of this Lease.~~

- iii. After termination, expiration, or surrender of this Lease in whole or in part, Lessee shall promptly deliver to Lessor and record with the county or counties in which the Leased Premises is located a release of the Lease as to such acreage released under this paragraph.

Lessee has a one-time option to extend the Primary Term of this Lease for an additional period of three (3) years from the expiration of the Primary Term. The extension of the original Primary Term shall be under the same terms and conditions as contained in this Lease, ~~except that and~~ the consideration to be paid by Lessee to Lessor for the extension shall be equal to ~~+20% of the original Bonus paid to Lessor to Lessor~~ on a per Net Mineral Acre basis and calculated on the number of Net Mineral Acres of the Leased Premises ~~that Lessee elects to further maintain under the Lease that are not otherwise held by the terms and conditions of then subject to the Lease.~~ Lessee may exercise this option to extend the Primary Term of the Lease by providing Lessor written notice of such exercise and tendering the additional consideration set forth above at least thirty (30) calendar days before the expiration of the original Primary Term. Should this extension option be exercised, it shall be considered for all purposes as though this Lease originally provided for a Primary Term of six (6) years. In the event Lessee chooses not to extend, Lessee shall promptly record with the county or counties in which the Leased Premises is located a release of the Lease upon the expiration of the Primary Term as to any portions of the Leased Premises not otherwise held by the terms and conditions of the Lease.

ROYALTY AND GAS MEASUREMENT

9) Lessee shall pay to Lessor ~~a one-eighth gross landowner royalty on Oil and Gas produced from the Leased Premises~~ ~~(/) or percent (%) gross landowner royalty on Oil and Gas produced from the Leased Premises.~~

~~A) Affiliates. It is understood and agreed that to the extent Lessee sells Oil and Gas produced hereunder to an Affiliate, the price upon which royalty shall be based shall be the greater of: (a) the price paid by the Affiliate; or, (b) the price that would have been received in an arms-length transaction with an unaffiliated third party under an arrangement for like quantity, quality, term and at the same point of sale as that with the Affiliate. For purposes of this Lease, "Affiliate" means any person, corporation, partnership or other entity in which Lessee, directly or indirectly, through one or more intermediaries: (i) owns an interest of more than twenty percent (20%), whether by stock or ownership or otherwise; or (ii) exercises any degree of control, directly or indirectly, by ownership, interlocking directorate or has more than fifty percent (50%) of the voting capital stock or other equity interests having ordinary voting power.~~

~~B)A) Gross Royalty. It is agreed between the Lessor and Lessee that, notwithstanding any language herein to the contrary, all royalties accruing to the Lessor under this Lease shall be paid without deduction, directly or indirectly, for any and all pre-production and post-production costs and/or expenses, including but not limited to those relating to producing, gathering, storing, separating, treating, dehydrating, compressing, processing, transporting, and marketing the Oil and Gas produced hereunder. The computation of the Lessor's royalty shall include any additional consideration, if any, paid to Lessee for natural gas liquids.~~

~~B)B) Payment of Royalties. The initial royalty payments due under this Lease shall be made on or before 120 calendar days following the last day of the month in which first sales occur~~

Commented [A5]: The Association recommends adding what is commonly referred to as a "continuous operations" clause in the lease, such as the one here. These clauses serve to maintain the lease **so long as the lessee is diligently engaged in operations intended to obtain production** at the time that the primary term expires. They are custom and practice in the industry (and thus satisfy RC 155.34(A)(1)) and serve to promote the public policy expressed by the General Assembly to develop Ohio's oil and gas resources.

Commented [A6]: The Association recommends the limited changes here (i) to conform the Lease to the statute (i.e., RC 155.34(A)(1)(d) **does not permit an increase in the bonus** to be paid for the extension, as contemplated here); and (ii) to clarify that the extension **bonus is to be calculated based only on the acres that the lessee intends to extend** the lease on and **that are not already being developed** (and thus held under the lease).

Commented [A7]: The Association makes the recommended changes here because the **proposed language is inconsistent with the requirements of RC 155.34(A)(1)** (which requires a 1/8th gross landowner royalty).

Commented [A8]: The Association respectfully submits that this term is **inconsistent with Ohio statutory law** establishing the royalties to be paid under this lease, as set by the General Assembly.

RC 155.34(A)(1) states that the standard lease form shall contain "a one-eighth gross landowner royalty." That phrase is defined by statute to mean "a royalty based on the **proceeds received** on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production." See RC 155.30(B). That is, the General Assembly clearly stated that the royalty is to be based on the amounts actually received by the lessee, and not some other amount that might have been received had the production been sold in a different way. Ohio courts addressing analogous lease language have rightly rejected similar efforts to change the calculation methodology. See, e.g., *Henceroth v. Chesapeake Expl., LLC*, 814 F. App'x 67 (6th Cir. 2020).

Further, and not surprisingly, it is **inconsistent with industry custom and practice**, and therefore contrary to RC 155.34(A)(1).

Accordingly, the Association recommends the deletion of this language in its entirety.

Commented [A9]: The Association recommends this deletion because it introduces ambiguity into a lease term that should be unambiguous.

Commented [A10]: The Association recommends this deletion as it creates ambiguity and is unnecessary given the definition of "Oil and Gas" above.

from a well on the Leased Premises or lands pooled/unitized therewith. Thereafter, the royalties required to be paid to Lessor under this Lease shall be due and payable monthly on or before the last day of the third calendar month following the month of production. Each royalty payment shall be accompanied by a check stub, schedule, summary or remittance identifying this Lease and, at a minimum, showing the Lessor's interest in the unit shown as a decimal; the total volume of each product subject to the royalty statement (e.g. a separate listing for Oil and Gas); and the price or value of the Oil and Gas on which the Lessee is calculating its royalty payments. If such data is available in electronic or digitized form, then Lessee agrees to deliver same to Lessor electronically. Unless otherwise herein expressly provided, any royalties or other payments provided for in this Lease which are not paid to Lessor within the time period specified therefor shall accrue interest at the prime interest rate plus five percent (5%) from the due date until paid; provided, however, that in no event shall interest be due on disputed royalties. Acceptance by Lessor, its successors, agents or assigns, of royalties which are past due shall not act as a waiver or estoppel of its right to receive or recover any and all interest due thereon under the provisions hereof.

D/C Measurement. In order to verify the royalties being paid, the volume of gas produced from the Leased Premises or lands pooled/unitized therewith shall be measured using a meter meeting or exceeding the standards established by the American Gas Association and shall be calibrated and maintained in accordance with standard industry practice.

ASSIGNMENT

10) The rights of Lessor or Lessee under this Lease may be assigned in whole or in part; provided, however, that any such assignment of this Lease (in whole or in part) by Lessee to any third party shall require the Lessee to give prior written notice to Lessor and obtain the prior written consent of Lessor which consent shall not be unreasonably withheld, conditioned or delayed. Such prior written notice of an assignment shall include a brief explanation of the assignee's relationship to Lessee and the name and address of the party to whom Lessor is to give notices under the terms of this Lease.

- i. No assignment may be effectuated unless and until the Lessor provides written consent to such assignment, such consent not to be unreasonably withheld, conditioned or delayed; provided, however, that such consent shall be deemed to have been given by Lessor in the event Lessor fails to object to the assignment, in writing, within 10 days of Lessor's receipt of the written notice by Lessee contemplated herein.
- ii. No assignment may be effectuated if Lessee is in default, and such default is not being cured, under this Lease.
- iii. If this Lease is assigned or otherwise transferred by Lessee, then Lessee shall provide a copy of this Lease to its assignee(s) or successor(s)-in-interest. Assignment of this Lease or any part thereof shall not relieve Lessee of any obligations hereunder theretofore accrued prior to the date of the assignment; and any assignee of Lessee shall, by acceptance of such assignment, assume and be bound by all terms and provisions hereof.
- iv. If an assignment of this Lease is made in part, Lessee shall specify a single party to whom notices shall be given by Lessor, and that party shall be responsible for notifying any other parties owning an interest in this Lease.
- v. Any assignment of this Lease by Lessee not made in accordance with this paragraph shall be null and void, and any interest attempted to be assigned thereby shall automatically revert to the assignor.

Commented [A11]: The Association recommends the changes here to avoid the all-too-common circumstance where a lessor fails to respond at all, leaving the underlying assignment-and thus ongoing production-uncertain.

- vi. The term “assignment” as used herein, shall include, without limitation, any sublease, farmout, or any other agreement by which any share of the operating rights granted by this Lease are assigned or conveyed, to any other party.

LESSOR’S INTEREST

11) No change or division in Lessor’s ownership shall have the effect of reducing the rights or enlarging the obligations of Lessee hereunder, and no change or division in the ownership of the Leased Premises shall be binding upon the then Lessee until after Lessor or Lessor’s heirs, successors, or assigns provides the Lessee with ~~with-written~~ notice of such change or division, including copies of ~~copies of the~~ executed and recorded documents establishing such ~~such~~ change or division.

AUDIT/INSPECTION RIGHTS

12) Lessee further grants to Lessor or Lessor’s designee the right, at Lessor’s expense and no more than twice annually, on a calendar year basis, to examine, audit, ~~copy~~ and inspect the books and records of Lessee pertinent to the purpose of verifying the accuracy of the reports and statements furnished to the Lessor, and for checking the amount of the payments lawfully due the Lessor under the terms of this Lease. In exercising this right, Lessor shall give no less than thirty (30) calendar days’ notice to Lessee of its intended inspection and such inspection shall be conducted during normal business hours at the office of Lessee. In the event the inspection reveals deficiencies in payments, then Lessee shall bear the reasonable cost and expense of the Lessor’s inspection, and all undisputed monies due to Lessor shall be payable, with interest at the rate of the prime interest rate plus five percent (5%), within thirty (30) calendar days of the Lessee’s receipt of the results of the inspection. Lessee shall have the right to dispute any alleged deficiencies in payments, in which case, Lessee shall pay Lessor such amount as it concedes to be correct and provide to Lessor documentation acceptable in industry practice to support its position regarding the disputed amount. Lessor and Lessee shall attempt in good faith to resolve any such disputes. In the event the parties are unable to resolve such dispute, either party may pursue any remedy available at law or in equity to enforce its rights under this Lease.

METHOD OF PAYMENTS

13) All rents and royalties, and any and all sums due hereunder to Lessor, shall be paid by one of the following methods:

- A) By check tendered directly from Lessee to Lessor at Lessor’s address as stated in this Lease; or,
- B) By wire transfer, depositing the payment to the credit of the Lessor in the bank and account number as provided in writing by Lessor to Lessee prior to such payment (which bank shall continue as depository for all sums payable hereunder until any subsequent written notice otherwise is provided by Lessor to Lessee).

Any payment under this Lease shall be considered timely paid if such payment is properly tendered to Lessor on or before the due date and it otherwise complies with the notice provision in this Lease.

POOLED PRODUCTION UNIT LIMITED

14) Subject to the terms and conditions set forth herein, Lessor grants Lessee the right but not the obligation to pool, unitize or combine all or any part of the Leased Premises with other lands, leases or interests owned by Lessee or others, at any time before or after drilling to create a drilling or production unit whenever Lessee, in its sole judgment, deems it necessary or advisable to do so. Lessee’s ability to exercise its rights as provided for in this paragraph is recurring, and pooling or unitizing in one or more instances shall not exhaust Lessee’s pooling and unitizing rights hereunder. Lessee, at any time and from time to time, and in its sole judgment, may terminate, amend, re-form, reduce, or enlarge the size and shape of any unit created hereunder. Any such termination shall not cause a surrender or cancellation of this

Commented [A12]: The Association recommends the changes here because a lessee **should not be required to provide confidential business information that may then be subject to disclosure** through public records requests. Nor should the lease permit repetitive audit demands for the purpose of harassing a lessee, or prevent the lessee from disputing any findings that it disagrees with.

Further, the Association objects to this provision in its entirety, as **a right to audit already exists under Ohio statutory law** (see RC 1509.30), and state entities should not be able to avoid that statute by contracting around state statutory requirements.

Lease or diminish the rights set forth herein. Each unit shall be created by recording in the appropriate county office a declaration containing a description of the pooled or unitized acreage. Lessee shall furnish to Lessor a copy of the recorded declaration of the unit in which any portion of the Leased Premises is a part, including a copy of all plats, maps and exhibits to such declaration.

~~A. If a well is classified as a horizontal well, then the maximum size of the unit may not exceed 1,000 contiguous acres. If a well is classified as a vertical/conventional well drilled, then the maximum size of the unit may not exceed 40 contiguous acres. Lessor and Lessee agree to abide by any state pooling or unitization orders.~~

~~B. The Lessor and Lessee agree that at least 50% of the Leased Premises shall be included in any unit established under this Lease.~~

~~C. The shape of any unit in which the Leased Premises are included shall be as nearly as practicable in the form of a square or rectangle.~~

~~D. Operations upon or production from any part of a unit created hereunder shall have the same effect under the terms of this Lease as if such Operations or production were upon or from all and every part of the Leased Premises; provided, however, that Lessor agrees to accept and receive out of the production from any such unit that proportionate share of the royalty otherwise provided for in this Lease as the number of acres of the Leased Premises included in the unit bears to the total number of acres in the unit.~~

STANDARD OF CARE

15) Lessee shall develop the Leased Premises as a reasonable and prudent operator and exercise due diligence in drilling such additional well(s) as may be necessary to fully develop the Leased Premises. Lessee shall at all times act as a prudent oil and gas ~~producer-operator~~ in the Ohio oil and gas industry when conducting operations on the Leased Premises and/or lands pooled/unitized therewith, attempting to secure a timely market for production from any well drilled on the Leased Premises or lands pooled/unitized therewith, and implementing all reasonable safeguards to prevent its operations from: (i) causing or contributing to soil erosion; (ii) polluting or contaminating any environmental medium including but not limited to surface or subsurface soils, surface or subsurface water bodies, and/or the air in, on or under the Leased Premises; (iii) decreasing the quality of the soil on the Leased Premises; (iv) damaging crops, native or cultivated grasses, trees, pastures, or other vegetation on the Leased Premises; and (v) damaging buildings, roads, structures, improvements, farm implements, fences or gates on the Leased Premises.

PUGH CLAUSE

16) This Lease shall expire upon the expiration of the Primary Term of this Lease as to any lands comprising the Leased Premises that are not included in one or more units. Lessee shall promptly, and no later than sixty (60) calendar days after the expiration of the Primary Term of this Lease, record with the county or counties in which the Leased Premises is located a partial release of the Lease as to such acreage released under this Pugh clause. Such release shall contain a description (including a map) of the acreage and/or depths not retained, and a plat showing the designated pool(s) or unit(s).

SHUT-IN PAYMENT/LIMITATION

17) If at any time after the Primary Term, there is a well drilled on the Leased Premises or lands pooled or unitized with the Leased Premises, but production from that well is shut-in for any reason, and the Lease is not otherwise being maintained, then Lessee shall pay to Lessor as a shut-in royalty the sum of Fifty Dollars (\$50.00) per Net Mineral Acre of the Leased Premises owned by Lessor per year until such time as production is re-established (or Lessee surrenders the Lease). Any shut-in royalty owed to Lessor hereunder shall be paid to Lessor on or before sixty (60) calendar days after the date on which the well is shut-in. If a shut-in payment is made to Lessor, it shall serve as constructive production and this

Commented [A13]: The Association recommends the changes here because **these acreage limitations serve to frustrate development**, contrary to the clear public policy expressed by the General Assembly; and are **not consistent with industry custom and practice** (and therefore conflict with RC 155.34(A)(1)).

As but one example, consider the fact that the size limitation will serve to hinder the creation of larger development units used today in Ohio and elsewhere because of the greater economic and productive efficiencies generated by longer laterals. Or consider the fact that the 50% acreage requirement may be impossible to comply with, depending on the unit configuration and location of the state parcel. These limitations are likely to have the effect of discouraging the most efficient development, avoiding state lands and wasting the timely development of the state's resources, or encouraging inefficient development simply to try to comply with them.

And this concern is **not limited to horizontal development**. Consider the scenario where a conventional producer intends to develop a Rose Run remnant and a seismic shoot shows that it could be efficiently drained with only one well. This proposed lease language could require the drilling of a second (inefficient) well.

It should not be a surprise, therefore, that these types of limitations are not custom and practice in the industry. Nor are they necessary with the inclusion of the Pugh clause in Paragraph 16 below.

[Alternatively: In the event that these recommended changes are not made, the form lease should include language that allows the lessor to waive these limitations upon request by lessee. For example, "A. If a well is classified as a horizontal well, unless waived by Lessor, then the maximum size of the unit ..." **[Question for the group: Do we add this bracketed language?]**

Lease shall remain in full force and effect for a period of twelve (12) months after the expiration of such sixty (60) calendar day period. It is understood and agreed that Lessee shall have the right to make like shut-in royalty payments in the same manner for subsequent periods, but that this Lease may not be maintained in force for a continuous period of time longer than twenty-four (24) consecutive months or a cumulative period of time longer than forty-eight (48) months (if there is more than one period in which a well is shut-in), solely by the provisions of this shut-in royalty clause. During shut-in, Lessee shall have the right to conduct Operations on any well drilled on the Leased Premises or lands pooled/unitized therewith in an effort to re-establish production. Notwithstanding the making of shut-in payments under this paragraph of this Lease, Lessee shall have a continuing obligation to exercise good faith and due diligence to correct the condition giving rise to the shut-in of a well.

TAXES

~~18) Lessee shall pay any and all severance taxes, commercial activity tax, income tax and/or excise taxes arising from or relating to this Lease and/or the Oil and Gas produced under it.~~

NO HAZARDOUS MATERIAL

~~18)~~ Lessee shall not use, dispose, or release on the Leased Premises, or to permit to be used, disposed of or released on the Leased Premises, any Hazardous Materials (other than those Lessee has been licensed or permitted by applicable law, public authorities or governmental entities to use on the Leased Premises). Should any Hazardous Materials be released by Lessee on the Leased Premises contrary to this paragraph, Lessee shall notify all appropriate governmental entities of such an event, and then immediately thereafter notify the Lessor and take all actions, at Lessee's sole cost and expense, that are required to clean up and correct any damage caused by said release. The provisions of this paragraph shall survive the termination of this Lease.

For purposes of this Lease, "Hazardous Materials" means petroleum, petroleum by-products, polychlorinated biphenyls, flammable explosives, radioactive materials, chemicals known to cause cancer or reproductive toxicity, pollutants, effluents, contaminants, emissions or related materials and any items included in the definition of hazardous or toxic waste, hazardous materials or hazardous substances under any "Environmental Laws." "Environmental Laws" collectively means and includes any present and future local, state, and federal law or regulation relating to the environment, environmental conditions, or oil and gas well operations, including but not limited to, the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. §6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§9601-9658, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. §6901, et seq., the Federal Water Pollution Control Act, 33 U.S.C. §§1251 et seq., the Clean Air Act, 42 U.S.C. §§741 et seq., the Clean Water Act, 33 U.S.C. §7401 et seq., the Toxic Substances Control Act, 15 U.S.C. §§2601-2629, the Safe Drinking Water Act, 42 U.S.C. §§300f-300j, and all the federal and state regulations, orders, decrees now or hereafter promulgated thereunder.

Lessee shall install and maintain all equipment, and conduct all activities and Operations under this Lease on the Leased Premises, in an environmentally sound manner in compliance with all "Environmental Laws" and permits issued for the Leased Premises.

DIVISION ORDER

~~19)~~ The Lessor will not be required to execute any division order(s) for the purpose of receiving the payments due under this Lease which amend, modify, or are inconsistent with any term or provision set forth in this Lease. For the sake of clarity, no division order will operate to amend or modify any provision contained in this Lease.

Commented [A14]: The Association recommends the changes here to conform the Lease to Ohio statutory law, which makes the lessor responsible for its proportionate share of all such taxes. See RC 155.30(B)(which states that amounts paid under the lease to lessor shall be "less a proportionate share of any and all taxes and government fees levied on or as a result of the production"). And while a state agency may not have taxable obligations, this lease may be assigned to a non-governmental entity as lessor by the agency.

INSURANCE

~~24)20~~ Prior to the commencement of Operations, Lessee shall, at its sole cost and expense, obtain insurance coverage of the following types and amounts with one or more insurance carriers licensed by the Ohio Department of Insurance to do business in Ohio, and maintain such insurance so long as this Lease remains in effect:

- i. Workers Compensation Insurance in the form prescribed by laws of the State of Ohio ~~for and provided by the Ohio Bureau of Workers Compensation covering all of Lessee's employees. Lessee shall also require all its~~ contractors, subcontractors, or independent contractors ~~to maintain Workers Compensation Insurance in the form prescribed by laws of the state of Ohio.~~
- ii. Commercial General Liability ("CGL") Insurance with a minimum limit of ~~Ten-One Million Dollars (\$10,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the annual aggregate.~~ Such insurance shall cover premises, operations, blowouts or explosions, products, completed operations, ~~sudden and accidental pollution,~~ blanket contractual liability, ~~underground resources damage,~~ broad form property damage, independent contractor's protective liability, personal injury, and liability assumed under an insured contract. ~~The aggregate limit in the CGL policy, if any, shall be at least twice the amount of the per occurrence limit.~~ The CGL insurance policy shall have an endorsement adding coverage for sudden and accidental pollution ~~and for blowout, eratering~~ and underground resources damage, including any surface or groundwater contamination. ~~Alternatively, if Lessee's CGL policy is not endorsed to include sudden and accidental pollution, Lessee may meet this requirement by having a separate pollution policy with a \$6,000,000 limit if the well or wells to be drilled under this Lease are not horizontal wells or a \$15,000,000 limit if the well or wells to be drilled under this Lease are horizontal wells.~~ There shall be no endorsements or modifications of the CGL policy to make it excess over ~~or contributory with other available insurance.~~ ~~Alternatively, if the CGL policy states that it is excess or pro rata, the Lessee agrees to have the policy endorsed as primary with respect to the Lessor as an insured party.~~
- iii. ~~Automobile Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000) per occurrence covering all owned, non-owned, and hired (rented) automotive equipment used in performance of work under this Lease. Excess/umbrella liability insurance in the minimum amount of at least Five Million Dollars (\$5,000,000.00).~~
- iv. ~~Umbrella Liability Insurance; Automobile Vehicle Liability Coverage covering all owned, non-owned, hired and rented automotive equipment used in the performance of work under this Lease.~~

~~If the well or wells to be drilled under this Lease are not horizontal wells—A limit of not less than Five Million Dollars (\$5,000,000) per occurrence and in the annual aggregate. This umbrella shall follow over the CGL and Auto policies listed above and shall follow the coverage forms of these policies.~~

~~If the well or wells to be drilled under this Lease are horizontal wells—A limit of not less than Fourteen Million Dollars (\$14,000,000) per occurrence and in the annual aggregate. This umbrella shall follow over the CGL and Auto policies listed above and shall follow the coverage forms of these policies.~~

Lessee shall provide Lessor with a certificate of insurance evidencing same prior to commencing Operations. Upon request by Lessor, Lessee also shall provide Lessor copies of any and all certificates evidencing renewal coverages in the future. All policies required under this paragraph, except Ohio Workers Compensation, shall be endorsed to provide that the

Commented [A15]: The Association recommends the changes here because, **as drafted, this provision discriminates against conventional operators** and is likely to be a significant obstacle to leasing state lands for conventional producers, most of whom are small businesses without the capital that this would require. To ensure that a significant portion of Ohio producers are not excluded from leasing state lands, we have proposed the changes set out here in the provision.

underwriters and insurance companies of Lessee shall not have rights of subrogation against Lessor, ~~if applicable.~~ Any coverage provided by Lessee's insurance under this Lease is primary insurance and shall not be considered to be contributory insurance with insurance policies of Lessor. Failure of Lessor to demand such certificate or other evidence of full compliance with the insurance requirements shall not be construed as a waiver of the Lessee's obligation to maintain such insurance. The Lessee's certificate(s) of insurance shall not be reduced or canceled until at least thirty (30) calendar days after Lessor receives written notice of such change or cancellation. Failure to comply with this provision by Lessee shall constitute a default under this Lease.

All insuring companies shall have and maintain at least an A- (Excellent) rating from A.M. Best. Lessor reserves the right to approve ~~or reject~~ all levels of self-insured retention, captive insurance programs, or other alternative risk financing Lessee may seek to use to comply with any insurance requirement in this Lease. Lessor's approval shall not be unreasonably withheld, conditioned or delayed. By requiring insurance, Lessor does not represent that the coverage and limits will necessarily be adequate to protect the Lessee, and such coverage and limits shall not be deemed as a limitation on the Lessee's liability under the indemnities granted to the Lessor in this Lease. The requirement for Lessee to maintain the above insurance also does not relieve Lessee of compliance with any security requirements of R.C. Chapter 1509 or other applicable federal, state and local laws, regulations and ordinances.

WELL-PLUGGING SECURITY

~~22) To insure the plugging of all wells drilled under this Lease, and the reclamation of the Leased Premises and/or lands pooled/unitized therewith, Lessee shall submit the estimated costs and expenses for plugging all wells and reclaiming all disturbed sites anticipated as the result of production pursuant to this Lease. Documentation reflecting the basis of such estimate shall be submitted to Lessor for approval, which approval shall not be unreasonably withheld, conditioned or delayed. Upon approval of such estimated costs and expenses, or a determination by Lessor (at its discretion) of a different estimated cost, Lessee shall post a surety bond, cash, or irrevocable letter of credit, issued by a financial institution organized or transacting business in the State of Ohio having a cash value equal to or greater than the estimated cost of plugging and reclamation. The security posted shall be earmarked for the cost of plugging and reclamation, and shall be in addition to, and not in lieu of, the bonding requirements in R.C. Chapter 1509 and the rules and regulations promulgated thereunder.~~

~~— If upon termination of this Lease, Lessee fails to plug any well or fails to perform the reclamation required by law or under this Lease, the security posted may be used to perform such plugging and reclamation. In the event, the security posted is not adequate to plug all wells and perform all such reclamation work, Lessee shall remain responsible for insuring the additional plugging and/or reclamation required by law, and paying all costs and expenses thereof.~~

HOLD HARMLESS

~~23)21) Lessee and its successors and permitted assigns, shall defend, indemnify, release and hold harmless Lessor and Lessor's successors, representatives, agents, officers, directors, employees, board members and assigns ("Indemnitees"), from and against any and all claims, lawsuits, liabilities, damages, losses, costs, expenses, judgments, fines, penalties, interests, demands and causes of action of any nature whatsoever, including reasonable attorneys' fees and court costs (collectively, "Claims"): arising out of, incidental to or resulting from: (i) the death or injury to persons, and/or damage to property (real or personal) as a result of the acts or omissions of Lessee and/or Lessee's servants, agents, employees, guests, licensees, invitees or contractors; (ii) the imposition or recording of a lien against the Lessee's interest in the Leased Premises; (iii) the violation of any laws or ordinances, including Environmental Laws and regulations promulgated thereunder by Lessee or Lessee's agents, employees, guests, licensees, invitees, or contractors; and (iv) impacts Lessee's Operations have created to the water quality or quantity on the Leased Premises in violation of this Lease. Each assignee of the Lessee agrees to the terms of this indemnity as if said assignee were party to this Lease when executed. Furthermore, Lessee shall not be obligated to indemnify~~

Commented [A16]: The Association recommends the changes here because this provision, as drafted, is **inconsistent with industry custom and practice (contrary to RC 155.34(A)(1)).**

It is also **inconsistent with the bonding and financial assurance requirements already required by the General Assembly in RC 1509.07.** This is another instance where the state should not be allowed to contract around the statutory requirements set by the legislature.

Notably, these are not surface-use leases. The Association believes that provisions like these are only appropriate if and when the parties enter into a surface use agreement, and then only as part of that agreement and not otherwise.

Lessor to the extent any Claims are the result of any willful or wanton misconduct of Lessor or its successors, assigns, employees, or contractors. Lessor, if it so elects, shall have the right to participate, at its sole expense, in its defense in any suit or suits in which it may be a party, without relieving Lessee of the obligation to defend Lessor. The provisions of this paragraph shall survive the termination of this Lease.

NO-LIMITED WARRANTY OF TITLE

23) This Lease is made ~~with limited warranty covenants, as that phrase is defined by R.C. 5302.08. Lessor agrees to cooperate with Lessee in curing any title defect, including executing and delivering any instruments in its name without warranty of title, express, implied or statutory. It shall be Lessee's sole burden and obligation to assure itself of the quality of title of the Leased Premises, and Lessee will bear all costs and expenses incurred in curing any title defect or defending title to the Leased Premises. Lessee also agrees that no claims will be made against Lessor pertaining to the title to the Leased Premises.~~

Commented [A17]: The Association recommends the changes here because it is **contrary to industry custom and practice** to have an express disclaimer of all warranties of title. Rather than a general warranty, the Association proposes that a limited warranty be used on the **reasonable belief that a state agency ought to know whether it has burdened or encumbered the property in a way that would nullify the lease.**

In the event an adverse claimant files suit against the Lessor or Lessee claiming title to all or a portion of the rights on or under the Leased Premises, or Lessee believes, in good faith, that another person may claim title to all or a portion of the rights on or under the Leased Premises, all payments, including royalties accruing to the disputed portion of the Leased Premises shall be placed in an interest-bearing escrow account until such time as the ownership of the disputed interest shall be determined by compromise or a non-appealable final judgment of a tribunal of competent jurisdiction. The payments placed in escrow shall be distributed as determined by compromise or at the direction set forth in a non-appealable final order of the tribunal of competent jurisdiction.

BINDING ON SUCCESSORS AND ASSIGNS

24) All rights, duties and liabilities herein benefit and bind Lessor and Lessee and their heirs, successors and permitted assigns.

ADDITIONAL DOCUMENTS

25) In connection with this Lease, each party hereto shall execute and deliver any additional documents and instruments and perform any additional acts that may be necessary to effectuate and perform the provisions of this Lease. Said obligation includes correcting any inaccurate legal descriptions.

MORTGAGES AND ENCUMBRANCES

26) In the event the Leased Premises are encumbered by a prior mortgage, Lessee shall not have the right to suspend payment of any moneys due hereunder solely due to such prior mortgage, unless the prior mortgage is subject to a foreclosure action. Lessee, however, shall have the right to obtain, at its own expense, a subordination of such mortgage and Lessor agrees to cooperate in securing any subordinations of prior mortgages. ~~Further, Lessee shall have the right at any time to redeem or bring current for Lessor any such mortgage and to deduct amounts so paid from all royalties and other amounts payable or which may become payable to Lessor hereunder.~~

CONDEMNATION

27) Any and all payments made by a taking authority on account the exercise of its taking/eminent domain power shall be the property of the Lessor, except in the event of a taking or diminishment of Lessee's interests and/or rights under this Lease, Lessee shall be entitled to its proportionate share of any payments, and shall further have a right of standing in any proceeding of condemnation.

RELEASE AND/OR PARTIAL RELEASE

28) Upon termination, expiration or surrender of all or part of this Lease, Lessee shall prepare and promptly record a release, and provide Lessor with a copy of the recorded release. In the event that

Lessee fails to cancel all or part of this Lease upon termination, expiration or surrender by recording an appropriate release, and so long as Lessee is not contesting the termination or expiration but continues to fail to cancel this Lease for a period of thirty (30) calendar days following Lessee's receipt of Lessor's written notice to do so, then Lessor may take any and all actions necessary to cancel/terminate this Lease, and Lessee agrees to reimburse Lessor for any and all costs, including reasonable attorney's fees, incurred by Lessor. Lessee shall also have the right at any time during this Lease to release any lands subject to this Lease.

TERMINATION OF RECORD AND MEMORANDUM OF LEASE

29) Lessor and Lessee have executed a Memorandum of Oil and Gas Lease (the "Memorandum") contemporaneously with the execution of this Lease, and Lessor and Lessee agree that the Memorandum, which makes reference to this Lease, shall be recorded by Lessee, at Lessee's sole cost and expense, in place of this Lease. Lessee shall provide Lessor with a photocopy of the fully-executed Lease, Memorandum, and all Exhibits.

DEFAULT

30) In the event Lessor considers that Lessee has not complied with any of its obligations under this Lease, either express or implied, including, but not limited to, non-payment of royalties or any other payments due hereunder, Lessor shall notify Lessee in writing setting forth in specific detail in what respects it believes Lessee has breached or defaulted under this Lease. Lessee shall then have thirty (30) calendar days after its receipt of said notice within which to commence to cure all or any part of the breaches or defaults alleged by Lessor. The service of said notice shall be precedent to the bringing of any action by Lessor on this Lease for any cause, and any such action may only be brought after the lapse of such thirty (30) calendar day time period. Neither the service of said notice nor the doing of any acts by Lessee aimed to cure all or any part of the alleged breaches or defaults shall be deemed an admission that Lessee has failed to perform all its obligations hereunder. Upon default by Lessee, Lessor shall be entitled to exercise any and all remedies available at law, in equity or otherwise, each such remedy being considered cumulative. No single exercise of any remedy set forth herein shall be deemed an election to forego any other remedy and any failure to pursue a remedy shall not prevent, restrict or otherwise modify its exercise subsequently.

For the sake of clarity, the following shall be considered a default under this Lease: (i) if any creditor of Lessee, its agents, and/or assigns, shall take any action to execute on, garnish or attach the assets of Lessee located upon the Leased Premises, or (ii) if a request or petition for liquidation, reorganization, adjustment of debts, arrangement, or similar relief under the bankruptcy, insolvency or similar laws of the United States or any state or territory thereof, or any foreign jurisdiction shall be filed by or against Lessee, or any formal or informal proceeding for the reorganization, dissolution or liquidation of settlement of claims against, or winding up of affairs of Lessee; or the garnishment, attachment, or taking by governmental authority of any collateral or other property of Lessee.

SEVERABILITY

31) If any provision of this Lease is determined to be void, unlawful, or otherwise unenforceable: (a) that provision will be severed from this Lease and the validity of the remaining provisions of this Lease will not be affected; (b) this Lease will continue in full force and effect (other than with respect to such provision); and (c) the Parties will promptly meet to negotiate in good faith a replacement provision that is legal, valid and enforceable and that most nearly accomplishes and reflects the original intention of the Parties.

GOVERNING LAW

32) This Lease and enforcement hereunder shall be governed by the laws of the State of Ohio, without regard to conflicts of law principles that might refer the interpretation hereof to the laws of another state. Further, the parties consent to the sole and exclusive jurisdiction in the state and federal courts that

have jurisdiction over the county in which the Leased Premises is located for all disputes arising from or relating to this Lease.

REPORTS AND DOCUMENTS

33) As may be required by law, Lessee shall notify Lessor of any judicial proceedings against Lessee affecting its possession under the Lease or the interest of Lessor in the Leased Premises. Further, upon written request of Lessor, Lessee shall send Lessor a copy of any filings with the Ohio Department of Natural Resources or other governmental agency within thirty (30) calendar days of receipt of such request.

ENTIRE AGREEMENT

34) No oral warranties, representations or promises have been made or relied upon by either Lessor or Lessee as an inducement to or modification of this Lease. This Lease (including all of the exhibits hereto) constitutes the entire understanding and agreement between Lessor and Lessee with respect to the transaction contemplated under this Lease, and supersedes all negotiations, prior discussions, and prior agreements and understandings relating to the transaction contemplated under this Lease. No amendment or modification of this Lease shall be binding unless made by written instrument of equal formality signed by both Lessor and Lessee.

NOTICE

35) All notices to the Parties concerning this Lease shall be effective only if they are in writing and given as follows: (i) upon receipt, when delivered personally to a Party at its address as provided below; (ii) on the first business day after being delivered to a reputable overnight courier service, prepaid, marked for next business day delivery to a Party at its address as provided in this Lease; or (iii) on the third business day after being sent by registered or certified United States mail, return receipt requested and postage or other charges prepaid, to a Party at its address as provided below; or (iv) on the fifth business day after being sent by regular United States mail to a Party at its address as provided below. If notice given by registered or certified mail is returned by the postal authorities as being "refused" or "unclaimed," a Party may give written notice to the other Party by ordinary United States mail, postage prepaid, to the last known business address as provided above. As proof of service, it will be sufficient to produce a receipt showing personal service, the receipt of a reputable courier company showing the correct address of the addressee, a certificate of mailing or its equivalent, or an acknowledgment of receipt by the recipient Party.

All notices or documentation to be given to Lessor pursuant to this Lease shall be sent to:

[INCLUDE]

All notices or documentation to be given to Lessee pursuant to this Lease shall be sent:

[INCLUDE]

Lessor or Lessee may at any time change its address for such notices by giving the other written notice in accordance with this notice paragraph.

COMPLIANCE WITH LAWS

36) Lessee shall comply with all applicable federal, state and local laws, ordinances, regulations, rules, decisions, orders or requirements, and all changes or amendments thereto.

COUNTERPARTS

37) This Lease may be executed in one or more counterparts, each of which will be an original but all of which, taken together, will constitute only one legal instrument. Counterparts may be delivered via facsimile, electronic mail (including .pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) or other similar transmission method and any counterpart so delivered shall be deemed to have been duly and validly executed and delivered and be valid and effective for all purposes.

NO USE OF WATER

38) Lessee shall not enter the Leased Premises and remove any water, surface or subsurface, in, on or underneath the Leased Premises, including, but not limited to water from Lessor's wells, ponds, streams, lakes, springs, reservoirs, creeks or any other water bodies located in, on or under the Leased Premises, unless Lessee obtains the prior written permission of the Lessor by separate written agreement.

In the event any activity carried on by Lessee pursuant to the terms of this Lease damages, disturbs, or injures the quality or quantity of Lessor's water in, on or under the Leased Premises, Lessee, at its sole cost and expense, shall take all reasonable and necessary steps to correct any such damage, disturbance or injury and to remediate the same to as close to pre-damage status quo as reasonably possible, with all reasonably related costs of repair and maintenance to be paid by Lessee.

MISCELLANEOUS

39) **Force Majeure:** When Lessee's fulfillment of its obligations hereunder (except for the payment of money) are prevented or delayed by reason of a Force Majeure Event (as defined below), such obligations shall be suspended and this Lease shall not terminate, in whole or in part, because of such prevention or delay, and, at Lessee's option, the period of such prevention or delay shall be added to the term hereof. "Force Majeure Event" means an act of God, fire, flood, adverse weather conditions, war, sabotage, rebellion, insurrection, riot, strike or labor disputes, pandemic, epidemic or by any other occurrence not reasonably within Lessee's control, whether of the kind specifically enumerated above or otherwise. Lessee shall not be liable in damages for breach of any express or implied covenants of this Lease for failure to comply therewith, if compliance is prevented by, or failure is the result of a Force Majeure Event. The period of extension by reason of force majeure shall be limited to a cumulative total of twenty-four (24) months. The term "Force Majeure Event" shall not include lack of available markets for production.

40) **Nondiscrimination:** There shall be no discrimination by Lessee based on gender, race, color, religion, ancestry, national origin, age, sexual orientation, military status, handicap or disability, as defined in R.C. 4112.01.

