



Bricker Graydon LLP
100 South Third Street
Columbus, OH 43215
614.227.2300 Office
www.brickergraydon.com

Kara H. Herrnstein
Partner
614.227.4908 Direct Phone
kherrnstein@brickergraydon.com

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Ohio Department of Natural Resources
The Oil & Gas Land Management Commission
2045 Morse Road
Columbus, OH 432

**Re: Request to ADMINISTRATIVELY REJECT Nomination #: 23-DNR-0008
for Noncompliance**

Dear Commissioners,

The Ohio State University (“University”), for the reasons set forth below, request that the Oil & Gas Land Management Commission administratively reject Nomination # 23-DNR-0008 as noncompliant with respect to the University’s land.

On June 2, 2023, Nomination 23-DNR-0008 was posted. The Nomination covers 2,096 acres of public land, and the nominator explains that “[t]he intent of this nomination is to lease the entirety of the Wolf Run State Park and contiguous lands surrounding same that are owned by the State of Ohio.” The Nomination identifies the Ohio Department of Natural Resources as the owner of the land.

The problem is that 20 parcels representing over 770 acres of this land is owned by The Ohio State University and not the Ohio Department of Natural Resources, as claimed in the Nomination. The University has never been given official notice that its land is subject to nomination. Instead, the University was first notified through unofficial channels in late July 2023 that over 770 acres of its land, including the Eastern Agricultural Research Station, has been nominated for oil and gas leasing. The public has never received notice at all.



This is a violation of the new statutory process set forth in O.R.C. 155.33. Specifically, the law requires “any person or state agency that is interested in leasing a formation within a parcel of land that is owned or controlled by a state agency” to submit a nomination identifying “[t]he percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial.” O.R.C. 155.33(A)(2)(b)(i). This is the most basic of requirements – the nominator must identify the owner of the land it is seeking to develop.

Once a nomination is posted, the Commission is required to give time for the agency and the public to comment or object. Then, in considering the nomination, the Commission must review and consider “[a]ny comments or objections to the nomination submitted to the commission by the state agency that owns or controls the parcel of land on which the proposed oil or natural gas operation would take place.” O.R.C. 155.33(B)(1)(f). The Commission is also required to review and consider “[a]ny 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.” *Id.* at (g). Of course, if the nomination does not accurately identify the state agency that owns or controls the land, the statutorily-protected right to comment or object is abridged or nonexistent.

Here, Nomination 23-DNR-0008 is noncompliant and ineffective as to the University’s over 770 acres. The University was not identified as the owner or controller of the land, nor was it given official notice of the Nomination. More importantly, even though some members of the public provided comment, the wider general public has *never* received official notice of any kind that the University’s land, including land devoted to academic research, is subject to a nomination for oil and gas leasing. This is the case even though much smaller parcels of land each owned by different state agencies received their own individual nominations. The University’s use of the



property for academic research – research that necessitates removing external variables and maintaining precisely-controlled land conditions – would certainly warrant public comments separate from those already submitted regarding the property, which all incorrectly assume the property is owned by ODNR and no different than the other 1,300 acres at issue in the Nomination. Before the Commission reviews this or any Nomination covering the University’s land, the University and the public must be given proper notice that the University’s land is subject to nomination and be provided with an opportunity to comment or object.

If the Commission allows Nomination # 23-DNR-0008 to go forward to decision without having identified the University property, the message will be that nominators need not comply with Ohio law in submitting a nomination. Worse, the message will be that nominators can avoid notifying the state and the public that it is seeking to develop oil and gas on agency or public university land.

Accordingly, on behalf of The Ohio State University, we as special counsel respectfully request that the Commission administratively reject Nomination 23-DNR-0008 as noncompliant, at least as to the University’s unidentified interests in over 770 acres. This would not be a rejection or modification of the new statutory mandate to allow oil and gas leasing on public lands, but would merely uphold the basic requirements that nominators follow the law and submit compliant nominations before their requests can be considered by the Commission.

Respectfully Submitted,

/s/ Kara Herrnstein

Kara Herrnstein

Special Counsel for The Ohio State University