41) **Ethics:** Lessee, by signature on this document, certifies that Lessee: (1) has reviewed and understands the Ohio ethics and conflict of interest laws as found in R.C. Chapter 102 and in R.C. 2921.42 and 2921.43 and (2) will take no action inconsistent with those laws. The Lessee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Lease and may result in the loss of other contracts or grants with the State of Ohio.

42) **Declaration Regarding Nonassistance to a Terrorist Organization:** Lessee hereby represents and warrants that Lessee has not provided material assistance to an organization listed on the Terrorist Exclusion List of the State Department of the United States.

43) **Campaign Contributions:** Lessee affirms that, as applicable, no party listed in Division (J) of R.C. 3517.13 (as may be amended from time to time) has made, within the two previous calendar

years, one or more contributions totaling in excess of One Thousand Dollars (\$1,000.00) to the Governor of the State of Ohio or to the Governor’s campaign committees.

~~44) **Termination of Public Use:** This Lease may be terminated if the Leased Premises, or any part thereof, is needed for any public or quasi public use or purpose. Lessor shall give Lessee at least ninety (90) calendar days’ written notice prior to such termination under this Paragraph. Lessee shall have no claim against Lessor for the value of any unexpired term of this Lease, or for any costs related thereto, if termination happens pursuant to this paragraph.~~

~~45)44) **Prevailing Wage:** Lessee shall comply with any applicable provisions of R.C. Chapter 4115, as well as Ohio Administrative Code Chapter 4101:9-4, relating to the payment of prevailing wage.~~

~~46)45) **Drug-Free Workplace:** *With respect to Operations undertaken pursuant to this Lease,* Lessee agrees to comply with all applicable federal, state and local laws regarding smoke-free and drug-free workplaces and shall make a good faith effort to ensure that none of its employees or permitted subcontractors purchase, transfer, use or possess illegal drugs or alcohol, or abuse prescription drugs in any way.~~

~~47)46) **Debarment:** Lessee represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services pursuant to R.C. 125.25.~~

~~48)47) **Conflicts of Interest:** No personnel of Lessee who exercise any functions or responsibilities in connection with the review or approval of this Lease or carrying out of any of the work contemplated hereby shall, prior to the completion of the work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of such work. Any such person who acquires an incompatible or conflicting personal interest on or after the effective date of this Lease, or who involuntarily acquires any such incompatible or conflicting personal interest, shall immediately disclose his or her interest to Lessor in writing. Thereafter, he or she shall not participate in any action affecting the work, unless Lessor shall determine in its sole discretion that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest.~~

The exhibits attached to and incorporated in this Lease are the following:

Exhibit A -- “Legal Description of the Property”

Commented [A18]: The Association recommends the changes here because this is **not custom and practice in the industry (contrary to RC 155.34(A)(1))** and could have **severe consequences for the lessee**, particularly when operations are already taking place or there is a producing unit already in effect. No lessee would enter into a lease that the lessor could unilaterally terminate after millions of dollars have been spent on development.

Alternatively, if this provision is left in the Lease, the following language should be added: “Notwithstanding anything else in this Lease to the contrary, should Lessor terminate this Lease under this Paragraph 44, Lessor shall pay to Lessee any and all costs of development incurred by Lessee and any other working interest owners to date, no matter how denominated, as well as paying to Lessor all of the value of future production lost as a result of such termination.”

Commented [A19]: The Association recommends the changes here to clarify that this provision is **limited to only those operations undertaken pursuant to this Lease**, and **not all operations undertaken worldwide** by each of the enumerated entities.

VERSION 3

JANUARY 27, 2023
[OOGA Comments: March 1, 2023]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Lease as of the date(s) set forth below, but it shall be effective as of and from the date set forth below the execution line for GOVERNOR OF THE STATE OF OHIO

Commented [A20]: The Association notes that this provision needs to be conformed with the Effective Date language set forth on the first page of the Lease.

LESSOR: STATE OF OHIO

Name: _____

Title: _____

APPROVED:

ATTORNEY GENERAL OF OHIO

BY: _____
Assistant Attorney General

_____, Governor
STATE OF OHIO

Date: _____

Date: _____

VERSION 3

JANUARY 27, 2023
[OOGA Comments: March 1, 2023]

LESSEE:

By: _____
Its: _____

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
~~2012~~20____, by _____ (Lessee). No oath or affirmation was made in connection with this
acknowledgement.

Notary Public
My Commission expires:

THE STATE OF OHIO :SS
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
~~2011~~20____, by _____, _____ (Lessor). No oath or affirmation was made in
connection with this acknowledgement.

Notary Public
My Commission expires:

This instrument prepared and reviewed as to form by the legal representatives of the [insert name of
relevant state agency] and the Office of the Ohio Attorney General, including [insert name and contact
information]. _____.

From: [Cassidy Thompson](#)
To: [Commission Clerk](#)
Subject: Opposition to Ohio Fracking Comments
Date: Friday, April 7, 2023 5:46:22 PM

By state statute, the Oil and Gas Land Management Commission consists of five members:

The director of ODNR or the director's designee, two members with knowledge or experience in the oil and gas industry, one member with expertise in finance or real estate, and one member representing a statewide environmental or conservation organization.

There are no scientists. There are no health care professionals. There are no botanists or wildlife specialists. There are no climate scientists. Nor is there anyone who represents everyday users of Ohio public lands for hiking, camping, boating, etc.

Thanks to amendments stuffed into HB 507 -- a bill intended to regulate poultry sales -- oil and gas corporations will be able to approach any state agency that owns public land with demands to frack and extract -- and starting April 7 when the law goes into effect, the agency will be compelled through the "shall lease" clause to let them. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment. Siphoning the most destructive part of leasing any parcel of public land to a private agreement accountable to no one is wrong.

There is major discrepancy between DeWine's order and lease procedures regarding surface impacts - no way some of our Ohio public lands will not be subjected to this. A fracking horizontal lateral extends a maximum of two miles, yet some state parks and forests are larger than two miles wide. For example, Salt Fork State Park is up to eight miles across in some locations. That means if oil and gas companies want to get to the gas under the middle of the park, they will have to set up a frack pad in the park -- and if they find gas, case law requires the state to allow them to build the pipelines and access roads needed to collect the gas.

One of the most important reasons not to frack Ohio's public lands is the climate crisis, of which methane emissions are a significant driver. Our climate system is at a tipping point -- yet climate change has never come up as a consideration by the Oil and Gas Land Management Commission, nor has it been discussed in any capacity at any of their meetings. On March 20, 2023, the Intergovernmental Panel on Climate Change released its latest synthesis report. The report has been called a "final warning" on the climate crisis, emphasizing the urgent need to limit warming to 1.5C above pre-industrial levels before runaway warming becomes irreversible. Current government policies will see the world's remaining carbon budget to maintain this limit exhausted by the year 2030.

Another critical aspect concerning emissions of fracking processes is that most emitted organic toxic compounds are not regulated. Ohio public lands -- which include 800,000 acres of state parks, forests, wildlife areas, historical sites, college campuses, and transportation land -- belong to all of us. Ohioans own these lands through paying our taxes and employ state agencies to manage them. Yet these state agencies are giving us very little voice in how our public lands are managed.

The science is clear: we must not impact the carbon sinks of Ohio

public lands by extracting natural gas, a fossil fuel.

Cassidy Thompson
Columbus, OH
4438 Mobile Dr. Apt. 201 Columbus OH 43220
740-953-8441

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From: [Mark Bank](#)
To: [Commission Clerk; jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us)
Subject: Public Testimonial for ODNR/JCARR hearing 4-10-2023
Date: Monday, April 10, 2023 7:41:52 AM
Attachments: [20230410-ODNR and JCARR hearing-MarkBank testimony.pdf](#)

Hello,

Attached is testimony I have prepared to give today at the ODNR/JCARR hearing.

Thank you,
Mark Bank

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Testimony of Mark Bank

Oil and Gas Land Management Commission

April 10, 2023

Oil and Gas Land Management Commissioners, thank you for the opportunity to speak today. I have called northeast Ohio home for all of my life. I am here this morning to testify on behalf of myself and friends and family living in Cuyahoga and Medina County. We are concerned that HB 507 shall fleece, in bad faith, Ohioans of the welfare our lands afford us.

Commissioners, it is unclear to me under which circumstances, if any, you are afforded the agency to prevent the leasing of state lands for oil and natural gas extraction—but by God, if ever you find you have that power, you must exercise it.

The scientific consensus regarding climate change provides that furthering the extraction and burning of oil and gas is unforgivable violence against the vulnerable of today and the entirety of tomorrow. It is unconscionable. This ought to be sufficient grounds to oppose all nominations you evaluate.

Separately, however, there is an omission in a statute which compels your disapproval of nominations. In defining your commission's decision-making process regarding proposed leases, RC § 155.33(B)(1) requires several factors be taken into consideration. For these factors to be a part of that process to any meaningful extent, they must be expertly and impartially measured. Yet, in defining your commission's appointments, RC § 155.31(B) makes no requirement that any scientist be seated as a member of the commission. There is no geologist amongst you to account for probabilities of adverse geological impacts. There is no ecologist prepared to represent vulnerable habitats and wildlife. There is no climate scientist who will speak to greenhouse effects incurred. There is no master of public health to reflect on population health risks. And there is no public liaison working to engage the public you serve.

In short, you have been burdened with too many hats. We cannot presume one conservationist has the bandwidth to consider and articulate all of these dimensions, and we cannot rely upon the impartiality and particularized expertise of representatives of the oil and natural gas industries to gauge the breadth and depth of environmental impacts. Meanwhile, public concerns are woefully underrepresented due to the marginal engagement we are afforded—a serious breach of the public trust.

Until experts and advocates are appointed to account for the criteria your commission must consider, your commission lacks the capacity to meet the demands laid before you.

Thank you for your consideration.

Mark Bank

mark.pat.bank@gmail.com

From: [Janet Einfalt \(janette1203@aol.com\) Sent You a Personal Message](mailto:janette1203@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 7:28:40 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Janet Einfalt
300 Warner Rd
Hubbard, OH 44425
janette1203@aol.com
(330) 568-7018

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marie Snipes \(snipesm@kenyon.edu\) Sent You a Personal Message](mailto:snipesm@kenyon.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 5:21:01 PM

Dear Clerk - Nathan Moffitt,

I am concerned about both water and air pollution, and habitat destruction. One big purpose of state parks is to preserve land - we should not frack there!

Fracking has been linked to higher rates of developing acute lymphoblastic leukemia, the most common form of childhood leukemia. There are also cardiovascular risks: increased hospitalization rates for acute myocardial infarction, also known as heart attack, among middle-aged and older men, and older women near fracking sites in Pennsylvania.

Pregnant women who lived near active oil and gas wells in another study had a greater chance of having low birth weight babies, and high rates of extreme preterm birth.

Nasal and sinus symptoms, migraine headache, and increased asthma symptoms have also been reported. Fracking is a new technology and we don't yet understand its full impact on the environment and public health.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marie Snipes
310 VERNONVIEW DR

MOUNT VERNON, OH 43050
snipesm@kenyon.edu
(210) 379-0078

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Maggie Topalian \(mtopalian.7@gmail.com\) Sent You a Personal Message](mailto:mtopalian.7@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 5:04:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Maggie Topalian
3815 Parkdale Rd
Cleveland, OH 44121
mtopalian.7@gmail.com
(440) 591-0133

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marvin Bell \(mjdapxet@outlook.com\) Sent You a Personal Message](mailto:mjdapxet@outlook.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 8:02:52 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marvin Bell
2518 Blanchard Ave Apt 2
Moraine, OH 45439
mjdapxet@outlook.com
(937) 499-3106

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Cocoma \(lauracocoma@outlook.com\)](mailto:lauracocoma@outlook.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 8:02:51 AM

Dear Clerk - Nathan Moffitt,

Public lands are places for people to breath fresh air and enjoy nature and all this is undermined by having fracking operations on state parks. House bill HB 507 is an attack to the well-being of Ohioans. Fracking is unacceptable on public lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Cocoma
679 Dennison Ave
Columbus, OH 43215
lauracocoma@outlook.com
(478) 972-5398

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Francis Cleary \(francis.cleary013@outlook.com\)](mailto:francis.cleary013@outlook.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 8:02:50 AM

Dear Clerk - Nathan Moffitt,

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Francis Cleary
2731 Homestead Rd
Youngstown, OH 44505
francis.cleary013@outlook.com
(330) 759-9819

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sandra Toth \(smtoth@outlook.com\) Sent You a Personal Message](mailto:smtoth@outlook.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 8:02:50 AM

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Sandra Toth
6396 Teal Bend
Oak Harbor, OH 43449
smtoth@outlook.com
(419) 351-4954

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From: [Kitty Emerald \(redgreen.greenred@outlook.com\) Sent You a Personal Message](mailto:redgreen.greenred@outlook.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 8:02:50 AM

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Sincerely,

Kitty Emerald
1860 Queen City Ave
Cincinnati, OH 45214
redgreen.greenred@outlook.com
(513) 906-9189

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeff Danner, M.A \(mjwd58@Yahoo.com\) Sent You a Personal Message](mailto:mjwd58@Yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 2:22:41 AM

Dear Clerk - Nathan Moffitt,

+ I am STRONGLY against House Bill 507! - Jeff Danner, M.A. - Marietta, Ohio

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeff Danner, M.A
722 2nd St.
Marietta, OH 45750
mjwd58@Yahoo.com
(740) 629-8869

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Margaret Hale \(parmhale@aol.com\) Sent You a Personal Message](mailto:parmhale@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 1:28:04 AM

Dear Clerk - Nathan Moffitt,

Aunt had well water contaminated with natural gas following fracking and drilling by gas company making well water unusable for drinking and household use.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Margaret Hale
10431 Fairlawn Dr
Cleveland, OH 44130
parmhale@aol.com
(440) 845-2752

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Danielle Buie \(inanna692@gmail.com\)](mailto:inanna692@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 12:22:16 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Danielle Buie
1436 JONATHAN AVE SW
NORTH CANTON, OH 44720
inanna692@gmail.com
(330) 690-8985

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [H Fast \(Hfast@aol.com\) Sent You a Personal Message](mailto:HFast@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 11:30:31 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

H Fast
684 Cedar Knolls Ct
Cincinnati, OH 45230
HFast@aol.com
(513) 541-3957

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gary Truxton \(gtruxton@aol.com\) Sent You a Personal Message](mailto:gtruxton@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 10:04:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gary Truxton
7298 Selworthy Ln
Solon, OH 44139
gtruxton@aol.com
(449) 248-7180

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura O'Donnell \(odonnell411@gmail.com\) Sent You a Personal Message](mailto:odonnell411@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 4:31:36 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura O'Donnell
515 S 3rd St
Columbus, OH 43215
odonnell411@gmail.com
(614) 302-5660

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dorothy Faller \(dorothyfaller@att.net\) Sent You a Personal Message](mailto:dorothyfaller@att.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 3:37:32 PM

Dear Clerk - Nathan Moffitt,

Keep our parks free for the pollution fracking brings. It will ruin them.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dorothy Faller
6889 Columbia Rd.
Olmsted Falls, OH 44138
dorothyfaller@att.net
(216) 403-0298

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Brenda Paulson \(b.paulson@zoomtown.com\)](mailto:b.paulson@zoomtown.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 3:21:08 PM

Dear Clerk - Nathan Moffitt,

Please protect Ohio land from Fracking .

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Brenda Paulson
3640 Black Jack Trl
Amelia, OH 45102
b.paulson@zoomtown.com
(513) 673-0506

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lauren Browning \(lbrowning60@aol.com\) Sent You a Personal Message](mailto:lbrowning60@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 3:01:01 PM

Dear Clerk - Nathan Moffitt,

When you destroy land that has wildlife on it that depend on it to live you kill them and you kill them horribly and then they have nowhere to go for those who live but they end up being killed by humans anyway, this is unacceptable

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lauren Browning
6303 Cavalcade Drive
Hamilton , OH 45011
lbrowning60@aol.com
(513) 431-7266

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Vadaj \(jadavl@aol.com\) Sent You a Personal Message](mailto:jadavl@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 1:56:30 PM

Dear Clerk - Nathan Moffitt,

Fracking has terrible effects on the environment. Instead of expanding fracking efforts, we need to search for alternative forms of energy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Vadaj
739 Beaver Ridge Trl
Broadview Heights, OH 44147
jadavl@aol.com
(440) 526-4147

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Monica Stayner \(monica.stayner@icloud.com\) Sent You a Personal Message](mailto:monica.stayner@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 11:03:20 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Monica Stayner
6238 Le Roy Pl
Cincinnati, OH 45230
monica.stayner@icloud.com
(513) 478-1542

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Philippos Alevizopoulos \(filipppsalevizopoulos@gmail.com\) Sent You a Personal Message](mailto:filipppsalevizopoulos@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 10:50:20 AM

Dear Clerk - Nathan Moffitt,

fracking operations should not be allowed in park. We need to move from fossil fuels

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Philippos Alevizopoulos
679 Dennison ave
Columbus, OH 43215
filipppsalevizopoulos@gmail.com
(740) 919-7646

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christopher Perkins \(perksgiving@protonmail.com\) Sent You a Personal Message](mailto:perksgiving@protonmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 8:28:04 AM

Dear Clerk - Nathan Moffitt,

The public should have full transparency and ability to input on these actions on public land. Furthermore, an explanation of why this is happening and how it would benefit the public directly and how it will impact the public land should be part of this transparency.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christopher Perkins
6202 Erie Ave
Cincinnati, OH 45227
perksgiving@protonmail.com
(513) 549-4133

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Miller \(pattym55@hotmail.com\) Sent You a Personal Message](mailto:pattym55@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 7:45:11 AM

Dear Clerk - Nathan Moffitt,

We're running out of time! When I'm camping, the last thing I want to see are big trucks and equipment barreling down the roads. Those parks belong to Ohioans, not big business.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Miller
1618 Morris Rd
Kent, OH 44240
pattym55@hotmail.com
(330) 676-1643

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Loren Hyler \(lhyler57@gmail.com\) Sent You a Personal Message](mailto:lhyler57@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 7:40:45 AM

Dear Clerk - Nathan Moffitt,

I do not want leaks and the contamination from the chemicals used in your fracking. Drilling Always leaks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Loren Hyler
18751 Meredith Ave
Euclid, OH 44119
lhyler57@gmail.com
(216) 647-9140

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Heather Peppard \(hapeppard@yahoo.com\) Sent You a Personal Message](mailto:hapeppard@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 7:34:17 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Heather Peppard
3643 Hoiles Ave
Toledo, OH 43612
hapeppard@yahoo.com
(206) 795-8644

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura O'Donnell \(odonnell411@gmail.com\) Sent You a Personal Message](mailto:odonnell411@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Sunday, April 9, 2023 7:02:33 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura O'Donnell
515 S 3rd St
Columbus, OH 43215
odonnell411@gmail.com
(614) 302-5660

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nina Brewington \(ninadianebrewington@gmail.com\)](mailto:ninadianebrewington@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:46:00 PM

Dear Clerk - Nathan Moffitt,

Grew up In Lima on a farm looking at flame of what was called Standard oil . My dad was a farmer of fields below that flame. He died of cancer.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nina Brewington
1240 Ross Avenue
Hamilton , OH 45013
ninadianebrewington@gmail.com
(513) 223-8207

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cornelia Relyea \(neilrelyea@yahoo.com\) Sent You a Personal Message](mailto:neilrelyea@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:27:05 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cornelia Relyea
1346 Teakwood Avenue
Cincinnati, OH 45224
neilrelyea@yahoo.com
(513) 884-7931

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebecca Phillips](#)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:05:10 PM

Dear Members of the Commission,

I live in Washington County, which is currently being sacrificed to the injection wells receiving out-of-state brine waste. As someone who has seen the results of the increase in fracking in our state, I am opposed to oil and gas development on lands that are supposed to be protected for all Ohioans, now and in the future, and call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. We know that surface impacts are likely unavoidable: this is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public

health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect human health and have detrimental impacts on biodiversity and the environment. People here in the Mid-Ohio Valley have already suffered from Dupont's dumping of PFAS. Putting more Ohioans at risk is morally unacceptable.

Thank you for taking the time to consider my comment on this important decision.

Dr Rebecca Phillips

631 2nd St; Marietta, OH 45750

(740) 358-9646 | bennphil@hotmail.com

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From: [Elizabeth Bullock \(bullock.elizabeth@gmail.com\) Sent You a Personal Message](mailto:bullock.elizabeth@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:45:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Elizabeth Bullock
119 Desantis Dr
Columbus, OH 43214
bullock.elizabeth@gmail.com
(614) 582-6356

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jane Hobbs \(encoma568@aol.com\) Sent You a Personal Message](mailto:encoma568@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 6:31:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jane Hobbs
6761 Washington Cir
Franklin, OH 45005
encoma568@aol.com
(937) 510-1458

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Pollard \(ppollard7@aol.com\) Sent You a Personal Message](mailto:ppollard7@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 6:27:57 PM

Dear Clerk - Nathan Moffitt,

Ohio has kept their parks pristine and they are a show case of what Ohio use to be wild and free. NO FRACKING IN OHIO PERIOD. BUT SPECIALLY IN OUR PARKS. THEY NEED TO PROTECTED FROM GREED!!!!!!!!!!!!!! cORPORATIONS WHOSE ONLY CONCERN IS \$\$\$\$\$\$\$\$ AND MORE OF IT! GROW HEMP! QUIT BEING DEPENDENT ON OIL AND GAS!!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Pollard
5697 Westlake Dr
Galloway, OH 43119
ppollard7@aol.com
(614) 875-6625

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Myrna Burga \(myrna.moralesburga@gmail.com\)](mailto:myrna.moralesburga@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 6:21:12 PM

Dear Clerk - Nathan Moffitt,

Please protect our parks from Oil and fracking. Do not allow companies to drill near on on our parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Myrna Burga
6682 MEADOW GLEN DR S
Westerville, OH 43082
myrna.moralesburga@gmail.com
(614) 323-7093

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michael Lloyd \(m_k_lloyd@yahoo.com\) Sent You a Personal Message](mailto:m_k_lloyd@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 6:15:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michael Lloyd
28370 Detroit Rd
Westlake, OH 44145
m_k_lloyd@yahoo.com
(440) 871-3121

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From: [David Hancock \(professordhancock@gmail.com\) Sent You a Personal Message](mailto:professordhancock@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 5:39:59 PM

Dear Clerk - Nathan Moffitt,

Odious venal knave, Ann Coulter said: God says, Earth is yours. Take it. Rape it. It's yours. James Watt, Ronald Reagan's secretary of the interior said: We don't have to protect the environment, the Second Coming is at hand. And Reagan said: Trees cause more pollution than cars do. GOP: Greedy Oligarchs Plutocrats. Miscreants of the Corpora RAT e Oligarchy!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

David Hancock
12954 Cherry Lane
Chesterland, OH 44026
professordhancock@gmail.com
(440) 487-0829

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5500.

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From: [John Edgerton \(jwe@uakron.edu\) Sent You a Personal Message](mailto:jwe@uakron.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 5:31:19 PM

Dear Clerk - Nathan Moffitt,

State parks are for the benefit of and by the natural world. Not for the making of money and pollution.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Edgerton
1020 Sand Run Rd
Akron, OH 44313
jwe@uakron.edu
(330) 873-1845

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From: [Shelley Scher \(shelley.scher@gmail.com\)](mailto:shelley.scher@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 4:33:20 PM

Dear Clerk - Nathan Moffitt,

A visual blight on or near our public lands is not acceptable. In addition, and more importantly, the waste products of the fracking process have no place on or adjacent to public lands. In

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Shelley Scher
22315 Canterbury Ln
Shaker Heights, OH 44122
shelley.scher@gmail.com
(216) 233-8781

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [W B \(Pete\) Clapham \(schmutzi@protonmail.com\)](mailto:schmutzi@protonmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 3:09:19 PM

Dear Clerk - Nathan Moffitt,

Ohio is not a state that has loads and loads of public lands. Those we do have are therefore very special. They should NOT be ruined by fracking and other extractive processes. As a father and grandfather, I believe that protecting the public lands we do have is a small price to pay for supporting our heritage and future. Please do NOT allow the extractive industries access to our State public lands. It is not worth it.+

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

W B (Pete) Clapham
4685 Gates East Rd
Middlefield, OH 44062
schmutzi@protonmail.com
(216) 744-2797

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Dwayne Smith \(dwaynesmith314@gmail.com\) Sent You a Personal Message](mailto:dwaynesmith314@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 3:03:16 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dwayne Smith
7682 Starmont Ct
Dublin , OH 43016
dwaynesmith314@gmail.com
(614) 264-0052

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From: [Robin Craig \(racraig67@yahoo.com\) Sent You a Personal Message](mailto:racraig67@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 3:03:05 PM

Dear Clerk - Nathan Moffitt,

Our parks are owned by the constituents and I want my park to stay protected. I don't want fracking in our state parks!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Robin Craig
7 Garden St
Centerburg, OH 43011
racraig67@yahoo.com
(614) 563-3500

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From: [Marilyn Olds \(oldsm323@yahoo.com\) Sent You a Personal Message](mailto:oldsm323@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 2:32:57 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marilyn Olds
2580 Chestnut Blvd
Cuyahoga Falls, OH 44223
oldsm323@yahoo.com
(330) 929-0456

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laurie Schmidt \(lk6793kl@gmail.com\) Sent You a Personal Message](mailto:lk6793kl@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 2:27:06 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laurie Schmidt
6793 County Road Ef
Delta, OH 43515
lk6793kl@gmail.com
(321) 654-9873

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Erika Mapus \(erika.mapus@gmail.com\) Sent You a Personal Message](mailto:erika.mapus@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 2:27:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Erika Mapus
6927 Glenwood Ave
Boardman, OH 44512
erika.mapus@gmail.com
(330) 261-3100

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Arlenr Montgomery \(teague84@att.net\) Sent You a Personal Message](#)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 2:15:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Arlenr Montgomery
1241 Westlake Ave
Lakewood, OH 44107
teague84@att.net
(216) 228-5945

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [James Sipos \(jimsipos@icloud.com\) Sent You a Personal Message](mailto:jimsipos@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:48:18 PM

Dear Clerk - Nathan Moffitt,

I have been on this earth for 81 years and I would like my grand children to be on this earth as long and with the current state of affairs concerning industry and all it can buy from the republicans at this point I fear there may indeed be very hard times in the very near future for humankind (and infact all kind of life) here on this planet. Let us stop worrying about how much more money we can accumulate and let?s be more concerned with how we can better take care of our home, the earth, and all people who inhabit the earth.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

James Sipos
7232 McKenna Pl
Englewood, OH 45322
jimsipos@icloud.com
(937) 572-5817

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Thomas Guarino \(tguarino1@aol.com\) Sent You a Personal Message](mailto:tguarino1@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:40:35 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Thomas Guarino
2511 Falmouth Rd
Fairlawn, OH 44333
tguarino1@aol.com
(330) 696-8860

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Delane Slack \(laneybenderslack@gmail.com\) Sent You a Personal Message](mailto:laneybenderslack@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:05:43 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Delane Slack
7440 Madeira Pines
Cincinnati, OH 45243
laneybenderslack@gmail.com
(513) 205-2857

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tricia Viruet \(viruettricia@gmail.com\) Sent You a Personal Message](mailto:viruettricia@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:39:50 PM

Dear Clerk - Nathan Moffitt,

Leave our lands alone. Leave Mother Nature be. STOP the destruction of our father's land.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tricia Viruet
4751 Turney Rd
Madison , OH 44057
viruettricia@gmail.com
(440) 789-9204

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Luann Swartzlander \(luannswartzlander@gmail.com\) Sent You a Personal Message](mailto:luannswartzlander@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:39:48 PM

Dear Clerk - Nathan Moffitt,

Fracking is a threat to our health, environment, and economy, because of the Use of PFAS and toxic chemicals used in drilling and fracking, which leak into ground water and drinking water sources, the Health impacts near fracking [including Premature births, Low birth weight, Birth defects, Asthma, Migraine, Fatigue, Heart-related problems, certain types of cancer, like lymphoma and childhood leukemia], the Earthquakes they contribute to causing, and the Negative Impacts on biodiversity and landscape

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Luann Swartzlander
1319 Carol Dr
Kent, OH 44240
luannswartzlander@gmail.com
(847) 226-1989

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sylvia Daniels \(snyedaniels@gmail.com\) Sent You a Personal Message](mailto:snyedaniels@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:20:34 PM

Dear Clerk - Nathan Moffitt,

As a lifelong resident of Ohio, I have been enjoying our wonderful Ohio State Parks for over 60 years! first with my parents, then children and now grandchildren. Please Protect our valuable public parks/lands for future generations by NOT allowing fracking and the serious environmental damage it causes. Thank you!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Sylvia Daniels
225 N Lake St
Carey, OH 43316
snyedaniels@gmail.com
(419) 722-0908

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joanne Gerson \(joanne.gerson@earthlink.net\) Sent You a Personal Message](mailto:joanne.gerson@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:13:11 PM

Dear Clerk - Nathan Moffitt,

We visit Ohio State Parks routinely. we go to escape the stress of work and to find peace and quiet in our parks. Knowing that our parks protect the natural world and put nature above profits gives us peace of mind. Fracking on the other hand, clear cuts forest to create a well pad, causes damage to the soil and water, endangers wild life, creates noise pollution, and air pollution. We know that methane from the wells and storage tanks leaks into the atmosphere impacting our climate. .We know that once used the millions of gallons per frack can not go back into the natural water cycle but must be injected into the ground in injection wells where it is permanently buried. Please keep our State Parks a safe haven for nature and for the people who visit them every day. Do not drill for oil or gas in our state parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joanne Gerson
7714 Stonehenge Dr
Montgomery, OH 45242
joanne.gerson@earthlink.net

(513) 555-1234

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Timothy Fox \(x_renard@yahoo.com\) Sent You a Personal Message](mailto:x_renard@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 11:52:15 AM

Dear Clerk - Nathan Moffitt,

We need a livable planet for my grandchildren and their children!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Timothy Fox
115 N. Hill st.
Harrison, OH 45030
x_renard@yahoo.com
(513) 470-9789

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jau-Yon Chen \(jauyon@gmail.com\) Sent You a Personal Message](mailto:jauyon@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 11:25:46 AM

Dear Clerk - Nathan Moffitt,

BECAUSE I'M AN OHIO RESIDENT AND IT'S EXTREMELY IMPORTANT TO PROTECT THE STATE'S NATURAL RESERVES, ESPECIALLY AFTER THE HORRIBLE TRAIN WRECKAGE AT EAST PALESTINE!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jau-Yon Chen
5143 Bonner Drive
Hilliard, OH 43026
jauyon@gmail.com
(614) 664-3012

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Holly Durst \(hollydurst888@gmail.com\)](mailto:hollydurst888@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 11:22:29 AM

Dear Clerk - Nathan Moffitt,

These parks are owned by and for the recreation of the citizens of Ohio. Fracking will cause, pollution, destruction, and impact the wildlife! Please protect our wild areas and recreational areas. They are not yours to profit from.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Holly Durst
9688 Township Rd. 301
Millersburg, OH 44654
hollydurst888@gmail.com
(330) 231-0524

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cathy Thomas \(usand4cats@yahoo.com\)](mailto:usand4cats@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 11:10:33 AM

Dear Clerk - Nathan Moffitt,

Ohio parks are for families to enjoy and the land has been set aside for this purpose. No company should be allowed to disturb the peace and tranquility that Ohio Parks offer to everyone that visits

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cathy Thomas
1886 Lynbrook Drive
Toledo, OH 43614
usand4cats@yahoo.com
(419) 389-9010

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marian Csabina \(mariancsabina16@gmail.com\) Sent You a Personal Message](mailto:mariancsabina16@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 11:09:50 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marian Csabina
37110 Colorado Ave
Avon, OH 44011
mariancsabina16@gmail.com
(440) 864-2107

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From: [Nova Brilliant-Smith \(novaceleste@aol.com\) Sent You a Personal Message](mailto:novaceleste@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:41:31 AM

Dear Clerk - Nathan Moffitt,

Greedy, disgusting behavior! We need long term solutions that don't destroy the planet and trash our parks! Fracking is NOT a viable option!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nova Brilliant-Smith
15828 Munn Rd
Cleveland, OH 44111
novaceleste@aol.com
(216) 225-2620

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susan Miller \(choosemiller@gmail.com\) Sent You a Personal Message](mailto:choosemiller@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:22:15 AM

Dear Clerk - Nathan Moffitt,

This is not "free land" for the oil and gas industry. Setting aside areas for parks is intended to preserve nature, not contaminate it with by-products and waste.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Miller
5260 Rush Ave
COLUMBUS, OH 43214
choosemiller@gmail.com
(614) 595-8610

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From: [Susan Ekk \(swillysue@gmail.com\) Sent You a Personal Message](mailto:swillysue@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:19:30 AM

Dear Clerk - Nathan Moffitt,

Fracking is horrible for the environment. A study found that wastewater from natural gas hydrofracturing in a West Virginia national forest quickly wiped out all ground plants, killed more than half of the trees and caused radical changes in soil chemistry. We also know that human health is affected by all the PFAS and PFAS precursors used in drilling and fracking. The list of chemical contaminants in the water used is long and includes not only the fracturing chemical but metals, dissolved organics, and potential radioactive materials.

More importantly, why are we allowing fracking at all in Ohio when our climate is at the tipping point?

I have been an Ohio resident my entire life of 60 years and have enjoyed camping at so many of the state parks.

Please do not allow the decimation of Ohio public parks and the fouling of our dear air and water resources.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Ekk
6518 Crestview Ave
Cincinnati, OH 45213
swillysue@gmail.com

(513) 512-4135

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From: [Teri Koslen \(bigmeatball55@aol.com\) Sent You a Personal Message](mailto:bigmeatball55@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:08:36 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Teri Koslen
37700 Cedar Rd
Gates Mills, OH 44040
bigmeatball55@aol.com
(440) 448-5088

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From: [Marcia Wolff \(marcialwolff@gmail.com\) Sent You a Personal Message](mailto:marcialwolff@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 10:00:36 AM

Dear Clerk - Nathan Moffitt,

Fracked gas IS NOT clean green energy, It's toxic and destroys habitat and native resources. Stop being so backwards Ohio and get your money grubbing heads out of the oil and gas industry's asses!!!

PUBLIC/PARK land is for the public and parks NOT oil and gas extraction!
Leave it in the ground!!! Have you not heard about the existential threat of Climate Change? What do you think THAT is costing all of us?!!!!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marcia Wolff
1565 Stimson St
Akron, OH 44320
marcialwolff@gmail.com
(330) 256-0663

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melanie Saltzman \(msaltzmanx2@gmail.com\) Sent You a Personal Message](mailto:msaltzmanx2@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:50:18 AM

Dear Clerk - Nathan Moffitt,

Ohio invested in its beautiful parks for everyone of all ages to enjoy.
No one but big \$\$ companies would enjoy parks with your plans.
Keep Ohio out of your plans!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNr's website
- There must be email notification via commission website that provides advance notice of decisions
- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melanie Saltzman
12616 Adeline Cir
Athens, OH 45701
msaltzmanx2@gmail.com
(740) 331-0359

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Julie Noble \(aj1noble@oh.rr.com\)](mailto:aj1noble@oh.rr.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:43:12 AM

Dear Clerk - Nathan Moffitt,

I am against fracking. Plain and simple....it ruins our environment!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Julie Noble
36874 chestnut ridge rd
North Ridgeville, OH 44039
aj1noble@oh.rr.com
(440) 371-8056

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cheryl Turton \(cturton112@gmail.com\) Sent You a Personal Message](mailto:cturton112@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:38:39 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cheryl Turton
6600 Jamaica Rd
Miamisburg, OH 45342
cturton112@gmail.com
(937) 344-5189

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathleen Querner \(kdqme@yahoo.com\) Sent You a Personal Message](mailto:kdqme@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:37:06 AM

Dear Clerk - Nathan Moffitt,

Our parks should continue to be a refuge for wildlife, plant life and humans without the threat to ALL from drilling and fracking

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathleen Querner
8508 Crosley Rd
Springboro, OH 45066
kdqme@yahoo.com
(937) 545-4052

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melissa Geracitano \(hendrix369@hotmail.com\)](mailto:hendrix369@hotmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:18:06 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melissa Geracitano
8392 Red Lion Five Points Road
Springboro , OH 45066
hendrix369@hotmail.com
(937) 554-1446

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Constance Jackson \(cmjackson4524@gmail.com\) Sent You a Personal Message](mailto:cmjackson4524@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 9:05:18 AM

Dear Clerk - Nathan Moffitt,

Leave our public lands alone!!!

This is a destructive greedy move - our natural and public lands should not be subject to the destruction of fracking or drilling of any kind!!! You are not abiding by your responsibility to protect this land and respect the will of Ohio citizens.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Constance Jackson
4524 Wing View Ln
Kettering, OH 45429
cmjackson4524@gmail.com
(937) 231-4600

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

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From: [Patrick Michael \(pr michael@roadrunner.com\) Sent You a Personal Message](mailto:pr michael@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:44:27 AM

Dear Clerk - Nathan Moffitt,

Please explain to me what Oil and Gas Rights leasing has to do with the sale of poultry. I understand it has become business as usual in Columbus and D.C. to use amendments to bills to slip in controversial issues under the radar, but it is dishonest and a disservice to the public. Let's be clear that the Oil and Gas Commission is suppose to consider the public at large and not the Oil and Gas Industry.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patrick Michael
314 N Pleasant St
Montpelier, OH 43543
pr michael@roadrunner.com
(419) 485-5287

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5500.

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From: [Francisco Diaz \(franco440.fd@gmail.com\)](mailto:franco440.fd@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:36:50 AM

Dear Clerk - Nathan Moffitt,

It's been proven fracking causes earthquakes

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Francisco Diaz
1730 Broadway 506
Lorain, OH 44052
franco440.fd@gmail.com
(440) 654-5140

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From: [Lara Wallace \(larawa@gmail.com\) Sent You a Personal Message](mailto:larawa@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:30:15 AM

Dear Clerk - Nathan Moffitt,

We need to restore the earth?fracking does the opposite.
Fund renewable energy initiatives instead.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lara Wallace
30 Sunset Dr
Athens , OH 45701
larawa@gmail.com
(740) 707-5660

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marlene Borton \(rborton@woh.rr.com\) Sent You a Personal Message](mailto:rborton@woh.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:29:56 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marlene Borton
10984 Frederick Pike
Vandalia, OH 45377
rborton@woh.rr.com
(937) 604-0717

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laquita Pearson \(diamonddp@roadrunner.com\) Sent You a Personal Message](mailto:diamonddp@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:21:06 AM

Dear Clerk - Nathan Moffitt,

Our kids need a place to play. Families goes to parks for family events. The parks belongs to the people not oil who will cause major environmental setbacks!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laquita Pearson
1929 Ridgehill Road
Cleveland, OH 44121
diamonddp@roadrunner.com
(440) 409-4819

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sally Newman \(access.armadas0t@icloud.com\)](mailto:access.armadas0t@icloud.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 8:00:35 AM

Dear Clerk - Nathan Moffitt,

Fracking is bad for the environment

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sally Newman
538 Deer Path Ln
Northfield, OH 44067
access.armadas0t@icloud.com
(440) 220-2245

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Topper \(ltopper11@gmail.com\) Sent You a Personal Message](mailto:ltopper11@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 7:57:59 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Topper
829 south Sandusky
Bucyrus, OH 44820
ltopper11@gmail.com
(567) 301-9210

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deborah Continenza \(dcontinenza@roadrunner.com\) Sent You a Personal Message](mailto:dcontinenza@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 7:45:47 AM

Dear Clerk - Nathan Moffitt,

The Oil and Gas Land Management Commission should uphold ODNR's mission to protect Ohioans' air, water and public parks from polluting and dangerous legislation like HB 507. Do not allow oil and gas companies that want surface impacts, to create a separate agreement to allow these surface impacts. Do not allow surface impacts on our public lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Deborah Continenza
11175 Brentwood Ln
Chardon, OH 44024
dcontinenza@roadrunner.com
(440) 285-4493

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Mary A Harty \(maryanharty@gmail.com\)](mailto:maryanharty@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 7:40:06 AM

Dear Clerk - Nathan Moffitt,

Fracking on public lands is unacceptable.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary A Harty
6336 Meis Ave
Cincinnati, OH 45224
maryanharty@gmail.com
(323) 203-9893

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Hawkins \(jsh.hawkins@gmail.com\) Sent You a Personal Message](mailto:jsh.hawkins@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 7:06:52 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Hawkins
634 S Hampton Rd
Columbus, OH 43213
jsh.hawkins@gmail.com
(253) 431-9085

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cindy Gerdes \(cgerdes3339@yahoo.com\) Sent You a Personal Message](mailto:cgerdes3339@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 5:37:53 AM

Dear Clerk - Nathan Moffitt,

Ohio is a beautiful state, but fracking is a horrendously abusive way to treat our unlicensed and private lands. We have to care about how we take care of our land in this state. All states should care with the deepest concern of the destruction fracking causes to our natural resources.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cindy Gerdes
4493 Pebble Beach Dr
Grove City, OH 43123
cgerdes3339@yahoo.com
(614) 572-5004

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susan Grundy \(slgrundy@centurylink.net\)](mailto:slgrundy@centurylink.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:20:46 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Grundy
3835 Township Road 176
Fredericktown, OH 43019
slgrundy@centurylink.net
(419) 768-1110

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tracy Johnston \(ttkj@aol.com\) Sent You a Personal Message](mailto:ttkj@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:17:02 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tracy Johnston
1704 King Dr
Uniontown, OH 44685
ttkj@aol.com
(330) 524-8035

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jodi Gradolph \(landart1@roadrunner.com\) Sent You a Personal Message](mailto:landart1@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 1:03:40 AM

Dear Clerk - Nathan Moffitt,

It's a shame that the health of the planet comes second to profits of a few. I am not in favor of fracking near public lands.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jodi Gradolph
PO Box 164
Wilberforce, OH 45384
landart1@roadrunner.com
(937) 903-6409

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tatiana Ball \(ghettoproud@gmail.com\) Sent You a Personal Message](mailto:Tatiana.Ball@ghettoproud@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:32:49 AM

Dear Clerk - Nathan Moffitt,

I thoroughly understand that moving forward into the future will take time and adjustments. The future of green vehicles are both exciting for man and I bet that our home will appreciate that we are all acting with it in mind. There has to be something better than digging for Earth blood wherever we can. In order to fill the coffers of the changing world, Ohio would have to be stuck often and plentiful. If these oil dynasties can't prevent or actually clean up the oil from spilling in the oceans, just imagine the affects on land. Contaminated water and air. We already have a growing population of ill people. Do we need more? Please rethink this

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tatiana Ball
2595 John Steven Way
Reynoldsburg, OH 43068
ghettoproud@gmail.com
(614) 209-3049

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christopher Martin \(Classicwolf424@gmail.com\) Sent You a Personal Message](mailto:Classicwolf424@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:09:28 AM

Dear Clerk - Nathan Moffitt,

EVERY TIME I hear Some company gets these contracts, the land and water get horribly ruined and more environmental devastation occurs. This is getting out of hand and I Need the Nature Reserves and parks for the future! I have First Nations(indigenous) relatives and friends alike, as well as feel a connection with the land and love when the soil and environment are healthy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christopher Martin
847 Greenvale ave
Saint Marys, OH 45885
Classicwolf424@gmail.com
(937) 344-7449

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Katherine Burns \(redlady228@netscape.net\) Sent You a Personal Message](mailto:redlady228@netscape.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Saturday, April 8, 2023 12:09:28 AM

Dear Clerk - Nathan Moffitt,

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katherine Burns
7605 Werner Ave Apt 9
Cincinnati, OH 45231
redlady228@netscape.net
(513) 377-7107

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deborah Fafrak \(dsfafrak@gmail.com\) Sent You a Personal Message](mailto:dsfafrak@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:58:03 PM

Dear Clerk - Nathan Moffitt,

I visit our state parks regularly to birdwatch and to enjoy nature. Any fracking or drilling on public state park lands or areas adjacent to them would have an absolutely negative effect on the experience. Tourism also brings in income that should not be overlooked. The negative impacts on health, the environment and wildlife are extremely important to consider.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Deborah Fafrak
730 Burg Street
Granville , OH 43023
dsfafrak@gmail.com
(740) 587-7579

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Marian Rosenberg \(mrosenberg0322@hotmail.com\) Sent You a Personal Message](mailto:mrosenberg0322@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:40:28 PM

Dear Clerk - Nathan Moffitt,

Don't destroy our state parks with fracking. I took too long for them to grow into beautiful places for all of us

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marian Rosenberg
4248 Pennlyn Avenue
Kettering, OH 45429
mrosenberg0322@hotmail.com
(937) 902-9866

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Margot Anthonisen \(mlandm2@yahoo.com\) Sent You a Personal Message](mailto:mlandm2@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:19:59 PM

Dear Clerk - Nathan Moffitt,

Our Parks are beautiful? Don't destroy them to bring about more use of fossil fuel, and contribute to our climate change.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Margot Anthonisen
30850 Cannon rd
Solon, OH 44139
mlandm2@yahoo.com
(440) 773-7895

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kimberly Johnson \(ksheena823@yahoo.com\) Sent You a Personal Message](mailto:ksheena823@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:14:04 PM

Dear Clerk - Nathan Moffitt,

We have so many fracking sites ruining the appearance of our farms and countryside. Please save our parks for relaxing and recreation. And a safe place to see wildlife not oil pumps and fracking pads.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kimberly Johnson
61742 Dewey Street
Kipling, OH 43750
ksheena823@yahoo.com
(740) 260-4707

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathy Ellis \(kmepetplace@yahoo.com\)](mailto:kmepetplace@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:05:09 PM

Dear Clerk - Nathan Moffitt,

I hope to see an earth saved from the pollution of fracking and the drastic changes to beautiful park landscapes.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathy Ellis
10490 Deerfield Rd.
Cincinnati, OH 45242
kmepetplace@yahoo.com
(513) 378-4355

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From: [Susan Olive \(susanmolive@gmail.com\) Sent You a Personal Message](mailto:susanmolive@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:51:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Susan Olive
2951 Anderson Morris Rd
Niles, OH 44446
susanmolive@gmail.com
(330) 544-4665

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From: [Mary Jo Berry \(maryjo305@gmail.com\) Sent You a Personal Message](mailto:maryjo305@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:49:16 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Jo Berry
647 Candleridge
Cincinnati, OH 45233
maryjo305@gmail.com
(513) 305-6647

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Brickner-york \(jbyspysky@gmail.com\)](mailto:jbyspysky@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:41:57 PM

Dear Clerk - Nathan Moffitt,

My family loves access to undisturbed hiking areas. It is so important for the next generations to have the same access.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Brickner-york
579 Wickham Way
Gahanna, OH 43230
jbyspysky@gmail.com
(614) 481-9068

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ellen Lauber \(lauberfamily14@gmail.com\) Sent You a Personal Message](mailto:lauberfamily14@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:41:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ellen Lauber
7642 Katy Drive
Dayton, OH 45459
lauberfamily14@gmail.com
(937) 369-8115

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Abigail Alexander \(Chubbscatmeow@yahoo.com\) Sent You a Personal Message](mailto:Abigail.Alexander@sierraclub.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:27:11 PM

Dear Clerk - Nathan Moffitt,

We need to phase out fossil fuels, not continuing to squeeze out every last drop we can at the cost of our environment, other resources, and health.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Abigail Alexander
7257 Cherrywood Lane
West Chester, OH 45069
Chubbscatmeow@yahoo.com
(513) 733-8992

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Vicki Wheeler \(osufan_59@yahoo.com\) Sent You a Personal Message](mailto:osufan_59@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:21:10 PM

Dear Clerk - Nathan Moffitt,

No fracking in Ohio anywhere, we need clean energy not dirty oil and gas!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Vicki Wheeler
7146 County Road H
Deshler, OH 43516
osufan_59@yahoo.com
(419) 721-9693

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Loraine Mccosker \(loraine.mccosker@gmail.com\) Sent You a Personal Message](mailto:loraine.mccosker@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:07:46 PM

Dear Clerk - Nathan Moffitt,

I use public lands and consider these to be the public trust

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Loraine Mccosker
59 Elmwood place
Athens, OH 45701
loraine.mccosker@gmail.com
(740) 590-8474

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [MICHAEL NEWLAND \(mnewland@aol.com\) Sent You a Personal Message](mailto:mnewland@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:07:25 PM

Dear Clerk - Nathan Moffitt,

Clean air and water are important to human survival. All the money in the world will not clean our environment once it's despoiled.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

MICHAEL NEWLAND
83 Indian Springs Dr
Columbus, OH 43214
mnewland@aol.com
(614) 783-2906

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Manola Acosta \(manola.acosta@gmail.com\) Sent You a Personal Message](mailto:manola.acosta@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:39:52 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Manola Acosta
2485 W 7th Street
Cleveland, OH 44113
manola.acosta@gmail.com
(440) 552-8295

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeffrey Salmon \(jeffreysalmon11@icloud.com\) Sent You a Personal Message](mailto:jeffreysalmon11@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:13:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeffrey Salmon
6914 Roosevelt Ave
Middletown , OH 45005
jeffreysalmon11@icloud.com
(513) 479-0642

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carol UNVERFERTH \(ljunverferth@yahoo.com\) Sent You a Personal Message](mailto:ljunverferth@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:12:17 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carol UNVERFERTH
3246 Armscote Rd
Dublin, OH 43017
ljunverferth@yahoo.com
(614) 783-5622

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Hamlin \(jbrown45305@yahoo.com\) Sent You a Personal Message](mailto:jbrown45305@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:34:09 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Hamlin
2376 18th St
Cuyahoga Falls, OH 44223
jbrown45305@yahoo.com
(937) 789-8284

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Natalie Hanson \(strengthfromwithin80@gmail.com\) Sent You a Personal Message](mailto:strengthfromwithin80@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:32:56 PM

Dear Clerk - Nathan Moffitt,

This is my home and I want to raise my child here. Our ecosystem is on the verge of total destruction! Please, leave the earth alone and find a better way!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Natalie Hanson
2023 w galbraith road
Cincinnati , OH 45239
strengthfromwithin80@gmail.com
(513) 331-0165

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jill Fleisher \(jfleishe@bw.edu\) Sent You a Personal Message](mailto:jfleishe@bw.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:25:59 PM

Dear Clerk - Nathan Moffitt,

Please help protect the forests of Ohio and our water quality. Investing in renewable and nuclear energy is better for our health.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jill Fleisher
6902 W Clinton Ave
Cleveland, OH 44102
jfleishe@bw.edu
(440) 665-5499

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judy DiMascio \(judydim02@sbcglobal.net\) Sent You a Personal Message](mailto:judydim02@sbcglobal.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:25:09 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judy DiMascio
2309 Chestnut Blvd
Cuyahoga Falls, OH 44223
judydim02@sbcglobal.net
(330) 801-3051

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deb Moeller \(debbiemoeller@att.net\) Sent You a Personal Message](mailto:debbiemoeller@att.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:55:27 PM

Dear Clerk - Nathan Moffitt,

I am not in favor of fracking. Taking our natural lands away from us.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Deb Moeller
442 Roxbury Ave. NW
Massillon, OH 44646
debbiemoeller@att.net
(330) 639-7605

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lorna Hance \(lhance62@gmail.com\) Sent You a Personal Message](mailto:lhance62@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:46:44 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lorna Hance
6045 Boymel Dr
Fairfield, OH 45014
lhance62@gmail.com
(513) 206-2100

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christine Sarosy \(cmadams43939@gmail.com\) Sent You a Personal Message](mailto:cmadams43939@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:40:52 PM

Dear Clerk - Nathan Moffitt,

Fracking fuels are the dirtiest polluters of the planet and the process poses a great risk to groundwater and unsettling of the immediate area involved. It's a crime against the earth and especially against the few preserved places set aside for all to enjoy. Please, please, please do not allow fracking in our parks!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christine Sarosy
7540 Parker Drive
Mentor, OH 44060
cmadams43939@gmail.com
(586) 337-3150

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Amanda Howland \(amandarosehowland3@gmail.com\) Sent You a Personal Message](mailto:amandarosehowland3@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:38:55 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Amanda Howland
15119 Lake avenue 402
Lakewood, OH 44107
amandarosehowland3@gmail.com
(216) 255-4661

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Leslie Evelo \(lesliesevelo@gmail.com\) Sent You a Personal Message](mailto:lesliesevelo@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:36:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Leslie Evelo
2767 Eugenie Lane
Cincinnati, OH 45211
lesliesevelo@gmail.com
(513) 309-3531

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melissa Ramirez \(melissathequick@gmail.com\) Sent You a Personal Message](mailto:melissathequick@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:36:32 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melissa Ramirez
3011 Bethel Rd #201
Columbus, OH 43220
melissathequick@gmail.com
(614) 702-5487

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kristine Durr \(kgerling@hotmail.com\) Sent You a Personal Message](mailto:kgerling@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:31:03 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kristine Durr
111 briar hill road
North baltimore, OH 45872
kgerling@hotmail.com
(419) 494-1315

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Angela Kraft \(angikraft36@gmail.com\)](mailto:angikraft36@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:28:27 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Angela Kraft
36 Citadel Dr
Fairfield, OH 45014
angikraft36@gmail.com
(513) 282-9107

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Hartman \(lhartman@centurylink.net\) Sent You a Personal Message](mailto:lhartman@centurylink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:28:24 PM

Dear Clerk - Nathan Moffitt,

Our parks belong to the citizens in that state. Or in the nation. They do not belong to politicians or big oil who do not care about them or respect them.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Hartman
4835 Kilburn Rd
Berkey, OH 43504
lhartman@centurylink.net
(419) 829-2899

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From: [Mike Pope \(mpope4@hotmail.com\) Sent You a Personal Message](mailto:mpope4@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:23:26 PM

Dear Clerk - Nathan Moffitt,

There are all kinds of sites being considered for oil drilling. Stay the hell out of Ohio's parks. Some places should be off limits to crackers and the petroleum industry in general.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mike Pope
PO Box 140128
Toledo, OH 43614
mpope4@hotmail.com
(419) 481-0662

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Britta Campton \(camptonj5094@sbcglobal.net\) Sent You a Personal Message](mailto:camptonj5094@sbcglobal.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:18:37 PM

Dear Clerk - Nathan Moffitt,

The long-term effects of fracking are severely detrimental to both health and environment.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Britta Campton
9184 Leith Drive
Dublin, OH 43017
camptonj5094@sbcglobal.net
(614) 571-5881

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [James RILEY \(jriley1509@sbcglobal.net\) Sent You a Personal Message](mailto:jriley1509@sbcglobal.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:59:59 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

James RILEY
588 red oak lane
Bay Village, OH 44140
jriley1509@sbcglobal.net
(440) 679-5054

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melanie Schultz \(melaschultz@gmail.com\)](mailto:melaschultz@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:49:46 PM

Dear Clerk - Nathan Moffitt,

Enough!!! Please, please stop allowing greed to take precedent over the happiness and health of the average Ohioan. Who benefits from fracking? Seriously, please answer that question? I assure you that whatever logic you apply to delude yourself into thinking it benefits anyone other than the already super rich, is faulty. (Pun intended.) We, the people who adore the beauty of wild Ohio and want health for ourselves and our loved ones, beg you to withdraw support for fracking in Ohio. Please.

Well-wishes to you and your loved ones. Thank you for doing the healthy thing for Ohioans. We believe in you.

- Melanie

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melanie Schultz
4518 Byers Rd
Perrysville, OH 44864

melaschultz@gmail.com
(567) 215-3647

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From: [Ellen Straub \(epsplt2@gmail.com\)](mailto:epsplt2@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:39:54 PM

Dear Clerk - Nathan Moffitt,

As a lifetime resident of Ohio and one who has enjoyed our parks throughout my lifetime, I am very concerned about this issue!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ellen Straub
2585 Lawnshire Dr
Copley, OH 44321
epsplt2@gmail.com
(216) 403-8025

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [MICHAEL FRENCH \(mefrench98@yahoo.com\) Sent You a Personal Message](mailto:mefrench98@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:39:37 PM

Dear Clerk - Nathan Moffitt,

These are the LAST of wilderness ... No more left!!!!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

MICHAEL FRENCH
1105 COLONY DR
Westerville, OH 43081
mefrench98@yahoo.com
(614) 530-3761

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From: [Eric Simpson \(etjs721@yahoo.com\) Sent You a Personal Message](mailto:etjs721@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:32:42 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eric Simpson
134 Overcliff Rd
Cincinnati, OH 45233
etjs721@yahoo.com
(513) 213-1128

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From: [Kurt Stuckey \(kstuckey07@gmail.com\) Sent You a Personal Message](mailto:kstuckey07@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:32:34 PM

Dear Clerk - Nathan Moffitt,

Oil and gas extraction leads to nothing but the degradation of the surrounding environment. Even if the drill doesn't occur on park land, it will still have negative consequences there upon.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kurt Stuckey
112 1/2 Washington St
Wauseon, OH 43567
kstuckey07@gmail.com
(419) 902-1773

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From: [Stewart Hinze \(stuhinze@mac.com\) Sent You a Personal Message](mailto:stuhinze@mac.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:30:56 PM

Dear Clerk - Nathan Moffitt,

Please protect our environment along with our public lands.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Stewart Hinze
3524 Corey Rd
Toledo, OH 43615
stuhinze@mac.com
(419) 340-5174

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From: [William Stiver \(billstiver@zoomtown.com\) Sent You a Personal Message](mailto:billstiver@zoomtown.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:28:21 PM

Dear Clerk - Nathan Moffitt,

No fracking on or under state parks and forests!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

William Stiver
9002 Daly Rd
Cincinnati, OH 45231
billstiver@zoomtown.com
(513) 931-8437

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Johnson \(mljohnson5103@gmail.com\)](mailto:mljohnson5103@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:25:30 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Johnson
9456 Nolin Orchard Ln
Loveland, OH 45140
mljohnson5103@gmail.com
(614) 565-9400

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Eleanor Bourne \(alaska_whitefang@yahoo.com\) Sent You a Personal Message](mailto:alaska_whitefang@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:22:30 PM

Dear Clerk - Nathan Moffitt,

I have enjoyed Ohio parks all my life. Taking away the beauty and natural life of Ohio and not to mention the homes of native animals is an abomination. In Native American, Ohio means beautiful. You have no right to take taxpayer land for your profit. Ohio gets nothing from this. The small incidental money they pay for ?borrowing? our land is absolutely nothing! Taxpayers in most cases end up paying for the mess the oil companies make when they do frack. These land s were set aside for taxpayers to enjoy, not to be monetized.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eleanor Bourne
320 Buckhorn Street
Ironton, OH 45638
alaska_whitefang@yahoo.com
(740) 550-3721

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Wende Schott \(schottwende@gmail.com\) Sent You a Personal Message](mailto:schottwende@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:19:00 PM

Dear Clerk - Nathan Moffitt,

I live in on a farm in SEO and can see a well on the next hill. The destruction of nature and polluting of the atmosphere and water is u forgivable. The biggest lie is that has is clean energy. Gas ruins clean water. We buy bottled because we're afraid to drink our spring water anymore. Please stop letting the gas and oil companies dictate our future. Thank you.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Wende Schott
41265 Rado Ridge Rd
Caldwell , OH 43724
schottwende@gmail.com
(740) 509-6419

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Sharen Oxman \(shack694@gmail.com\) Sent You a Personal Message](mailto:shack694@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:18:03 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sharen Oxman
3529 Secor Rd, Apt 226
Toledo, OH 43606
shack694@gmail.com
(251) 424-7925

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jessica Stone \(kiwiupsidedowncake@gmail.com\)](mailto:kiwiupsidedowncake@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:17:33 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jessica Stone
18562 Royalton Road
Strongsville, OH 44136
kiwiupsidedowncake@gmail.com
(863) 393-4249

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Pam Quinn \(pamela@elementalom.com\) Sent You a Personal Message](mailto:pamela@elementalom.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:08:23 PM

Dear Clerk - Nathan Moffitt,

Fracking is destroying Ohio and it isn't bringing money to stay in the state.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Pam Quinn
5720 Grand Legacy Drive
Maineville, OH 45039
pamela@elementalom.com
(513) 315-5042

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deborah Hogshead \(deborah_hogshead@frontier.com\) Sent You a Personal Message](mailto:deborah_hogshead@frontier.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:04:55 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Deborah Hogshead
421 S Plum St
Troy, OH 45373
deborah_hogshead@frontier.com
(937) 620-7660

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cheryl Lydston \(cheryls05@yahoo.com\) Sent You a Personal Message](mailto:cheryls05@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:59:46 PM

Dear Clerk - Nathan Moffitt,

One of the greatest assets of Ohio is our park system. It is our duty to protect it for generations to come. One of my favorite ways of relaxing is hiking. I feel very blessed to have access to so many parks throughout Ohio.

I am extremely concerned about the impact of Fracking on our great State. To think that public opinion is limited is a crime. The public has the greatest impact from these decisions. Fracking not only impacts our beautiful State, it has impact on our health. I am against fracking.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cheryl Lydston
13901 Grove Drive
Garfield Hts , OH 44125
cheryls05@yahoo.com
(216) 402-1876

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Robert Cestaro \(racestaro@gmail.com\) Sent You a Personal Message](mailto:racestaro@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:55:49 PM

Dear Clerk - Nathan Moffitt,

We owe it to the generations that follow to stop poisoning our planet. Fossil fuels are not the answer. ENOUGH!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Robert Cestaro
251 Morgan St.
Oberlin, OH 44074
racestaro@gmail.com
(440) 263-4138

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gemma Walton \(gemmaw89@icloud.com\) Sent You a Personal Message](mailto:gemmaw89@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:53:11 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gemma Walton
10309 Edgewater Dr
Cleveland , OH 44102
gemmaw89@icloud.com
(216) 762-7494

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sarah Detrick \(detricksarah@hotmail.com\) Sent You a Personal Message](mailto:detricksarah@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:52:58 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sarah Detrick
3230 Woodford Road
Cincinnati, OH 45213
detricksarah@hotmail.com
(859) 338-6767

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judy Wallace \(judy.wallace10@yahoo.com\) Sent You a Personal Message](mailto:judy.wallace10@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:52:31 PM

Dear Clerk - Nathan Moffitt,

You may not take our parks! We have the best parks in the country and we paid for those. They are not for sale!!
You are not poisoning our land and water.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judy Wallace
4344 Wooster rd
Fairview Park, OH 44126
judy.wallace10@yahoo.com
(440) 227-1544

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ron Massoli \(swamper255@yahoo.com\) Sent You a Personal Message](mailto:swamper255@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:47:14 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ron Massoli
255 North Elm Avenue
Tallmadge , OH 44278
swamper255@yahoo.com
(330) 620-7520

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Richard Shoemaker \(shoemaker.richard@gmail.com\)](mailto:shoemaker.richard@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:39:37 PM

Dear Clerk - Nathan Moffitt,

Do not trade the long term health of my children and the Land we love for short-term profits for the oil and gas industry!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Richard Shoemaker
157 Wyckshire Drive
Pataskala, OH 43062
shoemaker.richard@gmail.com
(614) 580-2842

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Howell \(jenhowell68@yahoo.com\) Sent You a Personal Message](mailto:jenhowell68@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:37:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Howell
767 Mohawk St
Columbus, OH 43206
jenhowell68@yahoo.com
(614) 352-5541

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diana Marcil \(d_marcil@hotmail.com\) Sent You a Personal Message](mailto:d_marcil@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:35:23 PM

Dear Clerk - Nathan Moffitt,

This matters to me because fracking is toxic for people and toxic for our water and soil. If anyone thinks toxic waste water can simply be pumped deep underground without consequences is a fool. Also, we need to be developing renewable sources of energy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Diana Marcil
160 W. Brighton Rd.
Columbus, OH 43202
d_marcil@hotmail.com
(614) 264-7418

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Abigail Drennen \(abbyerode@gmail.com\) Sent You a Personal Message](mailto:abbyerode@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:34:15 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Abigail Drennen
81 Mayfield ave
Akron, OH 44313
abbyerode@gmail.com
(330) 631-6513

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Keefe \(mkkeefe35@gmail.com\) Sent You a Personal Message](mailto:mkkeefe35@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:31:08 PM

Dear Clerk - Nathan Moffitt,

People who go to the parks are looking for fresh air not more pollution. They believe they will be in a safe zone not a carcinogen zone. Besides harming visitors it will also kill off the plant life and animal life in 500-1000 ft radius , if not more, around the drill site. There is no drilling without accidents. The slurry that is used kills everything it contacts. Parks should be safe recreation areas not free passes to the oil and gas industries. Just One more Ohio bribery after another.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Keefe
30199 Jackson Rd
Chagrin Falls, OH 44022
mkkeefe35@gmail.com
(216) 789-3433

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Stuart Lewis \(Stuart@SALewis.com\) Sent You a Personal Message](mailto:Stuart@SALewis.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:30:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Stuart Lewis
7890 Stonehouse Ct
Dayton , OH 45459
Stuart@SALewis.com
(937) 369-1187

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christine Flak \(chrisflak1@msn.com\) Sent You a Personal Message](mailto:Chrisflak1@msn.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:29:59 PM

Dear Clerk - Nathan Moffitt,

Regarding the adopting rule 155-1-01

Members of the Commission:

Aside from the current worldwide issues about climate change, along with the widespread knowledge that decreased fossil fuels would stabilize some of these changes, it is hard to believe that drilling is still on the table. My negative impression of the oil and gas industry goes back to 12/31/2011 in Youngstown, Ohio, where we received a 4.0 earthquake, later verified to have occurred because of frack wells. There was no responsibility taken by that industry. Because I still reside in Youngstown, I can tell you that property damage from the earthquake is still not resolved. Home and business owners require specialized services with a hefty price tag in order to make repairs from that earthquake. There have been subsequent tremors and we are not able to obtain earthquake insurance. Residents here have suffered emotionally, with anxiety over any further drilling. Please stop this drilling in favor of clean, alternate energy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christine Flak

2247 Michael Drive
Youngstown, OH 44511
chrisflak1@msn.com
(330) 318-2400

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [kathleen Kossman \(kossrez@gmail.com\) Sent You a Personal Message](mailto:kossrez@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:22:38 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

kathleen Kossman
10622 Laurel lane
Brecksville , OH 44141
kossrez@gmail.com
(216) 346-1246

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Roger Hampshire \(drinklefarms@yahoo.com\) Sent You a Personal Message](mailto:drinklefarms@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:22:15 PM

Dear Clerk - Nathan Moffitt,

I love the state parks. We visit them often. Oil and parks do not mix very well. As a tax payer I am trying to protect our natural resources for all Ohioans

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Roger Hampshire
2550 Mcdonald Road
Lancaster, OH 43130
drinklefarms@yahoo.com
(740) 243-5540

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Alyssa Simms \(amstiger97@aol.com\) Sent You a Personal Message](mailto:amstiger97@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:20:50 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Alyssa Simms
2118 Timber Way
Cortland, OH 44410
amstiger97@aol.com
(330) 638-0309

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Brittani Yoder \(brittanijboston@gmail.com\) Sent You a Personal Message](mailto:brittanijboston@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:20:07 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Brittani Yoder
464 Wolf Ave
Wadsworth, OH 44281
brittanijboston@gmail.com
(330) 464-5391

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Geneva Ornelas \(twinklingdaisy@gmail.com\)](mailto:twinklingdaisy@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:19:57 PM

Dear Clerk - Nathan Moffitt,

It matters to me because this is a greasy play and I'm pretty sure nobody actually knows about. Another reason we have nasty lake water.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Geneva Ornelas
110 Rosedale Pl
Rossford , OH 43460
twinklingdaisy@gmail.com
(419) 705-2027

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jane Jacobson \(jajac5@aol.com\) Sent You a Personal Message](mailto:jajac5@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:18:16 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jane Jacobson
12520 Sugar Ridge Rd
Bowling Green, OH 43402
jajac5@aol.com
(419) 367-6738

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marcus Mescher \(marcus.mescher@gmail.com\) Sent You a Personal Message](mailto:marcus.mescher@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:17:45 PM

Dear Clerk - Nathan Moffitt,

Fracking destabilizes the environment and sends toxic byproducts into our water table. There is far too much collateral damage to humans and nonhumans to justify any profit, which is only short-sighted greed. Protect our public lands and steward them for future generations!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marcus Mescher
6277 Grand Vista Ave
Cincinnati, OH 45213
marcus.mescher@gmail.com
(414) 688-6985

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cydney Heimovitz \(Cydneyrenner@gmail.com\) Sent You a Personal Message](mailto:Cydneyrenner@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:16:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cydney Heimovitz
11241 County Line Rd
Chesterland, OH 44026
Cydneyrenner@gmail.com
(330) 612-1059

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Aimee Shinhearl \(birdandcatlady@gmail.com\)](mailto:birdandcatlady@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:15:20 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Aimee Shinhearl
6479 Seneca Trl
MENTOR, OH 44060
birdandcatlady@gmail.com
(440) 477-8173

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Donna Henson \(d.henson022@gmail.com\) Sent You a Personal Message](mailto:d.henson022@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:14:24 PM

Dear Clerk - Nathan Moffitt,

The state parks belong to the people, not the oil companies. I do not want the underground water reserves ruined or poisoned by fracking! Please save our parks!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Donna Henson
13911 Reitz Rd
Perrysburg, OH 43551
d.henson022@gmail.com
(419) 277-2501

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judy Siak \(glowbug478@aol.com\) Sent You a Personal Message](mailto:glowbug478@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:13:02 PM

Dear Clerk - Nathan Moffitt,

What is wrong with you people? Do you want to destroy the whole planet? Stop this fracking stop the greed. Start taking care of the land and the animals and people that live on it. For all the intelligence we have we are supposed to have, we are doing a lousy job. Find a better way. Stay out of the parks, national ones all of them. Stay out of the farmland find a better way. Stop the devastation in the name of progress because it is not progress.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judy Siak
4186 Berry ridge lane
Columbus, OH 43230
glowbug478@aol.com
(614) 395-1264

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Kurtis Cornell \(kcornell@thegentlemanrider.com\) Sent You a Personal Message](mailto:Kurtis.Cornell@thegentlemanrider.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:11:29 PM

Dear Clerk - Nathan Moffitt,

I hike and backpack in these parks. I drink the water in these parks and am concerned that the invasive techniques and ground water contamination that results will render the water and land unusable for anyone but these corporations. There is so little land allocated to parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kurtis Cornell
6005 Rosetree ct
Milford, OH 45150
kcornell@thegentlemanrider.com
(781) 267-2206

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cynthia Brickner \(bricknercindy16@gmail.com\) Sent You a Personal Message](mailto:bricknercindy16@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:11:28 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cynthia Brickner
622 Quaker Ridge Apt 103
Toledo, OH 43615
bricknercindy16@gmail.com
(567) 686-9040

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From: [Doug Rice \(dougprice56@icloud.com\) Sent You a Personal Message](mailto:dougprice56@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:06:29 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Doug Rice
3908 State Route 225
Diamond, OH 44412
dougprice56@icloud.com
(330) 382-6454

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From: [Anna Sintsirmas \(asintsirmas@gmail.com\) Sent You a Personal Message](mailto:asintsirmas@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:06:19 PM

Dear Clerk - Nathan Moffitt,

My name is Anna Sintsirmas. I am a 25 years old, born and raised in Ohio. While others around my age living in this state express an urge to move out of Ohio, I side with staying in Ohio.

My love for this state comes from the precious resource of green space. How despite the effects of urbanization and development, this state is able to preserve wildlife/their critical habitat, the beauty of recreational opportunities, and opening future generations to opportunities to connect with nature.

With plans to give natural resource extractive industry an opportunity to deconstruct and destroy the assets of ohio green space would be disservice to the land, its people, and the ecosystems that make it up.

With a strong, passion heart, I urge you to put a stop to HB 507 and any bill that echos extractive opportunities like this for commercial development.

Prioritizing economic interest over land preservation will be continue to be a harmful investment made by the State.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anna Sintsirmas
6212 Coldstream Rd
Highland Heights, OH 44143
asintsirmas@gmail.com
(440) 668-3612

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Mitchell \(2bglass.12@gmail.com\)](mailto:2bglass.12@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:05:33 PM

Dear Clerk - Nathan Moffitt,

I personally know people who have been adversely affected by fracking. It contaminated wells, sickened livestock and families, and destabilized the underground rock causing earthquake like tremors in the area. Leave our parks and private lands alone! Man is to care for the earth and protect it, not to make it into Swiss cheese.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Mitchell
9 Meadowlawn Dr Bldg
Mentor, OH 44060
2bglass.12@gmail.com
(440) 478-2381

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Andrew Wischmeier \(notoday@gmail.com\) Sent You a Personal Message](mailto:Andrew.Wischmeier@notoday@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:05:23 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Andrew Wischmeier
4083 W 161st St
Cleveland, OH 44135
notoday@gmail.com
(440) 665-4047

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From: [Sue Lynch \(sue@bright.net\) Sent You a Personal Message](mailto:sue@bright.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:04:11 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sue Lynch
1118 motz st
Saint Marys, OH 45885
sue@bright.net
(419) 305-9136

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From: [Lauren Schlabach \(lauren.schlabach@yahoo.com\) Sent You a Personal Message](mailto:lauren.schlabach@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:03:47 PM

Dear Clerk - Nathan Moffitt,

I am a delivery driver and I love seeing the farm land and trees. Please don't take those away from the earth. We need every tree so much.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Lauren Schlabach
1800 Lafayette Place
Columbus, OH 43212
lauren.schlabach@yahoo.com
(614) 375-0387

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From: [Marie Pfierman \(Mpfierman@hitmail.com\) Sent You a Personal Message](mailto:Mpfierman@hitmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:03:46 PM

Dear Clerk - Nathan Moffitt,

We only have 1 earth. We only have small amounts of natural pristine lands that haven't been touched by human pillaging. They are public lands . NOT for SALE or LEASE or RENT

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marie Pfierman
5157 Broerman ave
Cincinnati , OH 45217
Mpfierman@hitmail.com
(513) 235-8693

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jonathan Slaughter \(slaughtj@gmail.com\) Sent You a Personal Message](mailto:slaughtj@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:03:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jonathan Slaughter
146 S Stanwood Rd
Bexley, OH 43209
slaughtj@gmail.com
(513) 305-9328

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeanne Haseley \(haseley@ohio.edu\) Sent You a Personal Message](mailto:haseley@ohio.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:59:44 PM

Dear Clerk - Nathan Moffitt,

We need to protect our state parks for our future generations.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeanne Haseley
9865 Oxley Rd
Athens, OH 45701
haseley@ohio.edu
(740) 707-9866

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karen Bell \(maps2_cinti@hotmail.com\) Sent You a Personal Message](mailto:maps2_cinti@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:57:52 PM

Dear Clerk - Nathan Moffitt,

Fracking destroys the land.
Fracking creates toxic waste
Fracking destroys wildlife habitation and vegetation necessary for climate control

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karen Bell
1226 Lincoln Ave
Cincinnati, OH 45206
maps2_cinti@hotmail.com
(513) 917-8966

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Martha Dahlgren \(marthpdahlgren@gmail.com\) Sent You a Personal Message](mailto:Martha.Dahlgren@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:54:37 PM

Dear Clerk - Nathan Moffitt,

Leave the natural spaces alone. Oil and gas fracking destroy the environment (land) and fouls the water. Bad for people except oil spectators) and bad for land an animals. Just say NO!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Martha Dahlgren
4521 Moore Rd
Middletown , OH 45042
marthpdahlgren@gmail.com
(703) 400-5847

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christy Catlett \(christycatlett@gmail.com\) Sent You a Personal Message](mailto:ChristyCatlett@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:53:22 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christy Catlett
7167 Kingscote Ct
Dublin, OH 43017
christycatlett@gmail.com
(614) 203-3033

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebecca Slischer \(beckyslischer@gmail.com\)](mailto:beckyslischer@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:52:59 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rebecca Slischer
481 Main St.
Groveport, OH 43125
beckyslischer@gmail.com
(614) 325-1478

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joyce Shadrach \(goosecoup2@hotmail.com\) Sent You a Personal Message](mailto:goosecoup2@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:51:06 PM

Dear Clerk - Nathan Moffitt,

We don't need our air, land and water polluted any more than it already is.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joyce Shadrach
10269 Breining Rd
Hicksville, OH 43526
goosecoup2@hotmail.com
(419) 487-0288

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carrie Resnick \(cholma21@gmail.com\) Sent You a Personal Message](mailto:cholma21@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:50:22 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carrie Resnick
11681 Cedarview Drive
Montgomery, OH 45249
cholma21@gmail.com
(513) 515-3538

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Walter Cloud \(dirtydan49@yahoo.com\) Sent You a Personal Message](mailto:dirtydan49@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:50:14 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Walter Cloud
55 Douglas St
Camden, OH 45311
dirtydan49@yahoo.com
(937) 533-8532

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Suzanne Hoffman \(rshuffyburg@gmail.com\) Sent You a Personal Message](mailto:rshuffyburg@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:48:18 PM

Dear Clerk - Nathan Moffitt,

Our parks are a part of a legacy left to the state for all to use. They are not toys to be taken by Republican lawmakers. They would sell everything for personal profits. Save our parks. Fracking hurts everyone.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Suzanne Hoffman
25400 Fort Meigs Road
Perrysburg , OH 43551
rshuffyburg@gmail.com
(419) 350-3204

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathryn Foster \(ktdid2late@yahoo.com\) Sent You a Personal Message](mailto:ktdid2late@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:46:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathryn Foster
786 Formation Court
Galloway, OH 43119
ktdid2late@yahoo.com
(614) 638-8762

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susie Hogue \(sjrna1959@gmail.com\) Sent You a Personal Message](mailto:sjrna1959@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:45:58 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susie Hogue
404 Cushing Ave.
Kettering, OH 45429
sjrna1959@gmail.com
(937) 478-5578

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christine Bruce \(christybspinall@yahoo.com\) Sent You a Personal Message](mailto:ChristineBruce@sierraclub.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:45:35 PM

Dear Clerk - Nathan Moffitt,

These are supposed to be protected areas.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christine Bruce
2019 Grafton Rd
Elyria, OH 44035
christybspinall@yahoo.com
(440) 458-8092

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susan Dunn \(soosahn@aol.com\) Sent You a Personal Message](mailto:soosahn@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:45:17 PM

Dear Clerk - Nathan Moffitt,

Fracking has been shown to be detrimental to land, wildlife, humans and our stewardship of our world. It is pitiful that actions such as the one that wiggled through a bill about poultry. Deceivers are so cagy as to insinuate themselves into legal loop holes or through laws based on the protection of the public to degrade our already declining habitats. Sick and sad, the rest of us suffer...Politicians do not operate for the human population. They work for big business and financial gain at the expense of the rest of us.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Dunn
5648 Mark Dale Dr
Dayton, OH 45459
soosahn@aol.com
(602) 821-7788

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karen J Hayes \(kjhayesusa@hotmail.com\)](mailto:kjhayesusa@hotmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:41:16 PM

Dear Clerk - Nathan Moffitt,

Fracking in state and public parks is unacceptable. The fracking process creates vast amounts of wastewater, emits greenhouse gases such as methane, releases toxic air pollutants and generates noise. Studies have shown these gas and oil operations can lead to loss of animal and plant habitats, species decline, migratory disruptions and land degradation. It also has been determined that horizontal hydraulic fracturing puts pressure on fault lines deep in the Earth's crust.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karen J Hayes
2479 Madison Rd
Cincinnati, OH 45208
kjhayesusa@hotmail.com
(561) 703-5793

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Katharine Beutner \(katharine.b@gmail.com\) Sent You a Personal Message](mailto:katharine.b@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:40:12 PM

Dear Clerk - Nathan Moffitt,

As an Ohioan, I do not want our public lands used up and polluted by oil and gas extraction. Do the right thing for our children and stop this!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katharine Beutner
3593 Tullamore Road
Cleveland Heights , OH 44118
katharine.b@gmail.com
(512) 289-8904

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Denise Hendershott \(dhenders258@aol.com\) Sent You a Personal Message](mailto:dhenders258@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:40:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Denise Hendershott
2797 Clearview Drive
Mansfield , OH 44904
dhenders258@aol.com
(419) 555-5555

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From: [Steve Farmer \(spfarmer@roadrunner.com\) Sent You a Personal Message](mailto:spfarmer@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:39:37 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Steve Farmer
369 Dutch Ridge Road
Portsmouth, OH 45662
spfarmer@roadrunner.com
(740) 250-9975

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diane Darrell \(darrelldiane311@yahoo.com\)](mailto:darrelldiane311@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:39:33 PM

Dear Clerk - Nathan Moffitt,

Climate change

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Diane Darrell
10290 Mill Rd 220
Cincinnati, OH 45231
darrelldiane311@yahoo.com
(513) 675-5336

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Verna Barta \(v8bartam@gmail.com\) Sent You a Personal Message](mailto:v8bartam@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:38:02 PM

Dear Clerk - Nathan Moffitt,

Stop listening to big oil and gas and think about how fracking ruins the ground and water supplies. We need to get away from fossil fuels and concentrate on renewable energy that is environmentally friendly.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Verna Barta
10610 Seminole Shore Drive
Huntsville, OH 43324
v8bartam@gmail.com
(937) 441-2645

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nina Rossi \(na-rossi@hotmail.com\) Sent You a Personal Message](mailto:na-rossi@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:36:14 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nina Rossi
1228 West Blvd
Cleveland, OH 44102
na-rossi@hotmail.com
(216) 470-4548

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judith Bishop \(judy_bishop1951@yahoo.com\)](mailto:judy_bishop1951@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:35:23 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judith Bishop
3821 Park Ridge Dr
Uniontown, OH 44685
judy_bishop1951@yahoo.com
(330) 612-0536

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Austin Johnson \(johnsonaustin215@yahoo.com\) Sent You a Personal Message](mailto:johnsonaustin215@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:34:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Austin Johnson
6143 kingoak dr
Cincinnati , OH 45248
johnsonaustin215@yahoo.com
(513) 519-7645

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patti Wanat \(pgiw@zoominternet.net\) Sent You a Personal Message](mailto:pgiw@zoominternet.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:32:25 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patti Wanat
19 Michigan Ave
Poland, OH 44514
pgiw@zoominternet.net
(330) 540-8785

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melissa Hartford \(hartford_melissa@yahoo.com\) Sent You a Personal Message](mailto:hartford_melissa@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:31:27 PM

Dear Clerk - Nathan Moffitt,

Please protect our parks and land from fracking! Do not allow it! This would have a very bad affect on our environment and ecosystem ergo effecting our health. This is serious- please do not allow it!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melissa Hartford
5157 Derby Ct
Mason , OH 45040
hartford_melissa@yahoo.com
(727) 612-5012

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cynthia Gaydos \(cindy1955@yahoo.com\) Sent You a Personal Message](mailto:cindy1955@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:31:23 PM

Dear Clerk - Nathan Moffitt,

Parks are for everyone. It's not right to have drilling there.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cynthia Gaydos
92 Spring St.
Mechanicsburg, OH 43044
cindy1955@yahoo.com
(937) 212-1211

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Stjepan Vlahovich \(narodman@aol.com\) Sent You a Personal Message](mailto:narodman@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:31:00 PM

Dear Clerk - Nathan Moffitt,

I have worked in the energy field in Ohio for more than 30 years. We do not need more energy from non-renewable sources, but to use the energy we do have more efficiently and expand our use of renewable energy. Our parks need to be kept out of the clutches of energy companies and kept for future generations to enjoy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Stjepan Vlahovich
1190 E Broad St
Columbus, OH 43205
narodman@aol.com
(614) 483-1875

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From: [Carol Brazee \(cabraze96@gmail.com\) Sent You a Personal Message](mailto:cabraze96@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:29:50 PM

Dear Clerk - Nathan Moffitt,

Greed has no place in our parks. The beauty of the parks should never be destroyed for profit.

NO FILTHY FRACKING ????????

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carol Brazee
1410 Middle Ave
Elyria, OH 44035
cabraze96@gmail.com
(440) 376-6668

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From: [Lori Collins \(lori.storm61@gmail.com\) Sent You a Personal Message](mailto:lori.storm61@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:29:50 PM

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Sincerely,

Lori Collins
12412 State Route 113
Wakeman, OH 44889
lori.storm61@gmail.com
(440) 610-0051

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From: [Jo Hunt \(jojomojo.hunt@gmail.com\) Sent You a Personal Message](mailto:jojomojo.hunt@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:28:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jo Hunt
1Grandview Dr
Mount Vernon , OH 43050
jojomojo.hunt@gmail.com
(740) 485-5333

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From: [Amour Dresbach \(amourdresbach@gmail.com\) Sent You a Personal Message](mailto:AmourDresbach@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:27:18 PM

Dear Clerk - Nathan Moffitt,

This matters to me because we are to love our neighbors and only through kind actions are at doing this.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Amour Dresbach
2634 Melrose Ave #10
Cincinnati, OH 45206
amourdresbach@gmail.com
(859) 814-1016

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Theodore Nichols \(nichols4068@gmail.com\) Sent You a Personal Message](mailto:nichols4068@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:26:42 PM

Dear Clerk - Nathan Moffitt,

Fracking should not be permitted anywhere, let alone the state parks, as it is known to be detrimental to the environment and exacerbates climate change. Please commit to renewable energy projects and ban fracking in Ohio!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Theodore Nichols
8130 Hermitage Rd
Concord, OH 44077
nichols4068@gmail.com
(440) 867-6029

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rosamond Smith \(rosamondj574@gmail.com\) Sent You a Personal Message](mailto:rosamondj574@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:23:33 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rosamond Smith
2336 Triplett Blvd Akron Ohio 44312
Akron, OH 44312
rosamondj574@gmail.com
(330) 310-8842

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cecilia Johnson \(johnson.2668@buckeyemail.osu.edu\)](mailto:johnson.2668@buckeyemail.osu.edu) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:21:20 PM

Dear Clerk - Nathan Moffitt,

Fracking in our Ohio parks is unacceptable. It will destroy our beautiful natural resources and make Ohio an undesirable place to live and work. Do not allow this!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cecilia Johnson
1288 Shanley Drive
Columbus, OH 43224
johnson.2668@buckeyemail.osu.edu
(614) 268-2398

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [John Floro \(john.floro@yahoo.com\)](mailto:john.floro@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:20:57 PM

Dear Clerk - Nathan Moffitt,

Please do not target the few parks that are still available in our great state of Ohio. The ecological and historic value as well as the natural beauty need to be preserved!! Thank you! John Floro

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Floro
9354 Ashcroft Lane
Twinsburg , OH 44087
john.floro@yahoo.com
(440) 417-4677

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sarah Thompson \(sctvgirl@yahoo.com\) Sent You a Personal Message](mailto:sctvgirl@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:19:46 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sarah Thompson
61 Ridgeway St
Struthers, OH 44471
sctvgirl@yahoo.com
(330) 207-6853

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Juha \(maryjuha@gmail.com\)](mailto:maryjuha@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:19:41 PM

Dear Clerk - Nathan Moffitt,

Stop destroying and/or poisoning of public lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Juha
3475 W 95 Street
Cleveland , OH 44102
maryjuha@gmail.com
(216) 543-3769

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michael Moorman \(michaelmoorman@va.gov\) Sent You a Personal Message](mailto:michaelmoorman@va.gov)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:18:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michael Moorman
3905 East 144Th Street
Cleveland , OH 44128
michaelmoorman@va.gov
(216) 355-1753

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marc Rayburn \(mrayburn@columbus.rr.com\) Sent You a Personal Message](mailto:mrayburn@columbus.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:18:43 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marc Rayburn
8511 Cheshire Rd
Sunbury , OH 43074
mrayburn@columbus.rr.com
(614) 537-4689

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Amy Dias \(aegettig@aol.com\) Sent You a Personal Message](mailto:aegettig@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:18:29 PM

Dear Clerk - Nathan Moffitt,

Please leave our State parks alone! Is nothing sacred anymore? Nature should be left alone!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Amy Dias
69240 Cardinal Drive
Saint Clairsville, OH 43950
aegettig@aol.com
(740) 232-5243

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Martha Werner-Brown \(martha.w.brown@gmail.com\) Sent You a Personal Message](mailto:martha.w.brown@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:17:57 PM

Dear Clerk - Nathan Moffitt,

I feel so betrayed by the government. Lawmakers do not protect the health and rights of citizens - protecting us FROM big business. No, we are sold out daily. We are given poisoned food. Our air and water are poisoned. Our children's schools are even sold out to big business so that our children get the worst food imaginable. Now the government contemplates allowing our parks to be traded away to big business?! Did you all not have the Lorax read to you as children????

Who is going to stop choosing our destruction for money???

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Martha Werner-Brown
3225 Rocky Point Rd
Springfield, OH 45502
martha.w.brown@gmail.com
(937) 776-4924

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [David Brockett \(brockhorn5056@sbcglobal.net\)](mailto:brockhorn5056@sbcglobal.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:17:37 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

David Brockett
3135 Corydon Rd.
Cleveland Heights, OH 44118
brockhorn5056@sbcglobal.net
(216) 214-0714

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Dailey \(swoodzie@gmail.com\) Sent You a Personal Message](mailto:swoodzie@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:17:33 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Dailey
8919 Farmdale Way
Maineville , OH 45039
swoodzie@gmail.com
(513) 226-3609

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Winters-Duke \(laurajwintersduke@yahoo.com\)](mailto:laurajwintersduke@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:17:31 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Winters-Duke
20997 state route 772
Waverly, OH 45690
laurajwintersduke@yahoo.com
(614) 226-1426

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Peg Mcghee \(6grandhands946@gmail.com\)](mailto:6grandhands946@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:17:28 PM

Dear Clerk - Nathan Moffitt,

Leave the parks alone. Our children and great grandchildren need the parks!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Peg Mcghee
912 Monastery
Cincinnati, OH 45202
6grandhands946@gmail.com
(513) 417-9333

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Pejmaan Fallah \(pejmaan5@gmail.com\) Sent You a Personal Message](mailto:pejmaan5@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:16:57 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Pejmaan Fallah
1437 Fair Ave
Columbus, OH 43205
pejmaan5@gmail.com
(614) 477-1253

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Julie Voynovich \(Julie.voynovich@gmail.com\) Sent You a Personal Message](mailto:Julie.voynovich@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:16:29 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Julie Voynovich
6307 Charity Drive
Cincinnati, OH 45248
Julie.voynovich@gmail.com
(513) 335-0945

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rachel Zeisler \(zeislerc@miamioh.edu\) Sent You a Personal Message](mailto:zeislerc@miamioh.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:16:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rachel Zeisler
6024 Monnett New Winchester Rd
Galion, OH 44833
zeislerc@miamioh.edu
(419) 512-0641

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Leann Orlando \(pinkmingo285@hotmail.com\) Sent You a Personal Message](mailto:Leann.Orlando@pinkmingo285@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:16:02 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Leann Orlando
14432 Delaware Ave
Lakewood, OH 44107
[pinkmingo285@hotmail.com](mailto:Leann.Orlando@pinkmingo285@hotmail.com)
(440) 479-0581

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Justine Hughes \(justinemariahughes@gmail.com\) Sent You a Personal Message](mailto:justinemariahughes@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:16:02 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Justine Hughes
1557 Roycroft Ave
Lakewood, OH 44107
justinemariahughes@gmail.com
(216) 235-5459

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jan Rader \(jrrader@kent.edu\) Sent You a Personal Message](mailto:jrrader@kent.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:15:20 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jan Rader
326 Harris St
Kent, OH 44240
jrrader@kent.edu
(330) 285-9037

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Natalie Ringeis \(granary.birches-0k@icloud.com\)](mailto:granary.birches-0k@icloud.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:15:11 PM

Dear Clerk - Nathan Moffitt,

I Absolutely do not want to be on the side of history that watched our most precious PROTECTED lands be destroyed for short term monetary gains.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Natalie Ringeis
4044 Knollbrook Drive
Norton , OH 44203
granary.birches-0k@icloud.com
(330) 687-1747

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Zoe Rodriguez \(zoe.dapore@gmail.com\)](mailto:zoe.dapore@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:14:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Zoe Rodriguez
251 Henry St
Dayton , OH 45403
zoe.dapore@gmail.com
(937) 829-8348

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [David Lincove \(dlinc570@gmail.com\)](mailto:dvinc570@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:13:57 PM

Dear Clerk - Nathan Moffitt,

I use state parks in Ohio just like thousands of other Ohioans. Please make the health and safety of Ohio residents and the preservation of these environmental resources a priority.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

David Lincove
2231 Waters Edge Blvd
Columbus, OH 43209
[dlinc570@gmail.com](mailto:dvinc570@gmail.com)
(614) 905-1913

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeffrey Brining \(brining.j@yahoo.com\) Sent You a Personal Message](mailto:brining.j@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:13:10 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeffrey Brining
512 Market Street
Brookville , OH 45309
brining.j@yahoo.com
(937) 657-2295

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Clinger \(yooper4@gmail.com\) Sent You a Personal Message](#)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:12:44 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Clinger
122 Washington Street
Port Clinton , OH 43452
yooper4@gmail.com
(734) 807-1762

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Todd Woods \(badmech1@netzero.com\) Sent You a Personal Message](mailto:badmech1@netzero.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:12:26 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Todd Woods
6028 Furnas Oglesby Rd
Waynesville , OH 45068
badmech1@netzero.com
(513) 897-2498

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lori Gevedon \(lorigevedon99@gmail.com\)](mailto:lorigevedon99@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:12:25 PM

Dear Clerk - Nathan Moffitt,

No fracking in Ohio....All our parks are extremely important for wildlife, recreational activities (hiking, bicycling, picnicing, etc), a natural environment to explore nature, etc.
Fracking causes earthquakes, unsettling of the Earth's layers etc. If you have to do it do it on your billionaires lands.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lori Gevedon
3110 TURTLEBROOK CT
DAYTON, OH 45414
lorigevedon99@gmail.com
(937) 307-7225

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Monica Brueggemeier \(monica.brueggemeier@gmail.com\) Sent You a Personal Message](mailto:monica.brueggemeier@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:12:17 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Monica Brueggemeier
15950 Pemberville rd
Pemy, OH 43450
monica.brueggemeier@gmail.com
(330) 231-3588

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Brining \(jen.brining@yahoo.com\) Sent You a Personal Message](mailto:jen.brining@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:12:00 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Brining
512 Market Street
Brookville , OH 45309
jen.brining@yahoo.com
(937) 248-8231

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ciara Holtman \(ciarajadeholtman@gmail.com\) Sent You a Personal Message](mailto:ciarajadeholtman@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:11:39 PM

Dear Clerk - Nathan Moffitt,

I love nature and protecting it is a priority to me. I enjoy state and national parks and would like to see them remain beautiful and clean.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ciara Holtman
2835 Claypole Avenue
Cincinnati, OH 45204
ciarajadeholtman@gmail.com
(513) 405-3495

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [BARBARA JONES \(mamarose38@gmail.com\)](mailto:mamarose38@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:11:31 PM

Dear Clerk - Nathan Moffitt,

I drive an RV!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

BARBARA JONES
P.O. Box 136
Derwent, OH 43733
mamarose38@gmail.com
(740) 995-9965

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Weber \(ljweber@zoominternet.net\)](mailto:ljweber@zoominternet.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:11:13 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Weber
277 Township Road 391
Sullivan, OH 44880
ljweber@zoominternet.net
(419) 736-3629

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Viv?an Barro \(viviancb1@hotmail.com\) Sent You a Personal Message](mailto:viviancb1@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:10:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Viv?an Barro
249 Cambridge Ave
Elyria, OH 44035
viviancb1@hotmail.com
(305) 962-7646

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Delane Bender-Slack \(laneybenderslack@gmail.com\) Sent You a Personal Message](mailto:laneybenderslack@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:10:09 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Delane Bender-Slack
7440 Madeira Pines Drive
Cincinnati, OH 45243
laneybenderslack@gmail.com
(513) 205-2857

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Charles Stenken \(cstenken@icloud.com\) Sent You a Personal Message](mailto:cstenken@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:53 PM

Dear Clerk - Nathan Moffitt,

State Parks are important to me and my family. For many years, we have gathered and stayed overnight for holiday weekends at different park locations with cabins. Permitting fracking in parks will destroy the natural environment that we are seeking. Please don't ruin these oases from the rush of modern life.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Charles Stenken
3476 Forestoak Ct.
Cincinnati, OH 45208
cstenken@icloud.com
(513) 703-6160

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jody Wainer \(jodwai@horinc.com\) Sent You a Personal Message](mailto:jodwai@horinc.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:40 PM

Dear Clerk - Nathan Moffitt,

This earth is our home protect Mother Earth

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jody Wainer
30 Farmcote Drive
Moreland Hills, OH 44022
jodwai@horinc.com
(216) 702-7082

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeffrey Curling \(dincurl@yahoo\) Sent You a Personal Message](mailto:dincurl@yahoo)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:38 PM

Dear Clerk - Nathan Moffitt,

We don't need anymore fracking and drilling. And this is not what I go to the park to see.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeffrey Curling
206 East Main St.
Trotwood, OH 45426
dincurl@yahoo
(443) 297-9465

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary E Chapa \(marilizibachapa@gmail.com\) Sent You a Personal Message](mailto:marilizibachapa@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:25 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary E Chapa
500 North Gay Street
Mount Vernon, OH 43050
marilizibachapa@gmail.com
(740) 398-5651

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dawn Clayton \(dawn.clayton3690@att.net\) Sent You a Personal Message](mailto:dawn.clayton3690@att.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dawn Clayton
1288 Turner Drive
Sidney, OH 45365
dawn.clayton3690@att.net
(330) 814-7033

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From: [Jody Wainer \(jodwai@horinc.com\) Sent You a Personal Message](mailto:jodwai@horinc.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:12 PM

Dear Clerk - Nathan Moffitt,

This earth is our home protect Mother Earth

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jody Wainer
30 Farmcote Drive
Moreland Hills, OH 44022
jodwai@horinc.com
(216) 702-7082

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From: [Taylor Simkins \(taylor.simkins27@gmail.com\) Sent You a Personal Message](mailto:taylor.simkins27@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:09:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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-Notice for each nominated parcel must be posted on ODNR's website

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Taylor Simkins
8067 Serenity Lake Drive
Liberty Township , OH 45044
taylor.simkins27@gmail.com
(513) 571-1477

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Loyola O'Brien \(tomandlola68@gmail.com\) Sent You a Personal Message](mailto:tomandlola68@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:08:16 PM

Dear Clerk - Nathan Moffitt,

This is no time to further ruin our environment. All of this is detrimental to Ohio. It must be stopped. Far too many things in our state are becoming much worse. Tha, also most stop.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Loyola O'Brien
3389 Call Rd.
Perry, OH 44081
tomandlola68@gmail.com
(216) 410-4263

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathleen Fischer \(kfischer364@gmail.com\) Sent You a Personal Message](mailto:kfischer364@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:07:08 PM

Dear Clerk - Nathan Moffitt,

Can we have some beautiful spaces in this country? Or does it ALWAYS boil down to the almighty dollar? If you allow this, SHAME ON YOU!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathleen Fischer
11720 Mortimer Ave
Cleveland, OH 44111
kfischer364@gmail.com
(216) 315-4484

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Anthony Calvelage \(tcalvelage@yahoo.com\) Sent You a Personal Message](mailto:tcalvelage@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:06:55 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anthony Calvelage
626 Lehman Street
Columbus , OH 43206
tcalvelage@yahoo.com
(419) 303-7832

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Paul Stranahan \(paulstranahan@hotmail.com\) Sent You a Personal Message](mailto:paulstranahan@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:06:52 PM

Dear Clerk - Nathan Moffitt,

Please protect our parks!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Paul Stranahan
1380 Argonne Rd.
South Euclid, OH 44121
paulstranahan@hotmail.com
(216) 269-9156

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Schmersal \(cppsnews@bright.net\) Sent You a Personal Message](mailto:Mary.Schmersal@cppsnews@bright.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:06:42 PM

Dear Clerk - Nathan Moffitt,

Fracking does not preserve God's creation....it only benefits corporate America. Health and environment are destroyed.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Schmersal
4960 Salem Avenue Apt 3008
Dayton, OH 45416
cppsnews@bright.net
(419) 304-3819

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mark Ryland \(mgrssn646@gmail.com\)](mailto:mgrssn646@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:06:27 PM

Dear Clerk - Nathan Moffitt,

I would like my grandchildren to be able to enjoy parks and State Lands. Oil and gas companies will destroy them. Pleas stop this.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mark Ryland
1961 ThorndaleAve
Stow, OH 44224
mgrssn646@gmail.com
(330) 285-0641

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Katherine Roslan \(kaitlinn67@live.com\)](mailto:kaitlinn67@live.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:06:19 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katherine Roslan
19357 Bagley Road
Middleburg Heights, OH 44130
kaitlinn67@live.com
(216) 816-5562

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kimberly Hoffman \(hoffmankimberly@hotmail.com\) Sent You a Personal Message](mailto:hoffmankimberly@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:55 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kimberly Hoffman
100 North St.
Columbus , OH 43202
hoffmankimberly@hotmail.com
(614) 886-7717

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Arthur Schnabel \(artiesparty499@gmail.com\) Sent You a Personal Message](mailto:artiesparty499@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:44 PM

Dear Clerk - Nathan Moffitt,

Don't sell out Mother Nature!!
Don't Sell GREEN FOR "GREEN"= CASH!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Arthur Schnabel
2971 Fourtowers Ave
Cincinnati, OH 45238
artiesparty499@gmail.com
(352) 263-5446

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Margaret Lynd \(margaretlynd@gmail.com\) Sent You a Personal Message](mailto:margaretlynd@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:27 PM

Dear Clerk - Nathan Moffitt,

Please do not ruin our National Parks! They are the envy of the world. Just as they are!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Margaret Lynd
2840 Medary Avenue
Columbus, OH 43202
margaretlynd@gmail.com
(614) 937-5690

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [shawnte jaynes \(shawntejaynes@gmail.com\) Sent You a Personal Message](mailto:shawntejaynes@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

shawnte jaynes
1642 VINE ST APT
cincinnati, OH 45202
shawntejaynes@gmail.com
(513) 580-1382

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lorin Swinehart \(LorinSwinehart@yahoo.com\) Sent You a Personal Message](mailto:LorinSwinehart@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:15 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lorin Swinehart
2408 hunters way
Sandusky, OH 44870
LorinSwinehart@yahoo.com
(419) 651-3990

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebecca Green \(greentree@ecr.net\) Sent You a Personal Message](mailto:greentree@ecr.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:11 PM

Dear Clerk - Nathan Moffitt,

I love hiking at the parks and especially like the quiet and fresh smell! Stay the frack out of the parks!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rebecca Green
710 Leroy Street
Mount Vernon , OH 43050
greentree@ecr.net
(740) 398-9114

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sue Becker \(suebecker20@yahoo.com\) Sent You a Personal Message](mailto:suebecker20@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:09 PM

Dear Clerk - Nathan Moffitt,

My great grandchildren future! They deserve undisturbed parks like we enjoy!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sue Becker
2695 Edwin Dr
Beavercreek, OH 45434
suebecker20@yahoo.com
(937) 285-0557

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susan Bilski \(sunblondi9@gmail.com\) Sent You a Personal Message](mailto:sunblondi9@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:05:01 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Bilski
4490 Aspen Lake Dr. Ste 102
Brunswick, OH 44212
sunblondi9@gmail.com
(330) 304-2960

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gregory Witt \(witt.greg@gmail.com\) Sent You a Personal Message](mailto:witt.greg@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:04:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gregory Witt
6810 Rhineview Court
Dayton, OH 45459
witt.greg@gmail.com
(847) 343-6464

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Danielle Daugherty \(Only1DanielleD@icloud.com\) Sent You a Personal Message](mailto:Only1DanielleD@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:04:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Danielle Daugherty
7315 Fall Creek Lane
Columbus, OH 43235
Only1DanielleD@icloud.com
(614) 914-3964

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carol Bouffioux \(lckrc@aol.com\) Sent You a Personal Message](mailto:lckrc@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:04:44 PM

Dear Clerk - Nathan Moffitt,

Parks are a refuge for all of us. It's selfish to ruin them for profit. My family and I enjoy Hocking Hills and the surrounding areas, as well as Salt Fork and Shawnee. The experience of a getaway would be ruined if fracking were allowed. Cut it out.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carol Bouffioux
1115 Kemper Ave
Dayton, OH 45420
lckrc@aol.com
(937) 848-8176

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kimberly Dunaway \(Kd11834@gmail.com\) Sent You a Personal Message](mailto:Kd11834@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:04:39 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kimberly Dunaway
Po box 317675
Mount Healthy, OH 45231
Kd11834@gmail.com
(513) 808-5574

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michelle Gordon \(13mgordon1967@gmail.com\)](mailto:13mgordon1967@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:04:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michelle Gordon
30 E. 8th Street
Ashland, OH 44805
13mgordon1967@gmail.com
(419) 606-4534

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Shelli Lubecky \(shellylubucky@netzero.net\) Sent You a Personal Message](mailto:shellylubucky@netzero.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:03:57 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Shelli Lubecky
1063 Stanwell dr
Highland Heights , OH 44143
shellylubucky@netzero.net
(440) 684-9608

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tim Stickle \(pointofdeparture@sbcglobal.net\)](mailto:pointofdeparture@sbcglobal.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:03:45 PM

Dear Clerk - Nathan Moffitt,

Fossil fuels are backwards thinking period. Keep that nasty dirty crap out of our parks!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tim Stickle
2504 Briar Lane
Toledo , OH 43614
pointofdeparture@sbcglobal.net
(419) 932-0784

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Vina Colley \(vcolley@earthlink.net\)](mailto:vcolley@earthlink.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:03:43 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Vina Colley
P.O.Box 136
Portsmouth, OH 45662
vcolley@earthlink.net
(740) 357-8916

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Maha Hatoum \(mkhatoum@gmail.com\) Sent You a Personal Message](mailto:mkhatoum@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:03:29 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Maha Hatoum
5570 Harleston
Lyndhurst , OH 44124
mkhatoum@gmail.com
(440) 665-2514

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deanna Weaver \(dee6034@hotmail.com\) Sent You a Personal Message](mailto:dee6034@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:59 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Deanna Weaver
6034 Collins Road
Mentor, OH 44060
dee6034@hotmail.com
(440) 667-6646

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dr. Daniel Eck \(stargatexplorer2002@yahoo.com\)](mailto:stargatexplorer2002@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:41 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dr. Daniel Eck
314 W Main St. # 93
Van Wert, OH 45891
stargatexplorer2002@yahoo.com
(419) 309-7616

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Hatsy Applegate v \(happlegate20@gmail.com\) Sent You a Personal Message](mailto:happlegate20@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:39 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Hatsy Applegate v
1522 Crest Rd
Cleveland, OH 44121
happlegate20@gmail.com
(216) 297-9314

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joan Taj Leppla \(radiantheart@neo.rr.com\) Sent You a Personal Message](mailto:Joan.Taj.Leppla@neo.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joan Taj Leppla
3105 Brush Road
Richfield , OH 44286
radiantheart@neo.rr.com
(330) 655-5454

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Debby Chandler \(debchandler7@gmail.com\) Sent You a Personal Message](mailto:debchandler7@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:17 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Debby Chandler
53 Rhodes Ave.
Akron, OH 44302
debchandler7@gmail.com
(330) 459-0982

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [John Kramer \(jpk08141949@gmail.com\) Sent You a Personal Message](mailto:jpk08141949@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:02:17 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Kramer
1024 Hicks blvd
Fairfield, OH 45014
jpk08141949@gmail.com
(513) 304-6915

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jen Boden \(sisterlove755@gmail.com\)](mailto:sisterlove755@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 3:59:56 PM

Dear Clerk - Nathan Moffitt,

U have no right to poison our Earth !!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jen Boden
411 Sterling Hill Dr Apt E
Findlay, OH 45840
sisterlove755@gmail.com
(419) 889-1867

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Melanie Presler \(mpresler1@gmail.com\) Sent You a Personal Message](mailto:mpresler1@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 3:18:57 PM

Dear Clerk - Nathan Moffitt,

Do these people have no shame? No respect for what's left of our state's natural beauty? We all know that alternative energy sources should be what they are working on. They also know what fracking can do to the environment. I'm disgusted.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Melanie Presler
602 Park Avenue
Amherst, OH 44001
mpresler1@gmail.com
(440) 988-5667

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From: [Martin Kraft \(mkraft55@gmail.com\) Sent You a Personal Message](mailto:mkraft55@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 3:03:35 PM

Dear Clerk - Nathan Moffitt,

Fracking is a terrible idea anywhere in Ohio but especially in our public lands. It's not even a question of whether fracking will pollute the land, but when. For proof, just look at all the Native American reservations that have been destroyed by fracking. No surprise that DeWine supports fracking, look at how he didn't react to the Palestine train wreck. Where there's DeWine, there's De Will to allow pollution.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Martin Kraft
1053 Dunaway St Apt 2
Miamisburg, OH 45342
mkraft55@gmail.com
(225) 955-8701

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5500.

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From: [George Banziger \(gbanziger497@gmail.com\) Sent You a Personal Message](mailto:gbanziger497@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 2:54:14 PM

Dear Clerk - Nathan Moffitt,

Regarding the implementation of HB 507, I have the following concerns/comments:

1. Leaks and Transport. Leaks will occur. The transport of gas and fracking waste present other problems. We know well the risk of accidents and leaks from injection wells in Washington County.
2. There are many health impacts near fracking sites. Visitors and those who live near public lands where fracking occurs will be subject to these health impacts including birth defects, pregnancy issues, cancer, et al.
3. The Governor has stated that he will not allow surface impacts from fracking on public lands. How will that be monitored and enforced? Will there be public input if surface impacts take place?
4. There will be PFAS (forever substances) and toxic chemicals introduced into public lands.
5. Greater risk of earthquakes on these areas, has happened before in fracking areas
6. Detrimental effects on biodiversity in these sensitive areas

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

George Banziger
202 Lawton Road

Marietta, OH 45750
gbanziger497@gmail.com
(740) 434-3354

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Chris Curran \(currancp@gmail.com\) Sent You a Personal Message](mailto:currancp@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 2:33:45 PM

Dear Clerk - Nathan Moffitt,

As a native Ohioan who has lived in virtually all parts of the state (northeast Ohio, Columbus, southeast Ohio and currently southwest Ohio, I greatly value the expanses of state forests and parks in the Buckeye State. It is inconceivable to me that these natural lands set aside for recreation and the protection of wildlife could be turned over to commercial energy companies for exploitation. If the recent outbreak of Midwest tornadoes and flooding didn't make it obvious, climate change is real and it's affecting us now. We need to restrict oil and gas drilling. We can't allow it to expand unregulated and uncontrolled. We support our parks and forests with our tax dollars. Don't waste our money, and don't endanger our health and future by giving in to greed.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Chris Curran
7633 Cathedral Hills Drive
Cincinnati, OH 45244
currancp@gmail.com
(513) 232-4905

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From: [Mark and Karen Mcvay \(mkmcvay@me.com\) Sent You a Personal Message](mailto:mkmcvay@me.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 2:18:02 PM

Dear Clerk - Nathan Moffitt,

I don't want your dirty fuel. Electric is the future, not trashing my planet

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mark and Karen Mcvay
1485 Sportsman Club Rd
Newark, OH 43055
mkmcvay@me.com
(740) 587-2471

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From: [Patricia Marida \(patmarida@outlook.com\) Sent You a Personal Message](mailto:patmarida@outlook.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:55:24 PM

Dear Clerk - Nathan Moffitt,

Our parks are not industrial zones. I am 81 years old. I have hiked, biked and camped for almost all of my life in Ohio's parks. People donated money to keep these parks safe for nature. High pressure lateral hydraulic fracturing and oil drilling are incompatible with the natural world and the peace and serenity of the forest. The people of Ohio are not in favor of this. The Ohio legislature no longer feels it will be held accountable for this erosion of democracy. The Commission must do everything in its power to stop this abuse of power and abuse of Ohio's parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Marida
1710 Dorsetshire Rd
Columbus, OH 43229
patmarida@outlook.com
(614) 286-4851

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Steve McPhee \(steve.neosierra@gmail.com\) Sent You a Personal Message](mailto:steve.neosierra@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:38:11 PM

Dear Clerk - Nathan Moffitt,

The state parks ste for recreation. There should be no pipelines roads, service pads storage lots and other impediments allowed.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Steve McPhee
19 Parkview Dr
Berea, OH 44017
steve.neosierra@gmail.com
(440) 467-0079

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From: [Laura Colston \(laura.colston@gmail.com\) Sent You a Personal Message](mailto:laura.colston@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:38:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Colston
603 Wooster Pike
Terrace Park, OH 45174
laura.colston@gmail.com
(513) 675-6124

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From: [Laura Parsons \(parsons.laura@gmail.com\) Sent You a Personal Message](mailto:parsons.laura@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:32:07 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Laura Parsons
1915 Chickasaw Dr
London, OH 43140
parsons.laura@gmail.com
(740) 506-0159

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [John and Laura Hofer \(lauracrawfordhofer@yahoo.com\) Sent You a Personal Message](mailto:lauracrawfordhofer@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:32:01 PM

Dear Clerk - Nathan Moffitt,

Although we are seniors, our children are middle aged and we have youngsters among our grandchildren. Please keep fracking out of our air, water, and soil. Thank you.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John and Laura Hofer
4322 N Oval St
Dublin, OH 43017
lauracrawfordhofer@yahoo.com
(541) 687-7164

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Peyton Yeater \(peytonyeater21@gmail.com\) Sent You a Personal Message](mailto:peytonyeater21@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:31:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Peyton Yeater
3651 Brinell St E
Columbus, OH 43214
peytonyeater21@gmail.com
(614) 633-6821

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lynn Pooley \(pooleyed2@gmail.com\) Sent You a Personal Message](mailto:pooleyed2@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:15:57 PM

Dear Clerk - Nathan Moffitt,

I care

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lynn Pooley
2167 Lewis Dr
Lakewood, OH 44107
pooleyed2@gmail.com
(216) 228-5875

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dion Duckett \(dion.duckett@ge.com\) Sent You a Personal Message](mailto:dion.duckett@ge.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:06:19 PM

Dear Clerk - Nathan Moffitt,

Wow - we do not NEED more poison leaking into our water and air while we heat the earth. Please do NOT approve the use of PFAS/toxic Fracking chemicals, or even of wells on public lands.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dion Duckett
8816 Garland St
Franklin, OH 45005
dion.duckett@ge.com
(937) 743-1358

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Dion \(pbdion06@yahoo.com\) Sent You a Personal Message](mailto:pbdion06@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:43:07 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Dion
22865 S Greystone Dr
Strongsville, OH 44149
pbdion06@yahoo.com
(440) 212-4275

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Shirley Eads \(jefshirl2@aol.com\) Sent You a Personal Message](mailto:jefshirl2@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:11:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Shirley Eads
24 Damon Rd.
Cincinnati, OH 45218
jefshirl2@aol.com
(513) 742-8963

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rhonda Marr \(marrra64@yahoo.com\) Sent You a Personal Message](mailto:marrra64@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:57:16 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rhonda Marr
391 Fairmount Ave NE
Warren, OH 44483
marrra64@yahoo.com
(330) 399-2440

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lane Meyers \(lanzomeyers@gmail.com\) Sent You a Personal Message](mailto:lanzomeyers@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:52:48 AM

Dear Clerk - Nathan Moffitt,

Clean air and water should be a priority above everything for all, not just people who can afford it.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lane Meyers
5631 Beechmont Ave Apt 3
Cincinnati, OH 45230
lanzomeyers@gmail.com
(513) 295-2097

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gertrude Kelso \(gkelso26@yahoo.com\)](mailto:gkelso26@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:47:15 AM

Dear Clerk - Nathan Moffitt,

Please do not take away the serene and beautiful state park land from us by allowing fracking. This is just for profit. The state parks are wonderful areas to take our children and grandchildren to enjoy the outdoors.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gertrude Kelso
2331 Ashurst Rd
University Heights, OH 44118
gkelso26@yahoo.com
(216) 371-1791

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From: [Patricia Rossi \(pat@mountain-pride.com\) Sent You a Personal Message](mailto:pat@mountain-pride.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:31:44 AM

Dear Clerk - Nathan Moffitt,

So you create a bill regarding poultry and it turns into a carte blanche blessing to allow for fracking on Public lands. Why not just pass a bill on Fracking on Public lands vs. hiding it from the public? Afraid of the push back? This bill should not pass.

Cheryl Urban
462 S Messner Rd
New Franklin, OH 44319

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Rossi
2397 17th St
Cuyahoga Falls, OH 44223
pat@mountain-pride.com
(330) 247-8048

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From: [Kevin Peterca \(hickpryman@gmail.com\) Sent You a Personal Message](mailto:hickpryman@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:16:08 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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-Notice for each nominated parcel must be posted on ODNR's website

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kevin Peterca
11150 W Walnut Ridge Rd
Chesterland, OH 44026
hickpryman@gmail.com
(216) 312-3440

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov <<mailto:csc@ohio.gov>> or click the Phish Alert Button if available.

From: [Eric Morris \(ewmorr@hotmail.com\) Sent You a Personal Message](mailto:ewmorr@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 11:10:13 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eric Morris
1530 Woodland Dr
Peninsula, OH 44264
ewmorr@hotmail.com
(330) 555-1212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Corey Baker \(teachercorey@gmail.com\) Sent You a Personal Message](mailto:teachercorey@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:43:49 AM

Dear Clerk - Nathan Moffitt,

Considering our air quality is declining and we're seeing increasing pollution from derailments and soon to be many more cars in our cities, we need to protect our natural resources.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Corey Baker
155 W Main St Apt 1003
Columbus, OH 43215
teachercorey@gmail.com
(646) 269-9697

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Janice Patrick \(ravensmom65@gmail.com\) Sent You a Personal Message](mailto:Janice.Patrick@sierraclub.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:31:44 AM

Dear Clerk - Nathan Moffitt,

Fracking in any area has proven to be unstable and unsafe. We should not allow our public places to be subject to this dangerous method of extraction!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Janice Patrick
3390 Tanya Ave NW
Warren, OH 44485
ravensmom65@gmail.com
(330) 898-7625

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michael Sheidler \(mikesheidler@earthlink.net\) Sent You a Personal Message](mailto:mikesheidler@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:23:40 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michael Sheidler
726 Greenlawn Ave
Dayton, OH 45403
mikesheidler@earthlink.net
(937) 848-6212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Eva Cagle \(cagle11@gmail.com\) Sent You a Personal Message](mailto:cagle11@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:18:03 AM

Dear Clerk - Nathan Moffitt,

It was totally sneaky to attach this fracking to a bill relating to chickens. As a lifelong Ohioan it is horrible that you are trying to frack our parks and protected areas. We don't need more gas and oil. We need more solar and wind power, not more energy that will pollute our water and air. Please do not allow this to happen to our state lands. We need to protect them!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eva Cagle
8071 Fairway Dr
Columbus, OH 43235
cagle11@gmail.com
(614) 848-5654

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Joe Wolf \(wolftale069@hotmail.com\) Sent You a Personal Message](mailto:Joe.Wolf@wolftale069@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:14:05 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joe Wolf
1613 Hawthorne Dr Apt 8
Mayfield Hts, OH 44124
wolftale069@hotmail.com
(440) 346-7230

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Edward Shook \(shook.marje@gmail.com\) Sent You a Personal Message](mailto:shook.marje@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 10:04:21 AM

Dear Clerk - Nathan Moffitt,

This is a horrible idea. Do not allow fracking in our State Parks and Lands. Protect these areas for ALL Ohioans. These lands are not meant for profits to Oil and Gas companies. Protect these lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Edward Shook
7711 Ross Rd
Madison, OH 44057
shook.marje@gmail.com
(440) 298-1428

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [peter pinter \(peterzip@gmail.com\) Sent You a Personal Message](mailto:peterzip@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:59:33 AM

Dear Clerk - Nathan Moffitt,

SAVE OUR PLANET! DON'T KEEP DESTROYING IT! PLEASE!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

peter pinter
7493 malibu dr
parma, OH 44130
peterzip@gmail.com
(440) 545-6922

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kurt Miller \(kurt.alan.miller@gmail.com\) Sent You a Personal Message](mailto:kurt.alan.miller@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:56:10 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kurt Miller
1192 E Rich St
Columbus, OH 43205
kurt.alan.miller@gmail.com
(419) 305-5877

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Molly Kenney \(kenneyloghouse@embarqmail.com\) Sent You a Personal Message](mailto:kenneyloghouse@embarqmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:55:17 AM

Dear Clerk - Nathan Moffitt,

As someone who spends time at our Ohio state parks, I know what a rare treasure they are. They are just a handful of places in Ohio that were set aside to preserve the natural life and (now) rarities of the state. I have to travel to them to see plants, insects and animals that use to be all over the state, but now can only be found in decent (or any numbers) in these parks. They were set aside because they are so very special and necessary for us to have and enjoy and protect. We HAVE to keep protecting them!!!! Once they are impacted at all by fracking, they will never be anywhere close to the same and we will lose the tiny bit of nature that we protected for all that was supposed to be forever.

Money and greed can't destroy and take everything, it is for the few, and for the short term.

I plead that you protect the most basic of our needs, fresh air, water, peace and wonder.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Molly Kenney
8767 Grote Rd
Greenville, OH 45331

kenneyloghouse@embarqmail.com
(937) 548-1948

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Frank Thacker \(thackerdon1947@yahoo.com\) Sent You a Personal Message](mailto:thackerdon1947@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:53:01 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Frank Thacker
206 McPherson Ave
Ironton, OH 45638
thackerdon1947@yahoo.com
(740) 533-7832

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From: [Susan Gerschutz \(susiebfe@yahoo.com\) Sent You a Personal Message](mailto:susiebfe@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:44:18 AM

Dear Clerk - Nathan Moffitt,

PLEASE do not sully our parks in any way! In an ever-increasing developed world, we need spaces that are clean, undeveloped, safe, nonpolluted, peaceful, wild, and undisturbed.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Gerschutz
3687 Braidwood Dr
Hilliard, OH 43026
susiebfe@yahoo.com
(614) 487-8614

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jonathan Brier \(brierjon@gmail.com\) Sent You a Personal Message](mailto:brierjon@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:43:55 AM

Dear Clerk - Nathan Moffitt,

I'm writing in as a concerned citizen stating that the current rule 155-01-01 is insufficient in providing public notice and time for public scrutiny. An informed public is critical for trust in government and providing sufficient time and postings to notify the public is critical for public checks and support for government activities. The availability of information in machine readable formats for actions such as this is less than ideal for helping keep the public informed. As a person who studies Information and holds multiple degrees in Information I urge the Members of the Commission to aim to be transparent and clear in communication leveraging technology and Geographic Information Systems and maps to provide the public with information to make informed review and decisions of proposed activities.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jonathan Brier
622 N 7th Street
Marietta, OH 45750
brierjon@gmail.com

(269) 598-4242

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [John Rapach \(johnrapach@fuse.net\)](mailto:johnrapach@fuse.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:40:49 AM

Dear Clerk - Nathan Moffitt,

Fracking releases toxic chemicals in ground and releases Methane to our atmosphere.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Rapach
9270 Bridgecreek Dr
Cincinnati, OH 45231
johnrapach@fuse.net
(513) 729-2971

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Aaron Clark \(abclark75@gmail.com\) Sent You a Personal Message](mailto:abclark75@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:31:26 AM

Dear Clerk - Nathan Moffitt,

It's baffling how drilling in Ohio parks is even being considered at all. Parks are for conservation not pollution and private profiteering.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Aaron Clark
3180 Holly Dr
Brunswick, OH 44212
abclark75@gmail.com
(330) 225-3195

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tonya Mcadams \(tonyawillow@gmail.com\)](mailto:tonyawillow@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:31:14 AM

Dear Clerk - Nathan Moffitt,

Our public lands should remain public and not damaged by profiteering!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tonya Mcadams
2567 N 4th St
Columbus, OH 43202
tonyawillow@gmail.com
(419) 571-8078

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Denise Litton \(deniselitton60@gmail.com\)](mailto:deniselitton60@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:28:50 AM

Dear Clerk - Nathan Moffitt,

Please do not allow fracking in our State parks! We have experienced earthquakes and earth shifting due to this procedure. We need to preserve the little land we have to encourage nature and preserve our wildlife. It's also corrupt, I have acquaintance that became multi millionaires because of this!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Denise Litton
4828 Lake Rd E
Geneva, OH 44041
deniselitton60@gmail.com
(330) 555-2222

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From: [Brian Campbell \(campbellbe@aol.com\) Sent You a Personal Message](mailto:campbellbe@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:23:40 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Brian Campbell
5187 Threshing Pl
Delaware, OH 43015
campbellbe@aol.com
(740) 917-5324

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From: [April Buchanan \(aprilbuchanan77@gmail.com\) Sent You a Personal Message](mailto:aprilbuchanan77@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:19:16 AM

Dear Clerk - Nathan Moffitt,

Our wildlife and reserved State parks and public land should remain I in undisturbed. There is absolutely nothing good that could come from this! Ohioans DO NOT want our land destroyed for oil and gas!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

April Buchanan
1715 Falling Leaf Ln
Galloway, OH 43119
aprilbuchanan77@gmail.com
(419) 544-4593

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Hallie Stelzle \(stelzleh@yahoo.com\) Sent You a Personal Message](mailto:stelzleh@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:10:42 AM

Dear Clerk - Nathan Moffitt,

HB 507 is likely to cause more negative social, environmental and economic impacts than the potential economic benefits of fracking. The last minute amendments made it intentionally difficult for Ohio residents to be aware of proposed changes, which is undemocratic and irresponsible.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
- There must be email notification via commission website that provides advance notice of decisions
- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Hallie Stelzle
8293 Lee CT.
Mason, OH 45040
stelzleh@yahoo.com
(513) 713-2381

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judith Mojher \(judemojher@icloud.com\) Sent You a Personal Message](mailto:judemojher@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:05:39 AM

Dear Clerk - Nathan Moffitt,

No fracking, drilling or extraction on public lands! They are NOT for private gain!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judith Mojher
29512 Lisaview Dr
Bay Village, OH 44140
judemojher@icloud.com
(407) 340-7005

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tim Mullins \(timunion34@hotmail.com\) Sent You a Personal Message](mailto:timunion34@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:03:05 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tim Mullins
2486 Grandview Rd
Lake Milton, OH 44429
timunion34@hotmail.com
(330) 701-3506

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [John Reebeel \(jmreebel@yahoo.com\) Sent You a Personal Message](mailto:jmreebel@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 9:00:26 AM

Dear Clerk - Nathan Moffitt,

Our public lands should be used for public good, not private profits.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Reebeel
3770 Northwood Rd
Cleveland, OH 44118
jmreebel@yahoo.com
(440) 356-1733

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Elizabeth Anderson \(bettyca48@aol.com\) Sent You a Personal Message](mailto:bettyca48@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:50:47 AM

Dear Clerk - Nathan Moffitt,

Stop this insanity and protect us and our world!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Elizabeth Anderson
5699 Moorgate Dr
Columbus, OH 43235
bettyca48@aol.com
(614) 205-0927

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Darla Ginter \(darlaginter@cox.net\)](mailto:darlaginter@cox.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:48:44 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Darla Ginter
3400 Wooster Rd Apt 605
Rocky River, OH 44116
darlaginter@cox.net
(216) 906-3542

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [J Freiberg \(jfreiberg@roadrunner.com\) Sent You a Personal Message](mailto:jfreiberg@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:46:07 AM

Dear Clerk - Nathan Moffitt,

This is outrageous. State lands are not there to make money for the Ohio budget. There are plenty of private lands in Ohio to satisfy the market for mineral resources. Stop allowing resource extractions on lands that are public. Nobody wants to go to a park to see an oil well, an open pit mine or storage tanks. You will find no comments reporting something like this: "For the days family outing we went to the fracking well in XYZ Park, it was such an easy hike down the tanker access road and spreading our picnic blanket in the catchment basin we had a great view of the well itself. Oh and the smell it was delicious. The kids loved clambering up the ladder to get a good 360 degree view, you should see the wonderful video of the oil sheen I posted on tubular." I can guarantee you that there is no one out there that wants the state of Ohio to acquire land for oil and gas extraction and so we should not extract those resources from lands that were acquired for a different purpose.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

J Freiberg
24 Roslyn Ave
Hudson, OH 44236

jfreiberg@roadrunner.com
(330) 554-8168

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Pamela Beckett \(sweetgodivagirls@yahoo.com\) Sent You a Personal Message](mailto:sweetgodivagirls@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:34:07 AM

Dear Clerk - Nathan Moffitt,

We don't need fracking to supply our needs. Fracking hurts the land.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Pamela Beckett
7104 Harbour Town Dr
West Chester, OH 45069
sweetgodivagirls@yahoo.com
(937) 367-1896

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Marcelete Elter \(m.blackwellelter@yahoo.com\)](mailto:m.blackwellelter@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:29:12 AM

Dear Clerk - Nathan Moffitt,

Ohio's waterways are already at risk, and fracking has ruined Pennsylvania where my family is from, please do not do the same thing to Ohio.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marcelete Elter
309 W Park Ave
Lebanon, OH 45036
m.blackwellelter@yahoo.com
(513) 377-1465

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cathy Wootan \(cathy.wootan@aol.com\) Sent You a Personal Message](mailto:cathy.wootan@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:24:14 AM

Dear Clerk - Nathan Moffitt,

Because I live in Ohio and this would directly impact me, my family and the people I know and care about.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cathy Wootan
3862 West 20th Street
Cleveland, OH 44109
cathy.wootan@aol.com
(216) 351-7748

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christine Brock \(brock225@roadrunner.com\) Sent You a Personal Message](mailto:brock225@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:20:15 AM

Dear Clerk - Nathan Moffitt,

Please protect the beautiful land of Ohio!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christine Brock
38880 Berkeley Ave
Moreland Hills, OH 44022
brock225@roadrunner.com
(440) 893-9212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Chow-Chi Huang \(chowchi.huang@gmail.com\) Sent You a Personal Message](mailto:chowchi.huang@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:17:21 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Chow-Chi Huang
9035 Amy Marie Dr
West Chester, OH 45069
chowchi.huang@gmail.com
(513) 372-0443

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dean Lutz \(lynlutz0958@gmail.com\)](mailto:lynlutz0958@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 8:03:24 AM

Dear Clerk - Nathan Moffitt,

Our environment needs our help now! We must stop fracking and raping out lands! Leave our country in better shape for future generations!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dean Lutz
5035 Ralph Ave
Cincinnati, OH 45238
lynlutz0958@gmail.com
(513) 921-6802

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Katherine Furler \(katherinefurler@yahoo.com\) Sent You a Personal Message](mailto:katherinefurler@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:59:08 AM

Dear Clerk - Nathan Moffitt,

We have enough to worry about with toxic train spills! No more poison in our lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katherine Furler
25 Raymond Dr
Athens, OH 45701
katherinefurler@yahoo.com
(740) 591-4201

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dennis Luna \(dennis.luna82@gmail.com\) Sent You a Personal Message](mailto:dennis.luna82@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:56:58 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dennis Luna
9400 Westenbarger Dr
Mount Vernon, OH 43050
dennis.luna82@gmail.com
(740) 397-2854

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kate Burke \(kburke@lakeeriefoundation.org\) Sent You a Personal Message](mailto:kburke@lakeeriefoundation.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:52:40 AM

Dear Clerk - Nathan Moffitt,

Park lands were set aside for the public's use and enjoyment as well as to preserve it for future generations. By allowing fracking, you will destroy the environment, wildlife, and go against the purpose of why it exists.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kate Burke
236 Walnut Ave
Lakeside, OH 43440
kburke@lakeeriefoundation.org
(419) 301-3743

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [PAmela Huff \(pamela.huff@ohiohealth.com\) Sent You a Personal Message](mailto:pamela.huff@ohiohealth.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:42:06 AM

Dear Clerk - Nathan Moffitt,

Please just stop making short term decisions on the environment. Please start thinking about how this will affect our state long term, and by that I mean 100 years from now. Tax the crap out of ETOH and marijuana sales to raise money and stop pillaging our environment and health with bad decisions based on short term cash. Start working for the actual people and not who your PACs say the people want. Thanks you!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

PAmela Huff
3797 Highland Bluff Dr
Groveport, OH 43125
pamela.huff@ohiohealth.com
(614) 256-0802

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5500.

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From: [Steven Otlowski \(excalabear@mac.com\) Sent You a Personal Message](mailto:Steven.Otlowski@mac.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:34:31 AM

Dear Clerk - Nathan Moffitt,

State parks are a valuable commit resource that need to be protected. They should not be exploited and, perhaps, permanently damaged, for the profit of the gas companies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Steven Otlowski
1520 E 250th St
Euclid, OH 44117
excalabear@mac.com
(216) 732-9245

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Renee Bogue \(boguerrl@gmail.com\) Sent You a Personal Message](mailto:boguerrl@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:10:17 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Renee Bogue
204 Willow Ave NE
Massillon, OH 44646
boguerrl@gmail.com
(330) 833-7753

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nancy Loftin \(tschannlee@msn.com\) Sent You a Personal Message](mailto:tschannlee@msn.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 7:06:05 AM

Dear Clerk - Nathan Moffitt,

Why don't you just put a gun to our heads and shoot us!!!!!! Try proving that you actually have morals, scruples, integrity, decency, intelligence etc. instead of getting paybacks, donations, bribes etc. from the fossil fuel industry.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nancy Loftin
357 Boston Pl
Toledo, OH 43610
tschannlee@msn.com
(419) 322-2885

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Owen Hedberg \(oghedberg@gmail.com\) Sent You a Personal Message](mailto:oghedberg@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:46:44 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Owen Hedberg
162 Wilson Dr
Worthington, OH 43085
oghedberg@gmail.com
(614) 961-2579

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [David Dipietro \(davidmdipietro3@gmail.com\) Sent You a Personal Message](mailto:davidmdipietro3@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:39:12 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

David Dipietro
153 Kristin Ct
Westerville, OH 43081
davidmdipietro3@gmail.com
(614) 579-1981

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Gallam \(glenebowers@yahoo.com\) Sent You a Personal Message](mailto:glenebowers@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 6:09:01 AM

Dear Clerk - Nathan Moffitt,

We must not endanger the environment of Ohio's state parks. Oil and gas drilling will harm the water quality, air and wildlife living in our parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Gallam
34980 Lorain Rd
North Ridgeville, OH 44039
glenebowers@yahoo.com
(440) 327-5778

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rachel FERREIRA \(rachelferreira387@gmail.com\) Sent You a Personal Message](mailto:rachelferreira387@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:39:01 AM

Dear Clerk - Nathan Moffitt,

I strongly urge you to disallow the ability of fracking companies to create surface impacts. These lands belong to the public and the public must have a say in their care to prevent them from being utterly destroyed. I was lucky to grow up among Ohio's gorgeous Metroparks and benefited tremendously from them, and I want the same for my daughter. Please do not allow public land to be damaged for the sake of privatized profits, and prevent Ohio from having yet another black mark on its name for having dangerous, backwards, embarrassing legislation and policies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rachel FERREIRA
2587 Ashton Road
Cleveland Heights, OH 44118
rachelferreira387@gmail.com
(216) 904-7021

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Andrew Ludanyi \(a-ludanyi@onu.edu\) Sent You a Personal Message](mailto:a-ludanyi@onu.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 5:36:10 AM

Dear Clerk - Nathan Moffitt,

My family and friends enjoy the beauty and peace of our state parks and forests. On an annual basis we spend at least a week in these God-given sanctuaries. **DO NOT ALLOW THE RAPACIOUS OIL INDUSTRY TO INVADE AND DESTROY** what provides Ohio with special reserves that benefit not just us but also future generations.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Andrew Ludanyi
629 N Main St
Ada, OH 45810
a-ludanyi@onu.edu
(419) 634-4478

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Becky Wood \(becksnpete@gmail.com\)](mailto:becksnpete@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 4:52:01 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Becky Wood
216 Charles St
Toledo, OH 43609
becksnpete@gmail.com
(778) 712-8505

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ursula Cohrs \(ursulacohrs@gmail.com\) Sent You a Personal Message](mailto:ursulacohrs@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:58:31 AM

Dear Clerk - Nathan Moffitt,

I wholeheartedly agree with the points made in this detailed letter:

We, the public, must be allowed to comment on these decisions, with enough time given following timely official announcements.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ursula Cohrs
PO Box 40065
Bay Village, OH 44140
ursulacohrs@gmail.com
(440) 835-0355

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Marilyn Kolar \(mdkolar@yahoo.com\) Sent You a Personal Message](mailto:mdkolar@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:30:43 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marilyn Kolar
20450 Crooked Rd
Butler, OH 44822
mdkolar@yahoo.com
(740) 694-1230

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia L. Callis \(trishcallis@hotmail.com\) Sent You a Personal Message](mailto:trishcallis@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 1:26:15 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia L. Callis
3032 Highland Park Dr
Pickerington, OH 43147
trishcallis@hotmail.com
(614) 759-6592

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jerry Baker \(bakerj2@woh.rr.com\)](mailto:bakerj2@woh.rr.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:55:41 AM

Dear Clerk - Nathan Moffitt,

I have never understood why the greed for new business, enterprises should take precedence over things that were meant to last forever and the ecosystems and natural beauty of the Earth. Why do places that were to be protected in perpetuity suddenly up for grabs for those who seek profit over nature? The impact of drilling in fracking in pursuit of fossil fuels will only exacerbate the negative consequences for global warming concerns. Wake up! Stop and think before you rush to impact the lives of people in the areas deserving preservation and pursuit of profit.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jerry Baker
5770 N Montgomery County Line Rd
Englewood, OH 45322
bakerj2@woh.rr.com
(937) 236-6313

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dori and Samuel Joseph \(dorijoseph@hotmail.com\) Sent You a Personal Message](mailto:dorijoseph@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:51:23 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dori and Samuel Joseph
4047 Beechwood Ave
Cincinnati, OH 45229
dorijoseph@hotmail.com
(513) 861-6894

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cathy Stegman \(cathystegman@me.com\) Sent You a Personal Message](mailto:cathystegman@me.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:41:53 AM

Dear Clerk - Nathan Moffitt,

Open government is good government and the environment should be protected

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cathy Stegman
8748 Old Indian Hill Rd
Cincinnati, OH 45243
cathystegman@me.com
(513) 312-4115

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Troy Tackett \(ttackett131@yahoo.com\) Sent You a Personal Message](mailto:ttackett131@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:34:43 AM

Dear Clerk - Nathan Moffitt,

This is a really, really bad idea. There should be an extensive review by professional, qualified, educated people.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Troy Tackett
69 Private Drive 442
Proctorville, OH 45669
ttackett131@yahoo.com
(304) 634-0649

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nancy Linscott \(nvlinscott@aol.com\)](mailto:nvlinscott@aol.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:30:51 AM

Dear Clerk - Nathan Moffitt,

Shame on Ohio legislators for sneaking in this permission to frack in park lands. Fracking does not belong in our parks. Keeping our soil and water pure is a reason to protect lands through park designations. Keep pollution and dirty processes out of our parks.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nancy Linscott
10870 Marcy Rd
Canal Winchester, OH 43110
nvlinscott@aol.com
(614) 833-0620

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ronnie Day \(ronnieday53@gmail.com\) Sent You a Personal Message](mailto:ronnieday53@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:22:59 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ronnie Day
PO Box 52
Clarksville, OH 45113
ronnieday53@gmail.com
(937) 527-2301

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Victoria Copley \(copley.victoria@yahoo.com\) Sent You a Personal Message](mailto:copley.victoria@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:12:14 AM

Dear Clerk - Nathan Moffitt,

No fracking!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Victoria Copley
191 Deepwood Dr
Wadsworth, OH 44281
copley.victoria@yahoo.com
(330) 598-1793

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Anthony Rampe \(as1rampe@hotmail.com\) Sent You a Personal Message](mailto:as1rampe@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:11:53 AM

Dear Clerk - Nathan Moffitt,

We must move away from fossil fuel extraction to avoid severe impacts of climate change. Fracking on public lands such as state parks is unacceptable and abhorrent!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anthony Rampe
14519 State Route 65
Wapakoneta, OH 45895
as1rampe@hotmail.com
(937) 214-6054

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Thomas Cope \(chimpanzo@aol.com\) Sent You a Personal Message](mailto:chimpanzo@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:07:48 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Thomas Cope
300 Canterbury Ln Apt C
Medina, OH 44256
chimpanzo@aol.com
(555) 555-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diane Pekarcik \(bytemarks@roadrunner.com\)](mailto:bytemarks@roadrunner.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Friday, April 7, 2023 12:05:38 AM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Diane Pekarcik
7350 Martingale Dr
Chesterland, OH 44026
bytemarks@roadrunner.com
(440) 555-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diane White \(dianehwhite@gmail.com\) Sent You a Personal Message](mailto:dianehwhite@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:56:49 PM

Dear Clerk - Nathan Moffitt,

Please stop the potential fracking in Ohio and look for alternative options for energy that is safe for our plant and its people.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Diane White
8675 Pipewell Ln
Cincinnati, OH 45243
dianehwhite@gmail.com
(513) 891-4980

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Paul Szymanowski \(pszymanowski@earthlink.net\) Sent You a Personal Message](mailto:pszymanowski@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:51:04 PM

Dear Clerk - Nathan Moffitt,

Fracking is not needed for our energy, and it is dangerous for humans and the environment.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Paul Szymanowski
PO Box 74
Curtice, OH 43412
pszymanowski@earthlink.net
(419) 836-8739

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Camille Embry \(cassoncamille31@gmail.com\) Sent You a Personal Message](mailto:cassoncamille31@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:35:59 PM

Dear Clerk - Nathan Moffitt,

To have clean land ,air,and environment to live in.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Camille Embry
6822 bake ave
Cincinnati, OH 45239
cassoncamille31@gmail.com
(859) 512-0352

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Simon \(jensimonconnect@gmail.com\) Sent You a Personal Message](mailto:jensimonconnect@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:29:48 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Simon
1407 Parkview Dr
Cleveland, OH 44124
jensimonconnect@gmail.com
(216) 401-6395

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rae Schulte \(raejschulte@gmail.com\) Sent You a Personal Message](mailto:raejschulte@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:21:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rae Schulte
3207 Wrenford Street
Dayton, OH 45409
raejschulte@gmail.com
(513) 288-8453

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Brenda Cameron \(bcameron@fuse.net\) Sent You a Personal Message](mailto:bcameron@fuse.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:09:08 PM

Dear Clerk - Nathan Moffitt,

Parks make Ohio livable and must be protected

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Brenda Cameron
11987 Deerhorn Dr
Cincinnati, OH 45240
bcameron@fuse.net
(513) 742-5252

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laura Cocke \(cottonwoodpassco@yahoo.com\) Sent You a Personal Message](mailto:cottonwoodpassco@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 11:02:24 PM

Dear Clerk - Nathan Moffitt,

So many reasons! First, dangerous for both land and life. Second, eyesore. Leave our public lands, parks etc. alone! These parks, etc. have been promised for us, not money and energy hungry companies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Cocke
1628 S Clinton St
Defiance, OH 43512
cottonwoodpassco@yahoo.com
(419) 438-4370

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dan Toohey \(toohey@earthlink.net\) Sent You a Personal Message](mailto:toohey@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:49:40 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dan Toohey
1902 W Schantz Ave
Kettering, OH 45409
toohey@earthlink.net
(937) 298-0796

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nancy Hudson \(nancy.hudson2@gmail.com\) Sent You a Personal Message](mailto:nancy.hudson2@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:43:30 PM

Dear Clerk - Nathan Moffitt,

Ohio's State Parks are assets to the quality of life in Ohio. I have canoed, hiked, biked, and attended conferences at several parks. Being able to access God's creation with minimal signs of human interference (and greed) refreshes my soul and helps create an inner peace and sense of well-being. We can't create more land; please be good stewards of areas that have been set aside for the health of our environment and families.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nancy Hudson
3665 Blake Rd
Seville, OH 44273
nancy.hudson2@gmail.com
(330) 265-6048

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Robert Reeb \(bobby6823@yahoo.com\) Sent You a Personal Message](mailto:bobby6823@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:38:52 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Robert Reeb
19 W Fairview Ave
Dayton, OH 45405
bobby6823@yahoo.com
(937) 275-7196

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Erik Dahlstrom \(erikdahlstrom05@gmail.com\)](mailto:erikdahlstrom05@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:31:09 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Erik Dahlstrom
3080 Windmill Dr
Beavercreek, OH 45432
erikdahlstrom05@gmail.com
(937) 528-9881

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Stephanie Sepate \(sepates@yahoo.com\) Sent You a Personal Message](mailto:sepates@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:26:56 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Stephanie Sepate
3959 Glenmore Ave
Cincinnati, OH 45211
sepates@yahoo.com
(513) 662-3230

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathi Ridgway \(ridgkathi43213@msn.com\) Sent You a Personal Message](mailto:ridgkathi43213@msn.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:23:02 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathi Ridgway
403 Liberty Way
Gahanna, OH 43230
ridgkathi43213@msn.com
(614) 532-1219

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patty Viers \(awviers@yahoo.com\) Sent You a Personal Message](mailto:awviers@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:22:52 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patty Viers
1148 Malcolm Rd
Toledo, OH 43615
awviers@yahoo.com
(419) 555-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gay Marie Goden \(maxibemis@sbcglobal.net\)](mailto:maxibemis@sbcglobal.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:12:33 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gay Marie Goden
18951 Abby Ave
Euclid, OH 44119
maxibemis@sbcglobal.net
(216) 486-3929

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dan Norris \(dnorris36@hotmail.com\) Sent You a Personal Message](mailto:dnorris36@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:06:21 PM

Dear Clerk - Nathan Moffitt,

My cousins live in southern Ohio near fracking wells. They have seen first hand the devastating effects of fracking on the environment. Fracking needs to be banned no matter where it occurs, but especially on public lands. These lands belong to the people and not corporations that will exploit them for profit.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dan Norris
902 Cahoon Rd
Westlake, OH 44145
dnorris36@hotmail.com
(440) 835-2976

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kendra Rockwell \(kendrarockwell@gmail.com\)](mailto:kendrarockwell@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:05:31 PM

Dear Clerk - Nathan Moffitt,

We have nothing if we do not have clean water. The payoff from fracking is not worth the risk. Please protect our resources and the economic future of our state.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kendra Rockwell
8503 Stonechat Loop
Dublin, OH 43017
kendrarockwell@gmail.com
(630) 967-8647

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Eva Webster \(swebster5@aol.com\) Sent You a Personal Message](mailto:swebster5@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 10:04:25 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eva Webster
6460 Laura Ln
Solon, OH 44139
swebster5@aol.com
(440) 522-0079

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Maureen Penman \(mo.cat5@yahoo.com\) Sent You a Personal Message](mailto:ma.cat5@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:58:53 PM

Dear Clerk - Nathan Moffitt,

I am stunned beyond words to think that there could be even the most remote possibility of fracking in our state parks. This is reprehensible. Our state parks are one of the last refuges from the noise and blight of our ? development at all costs? society. It seems as if the majority of Ohio politicians are bought and paid for by someone - often developers. Fracking in our nature sanctuaries benefits a greedy few while the rest of us pay the cost in myriad ways. Please protect what little of God?s green creation that is left to us. Thank you.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Maureen Penman
1465 Belmont Ave
Columbus, OH 43201
mo.cat5@yahoo.com
(614) 297-1519

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Donna Papps \(dmpapps@yahoo.com\) Sent You a Personal Message](mailto:dmpapps@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:58:39 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Donna Papps
3445 Kirkham Rd
Columbus, OH 43221
dmpapps@yahoo.com
(937) 451-4601

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From: [Anthony Mehle \(amehle123@gmail.com\) Sent You a Personal Message](mailto:amehle123@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:55:59 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anthony Mehle
6634 Covington Cv
Canfield, OH 44406
amehle123@gmail.com
(330) 533-7532

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [A'Shontae Peterson \(ashontaepeterson@aol.com\) Sent You a Personal Message](mailto:ashontaepeterson@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:55:44 PM

Dear Clerk - Nathan Moffitt,

We are already going through a climate crisis and agreeing to plans like this reflect badly on not only DeWine but it'll affect this state and this country.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

A'Shontae Peterson
7233 Raynham Dr
Oakwood Village, OH 44146
ashontaepeterson@aol.com
(216) 394-4296

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Charlotte Better \(cbetter@zoomtown.com\)](mailto:cbetter@zoomtown.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:50:23 PM

Dear Clerk - Nathan Moffitt,

We love camping in our state parks. If fracking is allowed near them, we could end up with polluted water, earthquakes, unpleasant camping experiences.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Charlotte Better
9457 Leebrook Dr
Cincinnati, OH 45231
cbetter@zoomtown.com
(513) 522-9457

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Hallie Saferin \(saferihc@muohio.edu\)](mailto:saferihc@muohio.edu) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:50:06 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Hallie Saferin
2925 Cutler Dr
Hilliard, OH 43026
saferihc@muohio.edu
(419) 843-4020

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Yvonne McLaughlin \(yvonneclaughlin@gmail.com\) Sent You a Personal Message](mailto:yvonneclaughlin@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:48:45 PM

Dear Clerk - Nathan Moffitt,

All state parks and lands should be untouched to help protect our environment and our health.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Yvonne McLaughlin
20 Cheyenne Trl
Malvern, OH 44644
yvonneclaughlin@gmail.com
(330) 808-0134

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Fair \(jpfair@embarqmail.com\)](mailto:jpfair@embarqmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:45:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Fair
1779 Old 122 Rd
Lebanon, OH 45036
jpfair@embarqmail.com
(513) 932-0319

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Fran Mentch \(franmentch@yahoo.com\) Sent You a Personal Message](mailto:franmentch@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:39:54 PM

Dear Clerk - Nathan Moffitt,

There is no need to frack oil and gas at this point. There is plenty available. This legislation reaffirms my belief that the Ohio state legislature is owned by the oil and gas industry. Householder's behavior was a result of this. How can we trust our state legislature in Ohio?

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Fran Mentch
3060 Chelsea Dr
Cleveland Heights, OH 44118
franmentch@yahoo.com
(216) 381-5356

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kerry Ramsey \(kandb82@aol.com\)](mailto:kandb82@aol.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:28:30 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kerry Ramsey
2440 Edgewood Trce
Pepper Pike, OH 44124
kandb82@aol.com
(440) 465-8608

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carol Brockway \(ccmbrc@aol.com\)](mailto:ccmbrc@aol.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:28:10 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carol Brockway
12 Amherst RD SE
Hebron, OH 43025
ccmbrc@aol.com
(740) 928-2926

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sarah Ford \(santossarah51@gmail.com\) Sent You a Personal Message](mailto:santossarah51@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:28:04 PM

Dear Clerk - Nathan Moffitt,

I am a resident of Canton, Ohio and implore legislators not to allow fracking on Ohio's state parks and public lands. I urge you to consider the health and safety of the people of Ohio. Please do not allow fracking. I do not want to worry about the future of my health or my children's health due to the risks involved with fracking. We have a responsibility to protect this land and to steward it for future generations to come. This matters.

Sincerely,

Sarah Ford
4845 Monticello Ave NW
Canton, OH 44708

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sarah Ford
4845 Monticello Ave NW

Canton, OH 44708
santossarah51@gmail.com
(330) 418-0736

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [William Haberlandt \(bhaberland@hotmail.com\) Sent You a Personal Message](mailto:bhaberland@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:27:24 PM

Dear Clerk - Nathan Moffitt,

Please protect our state lands from fracking! Don't submit to the oil industry.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

William Haberlandt
3577 E Salinas Cir
Dayton, OH 45440
bhaberland@hotmail.com
(937) 848-0059

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From: [Marcia Levine \(mwl464@roadrunner.com\)](mailto:mwl464@roadrunner.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:25:25 PM

Dear Clerk - Nathan Moffitt,

I am opposed to increasing our dependence on oil/gas. Fracking is dangerous in itself for reasons that are well documented. The oil and gas companies should devote their sizable funds to finding alternative / less dangerous ways to meet our fuel needs.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Marcia Levine
2678 Rochester Rd
Shaker Heights, OH 44122
mwl464@roadrunner.com
(216) 464-8117

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ruth Seggerson \(ruthsegg@hotmail.com\) Sent You a Personal Message](mailto:ruthsegg@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:23:01 PM

Dear Clerk - Nathan Moffitt,

Fracking on our state lands and our state parks is a ridiculous idea. These lands need to remain as natural and undeveloped as possible. The fracking process produces dangerous byproducts such as methane and contaminated water that damage our environment. It is high time that we put our protection of our environment over corporate profits. We must move away from carbon based fuels and move quickly to clean energy sources to avert the worst climate changes. I value our parks and natural beauty and want them to be protected for future generations. It is time for our policy makers to protect our planet.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ruth Seggerson
6603 Lisa Marie Rd
Columbus, OH 43229
ruthsegg@hotmail.com
(614) 638-4970

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Anthony Madore \(madore1@yahoo.com\) Sent You a Personal Message](mailto:madore1@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:22:45 PM

Dear Clerk - Nathan Moffitt,

Our parks belong to the people, and to allow for (potentially dangerous) fracking takes our parks and puts profit for companies above our citizens' rights to access and enjoy our treasured natural resources.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anthony Madore
924 Hayes Ave
Willoughby, OH 44094
madore1@yahoo.com
(440) 637-6971

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Aemie Sigler \(aemie123@yahoo.com\) Sent You a Personal Message](mailto:aemie123@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:22:16 PM

Dear Clerk - Nathan Moffitt,

Like many citizens, our family has enjoyed Ohio's public lands for generations. These parks and preserves exist for people to enjoy nature, and for the protection of that nature. It's shameful that ODNR would even consider allowing any activity that would endanger the sanctity of state parks, forests, or preserves. Protecting these spaces should be absolute and binding. It sickens me that we have to constantly plead the case for why this is necessary. Enough! Public spaces are for the public, not for companies to profit off of.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Aemie Sigler
307 E Jackson St
Millersburg, OH 44654
aemie123@yahoo.com
(330) 674-0691

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joni Manson \(jonimanson@ecologyfund.net\) Sent You a Personal Message](mailto:jonimanson@ecologyfund.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:20:05 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joni Manson
13269 Bevelhymer Rd
Westerville, OH 43081
jonimanson@ecologyfund.net
(614) 855-8395

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Barbara O'Connell \(shebop72000@yahoo.com\)](mailto:shebop72000@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:16:35 PM

Dear Clerk - Nathan Moffitt,

I love the state of Ohio and I am against fracking here or anywhere!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Barbara O'Connell
6708 Miami Bluff Dr
Cincinnati, OH 45227
shebop72000@yahoo.com
(513) 237-1019

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From: [Eileen Pezzutti \(epazoots@gmail.com\) Sent You a Personal Message](mailto:epazoots@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:12:57 PM

Dear Clerk - Nathan Moffitt,

I am so disappointed that my state of Ohio is continuing to support the Oil and Gas industry. I feel like we are moving forward with our support of Intel and other future needed technology but we are moving backwards with our energy goals. When I heard about the record profits of the largest oil and gas companies last year while the price of gasoline at the pumps continued to rise and negatively impacted their consumers, I wondered what hold this industry has on our government and their policies? Why do we cater to these industries that continue to cause environmental concerns when we - world wide- are trying to support and promote green energy? Why are the Ohio Senators, Representatives, and Governor DeWine in favor of using our state owed land for profit? Do the voters, who help pay for the state's public land, get to vote on how our land is used? Thank you for considering my concerns.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eileen Pezzutti
3504 Crooked Tree Dr
Mason, OH 45040
epazoots@gmail.com

(513) 398-1495

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Alison Pignolet \(alpignolet@gmail.com\) Sent You a Personal Message](mailto:alpignolet@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:10:11 PM

Dear Clerk - Nathan Moffitt,

Our parks should be preserved. Fracking does irreversible and unknowable harm to our groundwater. And uses resources that should be preserved. Also, parks need to be where we can get away from traffic and noise and industry

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Alison Pignolet
7691 Dines Rd
Novelty, OH 44072
alpignolet@gmail.com
(440) 338-5196

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [C. Menn \(987geneomen@gmail.com\)](mailto:C.Menn(987geneomen@gmail.com)) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:06:52 PM

Dear Clerk - Nathan Moffitt,

Because today it is public lands and next parks and near schools, etc. You republicans are suppose to be family oriented but continue to kill Ohio families by your egregious bills that create toxic air and pollute our streams, kill our fish in fishing spots. So where are you family oriented in HB507 and DeWine signing this into law. Republicans are liars and cheaters and are ANTI-FAMILY politicians. Ohio is becoming a state college kids leave after graduation because it is too conservative and NOT family oriented. So much for your bait and switch tactics to cheat your way into office and foisting your egregious political GOP policies on ALL of Ohioans who do not agree with your policies. This is bad politics. Shame on you!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

C. Menn
444 piedmonte rd
Columbus, OH 43214
987geneomen@gmail.com
(740) 258-1429

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From: [John Lassiter \(jhl385@aol.com\) Sent You a Personal Message](mailto:jhl385@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 9:04:15 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

John Lassiter
4029 Melton Ave
New Franklin, OH 44319
jhl385@aol.com
(330) 714-2330

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joanne Meszaros \(leejm09@gmail.com\) Sent You a Personal Message](mailto:leejm09@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:57:07 PM

Dear Clerk - Nathan Moffitt,

You can't get it back once it's gone.
East Palestine was shameful and never should have happened
We need regulations to protect nature from greed

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joanne Meszaros
8970 Portage Pointe Dr Apt G
Streetsboro, OH 44241
leejm09@gmail.com
(330) 962-5756

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ray Hemeyer \(rayhemeyer@roadrunner.com\)](mailto:rayhemeyer@roadrunner.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:55:33 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ray Hemeyer
4120 Canterbury Dr
Brunswick, OH 44212
rayhemeyer@roadrunner.com
(330) 225-9452

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [D Orellana \(orellana727@yahoo.com\) Sent You a Personal Message](mailto:orellana727@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:46:16 PM

Dear Clerk - Nathan Moffitt,

Protect Wildlife Environment-No Fracking!3

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

D Orellana
7420 Rodebaugh Rd
Reynoldsburg, OH 43068
orellana727@yahoo.com
(614) 868-8122

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Ricketts \(meanmaryj@yahoo.com\) Sent You a Personal Message](mailto:meanmaryj@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:41:00 PM

Dear Clerk - Nathan Moffitt,

Truthfully, I am AGAINST ANY fracking on PUBLIC LANDS! They are for the PUBLIC, NOT GREEDY POLLUTING oil/gas companies!

To allow surface impacts on public land is UNCONSCIONABLE! The surface impacts FOREVER put unsightly and environmentally harming chemicals and equipment directly in the way of any other land use by the public!

The PROMISE was NO surface impact fracking.
KEEP the PROMISE!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Ricketts
1736 N Fountain Blvd

Springfield, OH 45504
meanmaryj@yahoo.com
(424) 247-3674

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Vicki Wheeler \(osufan_59@yahoo.com\) Sent You a Personal Message](mailto:osufan_59@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:32:17 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Vicki Wheeler
7146 County Road H
Deshler, OH 43516
osufan_59@yahoo.com
(419) 721-9693

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cynthia Molinero \(turtlezavirgo@aol.com\)](mailto:turtlezavirgo@aol.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:28:16 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cynthia Molinero
PO Box 16835
Rocky River, OH 44116
turtlezavirgo@aol.com
(216) 759-4980

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathryn Lawson \(kllawson2017@gmail.com\) Sent You a Personal Message](mailto:kllawson2017@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:27:45 PM

Dear Clerk - Nathan Moffitt,

I don't want Ohio's unique, lovely, and important environments and ecosystems destroyed by fracking. In Ohio we have already had an environmental disaster this year with the train derailment in East Palestine. If we allow fracking in our state, then we would be setting ourselves up for more environmental disasters. Furthermore, fracking would contribute to the climate crisis that is already occurring. We're already seeing the effects of this in our state, across the nation, and across the world. This is unacceptable and we must not add to this crisis. Fracking pollution also affects our communities and I don't want fracking to poison our communities and children for years to come.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathryn Lawson
5471 Bluepine Dr
Cincinnati, OH 45247
kllawson2017@gmail.com
(513) 417-7906

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kathryn Rodgers \(t_krodgers@yahoo.com\) Sent You a Personal Message](mailto:t_krodgers@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:24:36 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathryn Rodgers
306 Bellaire Rd
Avon Lake, OH 44012
t_krodgers@yahoo.com
(440) 476-4108

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Paul Moser \(pmoser16590@yahoo.com\)](mailto:pmoser16590@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:21:02 PM

Dear Clerk - Nathan Moffitt,

Fracking is a threat to our health and environment! Why?

Use of PFAS and toxic chemicals used in drilling and fracking

Leaks - Ground water and drinking water sources are at risk of contamination, further point pollution of soil and toxic air emissions.

Health impacts near fracking include: Premature births, Low birth weight, Birth defects, Asthma, Migraine, Fatigue, Heart-related problems, certain types of cancer, like lymphoma and childhood leukemia

Earthquakes

Negative Impacts on biodiversity and landscape

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Paul Moser
3253 Fox Run Dr
Richfield, OH 44286
pmoser16590@yahoo.com

(330) 328-5149

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Erin Znidar \(dogmaw@oh.rr.com\) Sent You a Personal Message](mailto:erin.znidar@oh.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:21:00 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Erin Znidar
7154 Erie Dr
Mentor, OH 44060
dogmaw@oh.rr.com
(440) 668-8759

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From: [William Maurer \(wmaurerjr@yahoo.com\) Sent You a Personal Message](mailto:wmaurerjr@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:13:26 PM

Dear Clerk - Nathan Moffitt,

if something goes wrong and pollution result what/where are you going to dispose of the spill/pollution . where will safe water supply come from LAKE ERIE the OHIO RIVER ?? Lets make all officials and elected representatives of Ohio responsible for any damage resulting from legislation they have passed or approved. Lets eliminate paid lobbyist and make anyone adding riders or amendment to legislation named and NOT ANONYMOUS ! Let these individuals take credit for the changes/addition!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

William Maurer
161 E 190th St
Euclid, OH 44119
wmaurerjr@yahoo.com
(216) 692-2235

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Heidi Keenan \(heidikeenan@yahoo.com\) Sent You a Personal Message](mailto:heidikeenan@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:10:48 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Heidi Keenan
32616 Greenwood Dr
Avon Lake, OH 44012
heidikeenan@yahoo.com
(440) 317-0995

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Constance Minerovic \(clminerovic@yahoo.com\) Sent You a Personal Message](mailto:clminerovic@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:09:50 PM

Dear Clerk - Nathan Moffitt,

Man is supposed to Protect Nature NOT Harm It! Newly proposed actions of oil and gas companies MUST be DENIED!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Constance Minerovic
8478 Waterside Dr
Northfield, OH 44067
clminerovic@yahoo.com
(234) 808-4454

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [James Cooper \(cooperjw13@gmail.com\) Sent You a Personal Message](mailto:cooperjw13@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:08:32 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

James Cooper
75 Pinetree Dr
Granville, OH 43023
cooperjw13@gmail.com
(740) 973-7819

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Whitney Reed \(whitneyreed0928@gmail.com\) Sent You a Personal Message](mailto:Whitneyreed0928@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 8:07:25 PM

Dear Clerk - Nathan Moffitt,

We value our public and state lands so much! We cannot allow them to be ravaged in the interest of the oil and gas companies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Whitney Reed
2059 Queensbridge Drive
Columbus, OH 43235
whitneyreed0928@gmail.com
(740) 350-8862

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Will Volck \(kaibab@zoomtown.com\)](mailto:kaibab@zoomtown.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:56:39 PM

Dear Clerk - Nathan Moffitt,

Please don't extract in our public parks or from our public parks

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Will Volck
2204 Vine St
Cincinnati, OH 45219
kaibab@zoomtown.com
(513) 241-3252

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diane May \(dmay@kent.edu\) Sent You a Personal Message](mailto:dmay@kent.edu)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:56:01 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Diane May
1872 Clearbrook Dr
Stow, OH 44224
dmay@kent.edu
(330) 686-1462

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [George Hanas \(beanmanbud2@gwcmail.net\) Sent You a Personal Message](mailto:beanmanbud2@gwcmail.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:54:12 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

George Hanas
234 Reig Ave
Conneaut, OH 44030
beanmanbud2@gwcmail.net
(440) 228-4328

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [B Lykes \(onelastflight@yahoo.com\) Sent You a Personal Message](mailto:onelastflight@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:53:33 PM

Dear Clerk - Nathan Moffitt,

Very important that we protect these Lands and Waters

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

B Lykes
5288 Brandy Oaks Ln
Columbus, OH 43220
onelastflight@yahoo.com
(614) 230-2081

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Billie Lyon \(billieblyon@hotmail.com\) Sent You a Personal Message](mailto:billieblyon@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:52:36 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Billie Lyon
2106 Indiana Ave
Columbus, OH 43201
billieblyon@hotmail.com
(614) 294-6854

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Beth Springer \(bethkspring@gmail.com\)](mailto:bethkspring@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:51:38 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Beth Springer
5559 Ohio St
Vermilion, OH 44089
bethkspring@gmail.com
(216) 308-0678

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Barbara Cicalese \(baecicalese47@gmail.com\)](mailto:baecicalese47@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:33:39 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Barbara Cicalese
203 W. Water St.
Sandusky, OH 44870
baecicalese47@gmail.com
(215) 896-9839

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jennifer Moberg \(jragndfly@gmail.com\)](mailto:jragndfly@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:30:48 PM

Dear Clerk - Nathan Moffitt,

Let's not add another thing to poison our people, our earth, animals, nature. I'm so tired of reading about the next awful thing human beings are doing to each other, to our world and it's inhabitants, don't you ever tire of destroying? Fracking, just NO anywhere. Just because you know how to do something, doesn't mean it should be done. And since you won't be able to undo the problems it causes down the line, you shouldn't be touching it.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jennifer Moberg
36817 St Clair Ave
Willoughby, OH 44094
jragndfly@gmail.com
(440) 637-1241

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Kathleen Segar \(katesegar@yahoo.com\) Sent You a Personal Message](mailto:katesegar@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:26:54 PM

Dear Clerk - Nathan Moffitt,

Fracking has proven to be unhealthy and cleaning up the messes made by fracking, expensive. In the long and short run, Ohio cannot afford fracking.. Please save Ohio from this dirty, unhealthy practice.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kathleen Segar
102 Radnor Dr
Zanesville, OH 43701
katesegar@yahoo.com
(740) 454-2850

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Margie Hunter \(margiehunter@hotmail.com\) Sent You a Personal Message](mailto:margiehunter@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:13:36 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Margie Hunter
109 Wilson Ave
Circleville, OH 43113
margiehunter@hotmail.com
(740) 474-5340

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Frances Nottingham \(fdnott12@comcast.net\) Sent You a Personal Message](mailto:fdnott12@comcast.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:12:42 PM

Dear Clerk - Nathan Moffitt,

Our country sides are being stripped of our forestry. Water and air contaminated. Streams are drained for their water use (I have seen the tubing from the creeks). We are leaving a wasteland for the next generations

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Frances Nottingham
220 Harbel Dr
Saint Clairsville, OH 43950
fdnott12@comcast.net
(740) 264-9357

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebecca Stringer \(bsbkcats@gmail.com\)](mailto:bsbkcats@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:12:36 PM

Dear Clerk - Nathan Moffitt,

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I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rebecca Stringer
2415 Northwest Blvd
Columbus, OH 43221
bsbkcats@gmail.com
(614) 805-0243

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Barbara Brovarone \(jobar2556@gmail.com\) Sent You a Personal Message](mailto:jobar2556@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:11:20 PM

Dear Clerk - Nathan Moffitt,

Putting our public lands at risk from oil and gas development is wrong!
Our parks should be kept safe for all Ohioans to enjoy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Barbara Brovarone
2748 Sandy Lake Rd
Ravenna, OH 44266
jobar2556@gmail.com
(330) 842-2177

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From: [DEBRA MILLER \(frogdlm@gmail.com\) Sent You a Personal Message](mailto:DEBRA MILLER (frogdlm@gmail.com) Sent You a Personal Message)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:11:10 PM

Dear Clerk - Nathan Moffitt,

Stop the damaging effects of fracking on our air, water and future. The parks are for enjoyment and recreation for the people not for making profit for private companies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

DEBRA MILLER
113 RAE AVE
Marietta, OH 45750
frogdlm@gmail.com
(740) 336-6345

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From: [Laura Fay \(lfay9785@columbus.rr.com\) Sent You a Personal Message](mailto:lfay9785@columbus.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:04:35 PM

Dear Clerk - Nathan Moffitt,

The use of Public Parks, Nature Preserves and Wildlife Management areas should not have any surface impacts for industrial use and whatever undemocratic process that allows multiple issues that are unrelated in one bill should be put in jail.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Fay
2311 Swansea Rd
Columbus, OH 43221
lfay9785@columbus.rr.com
(614) 459-1609

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michelle White \(crystalclearscience@icloud.com\) Sent You a Personal Message](mailto:crystalclearscience@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:04:07 PM

Dear Clerk - Nathan Moffitt,

Please protect my grand children, and all the beautiful creations of nature from the ravage is a fossil fuel use. This type of fuel also requires such a great amount of energy. You have the power to protect us all -please do. Thank you.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michelle White
752 Pickwick Dr
Cincinnati, OH 45255
crystalclearscience@icloud.com
(513) 231-0835

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Eric Noderer \(enbluechip24@gmail.com\) Sent You a Personal Message](mailto:enbluechip24@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:02:21 PM

Dear Clerk - Nathan Moffitt,

We have been the objects of price gouging on the part of petroleum companies. The only benefactors are the politicians who receive campaign money from them. It is clear why the politicians want petroleum producers to wreck our parks and recreation areas. Follow the money.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
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- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Eric Noderer
608 E Perry St
Port Clinton, OH 43452
enbluechip24@gmail.com
(419) 734-4870

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karen Landry \(landrykaren29@gmail.com\)](mailto:landrykaren29@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 7:00:23 PM

Dear Clerk - Nathan Moffitt,

We need land and water free from the toxins, byproducts and environmental disruption and destruction that is engendered in fracking.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karen Landry
6695 Clingan Rd Unit 15
Youngstown, OH 44514
landrykaren29@gmail.com
(614) 395-5313

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Allen Strous \(a.strous@hotmail.com\)](mailto:a.strous@hotmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:59:51 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Allen Strous
11339 Spangler Rd
Circleville, OH 43113
a.strous@hotmail.com
(740) 474-5103

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Larry Thiedt \(tyrral@me.com\) Sent You a Personal Message](mailto:tyrral@me.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:58:34 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Larry Thiedt
PO Box 3
Wapakoneta, OH 45895
tyrral@me.com
(419) 738-1290

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sharon Call \(sharoncall50@gmail.com\) Sent You a Personal Message](mailto:sharoncall50@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:58:00 PM

Dear Clerk - Nathan Moffitt,

Stop this dangerous fracking. The water we drink is destroyed by leaks, the community is such an ugly mess with this practice.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sharon Call
32570 Carriage Ln
Avon Lake, OH 44012
sharoncall50@gmail.com
(440) 933-5941

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [David Melcer \(dmel@sprintmail.com\) Sent You a Personal Message](mailto:dmel@sprintmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:57:19 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

David Melcer
8596 Swisher Creek Xing
New Albany, OH 43054
dmel@sprintmail.com
(614) 656-7128

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Donna Becker \(curiousdaylily@gmail.com\) Sent You a Personal Message](mailto:Donna.Becker@curiousdaylily@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:55:29 PM

Dear Clerk - Nathan Moffitt,

The long-used - and deceptive - practice of hiding controversial language within unrelated legislation that is easy to pass appears to merrily continue in Ohio's legislature.

Buried in Ohio House Bill 507 (which is about poultry) is language allowing fracking in Ohio's state lands, including its state parks. Although the Governor stated that he would not allow above-ground placement and/or operation of fracking facilities, his Ohio Department of Natural Resources has already created a gateway lease that would allow frackers to do just that.

The ODNR is supposed to protect Ohio's air, water, and land from pollution. Now it's able to sign a lease with the devil to do exactly the opposite.

Given fracking's history of environmental destruction, same on every elected and appointed official who has supported or ignored this legislation and its progeny.

Our public lands are our natural heritage, but you've now set up their inevitable destruction by frackers. Stop this nonsense!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Donna Becker
4110 Stonewall Cir
Dayton, OH 45415
curiousdaylily@gmail.com
(937) 454-1324

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Andrew Morris \(akmorris1@gmail.com\)](mailto:akmorris1@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:55:21 PM

Dear Clerk - Nathan Moffitt,

No fracking way! There's no excuse for trying to get more petroleum products and continuing to look for fossil fuels when all of that energy and money could go into carbon neutral energy sources. That's not even considering the harm that is done to wildlife and potential contamination of the water supply. No No No!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Andrew Morris
5188 Red Cloud Ct Apt 4
Oxford, OH 45056
akmorris1@gmail.com
(843) 469-5083

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nancy Overton \(noverton24@gmail.com\) Sent You a Personal Message](mailto:noverton24@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:51:35 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Nancy Overton
11814 Glenfalls Ct
Springdale, OH 45246
noverton24@gmail.com
(513) 825-6238

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nancy Smith \(nancykingsmith@mac.com\)](mailto:nancykingsmith@mac.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:51:31 PM

Dear Clerk - Nathan Moffitt,

As a citizen of Ohio, I am outraged that our wonderful state parks could be despoiled by fracking that will enrich the already powerful fossil fuel industry without regard to the citizens who support the state parks. We must protect the natural landscapes as well as to do all we can to diminish the adverse effects of fossil fuel use.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nancy Smith
16630 Anderson Ct
Chagrin Falls, OH 44023
nancykingsmith@mac.com
(216) 496-3543

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jim Hansler \(jrhansler@gmail.com\) Sent You a Personal Message](mailto:jrhansler@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:47:49 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jim Hansler
9224 Windswept Dr
Brecksville, OH 44141
jrhansler@gmail.com
(440) 546-9186

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Madeline Marshal \(madeline_118@icloud.com\) Sent You a Personal Message](mailto:madeline_118@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:45:41 PM

Dear Clerk - Nathan Moffitt,

Ohio is a beautiful state, we have some of the best ground water aquifers in the country. We have one of the few Old Growth forests left in the USA. We have one of the largest poplar trees. We have clean air, fertile soil for planting, and lovely parks. I don't want to see these amazing things in Ohio be destroyed for the sake of money. Please, invest in solar fields, wind farms, anything more sustainable than oil and gas. We need to leave a world for our children and grandchildren where they can experience our planet and it's beauty just as we did.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Madeline Marshal
134 Linden Ave
Piqua, OH 45356
madeline_118@icloud.com
(937) 214-4182

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karen Dyser \(karenjdyser@gmail.com\) Sent You a Personal Message](mailto:karenjdyser@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:45:20 PM

Dear Clerk - Nathan Moffitt,

Our public parks are the only places many are able to find a connection with nature. We cannot attack our quiet solitude by allowing fracking on these sacred acres. When we have such a mental health problem in our country, taking away one more area to distress, only makes the mental health problem worse!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karen Dyser
9886 Country Club Circle
Twinsburg, OH 44087
karenjdyser@gmail.com
(330) 405-6861

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Gordon Svoboda \(gjs240@pm.me\)](mailto:gjs240@pm.me) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:42:26 PM

Dear Clerk - Nathan Moffitt,

Oil and gas companies have no right trespassing on land that is owned by the citizens of Ohio. We have not had a voice in the decisions.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Gordon Svoboda
240 Mull Ave
Akron, OH 44313
gjs240@pm.me
(330) 869-2039

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Thomas Warner \(tom@trw-architect.com\) Sent You a Personal Message](mailto:tom@trw-architect.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:41:51 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Thomas Warner
4443 Brazee St
Cincinnati, OH 45209
tom@trw-architect.com
(513) 373-2339

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Janis Scalone \(jsvero@roadrunner.com\) Sent You a Personal Message](mailto:jsvero@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:40:51 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Janis Scalone
4398 Wayne Rd
Mantua, OH 44255
jsvero@roadrunner.com
(330) 357-7114

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Diane Davis \(twydle2@aol.com\) Sent You a Personal Message](mailto:twydle2@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:39:27 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Diane Davis
12139 San Marino Ave NW
Uniontown, OH 44685
twydle2@aol.com
(540) 394-3380

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Loretta Olsen \(theowajda@frontier.com\) Sent You a Personal Message](mailto:theowajda@frontier.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:39:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Loretta Olsen
9569 State Route 380
Wilmington, OH 45177
theowajda@frontier.com
(937) 488-3791

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Debbie Pound \(deb.ounce@yahoo.com\) Sent You a Personal Message](mailto:deb.ounce@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:39:07 PM

Dear Clerk - Nathan Moffitt,

I can see no reason why any additional fracking should be allowed in Ohio and definitely No, Not anywhere near where people recreate! The time to care about our environment and Water supply is now! Please No Fracking!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Debbie Pound
PO Box 530
Granville, OH 43023
deb.ounce@yahoo.com
(740) 587-7524

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joseph Blanda \(jblanda46@gmail.com\) Sent You a Personal Message](mailto:jblanda46@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:35:15 PM

Dear Clerk - Nathan Moffitt,

As a physician I am extremely concerned about this dangerous proposal that could endanger families coming to state parks

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joseph Blanda
5996 Ledgeview Dr
Peninsula, OH 44264
jblanda46@gmail.com
(330) 785-9356

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Angela Wilson \(infinity_34@yahoo.com\) Sent You a Personal Message](mailto:infinity_34@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:32:09 PM

Dear Clerk - Nathan Moffitt,

I believe everyone in Ohio pays taxes to these public lands and for anyone to go onto these lands and drill or anything for that matter should be illegal. If it isn't already there should be a law put in place.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Angela Wilson
210 Cedar St Lot 105
Pataskala, OH 43062
infinity_34@yahoo.com
(740) 213-3811

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Courtney Kishbaugh \(courtneykishbaugh@gmail.com\) Sent You a Personal Message](mailto:courtneykishbaugh@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:28:02 PM

Dear Clerk - Nathan Moffitt,

Please protect Ohio's state parks and lands. They deserve to be preserved for the public and not used for oil and gas.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Courtney Kishbaugh
1841 W 50th St
Cleveland, OH 44102
courtneykishbaugh@gmail.com
(440) 465-6832

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Stephanie Riccobene \(riccobene726@gmail.com\) Sent You a Personal Message](mailto:riccobene726@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:27:48 PM

Dear Clerk - Nathan Moffitt,

I find it unconscionable, morally bankrupt and an abomination that Ohio's (documented corrupt) politicians took these measures to destroy and defile our public, state lands by allowing drilling for oil and gas in our state's parks--without the consent of WE THE PEOPLE, who OWN the land--not the categorically CORRUPT power- and money-hungry Ohio politicians and their Big Oil and Big Gas industry benefactors. I am not only ashamed to be an Ohio due to its legislators' fierce opposition to and obstruction of the inevitable transition to renewable energy, but I tremble with fear for the bleak future my grandsons will face as a result of Ohio's politicians' refusal to do the moral, ethical thing to protect the earth and ward off the worst effects of climate change. My anger is sometimes overwhelming. I am bewildered as to why Ohio's politicians don't seem to care about even their own prodigy as they take actions that will ensure a climate catastrophe.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Stephanie Riccobene
5275 E 115th St
Garfield Heights, OH 44125

riccobene726@gmail.com
(216) 799-6015

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Kiernan \(linkiernan1@gmail.com\)](mailto:linkiernan1@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:25:22 PM

Dear Clerk - Nathan Moffitt,

No anything on our lands!!! Never!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Kiernan
6543 Cedar Ridge Dr
Loveland, OH 45140
linkiernan1@gmail.com
(513) 379-2906

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Christine Rohde \(christinearohde@gmail.com\)](mailto:christinearohde@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:25:11 PM

Dear Clerk - Nathan Moffitt,

My family and friends have enjoyed Ohio's state parks for many decades. Please preserve their beauty for the coming years.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Christine Rohde
113 Spring Garden Dr
Youngstown, OH 44512
christinearohde@gmail.com
(330) 726-0041

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeannie Finlay-Kochanowski \(clannadrocks@aol.com\) Sent You a Personal Message](mailto:clannadrocks@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:23:28 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeannie Finlay-Kochanowski
229 Majestic Dr
Toledo, OH 43608
clannadrocks@aol.com
(419) 214-2880

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Edward Lekan \(emll12345@yahoo.com\) Sent You a Personal Message](mailto:emll12345@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:19:42 PM

Dear Clerk - Nathan Moffitt,

I won't visit any Ohio park that allows oil or gas drilling. Won't be spending any of my tax dollars in Ohio parks, get your bloody tax money from the polluting oil and gas industry that has republicans in their \$\$\$\$ pockets

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Edward Lekan
8225 Dalebrook Rd
Independence, OH 44131
emll12345@yahoo.com
(216) 642-3168

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Seegott \(mseegott@aol.com\) Sent You a Personal Message](mailto:mseegott@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:14:14 PM

Dear Clerk - Nathan Moffitt,

NO FRACKING IN STATE PARKS AND LANDS!
KEEP THE GREED, CHEMICALS AND POLLUTION OUT!
DO THE RIGHT THING AND DON'T ALLOW FRACKING!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Seegott
15281 Main Market Rd
Burton, OH 44021
mseegott@aol.com
(440) 247-1080

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeannie Blake \(jeannienuss@gmail.com\) Sent You a Personal Message](mailto:jeannienuss@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:11:56 PM

Dear Clerk - Nathan Moffitt,

This issue is critically important for all Ohioans and for future generations. Thank you for your consideration.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeannie Blake
464 N Selby Blvd
Worthington, OH 43085
jeannienuss@gmail.com
(412) 527-5094

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sandy Wood \(woodlets@fuse.net\)](mailto:woodlets@fuse.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:09:20 PM

Dear Clerk - Nathan Moffitt,

Ohio state parks and forest are for the people not for energy companies to frack and destroy! Once again the state house is making laws to hurt people, animals and the earth. ODNR YOU ARE NOT PROTECTING OHIO PARKS AND LANDS WHEN YOU SELL IT TO FRACKING COMPANIES THAT INJECT TOXIC CHEMICALS INTO THE EARTH!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sandy Wood
6147 Webbland Pl
Cincinnati, OH 45213
woodlets@fuse.net
(513) 731-9808

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [George Borland \(budborland12@gmail.com\) Sent You a Personal Message](mailto:budborland12@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:07:36 PM

Dear Clerk - Nathan Moffitt,

Quit your short-term selfish money addiction and do what is right for everyone, for our home, earth for a real future.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

George Borland
1532 Haag Ave SW
Massillon, OH 44646
budborland12@gmail.com
(330) 415-4903

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carol Ann George \(canngeo1@yahoo.com\) Sent You a Personal Message](mailto:canngeo1@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:04:03 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carol Ann George
4927 Stonehaven Dr
Columbus, OH 43220
canngeo1@yahoo.com
(555) 555-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lisa Hughes \(Lrhughes@fuse.net\) Sent You a Personal Message](mailto:Lrhughes@fuse.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:03:51 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lisa Hughes
9190 Windsor Ct
Loveland, OH 45140
Lrhughes@fuse.net
(513) 677-9448

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Shelley Tippet \(stoli_grrl@yahoo.com\) Sent You a Personal Message](mailto:stoli_grrl@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:03:25 PM

Dear Clerk - Nathan Moffitt,

Please don't poison our lands and water just to make a quick buck. By letting powerful companies use Ohio's land it makes Ohioans look desperate and weak. You should be looking at alternative energies, not using those mined from the earth and destroying it for future generations.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Shelley Tippet
8779 Cobblecreek Dr
Centerville, OH 45458
stoli_grrl@yahoo.com
(937) 434-4964

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Janice Hunter \(jch8387@hotmail.com\)](mailto:jch8387@hotmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:02:24 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Janice Hunter
2573 Countrylake Dr
Cincinnati, OH 45233
jch8387@hotmail.com
(513) 922-1946

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Catalina Maddox-Wagers \(isis_134@yahoo.com\) Sent You a Personal Message](#)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:02:16 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Catalina Maddox-Wagers
2865 Fairmount Blvd
Cleveland Heights, OH 44118
isis_134@yahoo.com
(216) 862-3565

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Constance Mccoy \(constance.mccoy@mcsc.org\) Sent You a Personal Message](mailto:constance.mccoy@mcsc.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 6:01:49 PM

Dear Clerk - Nathan Moffitt,

A healthy environment is vital to us all!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Constance Mccoy
2708 Coronette Ave
Dayton, OH 45414
constance.mccoy@mcsc.org
(937) 450-5170

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Tawnya Neal \(tneal@mercy.com\) Sent You a Personal Message](mailto:tneal@mercy.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:59:30 PM

Dear Clerk - Nathan Moffitt,

Ohio public lands ? 800,000 acres of state parks, forests, wildlife areas, historical sites, college campuses, and transportation land ? belong to all of us! Residents of Ohio.

Fracking is a threat to our health and environment!

Use of PFAS and toxic chemicals used in drilling and fracking

Leaks - Ground water and drinking water sources are at risk of contamination, further point pollution of soil and toxic air emissions.

Health impacts near fracking include: Premature births, Low birth weight, Birth defects, Asthma, Migraine, Fatigue, Heart-related problems, certain types of cancer, like lymphoma and childhood leukemia

Earthquakes

Negative Impacts on biodiversity and landscape

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Tawnya Neal
18240 Sellers Rd

Cridersville, OH 45806
tneal@mercy.com
(419) 224-6626

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carole Campbell \(raggedycat1@gmail.com\)](mailto:Carole_Campbell_(raggedycat1@gmail.com)) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:59:27 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Carole Campbell
5805 Stallion Dr
New Albany, OH 43054
raggedycat1@gmail.com
(740) 966-3049

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From: [Amy Snell \(amys2886@gmail.com\)](mailto:amys2886@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:58:08 PM

Dear Clerk - Nathan Moffitt,

Public lands belong to Ohioans
Fracking places Ohio's air and water ..as well as Ohioan's health and future at risk

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Amy Snell
2886 Saint Clair Dr
Copley, OH 44321
amys2886@gmail.com
(330) 666-3037

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Megan Hall \(meganhall1@gmail.com\) Sent You a Personal Message](mailto:meganhall1@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:57:13 PM

Dear Clerk - Nathan Moffitt,

There's such little protected land left in our state. Allowing drilling puts nearby residents, groundwater, wild areas and wildlife at risk. Both from accepted harms that drilling creates, and the SUBSTANTIAL risks of errors in the process that suddenly have significant impact on nature and communities.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
- There must be email notification via commission website that provides advance notice of decisions
- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Megan Hall
3814 Claridge Oval
University Heights, OH 44118
meganhall1@gmail.com
(206) 981-9968

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [DAVID AND JACKIE PARKER \(dnjparker39@gmail.com\) Sent You a Personal Message](mailto:dnjparker39@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:53:00 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

DAVID AND JACKIE PARKER
1124 MADRID DR
AKRON, OH 44313
dnjparker39@gmail.com
(330) 592-3115

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Bob Reno \(breno@earthling.net\) Sent You a Personal Message](mailto:breno@earthling.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:52:59 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Bob Reno
3831 Mahoning Rd NE
Canton, OH 44705
breno@earthling.net
(234) 209-9752

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sally Sutterfield \(sutterfield62@yahoo.com\) Sent You a Personal Message](mailto:sutterfield62@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:52:54 PM

Dear Clerk - Nathan Moffitt,

I go to parks and enjoy the scenery, the animals and the quiet! They are safe havens and fracking will ruin the land, affecting all of its inhabitants. Please do not pass this!!! Sally

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sally Sutterfield
1531 Manor Ave NW
Canton, OH 44708
sutterfield62@yahoo.com
(330) 806-7549

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jenna Encheff \(kismet4je@gmail.com\) Sent You a Personal Message](mailto:kismet4je@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:51:24 PM

Dear Clerk - Nathan Moffitt,

Greed!!! Haven't you learned yet how greed of big oil impacts our earth??? Shame on you!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jenna Encheff
1180 Dairy View Rd
Bradner, OH 43406
kismet4je@gmail.com
(419) 855-9040

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sandra Cobb \(smcobb@beechmere.com\) Sent You a Personal Message](mailto:smcobb@beechmere.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:49:40 PM

Dear Clerk - Nathan Moffitt,

Keep energy extraction out of Ohioan's state parks. These lands belong to Ohioans, not reedy energy companies.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sandra Cobb
3880 Ellendale Rd
Moreland Hills, OH 44022
smcobb@beechmere.com
(440) 247-4392

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Valentina Khoury \(valentina.khoury@gmail.com\) Sent You a Personal Message](mailto:valentina.khoury@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:49:01 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

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Sincerely,

Valentina Khoury
3041 Torrington Rd
Shaker Heights, OH 44122
valentina.khoury@gmail.com
(330) 307-7358

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Michael Lupo \(mlupo6165@yahoo.com\) Sent You a Personal Message](mailto:mlupo6165@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:47:18 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Michael Lupo
6165 West Blvd
Youngstown, OH 44512
mlupo6165@yahoo.com
(330) 758-0393

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jeff Neikirk \(jneikirk@woh.rr.com\) Sent You a Personal Message](mailto:jneikirk@woh.rr.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:47:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jeff Neikirk
1914 Westwood Rd
Troy, OH 45373
jneikirk@woh.rr.com
(937) 339-0820

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Adam Freeberg \(not2be4gotten02@aol.com\) Sent You a Personal Message](mailto:adam.freeberg@sierraclub.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:46:54 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Adam Freeberg
884 Mill Run Dr
Sunbury, OH 43074
[not2be4gotten02@aol.com](mailto:adam.freeberg@sierraclub.org)
(740) 646-4621

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Deborah Zuhars \(silverheelsfarm@yahoo.com\) Sent You a Personal Message](mailto:silverheelsfarm@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:43:29 PM

Dear Clerk - Nathan Moffitt,

I doubt that Ohioans would vote for fracking anywhere near our parks. This is the people's land, not big oils or dishonest politicians. Parks should be pristine!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Deborah Zuhars
4879 Velely Rd
Delaware, OH 43015
silverheelsfarm@yahoo.com
(740) 363-9542

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebecca Miller \(beck212@yahoo.com\)](mailto:beck212@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:43:10 PM

Dear Clerk - Nathan Moffitt,

This matters to me because I have always enjoyed our beautiful natural resources and want to see them preserved and protected

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rebecca Miller
11028 Villacourt Ln
Whitehouse, OH 43571
beck212@yahoo.com
(440) 986-2032

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Nathan Hetrick \(hetricknathan@hotmail.com\) Sent You a Personal Message](mailto:hetricknathan@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:42:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Nathan Hetrick
1279 Westlake Ave
Lakewood, OH 44107
hetricknathan@hotmail.com
(320) 309-8806

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Felicit Sanchez \(fs225599@yahoo.com\) Sent You a Personal Message](mailto:fs225599@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:39:35 PM

Dear Clerk - Nathan Moffitt,

Is everything I hold of value up for grabs?

As you make this very important decision please try to remember that the Ohio State Parks and Lands are for future generations. Not for us. Not for temporary profit for a few and NOT to be misused. Please Protect our Parks!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Felicita Sanchez
1228 Westlake Ave
Lakewood, OH 44107
fs225599@yahoo.com
(216) 226-3268

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judy Willour \(jwillour@earthlink.net\) Sent You a Personal Message](mailto:jwillour@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:39:07 PM

Dear Clerk - Nathan Moffitt,

Simply because the surface impacts would be excluded from public lands does not mean that the air in our public lands will be protected. Off gassing travels!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judy Willour
7439 Case Ave
Mentor, OH 44060
jwillour@earthlink.net
(440) 974-2035

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karen Eliot \(keliot614@gmail.com\)](mailto:keliot614@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:36:03 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karen Eliot
47 Leland Ave
Columbus, OH 43214
keliot614@gmail.com
(614) 578-8441

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Denis Walsh \(deniwalsh@aol.com\) Sent You a Personal Message](mailto:deniwalsh@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:34:55 PM

Dear Clerk - Nathan Moffitt,

Fracking poses strong potential risks for the environment on and for public health. I strongly oppose fracking of public lands. With the passage of House Bill 507, I encourage all policy makers to prevent any direct access to public lands by gas and oil companies. The future of the environment is at stake, and the damage from fracking could be irreversible. The risk to individual lives makes this an easy decision.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Denis Walsh
2622 Topichills Dr
Cincinnati, OH 45248
deniwalsh@aol.com
(513) 922-2570

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Laura Anielski \(lanielski@roadrunner.com\) Sent You a Personal Message](mailto:lanielski@roadrunner.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:34:50 PM

Dear Clerk - Nathan Moffitt,

There is still time to stop this! Please do not allow drilling and fracking under our Ohio state parks. Please do not contaminate our pristine lands and jeopardize the health of future generations for the sake of profit. Please do the right thing!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Laura Anielski
8201 Hillside Rd
Independence, OH 44131
lanielski@roadrunner.com
(216) 409-2088

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patricia Stevenson \(stevenphelen@icloud.com\) Sent You a Personal Message](mailto:stevenphelen@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:33:14 PM

Dear Clerk - Nathan Moffitt,

Public lands belong to all Ohio citizens and not oil and gas companies. Oil and gas companies want to use these lands in ways which will decimate them and render them unsafe to all forms of life. Do not allow this destruction to happen, by protecting and preserving our vital public lands!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Patricia Stevenson
1016 S Locust St
Oxford, OH 45056
stevenphelen@icloud.com
(513) 523-2572

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Leo Bistak \(leot.bistak@gmail.com\)](mailto:leot.bistak@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:31:17 PM

Dear Clerk - Nathan Moffitt,

Will this republican onslaught ever try to become thinking caring humans and not simply a machine to grab all that is there to destroy anything of beauty and nature?

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Leo Bistak
12984 Martin Dr
Parma, OH 44130
leot.bistak@gmail.com
(440) 340-5631

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lowell Palm \(evrettbgo@yahoo.com\) Sent You a Personal Message](mailto:evrettbgo@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:30:45 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lowell Palm
419 5th St
Washington Court House, OH 43160
evrettbgo@yahoo.com
(740) 335-5103

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Elizabeth McGinnis \(emcginn07@gmail.com\) Sent You a Personal Message](mailto:emcginn07@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:30:21 PM

Dear Clerk - Nathan Moffitt,

There are so few green, wild places left. It is heartbreaking to see that in a era of terrible climate change you are considering harming more of our ecosystems. Please stop.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Elizabeth McGinnis
818 Lindenhaven Rd
Columbus, OH 43230
emcginn07@gmail.com
(419) 410-1162

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Carla Newberry \(carlanews02@gmail.com\) Sent You a Personal Message](mailto:carlanews02@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:30:18 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Carla Newberry
5588 Elm Hill Dr
Solon, OH 44139
carlanews02@gmail.com
(440) 349-2234

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Rebekah Colours \(rebekahcolours@gmail.com\) Sent You a Personal Message](mailto:rebekahcolours@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:29:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Rebekah Colours
10017 Lake Ave Apt 108
Cleveland, OH 44102
rebekahcolours@gmail.com
(216) 413-2012

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Anne Randolph \(annejrand@aol.com\) Sent You a Personal Message](mailto:annejrand@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:26:55 PM

Dear Clerk - Nathan Moffitt,

Fracking is a public health hazard and does not belong in Ohio's state parks and lands. Fracking risks contamination of drinking water, increases chances of earthquakes, leaches dangerous chemicals into the soil and air, causing terrible risks to the health of Ohioans. Our beautiful state parks and lands belong to all Ohioans and should not be given over to the fracking industry. Ohioans need their parks for recreation and for the opportunity to rejuvenate in nature.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Anne Randolph
390 Stewart Dr
Yellow Springs, OH 45387
annejrand@aol.com
(937) 926-1988

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Earl Grove \(egrove06@gmail.com\)](mailto:egrove06@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:26:37 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Earl Grove
128 3rd St W
East Canton, OH 44730
egrove06@gmail.com
(330) 312-2311

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karyn Deibel \(karyn.deibel@gmail.com\) Sent You a Personal Message](mailto:karyn.deibel@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:25:56 PM

Dear Clerk - Nathan Moffitt,

Our State Parks and lands are treasures needing protection from the destructiveness from fracking.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karyn Deibel
166 W Como Ave
Columbus, OH 43202
karyn.deibel@gmail.com
(614) 261-6480

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [joyce allen \(hmallen8219@hotmail.com\) Sent You a Personal Message](mailto:joyce.allen@sierraclub.org)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:25:11 PM

Dear Clerk - Nathan Moffitt,

Please do not allow fracking in any Ohio state parks, forests, wildlife areas, historical sites and any other public land. You will be helping to destroy the environment and wasting/poisoning millions of gallons of water.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

joyce allen
7105 BARTON RD
North Olmsted, OH 44070
hmallen8219@hotmail.com
(440) 793-4000

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From: [Berry Dilley \(brrydilly@gmail.com\) Sent You a Personal Message](mailto:brrydilly@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:24:47 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Berry Dilley
234 E State St
Athens, OH 45701
brrydilly@gmail.com
(740) 593-8155

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Dawn Hewitt \(hewitt@earth-maker.com\) Sent You a Personal Message](mailto:hewitt@earth-maker.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:19:38 PM

Dear Clerk - Nathan Moffitt,

Public lands were set aside for public use, and not for economic gain. This land belongs to all Ohio citizens, and we must have the right to comment on the proper and improper use of OUR land! As a resident of Washington County, Ohio, I am angry about the volume of brine injected into our geology. Leaks and spills have occurred, and I am not convinced our aquifers are safe. Have the impacts of brine waste disposal been considered on this plan to frack on Ohio's public lands?

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Dawn Hewitt
100 Goebel Pl
Marietta, OH 45750
hewitt@earth-maker.com
(812) 333-6549

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joyce Bower \(jabower195101@yahoo.com\) Sent You a Personal Message](mailto:jabower195101@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:18:45 PM

Dear Clerk - Nathan Moffitt,

We need parks for our future generation. It would be a horrible idea to drill in our state and county parks. It is a learning experience for our children. It may be the only way for them to experience nature.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joyce Bower
7456 county road 107
Gibsonburg , OH 43431
jabower195101@yahoo.com
(419) 849-2613

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Justin Philipps \(jphilipps1259@gmail.com\)](mailto:jphilipps1259@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:18:22 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

-The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision

-Notice for each nominated parcel must be posted on ODNR's website

-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Justin Philipps
1385 Independence Ct
Newark, OH 43055
jphilipps1259@gmail.com
(740) 973-7478

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Joanne Morgan \(like2hike62@yahoo.com\) Sent You a Personal Message](mailto:like2hike62@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:18:06 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Joanne Morgan
539 Maple St Ravenna Ohio 44266
Ravenna, OH 44266
like2hike62@yahoo.com
(330) 289-8961

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Daphne Dodson \(3dodson@gmail.com\)](mailto:3dodson@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:17:18 PM

Dear Clerk - Nathan Moffitt,

Our public land is vitally important to our environment, wildlife and the state's residents! Contaminating our environment for business gains is unethical, short sighted and greedy and puts us all at unnecessary health risk.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Daphne Dodson
3135 Griggsview Ct
Columbus, OH 43221
3dodson@gmail.com
(614) 747-4873

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Alexa Bass \(lex.bass96@gmail.com\) Sent You a Personal Message](mailto:lex.bass96@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:16:59 PM

Dear Clerk - Nathan Moffitt,

You really don't care at all about your constituents or the land of the state you represent, do you?

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Alexa Bass
1314 McKinley St
Sandusky, OH 44870
lex.bass96@gmail.com
(419) 366-1038

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Andrew Kistler \(andrew_kistler@yahoo.com\) Sent You a Personal Message](mailto:andrew_kistler@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:16:04 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Andrew Kistler
25260 Chase Dr
North Olmsted, OH 44070
andrew_kistler@yahoo.com
(440) 979-0893

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Sonia Ewald \(soniajewald@yahoo.com\)](mailto:soniajewald@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:15:45 PM

Dear Clerk - Nathan Moffitt,

Let's vote on this issue. All Ohioans should get to express an opinion!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sonia Ewald
4343 S State Route 202
Tipp City, OH 45371
soniajewald@yahoo.com
(937) 667-2083

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Karolyn Schalk \(karolyn.schalk@gmail.com\) Sent You a Personal Message](mailto:karolyn.schalk@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:15:11 PM

Dear Clerk - Nathan Moffitt,

Will we preserve Ohio's drinking water, and green spaces for our children's children, or will we allow outside interests to despoil the environment? We cannot replace Ohio's aquifers, drinking water sources, or soil - all of which are necessary to the public health, and to support agriculture, and wild life. Destruction of our state parks in the name of fossil fuel addition is short sighted, and materially damages the economic future of the state. This bill benefits the few who receive gift from the industry, not Ohio residents. Don't turn Ohio into a wasteland.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Karolyn Schalk
6235 Orchard Ln
Cincinnati, OH 45213
karolyn.schalk@gmail.com
(513) 531-6441

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Ethan Roush \(eroush25@hotmail.com\) Sent You a Personal Message](mailto:eroush25@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:12:21 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Ethan Roush
7439 Heigle Rd SW
Amanda, OH 43102
eroush25@hotmail.com
(740) 601-1926

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lori Forshey \(leknigh79@gmail.com\) Sent You a Personal Message](mailto:leknigh79@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:12:17 PM

Dear Clerk - Nathan Moffitt,

Stop polluting and destroying OUR land, water and air to make profits for a few that will never have to face the consequences, or live with the destruction. This is a disgusting abuse by Ohio legislature and complete neglect of their responsibility to Ohio's citizens.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lori Forshey
5586 Plum run rd
Milford, OH 45150
leknigh79@gmail.com
(513) 399-7616

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Bonnie Macpherson \(bonniebigpinekey@icloud.com\) Sent You a Personal Message](mailto:bonniebigpinekey@icloud.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:11:14 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Bonnie Macpherson
148 N Clayton Rd
New Lebanon, OH 45345
bonniebigpinekey@icloud.com
(937) 723-1163

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Cynthia Flaherty \(cdaflaherty@aol.com\) Sent You a Personal Message](mailto:cdaflaherty@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:09:37 PM

Dear Clerk - Nathan Moffitt,

Please act to protect Ohio state parks and lands from fracking. To guard against extreme climate change, we must accelerate the shift away from fossil fuels. Furthermore, trees in state parks help reduce carbon dioxide in the atmosphere.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
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#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Cynthia Flaherty
1778 Ridgecliff Rd
Columbus, OH 43221
cdaflaherty@aol.com
(614) 940-2156

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Mary Gibson \(mhcollinge@gmail.com\) Sent You a Personal Message](mailto:mhcollinge@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:09:23 PM

Dear Clerk - Nathan Moffitt,

We are in a climate emergency and need to transition away from fossil fuels to clean energy alternatives. Protect our public lands and our citizens from the terrible health consequences near fracking including: Premature births, Low birth weight, Birth defects, Asthma, Migraine, Fatigue, Heart-related problems, certain types of cancer, like lymphoma and childhood leukemia.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Mary Gibson
2251 Fox Run Cir
Findlay, OH 45840
mhcollinge@gmail.com
(901) 601-2403

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5500.

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From: [Patricia Rossi \(pat@mountain-pride.com\) Sent You a Personal Message](mailto:pat@mountain-pride.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:08:57 PM

Dear Clerk - Nathan Moffitt,

I strongly do NOT support the law passed (House Bill 507) that allows fracking on state land. The land is for all of us and not just gas and oil interests. The state land is for recreation, wildlife, education, and more. These are all important aspects of a healthy life. Can't we at least keep some land set aside to be pristine for all the citizens of Ohio. Yes we all use gas and oil; however, we must keep Ohio state land for the public.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patricia Rossi
2397 17th St
Cuyahoga Falls, OH 44223
pat@mountain-pride.com
(330) 247-8048

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If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Susan Pennypacker \(suzannapen@yahoo.com\) Sent You a Personal Message](mailto:suzannapen@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:08:47 PM

Dear Clerk - Nathan Moffitt,

Have we learned nothing from the fiasco in East Palestine? Do we have to wait until irreparable damage is done to irreplaceable resources? Little by little our natural resources are being destroyed. Our water polluted. Our land stripped. All for greed. Now is the time to turn to renewable resources.

Countless studies have shown the lifelong damage fracking does to the water table and land surrounding drill sites. We must vigilantly protect the Public park lands.

This administration knows that granting drilling rights to public lands is wrong. Or it wouldn't have hidden this provision on another unrelated bill. What legacy are we leaving our children? Polluted water, unbreathable air, poisoned earth. They deserve better.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Susan Pennypacker
8900 Lyra Dr Apt 429
Columbus, OH 43240
suzannapen@yahoo.com

(330) 998-5068

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From: [Sandie Myers \(slmyers686@gmail.com\) Sent You a Personal Message](mailto:slmyers686@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:08:46 PM

Dear Clerk - Nathan Moffitt,

It's time to put People's Health ahead of profits. Ever since this expansion of gas and oil exploration started, the government has sided with gas and oil at every turn. As a landed owner in Ohio I have some idea of what Ohio has legislated to make the process easier for gas and oil companies. It's time to start protecting the health and safety of the people of Ohio. I live right next door to an oil well and have experienced nothing but grief and misery since this industry arrived.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sandie Myers
60033 N Koci Rd
Bellaire, OH 43906
slmyers686@gmail.com
(740) 238-8211

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If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Bruce and Jennifer Lott \(gblott@fuse.net\)](mailto:gblott@fuse.net) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:08:14 PM

Dear Clerk - Nathan Moffitt,

Ohio State Parks and Public Lands are for the citizens to enjoy, and this will be destroyed by surface oil and gas activities such as fracking. This will also contribute to climate change, and will cause adverse health effects, as seen in so many existing fracking areas. NO FRACKING on our public lands!!!!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Bruce and Jennifer Lott
8003 Lancelot Dr
Cincinnati, OH 45244
gblott@fuse.net
(513) 474-7259

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From: [Alison Fitchpatrick \(sheehan45@hotmail.com\) Sent You a Personal Message](mailto:sheehan45@hotmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:07:48 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Alison Fitchpatrick
624 Lindford Dr
Bay Village, OH 44140
sheehan45@hotmail.com
(440) 227-6262

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kym Lucas \(birdluki@gmail.com\)](mailto:birdluki@gmail.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:05:33 PM

Dear Clerk - Nathan Moffitt,

I am a lifelong resident of Ohio who has always enjoyed using our beautiful state parks and other PUBLICLY owned lands. As such, I can't understand why these lands, which are owned by Ohio citizens should be used for fracking. There are only so many acres of nature, and it's something we can't reproduce.

It's absolutely ridiculous that private companies should be allowed access to profit from lands that should be kept natural for our Ohio citizens.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Kym Lucas
2069 Ledge Road
Hinckley, OH 44233
birdluki@gmail.com
(216) 337-9387

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From: [Sandra Curry \(slcurry411@msn.com\) Sent You a Personal Message](mailto:slcurry411@msn.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:05:19 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sandra Curry
19429 Scottsdale Blvd
Shaker Heights, OH 44122
slcurry411@msn.com
(216) 561-1061

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From: [Suzanne Halstead \(shalstead@wowway.com\) Sent You a Personal Message](mailto:shalstead@wowway.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:05:14 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Suzanne Halstead
231 Elmwood Dr
Berea, OH 44017
shalstead@wowway.com
(440) 973-4372

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Alan Birmingham \(unibrowbandit_alan@yahoo.com\) Sent You a Personal Message](#)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:03:08 PM

Dear Clerk - Nathan Moffitt,

I am a citizen of Ohio. Since about 2010, advancement of technology made hydraulic fracturing very feasible in places where it previous was not, but that does not make the operation safe. There are countless highly toxic proprietary substances companies in the industry use to fracture a gas well; millions of gallons of water need to be used and contaminated by gas and these other harsh, frequently carcinogenic chemicals in order to fracture a gas well; much of the waste bi-product of a fractured gas well is poisonous water which usually demands being shot into another well deep within the earth where it is liable to migrate and mix with groundwater; the gas extraction practice and refinement practice of gas separation both allow the leakage of more methane than just about any other industry. Lots of woods are sought to be torn down in order to get at the shale deposits underneath. Hydraulic fracturing will wreck our state and ruin our precious natural resources here, I am against it.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

#1 Surface Use Right: In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands. This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment.

#2 Public engagement is limited: Public engagement needs to be included and the public must have the chance to submit comments of concern about the process of fracking on Ohio public lands. Specifically, I ask the commission to add the following to Draft Rule 155-1-01:

- The commission must allow 60 to 120 days to have public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission makes a decision
- Notice for each nominated parcel must be posted on ODNR's website
- There must be email notification via commission website that provides advance notice of decisions
- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Alan Birmingham
92 Union St
Newark, OH 43055

unibrowbandit_alan@yahoo.com
(740) 344-0334

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Renate and Jack Pealer \(renate3421@earthlink.net\) Sent You a Personal Message](mailto:renate3421@earthlink.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:01:36 PM

Dear Clerk - Nathan Moffitt,

My family loves to walk in our state parks. We find the scenery calming and inspiring. When life gets tough, a walk in nature always helps. We are counting on you to protect our parks from the pollution of fracking and all the other negative consequences of this action. Our state parks are meant to be places of relaxation and communion with nature. Please don't take that away from us by allowing fracking.

Thank you!

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Renate and Jack Pealer
3421 Dawn Dr
Fairfield Township, OH 45011
renate3421@earthlink.net
(513) 887-7515

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Lori Betker \(betkerlori@gmail.com\) Sent You a Personal Message](mailto:betkerlori@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:01:28 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Lori Betker
4141 Pathfield Dr
Columbus, OH 43230
betkerlori@gmail.com
(614) 245-4753

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From: [Sue Hutras \(suehutras2@gmail.com\) Sent You a Personal Message](mailto:suehutras2@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:01:14 PM

Dear Clerk - Nathan Moffitt,

Ohio public lands are something that belong to the public and it's citizens to enjoy and use. To allow the oil and gas industry to fracking and extract public lands would be criminal in my opinion. These lands belong to us, it's citizens. Not politicians to give away and exploit. What will be left for our future generations? Where will this stop? I feel incredibly guilty to our future generations about what the current generation is doing to our land. What will be left for them. This is so wrong on so many fronts.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Sue Hutras
7834 Silver Rose Ct
Dublin, OH 43016
suehutras2@gmail.com
(614) 766-2633

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club.

If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Beth Puleo \(b.puleo@yahoo.com\)](mailto:b.puleo@yahoo.com) Sent You a Personal Message
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:00:55 PM

Dear Clerk - Nathan Moffitt,

"Public" lands mean just that. They should NOT be open to Environmental destruction and degradation for greedy profiteering companies. Period.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Beth Puleo
618 E Jeffrey Pl
Columbus, OH 43214
b.puleo@yahoo.com
(614) 330-6717

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Judith Pflaumer \(medpog7@gmail.com\) Sent You a Personal Message](mailto:medpog7@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:00:39 PM

Dear Clerk - Nathan Moffitt,

Earth is home If destroyed humans have no place to live

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Judith Pflaumer
5314 Man O War Dr
Morrow, OH 45152
medpog7@gmail.com
(513) 205-1822

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From: [Katie Oetzel \(katydid0496@yahoo.com\) Sent You a Personal Message](mailto:katydid0496@yahoo.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:00:36 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katie Oetzel
255 Boone Ridge Rd
Manchester, OH 45144
katydid0496@yahoo.com
(937) 779-2953

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Patty Sheehan \(pattythepainter@gmail.com\) Sent You a Personal Message](mailto:pattythepainter@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 5:00:03 PM

Dear Clerk - Nathan Moffitt,

It's time for humans to stop being exploitative. We can and must live in harmony with animals and plants and all of nature

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Patty Sheehan
1778 Northampton Rd
Akron, OH 44313
pattythepainter@gmail.com
(575) 751-0757

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From: [Robert Oldham \(bobtheham@adlibpress.us\) Sent You a Personal Message](mailto:robtheham@adlibpress.us)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:59:20 PM

Dear Clerk - Nathan Moffitt,

It is extremely important to make every effort to REDUCE oil and gas consumption, and this action proposed by the State of Ohio is in direct opposition to that need and will inevitably lead to greater damage to Earth's climate as well as to Ohio natural resources. I urge you to refuse to act in accordance with the proposed policy.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Robert Oldham
104 Pleasant St
Yellow Springs, OH 45387
bobtheham@adlibpress.us
(693) 948-9335

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Jill B \(jillb9498@gmail.com\) Sent You a Personal Message](mailto:jillb9498@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:58:27 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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-There must be email notification via commission website that provides advance notice of decisions

-Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, the date and time at which public comment is due, provide electronic access to the location and map of the parcel, and include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

#3 Impacts of fracking on health and environment: There is an enormous amount of evidence showing the detrimental effects of fracking on public health and the environment. This needs to be considered and discussed in your meetings. The use of PFAS and toxic chemicals used in drilling and fracking, and leaks that further contaminate our natural resources, all directly affect our human health and have detrimental impacts on biodiversity and environment.

Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Jill B
344 E Jeffrey Pl
Columbus, OH 43214
jillb9498@gmail.com
(614) 362-4555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Steven Daskal \(sdaskal33@gmail.com\) Sent You a Personal Message](mailto:sdaskal33@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:57:54 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Steven Daskal
2258 Orchard Way
Beachwood, OH 44122
sdaskal33@gmail.com
(216) 288-0643

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Colin Mennett \(crmennett@gmail.com\) Sent You a Personal Message](mailto:crmennett@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:57:23 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Colin Mennett
5133 Quail Hill St NW Apt D
North Canton, OH 44720
crmennett@gmail.com
(269) 370-3201

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [J Maire \(jmaire.evans@gmail.com\) Sent You a Personal Message](mailto:jmaire.evans@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:56:36 PM

Dear Clerk - Nathan Moffitt,

Nooooooooooooo!

Your, Republicans', incessant push to destroy our planet for corporate profit and your own self-serving payoffs from their lobbyists has to END! Every time you propose legislation, it's for the detriment of humanity. Please, for once in your lives, do the right thing.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

J Maire
1783 County Road 229
Fremont, OH 43420
jmaire.evans@gmail.com
(419) 332-8707

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-

5500.

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From: [Catherine Glenn \(cate.acer@gmail.com\) Sent You a Personal Message](mailto:cate.acer@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:55:02 PM

Dear Clerk - Nathan Moffitt,

We have such a small window to right the ship of climate change, we have to be willing to do the right thing even when it's the hard thing. We must rethink our relationship with our resources and our planet.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Catherine Glenn
6404 Heitzler Ave
Cincinnati, OH 45224
cate.acer@gmail.com
(612) 978-9577

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Kent Lyle \(kania@fuse.net\) Sent You a Personal Message](mailto:kania@fuse.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:54:12 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Kent Lyle
917 Mound St
Cincinnati, OH 45203
kania@fuse.net
(513) 381-0522

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Katherine Verner \(klvorg@aol.com\) Sent You a Personal Message](mailto:klvorg@aol.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:53:28 PM

Dear Clerk - Nathan Moffitt,

Fracking leads to long term permanent damage and potential sinkholes and possible earthquakes. We are ready for renewable energy in Ohio.

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Katherine Verner
3535 Oarlock Ct
Hilliard, OH 43026
klvorg@aol.com
(614) 561-1559

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Philip McPherson \(cindyandphil@sbcglobal.net\) Sent You a Personal Message](mailto:cindyandphil@sbcglobal.net)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:52:46 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Philip McPherson
4291 Sir John Ave
North Royalton, OH 44133
cindyandphil@sbcglobal.net
(440) 237-7145

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From: [Martha Sharkin \(mcatsharkin@gmail.com\) Sent You a Personal Message](mailto:mcatsharkin@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Thursday, April 6, 2023 4:52:09 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Sincerely,

Martha Sharkin
15515 Lake Ave
Lakewood, OH 44107
mcatsharkin@gmail.com
(216) 226-4390

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Linda Heath \(heathster52@gmail.com\) Sent You a Personal Message](mailto:heathster52@gmail.com)
To: [Commission Clerk](#)
Subject: Regarding: Adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right
Date: Monday, April 10, 2023 9:45:08 PM

Dear Clerk - Nathan Moffitt,

Dear Members of the Commission,

I call upon the Oil and Gas Commission to uphold the mission of the Department of Natural Resources - to ensure a balance between the wise use and protection of our natural resources for the benefit of all, when considering adopting rule 155-1-01 State Lands Leasing: Oil and Gas Mineral Right. This is important to me for the following reasons including:

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Thank you for taking the time to consider my comment on this important decision.

Sincerely,

Linda Heath
PO Box 397
Senecaville, OH 43780
heathster52@gmail.com
(330) 998-3716

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.

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From: [Laurel Hobden](#)
To: [Commission Clerk](#)
Subject: Rule 155-1-01 Hearing Comment 4/10/2023
Date: Sunday, April 9, 2023 9:17:15 PM
Attachments: [NoFrackOH.odt](#)

Hello Nathan Moffitt -

As a person affected by the proposed rule change concerning rule #155-1-01 I, Laurel Hobden am presenting my comment and expect inclusion in the hearing record as stated. I will also be at the hearing to present my comment. My comment is contained below in the attachment.

Sincerely - Laurel Hobden - Ohio citizen

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In the cost benefit analysis, fracking is a losing proposition for the people of Ohio. Putting our money generating, tourist public lands up for short term profit risks our waters and land to toxic contamination. A 2019 study by OSU found Ohioans took 171 million outdoor recreational trips in the state, spending \$5.9 billion, employing over 132,000 workers and adding \$8.1 billion to the state economy. The forests of Ohio's public lands are a carbon sink and are home to native species of plants and animals.

Numerous chemicals used in fracking and their byproducts are known to cause serious health issues. In the past 10 years fracking has been linked to high risk pregnancies, asthma, migraine headaches, fatigue, nasal and sinus symptoms, and skin disorders. In Pennsylvania it has been found children who live near frack sites have accessively high levels of frack related toxins in their bodies. Some children in south west Pennsylvania, which has been heavily fracked have died from rare bone cancers. These are unacceptable health impacts!

Why is Ohio supporting fracking? The Intergovernmental Panel on Climate Change released a report this March which has been referred to as a 'FINAL WARNING'. Burning fossil fuels has led to global warming of 1.1 celsius, that's almost 2 degrees fahrenheit. As the earth's temperature has risen so have weather extremes; more and worse hurricanes, heatwaves, floods and tornadoes. Down the road we could see more & worse famine, possibly here in the USA. Is oil and gas extraction worth it?

We've been told we must keep the earth's warming below 1.5 celsius, that's 1.98 degrees Fahrenheit. The IPCC report states "All global pathways limiting warming to 1.5 degrees celsius and those that limit warming to 2 degrees celsius involve rapid, deep and in most cases immediate greenhouse reductions in all sectors this decade." That's rapid, deep and immediate reductions ASAP!

So why is Ohio supporting fracking our public lands when a Dispatch report states Ohio's fracking communities saw a decline in jobs, population and income. In 2021 the number of people employed by the traditional fossil fuel sector was down 10%, while green jobs are up 7% in Ohio, green job growth is twice as fast as the overall economy and since 2019 the hourly wage of clean energy workers is 25% higher than the national median.

The clear choice is green energy over fracked gas; more & better paying jobs, tourist revenue and avoided contaminated water and land, and health risks.

From: eprintcenter@hp8.us
To: nate.moffit@dnr.ohio.gov; [Commission Clerk](#); albertsons2@frontier.com
Subject: Scanned document from HP ePrint user
Date: Friday, April 7, 2023 12:50:54 PM
Attachments: [HPSCAN_20230407164822965_2023-04-07_165012352.pdf](#)

This email and attachment are sent on behalf of **albertsons2@frontier.com**.

If you do not want to receive this email in future, you may contact **albertsons2@frontier.com** directly or you may consult your email application for spam or junk email filtering options.

Regards,
HP Team

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Oil and Gas Land Management Commissioners,

Jacob Ritzenthaler, the Business Advocate from the Lieutenant Governor's office stated in the Common Sense Initiative review that the business community impacted by the rules includes oil and gas companies seeking to lease mineral rights with the adverse impact of time spent to submit nomination forms and the nomination fee of \$150.

I would like to remind the Commissioners that the business community also includes the owners of agricultural land adjacent to state lands that have spent hours studying the potential impact of the effects of HB 507 on their personal property. And yes, agriculture is business!

We are concerned about the possibility of being asked to support the drilling operations under our neighboring state property whose minerals are to be extracted under a non surface lease.

The adverse impact of \$150 for submitting a nomination lease pales in comparison to the significant attorney fees required to help protect landowner rights in negotiations with gas and oil companies that might want to use our lands for their work.

It is important to note that many land owners holding current gas and oil leases have had very bad experiences with gas and oil companies and are leery of dealing with anyone in the industry ever again.

I have recommended for several months, in person as well as in writing, that there be some form of cooperation between the state and the owners of land adjacent to the state properties to be drilled. I am advocating for that again. You need us as much as we need you.

Kathi Albertson
Owner of land adjacent to Salt Fork State Park
Public Policy Chair of Guernsey County Farm Bureau
kathialbertson43@gmail.com
740-680-2873

See you on Monday

From: [Carolyn Harding](#)
To: [Commission Clerk](#)
Subject: Testimony - Fracking on Ohio Public Land - Ohio Oil and Gas Land Management Commission
Date: Monday, April 10, 2023 7:53:13 AM
Attachments: [Fracking Ohio State Parks Testimony.pdf](#)

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When I was a kid my Grandparents bought a lake house at Lakeside, between Marblehead and Port Clinton on Lake Erie. We spent weekends up there with our families swimming at the East Harbor State Park beach. It was in the early 1960's, I was in preschool and had learned to swim. I loved swimming in the waves, my hands touching the sand, facing the shore- and this one day I remember accidentally taking in gulps of water as I floated in the surf. This was early 60's when Grandpa's boat would skiff over dead fishes in the ski bay, before water treatment and industrial release regulations were taken seriously. That week I was admitted to the Childrens Hospital with Dysentery. I was five, in a hospital crib, fed by an IV, for drinking Lake Erie water.

Ohio's been unconventionally fracking our hillsides, farm fields, villages for over a decade, and during the last lame duck session, the Oil & Gas industry, lobbyists and their well funded Ohio legislators, slipped into the 2022 Christmas Tree bill, Ohio HB507, with provisions to Frack our Public Lands, which includes our state parks, forests, wildlife areas and Lake Erie.

Fracking is an oil & gas extraction method. First the drill bore hole goes down vertically and then when the drill bit hits the hot spot in the black shale, the drill bore hole goes horizontal and continues drilling for up to a mile or more. The drill cuttings, or rocks and soil brought up from the bore hole, are radioactive, particularly in the Marcellus and Utica black shales, and due to oil & gas funded legislation, these radioactive drill cuttings no longer have to be regulated. Consequently frack drill cuttings are being dumped into municipal landfills, where Radium 226 & 228, bone seeking radionuclides linked with leukemia, bone and breast cancers, can leach into our surface and ground waters.

The industrial process of bulldozing, construction, heavy equipment use, diesel fumes destroy any property used for a Frack Well Site. And millions of gallons of fresh water (per frack) is mixed with a secret chemical brew and silica sand, then injected at high pressure to fracture the shale to extract the oil and gas. This process creates massive amounts of radioactive toxic Frack Water Waste.

This radioactive toxic Frack Water Waste, full of neurotoxins, endocrine disrupters, carcinogens, and PFAS (forever chemicals), is then transported by tanker truck and injected into old abandoned vertical oil wells on farm fields, next to school yards, next to rivers and

lakes. These injection wells, which have no stainless steel holding tank, have fissures, cracks and conduits where this radioactive toxic frack water waste can contaminate our ground and surface waters.

When the Oil & Gas Industry claims that fracking and injection wells are safe, the esteemed Cornell University professor of Civil and Environmental Engineering and fracking expert, Anthony R. Ingraffea, warns, “Anything that ages starts to fail.”

The claim that HB507 doesn’t allow fracking to be sited on Public Land is smoke and mirrors. A Unconventional Frack Well pad sited on the outskirts of an Ohio park, forest, wildlife area, or lake can have horizontal legs that extend miles directly under and impact our public lands including our vulnerable Great Lake Erie. Indeed, “Anything that ages starts to fail.”

I was lucky back then. I got better.

Radioactive, toxic water is Deadly.

Our Children, Grandchildren & Great Grandchildren’s Health - their Lives - depend on Us to Do the Right Thing.

Protect Our Water, Air and Soil.

Stop Fracking Ohio.

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Stop Fracking Ohio.

From: [Loraine McCosker](#)
To: [Commission Clerk](#)
Subject: Testimony April 10
Date: Sunday, April 9, 2023 11:36:33 PM
Attachments: [Loraine McCosker, April 10 Testimony.pdf](#)

Hello Commission,

Please accept my attached testimony.

Best regards,

Loraine Mccosker

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Loraine McCosker

Athens Ohio

April 10, 2023

Hello Oil and Gas Land Management Commission,

Please accept these comments regarding Proposed O.A.C. 1501:155-1-01 and extensive comments regarding the oil and gas extraction of our public lands in Ohio. I am a frequent user of Ohio public lands, an educator who has utilized public lands for education and engagement, family member who uses our public lands frequently with great joy, and a previous health care educator and provider who has researched the health value of our public lands.

Virtual Testimony denied

These comments are being submitted per email as I was not able to physically attend the JCARR hearing April 10. I did email twice asking for a virtual testimony component as well as attended a meeting with Ryan Richardson regarding this very subject. There was an hour long discussion on this topic but there was no effort to provide a virtual testimony component. This is unacceptable in 2023.

Commission propriety in appointments

Lack of scientists as medical providers, botanists, mammologists, herpatologists, biologists, citizens, users of the public lands, on the commission itself. This creates a question of impropriety for the commission.

I would like to write on the following points:

JCARR hearing on Administrative rule 155-1-01. This is a summary of the rule:

- Administrative rule 155-1-01 adopts a standard lease form for the purpose of leasing oil and gas mineral rights on state property.
- Administrative rule 155-1-01 requires the standard lease form to be posted to the Oil and Gas Land Management Commission's website
- Administrative rule 155-1-01 requires that any changes to the standard lease form be posted on the Commission's website for 21 days before becoming effective.
- Administrative rule 155-1-01 requires that notices for meetings of the Oil and Gas Land Management Commission be posted to the Commission's website at least seven calendar days prior to the meeting.

This rule is negligent in providing adequate time for public awareness and input. According to this rule, It is the responsibility of the citizen to maintain engagement and to be informed, while the many requests of citizens presented at the February 1 OGLMC meeting have been largely ignored. At that time I suggested that the commission add to Rule 155-01-1 the following requirements for public involvement:

- (1) That each nomination received by the commission be both publicly noticed and opened for public comment and objection for at least 60 days prior to the Commission holding a meeting to decide said nomination;¹
- (2) That notice of each nomination received by the Commission be posted on the Commission's website and remain posted through at least the close of public comment;
- (3) That, in addition, the Commission maintain and employ an email notification list (with sign-up available on the Commission's website) that provides direct email notice of all parcel nominations;
- (4) That each notice of nomination specify the day on which the notice was first published on the Commission's website and the day and time (if any) by which public comments and objections are due;
- (5) That each notice of nomination disclose or otherwise provide electronic access to the information specified in R.C. § 155.33(A)(2)(b)(i) - (iii) (i.e., identification, location, and map of parcel); and
- (6) That each notice of nomination include a recitation and citation to the 155.33(B)(1)(a)-(i) consideration factors for the Commission's nomination determination.

It is therefore not acceptable that the commission has proposed the following rule to be accepted by JCARR.

Surface impacts and conflict with Governor Dewine's statement of no surface impacts, discrepancy between DeWine's order and lease procedures regarding surface impacts

In signing HB 507 into law, Gov. Mike DeWine stated that while oil and gas companies could set up shop near a state park and conduct horizontal drilling for mineral rights under our public lands, his administration would not allow surface impacts on our public lands.

Surface impacts refer to things like frack well pads, pipelines, pump stations, tank batteries, dryers, separators, compressors, access roads, temporary or permanent pits, timber removal, fencing, gates, and water withdrawals -- none of which we want on our state lands.

"I am instructing the Director of the Department of Natural Resources to continue to follow the processes first established by the General Assembly in 2011 in this area," DeWine wrote. "This includes continuing my administration's policy of prohibiting any new surface use access in our state parks."

Yet the Oil and Gas Land Management Commission has drafted a lease form instructing oil and gas companies that if they want any of these surface impacts, they can create a separate agreement with the agency that manages the public land to allow it. Critically, this agreement would be made behind closed doors, with no public notification or comment.

This is unacceptable. If any surface impacts are being planned or proposed on Ohio's public land, that needs to be part of the application to the Oil and Gas Land Management Commission, so the public will be notified and given a chance to comment. Siphoning the most destructive part of leasing any parcel of public land to a private agreement accountable to no one is wrong.

There is no way some of our Ohio public lands will not be subjected to surface use impacts. A fracking horizontal lateral extends a maximum of two miles, yet some state parks and forests are larger than two miles wide. For example, Salt Fork State Park is up to eight miles across in some locations. That means if

oil and gas companies want to get to the gas under the middle of the park, they will have to set up a frack pad in the park – and if they find gas, case law requires the state to allow them to build the pipelines and access roads needed to collect the gas.

Climate Change impacts of oil and gas extraction

One of the most important reasons not to frack Ohio's public lands is the climate crisis, of which methane emissions are a significant driver. Our climate system is at a tipping point – yet climate change has never come up as a consideration by the Oil and Gas Land Management Commission, nor has it been discussed in any capacity at any of their meetings.

On **March 20, 2023**, the Intergovernmental Panel on Climate Change released its latest synthesis report. The report has been called a “final warning” on the climate crisis, emphasizing the urgent need to limit warming to 1.5C above pre-industrial levels before runaway warming becomes irreversible. Current government policies will see the world's remaining carbon budget to maintain this limit exhausted by the year 2030.

According to the United Nations Environmental Program, “The science is clear. The world is in a state of climate emergency, and we need to shift into emergency gear. Humanity's burning of fossil fuels has emitted enough greenhouse gases to significantly alter the composition of the atmosphere, and average world temperature has risen between 1.1 and 1.2°C.” <https://www.unep.org/climate-emergency>

Governmental actions must act to rectify the crisis, not contribute to it. The IPCC report stated, “In 2018, IPCC highlighted the unprecedented scale of the challenge required to keep warming to 1.5°C. Five years later, that challenge has become even greater due to a continued increase in greenhouse gas emissions. The pace and scale of what has been done so far, and current plans, are insufficient to tackle climate change.” From the report:

“Some future changes are unavoidable and/or irreversible but can be limited by deep, rapid and sustained global greenhouse gas emissions reduction. The likelihood of abrupt and/or irreversible changes increases with higher global warming levels. Similarly, the probability of low-likelihood outcomes associated with potentially very large adverse impacts increases with higher global warming levels.

Adaptation options that are feasible and effective today will become constrained and less effective with increasing global warming. With increasing global warming, losses and damages will increase and additional human and natural systems will reach adaptation limits. Maladaptation can be avoided by flexible, multi-sectoral, inclusive, long-term planning and implementation of adaptation actions, with co-benefits to many sectors and systems.

All global modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot, and those that limit warming to 2°C (>67%), involve rapid and deep and, in most cases, immediate greenhouse gas emissions reductions in all sectors this decade.”

More than a century of burning fossil fuels as well as unequal and unsustainable energy and land use has led to global warming of 1.1°C above pre-industrial levels. This has resulted in more frequent and more intense extreme weather events that have caused increasingly dangerous impacts on nature and people in every region of the world.

Every increment of warming results in rapidly escalating hazards. More intense heatwaves, heavier rainfall and other weather extremes further increase risks for human health and ecosystems. In every region, people are dying from extreme heat. Climate-driven food and water insecurity is expected to increase with increased warming. When the risks combine with other adverse events, such as pandemics or conflicts, they become even more difficult to manage. <https://www.ipcc.ch/2023/03/20/press-release-ar6-synthesis-report/>

Methane's contribution to the climate crisis

According to the US Energy Information Administration (EIA), the U.S. Environmental Protection Agency estimates that in 2020, methane emissions from natural gas and petroleum systems and from abandoned oil and natural gas wells were the source of about 33% of total U.S. methane emissions and about 4% of total U.S. greenhouse gas emissions.

The EIA estimates that in 2021, U.S. CO2 emissions from natural gas combustion for energy accounted for about 34% of total U.S. energy-related CO2 emissions.

<https://www.eia.gov/energyexplained/natural-gas/natural-gas-and-the-environment.php>

Thus the burning of natural gas is not carbon neutral as the industry suggests.

Sharply reducing emissions of short-lived pollutants, methane specifically among them, could alone eliminate 0.5 degrees of heating. Methane is initially 80 times more powerful at trapping heat before eventually oxidizing to form CO2 after around 20 years.

Scientist and environmental litigator Durwood Zaelke has referred to methane reduction as “the best way to slow near-term warming – indeed the only way we know of, short of [geoengineering through] solar radiation management, carbon dioxide removal and methane removal, all of which are still speculative.”

International methane levels are often wildly underreported. In 2022 it was estimated that methane emissions from the energy sector were nearly 70% higher than official figures.

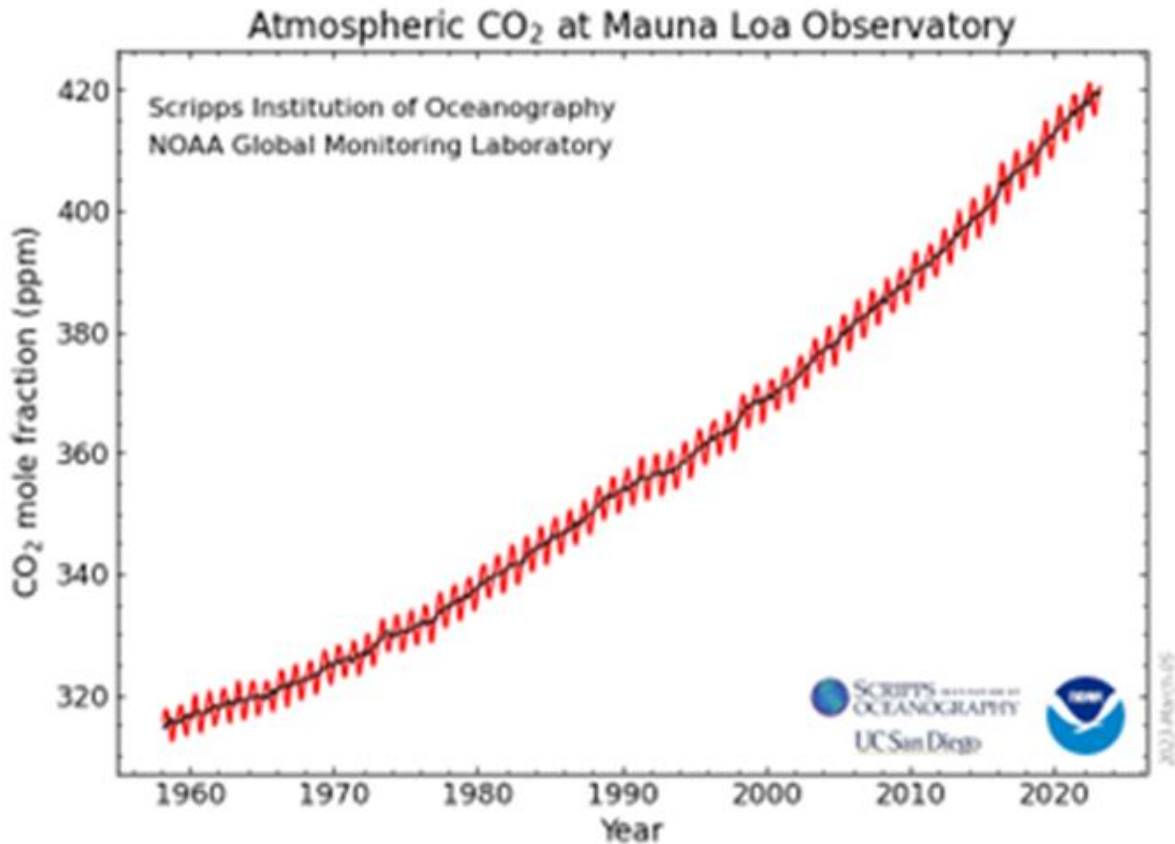
Methane flaring, the burnoff of oil and gas that supposedly limits the release of excess gas into the atmosphere, has been found to release five times greater the amount of methane into the atmosphere than previously estimated. Leaks from pipelines are also vastly underreported.

The science is clear regarding climate change. We must not impact the carbon sinks of Ohio public lands by extracting natural gas, a fossil fuel. <https://www.climate.gov/>

Please see below for the rise of CO2 PPM monitored by Mauna Loa Observatory.

<https://gml.noaa.gov/ccgg/trends/>

CO2 Parts per million (PPM) at Mauna Loa Observatory. We are now at 418 PPM.



Health implications of Oil and Gas extraction:

These are just a few articles from the literature.

We can look to the value of public lands during the covid pandemic and the extensive peer reviewed publications. Please see the ***Knight Foundation document on public lands and covid.***

<https://knightfoundation.org/articles/covid-has-shown-we-all-need-public-space-more-than-ever/>

Let us look at the compendium of resources from the document ***Physician's for Social Responsibility***

You can find many more articles and reports including nine entire compendiums of research published annually. Here is the most recent compendium published in April 2022, a collection of some 2,000 abstracts of and links to medical, scientific and investigative reports about the consequences of oil and gas drilling, fracking, and infrastructure: <https://psr.org/resources/fracking-compendium-8/>

Public health implications of environmental noise associated with unconventional oil and gas development, Science of the Total Environment 580 (2017) 448–456 found increased negative health impacts when people were exposed to the noise of the oil and gas extraction.

Drinking water, fracking, and infant health, Journal of Health Economics 82 (2022) This research found consistent and robust evidence that drilling shale gas wells negatively impacts both drinking water quality and infant health. These results indicate large social costs of water pollution and provide impetus for re-visiting the regulation of public drinking water.

The science is clear. Oil and gas extraction is unacceptable on our public lands. The issue of public engagement is missing in this process. Climate change threats mandate we halt the extraction of our public lands in Ohio while we are able to view the potential health implications of oil and gas.

Sincerely,

Loraine McCosker

Loraine McCosker

Athens Ohio 45701

From: [Cathy Cowan Becker](#)
To: [Commission Clerk](#)
Cc: jcarr1@jcarr.state.oh.us
Subject: Testimony for ODNR hearing on 4-10-23
Date: Sunday, April 9, 2023 11:19:10 PM
Attachments: [Cathy Cowan Becker testimony 4-10-23.pdf](#)

Greetings,

Please find my testimony for the ODNR hearing on 4-10-23 regarding fracking in Ohio state parks and public lands. I plan to be there in person to deliver this testimony.

Thank you,

Cathy Cowan Becker
she/her/hers
4275 White Spruce Lane
Grove City, OH 43123
937-271-1247

"Anything else you're interested in is not going to happen if you can't breathe the air and drink the water. Don't sit this one out. Do something. You are by accident of fate alive at an absolutely critical moment in the history of our planet." — Carl Sagan

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Ohio Oil and Gas Land Management Commission
Monday, April 10, 2023
Testimony Re: Proposed Draft Rule 155-1-01
Cathy Cowan Becker

Chair Richardson and members of the Oil and Gas Land Management Commission,

My name is Cathy Cowan Becker, and I am a longtime supporter of Ohio public lands. I have had the pleasure of visiting many of our state parks for conferences and recreation.

I am here today to testify about Draft Rule 155-1-01, which purports to oversee the process of leasing public land to oil and gas companies for drilling, fracking, or other extraction.

There are multiple issues with this rule and with the entire idea of fracking our public lands, which are owned and used by Ohioans. Today I'd like to touch on four issues:

- Lack of public involvement
- Discrepancy on surface impacts
- Climate and health impacts of fracking
- Fracking our public lands to provide tax cuts to the rich

Lack of public involvement

When this commission met in February, you heard from 15 Ohioans asking for robust public input on proposals to frack public land. Before that you received almost 700 comments from concerned Ohioans asking for the same.

The vast majority of us asked you to add six points of public participation to the draft rule, including 60 days notice, email notifications, and online parcel maps. You declined to add any of our asks to the rule, instead relegating watered down versions to agency guidelines.

Further, at your March 1 meeting, we were not allowed to speak at all. You heard a one-sided presentation on fracking in the Muskingum watershed – where some of us who attended that hearing live and could have provided a very different perspective.

Why you would not gather as much information about the effects of fracking on people who actually live near a watershed being fracked, I don't know. But you can't possibly make wise decisions about fracking on public lands if you listen to only one side of the story.

Surface impacts discrepancy

As you know, the draft lease form making its way through the approval process does not include approval for surface impacts – such as frack rigs, access roads, pipelines, timber removal, and water withdrawals – on public land. That's good because we don't want those impacts.

But what the lease form does say about surface impacts is even worse. The form tells the oil and gas industry to make a separate agreement with the state agency to get surface impacts.

That is even worse than if those requests came through the commission. This means when you consider a parcel for leasing, you will not know the full plans the industry has for that parcel. You can't possibly make a responsible decision about leasing our public land for fracking if you aren't considering surface impacts. Instead, that agreement will be made directly with the agency, with no public notice or comment and no oversight by this commission.

In his signing statement, Gov. DeWine promised there would be no surface impacts in our state parks. But some of these parks are quite large, and there will be no way not to have surface impacts if the industry wants the gas underneath the middle of the park. DeWine needs to keep his promise to protect our state parks from the ravages of the oil and gas industry.

Climate and health impacts of fracking

I have now been to three meetings of this commission, and not once have I heard any of you utter the words "climate" or "health" as it relates to fracking. Yet the scientific research in both areas is unequivocal, and it all points to the same conclusion: Fracking of any spaces – especially our most treasured public land – is the last thing we need to be doing.

On **public health**, numerous studies over more than a decade show that the toxic chemicals in frack water cause cancer and other serious health issues. Physicians for Social Responsibility and compiled a compendium of this research for the past nine years. The 2022 compendium contains 2000 abstracts of and links to medical, scientific and investigative reports.

Before you approve any parcels of our public land for fracking, you should look at it. Among other things, the fracking process uses PFAS forever chemicals, and the millions of gallons of frack water that comes back up is radioactive. Why would we do this in or near our parks?

On **climate**, let's start with the latest IPCC report from March 2023, a "final warning" to humanity, highlighting the urgent need for deep and swift cuts to greenhouse gas emissions if we want to hold temperature rise to 1.5C and prevent runaway warming from becoming irreversible.

We are in a climate emergency, and it's getting worse by the day. Each new scientific report shows temperatures rising and ice melting faster than our models predicted. Storms, droughts, floods, and fires are all getting worse and coming more frequently. We are quickly moving to a world in which a million species go extinct and a billion people are made climate refugees.

Humans have put 40% more carbon into the atmosphere since we started burning fossil fuels. Put 40% more of an ingredient into anything, and you will change it. We are destabilizing our planet's jet streams and ocean currents. Don't believe me? Look at the science.

One of the most heinous lies of the oil and gas industry is that fracked gas is “green” – that was even inserted into Ohio law, along with the clause that forces fracking on our public land.

Fracked gas may burn cleaner at the plant, but it’s not greener. In fact, methane is 80 times more potent as a greenhouse gas than carbon dioxide – and methane emissions from oil and gas operations have exploded in recent years due to leaks and flares from fracking. Methane emissions from the energy sector are estimated to be 70% higher than official figures.

The only way to slow near-term warming is to reduce methane emissions. That’s not going to happen if we are fracking our public lands. If you vote to allow this to happen, then I sincerely hope you don’t have children or grandchildren -- you will have just sold out their future.

Fracking public lands to give tax cuts to the rich

Of all the arguments I have heard, this has to be the stupidest: Republicans in the Ohio legislature want a flat tax, and some claim revenue from fracking our public land can pay for it.

According to the Institute on Taxation and Economic Policy, a flat tax would cost more than \$2 billion per year. Of that, 89% would benefit the richest 20% of households, with 35% benefitting the richest 1%. The rest of us would end up holding the bag with little or nothing to show for it.

Nor would fracking our parks result in revenue to make up this difference. In fact, it would make the situation worse. A study by Ohio River Valley Institute found that Ohio’s seven eastern counties in the shale play – Belmont, Carroll Guernsey, Harrison, Jefferson, Monroe, and Noble – have all seen declines in jobs, income, and population since the fracking boom began.

Even if fracking our public lands could provide revenue, it would taper off after a few years as frack wells run dry. The industry’s own proposals say fracking projects would end in six years. After that we will have degraded and polluted our parks for nothing.

But you know what does provide a continuous and growing revenue stream? Preserving our state parks, forests, and wildlife areas for Ohioans to enjoy as they were intended. An Ohio State study found Ohioans take 171 million outdoor recreational trips each year, spending \$5.9 billion, employing 132,790 workers, and adding \$8.1 billion to our state economy.

No one wants to hike, camp, fish, or hunt where frack rigs are injecting millions of gallons of toxic water into the ground and flaring off methane in the air. Why would we put all of this at risk to enrich the oil and gas industry? It would be cheaper and easier to just pay the individuals who own these mineral rights but preserve our parks for future generations.

Thank you again for allowing me to testify today. Please listen to the people and do the right thing for Ohio’s health, climate, land, wildlife, and future generations.

From: [Morgan Hager](#)
To: [Commission Clerk; jcarr1@jcarr.state.oh.us](mailto:jcarr1@jcarr.state.oh.us)
Subject: Testimony for Oil and Gas Land Management Commission
Date: Monday, April 10, 2023 9:53:45 AM

Greetings,

I could not come to the hearing today because I do not live near Columbus and there was not a virtual option for testimony. So here is my written testimony.

Where I do live is in a rural area that will very impacted by these draft rules in ways that Columbus and surrounding areas will not. I spend a lot of time in the Hocking Hills. The commission claims to strongly value and prioritize public input but their actions do not say the same. When asked for public notice and comment the commission made no changes to the draft rule. The public was not allowed to speak at the March 1st meeting.

The way this appears from here is an underhanded action on the part of our legislatures to add unrelated and illegal amendments at the last minute that benefit only the oil and gas industry. This is not what democracy looks like. Ohioans are paying attention and know that we are not being represented when this is how decisions are being made that impact our public lands.

Sincerely,

Morgan Hager
Engineer & Co-owner
RePower Network

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From: [Rich Jordan](#)
To: [Commission Clerk](#)
Subject: Testimony on Rule 1501: 155-1-01 for hearing of Monday, April 10, 2023
Date: Monday, April 10, 2023 3:29:28 AM
Attachments: [Rich Jordan Oil & Gas Com Testimony 4.10.23.pdf](#)

(PDF version attached to this Email)

To: Ohio Oil and Gas Land Management Commissioners
Jim McGregor, Matthew Warnock, Michael Wise & Stephen Buehrer

From: Richard Jordan

Re: Proposed rule 1501:155-1-01

Commissioners,

I'm submitting comments in response to this body's final rule for public notification of leasing Ohio public land parcels for oil and gas drilling. My comments follow on testimony I submitted at the commission hearing of February 1, 2023. At that hearing I offered a series of recommendations for public notification of leasing nominations. The points I presented mirrored proposals submitted by most of the other 15 Ohioans who spoke on that day. I'm compelled to comment again, because upon reading the final draft version of rule 155-1-01, it is clear this body has refused to consider any suggestions from individuals who will be negatively impacted when drilling on public land commences. Later in this testimony, I will revisit the "best practices" recommended by myself and others who addressed the commission on February 1st. At this point, however, it is obvious to me and probably others, the latest version of the rule does not serve the public interest. The commission has failed in devising 155-1-01. The rule's time frame of 21 days for website posting of new lease forms and 7 days for commission meetings appears to be accommodation for oil and gas drillers by requiring the public to maintain constant monitoring of commission activities. Zero consideration has been given to individual users of public lands or to local businesses and communities that rely on recreational activity. Members of this commission know that drilling operations have a significantly harmful impact on the environment too. By minimizing the means of notification and time periods, the public is being denied adequate opportunity to consider how drilling will impact state land and the environment. Research and experience has taught us that oil and gas extraction comes with inherent risks. which include...

- Release of methane into the atmosphere. The fracking industry is responsible for roughly 40% of methane leakage from natural gas production.
- Extreme water consumption. Typically, a fracking operation requires 30 million gallons of water to extract gas from a well over its lifetime. Approximately, 74,000 gallons are needed to fracture rock strata just to begin extracting gas.
- Fracking operators are exempt from the Safe Drinking Water Act. Hydraulic fracking fluid can potentially contaminate ground water. US-EPA has identified 1,084 different chemicals used in fracking formulas. Common ingredients include methanol, ethylene glycol, and propargyl alcohol. Those chemicals, along with many others used in fracking fluid,

are considered hazardous to human health.

- Lower property values. Drilling rigs on public land will lower property values for adjacent property owners. Operating wells next to a home can reduce property values by more than 30%.
- Earthquakes can occur during and after fracking operations. Quakes caused by fracking were rare prior to 2000, but since then frequency has steadily increased particularly in midwestern states. The average number of earthquakes has continued climbing to reach almost 200 per year. Nationally, over 1,000 events were recorded in 2015, the strongest happened in Oklahoma in 2016 when a 5.6 tremor believed to be linked to fracking occurred.
- The large footprint of drilling pads impacts the environment. Drilling activity restricts access to formerly open space and mandates changes to how surrounding areas are accessed. Safety demands require the public to work around the drilling area, avoid pollution hazards, and find ways to protect wildlife. Much of Ohio's publicly held land is environmentally sensitive. Because it is, disturbances that appear slight can alter habitats that result in significant disruptions to vulnerable animal species.

For these reasons, I believe it is necessary for the commission to withdraw the current version of rule 155-1-01. The commission must increase time periods of notification and comment and improve the channels of communication. I urge you to adopt the following standards for the rule.

- The commission must allow 90 to 120 days for public comment from the time the oil and gas industry nominates a parcel for extraction to the time the commission meets to make a decision.
- Notice for each nominated parcel must be posted on the commission's website 60 to 120 days in advance and remain on the website through the close of the commenting period.
- The commission must create an email notification list, with signup readily available on the commission website, that provides direct email notice of each nominated parcel 60 to 120 days in advance of a decision date.
- Each notice must specify the date on which the notice was first posted, the procedure for providing public comment, and the date and time at which public comment is due.
- Each notice must provide electronic access to the location and a map of the parcel nominated for oil and gas extraction.
- Each notice must include a list of factors the commission will consider in making a decision about whether to allow oil and gas extraction on the parcel of public land.

Thank you for accepting my testimony.

Richard Jordan
5816 Jeb Stuart Drive
Milford, OH 45150
Ph: (513) 575-9546
richard.jordan.oh@gmail.com

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the Phish Alert Button if available.

April 10, 2023

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Richard Jordan
5816 Jeb Stuart Drive
Milford, OH 45150
Ph: (513) 575-9546
richard.jordan.oh@gmail.com

From: rubinfromathens@columbus.rr.com
To: [Commission Clerk](#)
Subject: Testimony Proposed O.A.C. Section 1501:155-1-01
Date: Sunday, April 9, 2023 10:02:00 PM
Attachments: [2023 4 9 Testimony OGLMC.pdf](#)

Please find attached testimony for incorporation into hearing record
Anne Rubin

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To: Commission.Clerk@oglmc.ohio.gov

Date: April 10, 2023

RE: Proposed O.A.C. 1501:155-1-01

I am appearing today, not as member of an organization. Other witnesses and commenters undoubtedly will have more institutional gravitas and scientific knowledge, greater eloquence, and longer experience as environmental advocates. I am appearing as a regular park user. I am not alone: I am one of **millions** of Ohioans who visit and use the state parks.

Public Interest in Ohio Public Park Lands

In preparing these comments, I learned that 2.7 million people stayed overnight at Ohio state parks in 2020. Thousands more visit daily to hike park trails, attend community events, fish, and spend time with friends and family. Ohio parks are among the state's "most treasured resources." See ohiostateparksfoundation.org

During the covid-19 pandemic, analysts estimated that the number of daily visitors to Ohio parks dramatically increased since 2020. In terms of dollars and cents, Ohio parks generate more than \$500 million annually in economic activity. Beyond this monetary value, Ohio parks preserve the state's ecological heritage and can improve the quality of Ohio's groundwater. State parks are also an investment in community health by promoting physical activity and thereby improving the community's physical health.¹

Developing State Parks' Oil and Gas Resources

The policy decision whether to allow hydraulic fracturing ("fracking") via horizontal wells on public land has been decided at this time affirmatively by Ohio's legislators. So, I will focus my comments on how this policy is being implemented and the proposed rulemaking by this Commission.

Limited Public Engagement

The proposed rule lacks any procedures for meaningful notice of nominations to the public at large or prospective users of the affected parks or meaningful opportunity for these groups to be heard. Public engagement is limited despite the statutory directive in R.C. § 155.33(B)(1)(h) that public input is a factor which must be considered in the Commission's review of nominations.

On February 1, 2023, I and many others asked for sufficient time – specifically 60 days from the time a parcel is nominated -- for the public to comment on the nomination. The proposed rule does not specify any minimum time for public comment on a nomination or provide any procedure whereby the public may submit comments prior to the

¹ <https://ohiocapitaljournal.com/2021/01/06/the-value-of-ohios-state-parks/>

Commission meeting to approve or disapprove of a nomination. The proposed rule authorizes a mere seven calendar day prior notice of Commission meetings.

This abbreviated and vague prior notice period is triggered solely by posting on the office of Oil and Gas Land Management website. There is nothing in the proposed rule or the Commission's draft procedures requiring broader publication, such as with news media or a general press release, notice on the affected state park's website or often-used social media pages such as FB. There is nothing requiring even posting at the physical office of the affected state park or on ODNR's website where a member of the public might go to make a reservation for an overnight stay at that particular park.

Imagine that you saw an advertisement for Salt Fork State Park such as the one I am attaching, which states: "Plan your next getaway under Ohio's sunniest blue skies, where the air's filled with the joyous shouts of lake-goers and the smell of last night's campfire. Book today!" And after making your reservation and going to the park, you are surprised to find that you are caught up in the traffic of tank trucks and during your stay must hear and smell their diesel engines running night and day to nearby fracking operations. Honestly, after observing the operation of frack and injection wells already around southeastern Ohio, the idea that fracking under state parks can be done without interfering with the enjoyment of park patrons is a fantasy, either a bill-of-goods the state is being sold or an outright fairy tale being told to the state's citizens.

The process as proposed is so surreptitious!

The Commission's proposed lease form allows the oil and gas companies to make a "separate agreement" with state agencies if the companies' plans involve surface impacts (such as, for example, access roads, timber removal, pipelines). The proposed rule and lease do nothing to regulate the terms of such separate agreements. These separate agreements would be reached behind closed doors, without any public notice, public input, or public oversight. As a park patron, as an Ohio taxpayer, I find such undisclosed, unregulated, agreements to be corrosive vehicles ripe for the appearance of impropriety.

Conclusion

Appalachian Ohio has a long history of extraction of its natural resources – oil drilling, coal mining, timber harvesting. The region's rural residents often are marginalized. The proposed lease and rule allow eastern Ohio's state parks to be transformed into industrial sites with minimal public engagement. You, Oil and Gas Land Management Commissioners, could do better.

Thank you for considering these comments.



Anne S. Rubin

rubinfromathens@columbus.rr.com

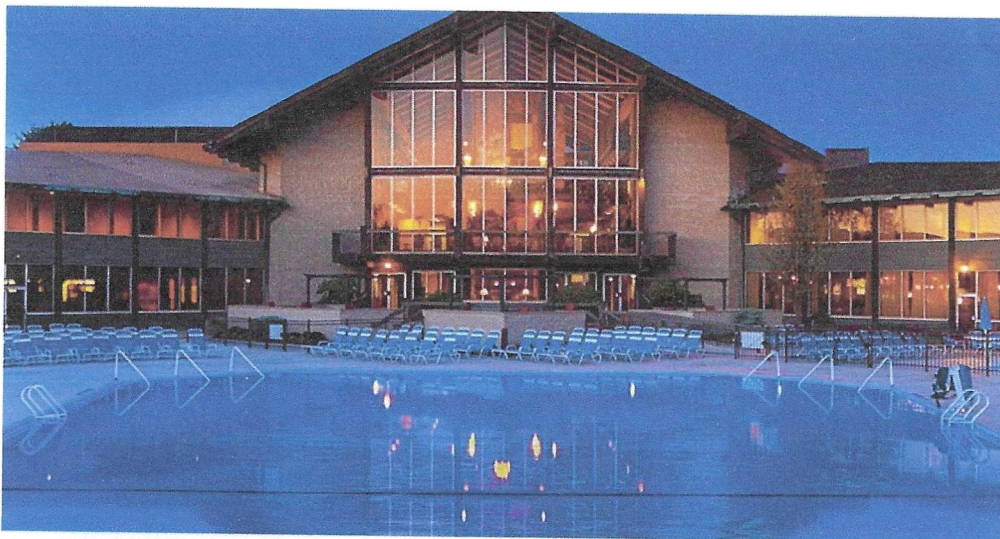


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< 2/9/2023

From: [Dave Lipstreu](#)
To: [Moffitt, Nathan](#)
Subject: Testimony- 4-10-23 Oil and Gas Commission Public Meeting/Hearing
Date: Friday, April 7, 2023 4:20:32 PM
Attachments: [O&G Comm 4-10-23 Testimony.odt](#)

Mr, Moffitt,

Kindly find the attached testimony in anticipation of next week's meeting

Thank you,

Dave Lipstreu

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Testimony Re Proposed Rule O.A.C 155-1-01

by

David A. Lipstreu

April 10, 2023

I have previously submitted testimony unilaterally opposing the use of state-owned parks, forests and other public lands for oil and gas production, and fully support the position of the Ohio Environmental Council in the January 9, 2023 letter from its Public Lands Director Nathan Johnson. The proposed use of state lands, lands owned by the citizens of Ohio for a use inimical to the purpose of said lands, to wit, public recreation and the conservation and fostering of clean air and water, wildlife habitat and the enhancement of ecosystems and the manifold services that they provide, is beyond outrageous. It is tantamount to a crime against nature, perpetrated by arrogant publicly elected officials who are a disgrace to the office they hold, and to the constituents they took an oath of office to represent.

As a former public official and professional land planner, I know well the importance of the “process” of public notice that public officials are required to follow on all levels of government. Such process is essential to the operation of an informed electorate, and even more so for promoting and maintaining the public health, safety and welfare, the critically important function of a representative government. Unfortunately, keeping the public informed, and listening to the concerns and opinions of citizens, is no longer considered a priority in government. Private interests driving the pay to play culture of today’s style of governance has become the accepted norm. And THAT is precisely what has been shoved through the backdoor in the form of Amended House Bill 507 and its giveaway to corporate oil and gas interests, all unbeknownst to the voting public.

Members of the Oil and Gas Land Management Commission, we are in the midst of an increasingly severe climate crisis. Human induced climate change is not a myth, but a scientifically proven fact, despite what many self-serving, regressive and reactionary elected officials believe, or worse, would have their constituents believe. The environmental and health perils and damage caused by hydraulic fracking are well documented; this activity has caused severe air and water pollution, and adversely impacted precious wildlife and ecosystems. Further, it results in methane emissions which contribute to atmospheric warming. As constituted, you do not possess the expertise to thoroughly evaluate the standards and requirements of the statute you are enacting. At a time of extreme climate emergency, which the state of Ohio has refused to acknowledge, it is insanity to aggravate a worsening climate regime with its increasingly severe weather events and impacts upon human health for the benefit of not the many, but the few, the oil and gas corporations.

Lipstreu Testimony-Page 2
April 10,2023

The majority of the citizens of Ohio, the many whose voices are seldom heard, but who nonetheless greatly cherish Ohio's lush parks and state forests, would be vehemently opposed to using these refuges and havens of recreation and relaxation for the industrial land use of oil and gas production. And they would clearly resent the scandalous profiteering by private interests from publicly owned lands. Ohio's citizens deserve and expect much more from their elected representatives!

David A. Lipstreu, AICP
40 North 40th Street
Newark, Ohio 43055

440-897-5793

dlipstreu@gmail.com

From: [leezeca](#)
To: [Commission Clerk](#)
Subject: Today's meeting.
Date: Monday, April 10, 2023 11:30:31 AM

I am scheduled to be there and speak today. Unfortunately, I cannot be. I cannot be because I am violently ill after spending 3 hours in Fernwood State Forest last night. I collected water samples, picked up 3 bags of litter, and breathed in truck fumes. I actually left left Last night because I felt ill and this morning I find myself to be violently ill and incapable of leaving the bathroom let alone traveling. Of course I took all of the proper safety measures as I was trained and beyond. I would typically guess this is water related. However, I was extremely careful and feel it is more likely from residual fumes in the air, be it from the hundreds of transport trucks or the Norfolk Southern train with the 100 plus cars that traveled through, I don't know. I Do you know my beloved Fernwood as well as my personal property are absolutely Decimated by this process of fracking. Fernwood has no surface Fracking only because they leased parkland; I have none because I chose not to. Despite no surface impact the consequences are very viable and significant.. This is what I hoped to share with you today, but unfortunately I cannot because I am experienced them at the moment. Aside from human damage, the amount of wildlife and environment all around areas that are fracked are the equivalent to destroying them. Maybe the board members you have sitting there haven't seen it themselves, So I have 5 years of pictures and horrors to share. Pick a topic any topic, I will tell you how it changes.

Sincerely,
Liz Noble

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From: [Karns, Gabriel](#)
To: jcarr1@jcarr.state.oh.us; [Commission Clerk](#)
Subject: Written Testimony for 4-10-2023 Meeting
Date: Friday, April 7, 2023 10:22:26 AM
Attachments: [OH BHA Comment JCARR & ODNR April 10 2023 Meeting.pdf](#)

To whom it may concern:

Please see the following comment submitted on behalf of Ohio Chapter of Backcountry Hunters and Anglers. This comment is to be included with testimony given at the April 10th meeting.

Best ~

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Backcountry Hunters & Anglers

"The sportsmen's voice for our wild public lands, waters and wildlife"

www.backcountryhunters.org

6 April 2023

Subject: Comment regarding Ohio Oil & Gas Land Commission – Meeting on April 10, 2023

To whom it may concern:

The Ohio Backcountry Hunters and Anglers hereby submits written comment on behalf of the rule-making hearing on April 10th, 2023 by Ohio Department of Natural Resources (ODNR) and Joint Committee on Agency Rule Review (JCARR). On April 7, 2023, HB 507 went into effect with its "shall" lease language. There is now no current rule in place to ensure transparency and no public comment mechanism through which citizens can speak up on behalf of nominated public parcels for oil and gas leases. As an organization dedicated to our public lands, we are appalled that the current issue has reaching this point. Our voice has essentially been stripped, and the integrity of our public lands are on the chopping block. At no point, from the piggybacking of the original HB 507 language aimed at poultry chick lot size to the stark ignoring of public outcry in response to the implications of the bill's passage, has the Oil and Gas Land Management Commission (OGLMC) taken seriously our concerns. Not only is this appalling, but the current situation is dangerous and plain scary.

Not one single submitted comment (683 total) had a positive view of the process leading to this point; every single participant insisted on more transparent decision-making criteria and more robust, timely, and effective mechanism for public comment on parcel lease nominations. We were also 1 of the 15 parties providing oral testimony at the February 1st in-person meeting, urging the same talking points. No concessions were made. It is a pessimistic view to take, but we are not assured that any future involvement or participation will be listened to with much weight or bearing on decision-making either.

In signing HB 507, Governor DeWine ordered ODNR not to allow surface impacts in state parks – drilling rig set-up, well pads, access roads, pipelines, water withdrawal, etc. While we appreciate the Governor's words, there are at least 4 major problems. First, there is no mention of subsurface activity and subsequent and associated impacts from oil and gas extraction. Second, the parcel lease form explicitly tells companies to make a separate agreement with state agencies if they want surface rights – guidance that is directly opposite the verbal word of Ohio's Governor. Third, no offense to Governor DeWine, but the directive of no surface activity on state parks is just a word; the guidance was a verbal directive, not something binding and certainly not legislatively cemented and permanent. Fourth, Governor DeWine only mentioned state parks; we also care about state forests and state wildlife areas – they are all public lands.

Exposing our state's public lands to a potential nominations and leasing free-for-all without necessary safeguards in place is tragic and an utter failure of democratic trust that must inherently exist between a state and its citizens. In the weeks to follow and before any public input mechanism is approved and implemented, we urge Governor DeWine, ODNR Director Mary Mertz, and the OGLMC to stand guard of Ohio's precious natural resources.

Sincerely,

Ohio Chapter of Backcountry Hunters & Anglers
Gabriel R. Karns
Policy and Legislative Co-Chair

From: [Randy Cunningham](#)
To: [Commission Clerk](#)
Subject: Written testimony for ODNR hearing on April 10, 2023.
Date: Sunday, April 2, 2023 12:42:36 PM
Attachments: [Comment to ODNR on 507 rules.docx](#)

See attachment. Also pasted in.

Dear ODNR

I am commenting on future policies of the ODNR that will govern oil and gas extraction from our public lands in Ohio. The passage of HB 507 which will go down in history as one of greatest crimes against Ohio's environment in Ohio history, should not be greeted with silence. It should be a source of continuous dissent and protest. Those who passed it should be ashamed of themselves and come to regard it as a black mark against their legislative record.

First, I would like to issue a warning. Ohioans love their state parks. In fact, they love them to death. I frequently go to Edgewater Park on the shore of Lake Erie in Cleveland. When you go to Edgewater, you see the world. Every language is spoken, every ethnicity is represented, and it is democracy in action. Families hold cook outs there. They let their children run themselves into nap time. People fish, swim, and boat in Lake Erie from Edgewater's shore. How many of those who use our public lands even know what was done to their lands at the bidding of the oil and gas industry. Very, very few. They will soon find out and I cannot imagine that they will be pleased. Prepare for all hell to break loose when they do. Around the world, the private taking of public lands that are enjoyed by citizens leads to unrest, causes governments to be shaken, and political careers to be ended. You have been warned.

You must also consider the fact that in the national competition for investments and employment, the places where people want to live are places with plenty of public land and pristine environments. People do not want to visit gas plays. People do not want to live next to polluting industries. In our society such areas are reserved for people who do not count, do not have power, and must settle for what they can get. Ohio is 44th in the amount of public land it offers to its citizens, and now that public land is on the auction bloc to polluters. People

do not want to live, raise families, or invest in toxic landscapes. You have been warned.

To add insult to injury, at the doors of the agencies that allegedly protect our public lands, there is not a welcome mat. Instead, there is a mat that reads “Go away.” At the moment, the thieves have our public lands in their grasp and there is little that can be done about it. But that doesn’t mean they cannot be watched, and it doesn't mean that public comment is unneeded. Do not do to democracy what has been done to our public lands. Implement a vigorous and open program for public comment on all proposed leases, and all proposed rules and regulations governing this disgrace. And then when you have implemented such a program, look for ways to expand it. If you value your peace and tranquility, do not hide the process or seek to shut the door on your deliberations. I am giving you friendly advice on this, for if you close the doors on your activities, the public will tear those doors off their hinges and make you listen to their opinions and wishes. You have been warned.

Thank you,

Randy Cunningham,

3623 West Blvd

Cleveland, Ohio 44111

Randino49@gmail.com

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

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Thank you,

Randy Cunningham,

3623 West Blvd

Cleveland, Ohio 44111

Randino49@gmail.com

From: [Charlotte Reith](#)
To: [Commission Clerk](#)
Subject: Written Testimony Regarding ODNR Hearing On Public Land Oil and Gas Extraction 04/10/2023 10 AM
Date: Wednesday, April 5, 2023 4:54:06 PM

Hello,

My name is Charlotte Reith, and I have been an Ohio resident for 12 years. Part of the reason I have stayed in Ohio is the wealth of natural beauty that has been made available to the public through our excellent state parks. Ohio is home to several unique and precious ecosystems. Our state recreational lands serve as a haven for migrating birds and bring \$8.1 billion dollars to the state economy annually, just from Ohioans alone, not including the millions of dollars that birding and lake recreation bring from out-of-state tourists. I am deeply disturbed by the lack of oversight in the recent draft rules 155-1-01 on oil and gas extraction on public lands. I believe our health, our recreational economy, and our right to have a voice in the use of our public lands are being sacrificed for the interests of the oil and gas industries, and to grant revenue for tax cuts to the wealthy.

The Ohio Oil and Gas Management Commission states that it “strongly values and will continue to prioritize public participation and input”, and yet the Commission refused to let members of the public speak at any meeting after the rule was drafted. In addition, the Commission has refused to implement any rule requiring public notice or input on oil and gas extraction on public lands despite the public's request, and there are no representatives of the ordinary person (or any health or environmental scientists which may represent their interests) on the Commission.

The Commission has also drafted a lease form instructing oil and gas companies that they may create separate agreements with managing agencies if they want to enact surface impacts on these public lands. This process completely cuts out any opportunity for public input by allowing deals to be made behind closed doors, accountable to no one, and skirts both Governor DeWine's orders and the 2011 General Assembly processes regarding public land leasing for oil and gas.

Fracking has been repeatedly proven to be dangerous to public health and the environment. New seismic activity (including earthquakes) has been linked to fracking, including over 10 small earthquakes in a seventeen-day period in 2013 in Harrison County. It has been linked to soil and drinking/groundwater contamination (including by 'forever chemicals' such as PFAS) through spills, leaks, and improperly managed wastewater. The majority of emitted organic toxic compounds used in fracking are not regulated, either.

Permitted land disposal of fracking fluids in an assigned plot of the Monongahela National Forest in 2008 led to the death of all ground plants inside the plot within two days, and the

death of over half of the trees in the affected site within two years.

Fracking's toxicity poses a real hazard to our public health and our public lands, and studies show that the supposed economic boons from fracking are all but certain. The oil and gas industry claims that fracking creates jobs, but a report from the Ohio River Valley Institute found that the biggest gas-producing counties in Ohio, Pennsylvania, and West Virginia actually saw declines in their share of jobs, income and population. Ohio's seven eastern counties (Belmont, Carroll Guernsey, Harrison, Jefferson, Monroe, and Noble) saw a net job loss of over 8% and a population loss of over 5%. In recent years, frack wells have run dry after only one or two fracks (just a few months of income), and the Legislative Service Commission has stated that "the magnitude of any new costs or royalty revenues [of HB507] is difficult to predict and will depend upon the specific details of the lease arrangements."

Meanwhile, a 2019 study by Ohio State University found that recreational trips taken by Ohioans employ 132,790 workers and add \$8.1 billion to our state economy annually. No matter how much the oil and gas industry could make by destroying our public lands, it will never come close to what our state makes now by preserving them.

The Commission is not currently qualified to meet the statutory requirements for evaluating whether to lease a parcel of state land for fracking, and so they are not qualified to make decisions on potentially harmful oil and gas extraction on behalf of the public.

Ohioans have the right to have input on the public lands they pay their hard-earned tax dollars to maintain. They have the right to be informed in a timely manner of activities which pose dangers to their land, their health, their water, and their economy, and they should have the statutory right to give public objection to those activities. The rule and lease form as they are now cannot be allowed to stand.

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