Strategy to Get Rules in Place Before HB 507 Goes Into Effect on April 7

Subject: \*\*\*Update on campaign to protect Ohio's public land from oil and gas extraction\*\*\*
To: Cathy Cowan Becker <becker.271@gmail.com>
Cc: Roxanne Groff <roxannegroff1227@gmail.com>, Loraine McCosker <loraine.mccosker@gmail.com>

Greetings to all supporters of Ohio public lands:

We write with an update on our campaign to protect Ohio state parks, forests, and other public land from oil and gas extraction. Read on for news about the February 1 meeting, the outcome, next steps, and what we need to do now.

**February 1 meeting of the Oil and Gas Land Management Commission**

As you may know, the Ohio [Oil and Gas Land Management Commission](https://ohiodnr.gov/business-and-industry/municipalities-and-public-entities/commissions-and-councils/oil-gas-land-management-commission) held a meeting on February 1 at which they considered a [proposed Rule 155-1-01](https://ohiodnr.gov/static/documents/oil-gas/lm_commission/OGLMC-Proposed-Rule-CSI-Submission.pdf) for overseeing leases to oil and gas companies for extraction from Ohio public lands and discussed a [draft lease form](https://ohiodnr.gov/static/documents/oil-gas/lm_commission/Standard-Lease-CSI-Submission.pdf).

Thank you to all who sent in comments and written testimony in advance of this meeting and who turned out in person to testify.

* Environmental activist Carolyn Harding took video of everyone’s testimony and posted it on the [Grassroot Ohio channel](https://www.youtube.com/%40cinublue/videos) on YouTube.
* You can also find links to the written versions of everyone’s testimony on the [commission webpage](https://ohiodnr.gov/business-and-industry/municipalities-and-public-entities/commissions-and-councils/oil-gas-land-management-commission) (scroll down)

There was also a lot of good media coverage, including:

* [Ohio Capital Journal](https://ohiocapitaljournal.com/2023/02/02/commission-advances-rules-leasing-forms-for-drilling-on-ohios-state-lands/)
* [NBC4-TV](https://www.nbc4i.com/news/local-news/columbus/odnr-tackles-fracking-on-public-lands/)
* [WOSU-FM](https://news.wosu.org/politics-government/2023-02-01/opponents-of-new-state-law-that-allows-fracking-on-state-owned-land-testify-in-favor-of-policy-changes)
* [Columbus Free Press](https://columbusfreepress.com/article/new-state-law-oil-and-gas-industry-has-fangs-out-ohio-state-parks-and-forests)

**Meeting outcome and next steps**

Although we were all united in asking the commission to add six points for public notice and comment to the draft rule, they moved the rule as written to the next step. That is a disappointment but not terrible for two reasons.

* First, the commission stated repeatedly that they value public comment and will make it part of their process in considering proposed oil and gas leases. This will be part of their agency guidelines instead of in a formal regulation.
* Second, we need the rule to be in place by **April 7**, when HB 507 goes into effect and opens Ohio public lands to oil and gas extraction. Without the rule, oil and gas companies can go directly to any Ohio state agency and ask to frack on their land, and the agency has to allow it. There’s no way to find out which areas are being targeted, and no process to oppose it. Once the rule is in place, oil and gas companies will have to go through the Oil and Gas Land Management Commission, where we can find out what leases are being proposed and oppose them. So we need the rule in place quickly, and a simple rule is more likely to get through the rule-making process faster.

Normally it takes months for a proposed agency rule to get through the process, but there is a chance this could be done by April 7. The first step is the [Common Sense Initiative](https://governor.ohio.gov/priorities/common-sense-initiative/history), which examines how the rule affects economic growth. Second is the [Joint Commission on Agency Rule Review](https://www.jcarr.state.oh.us/about), which makes sure the rule is in line with the agency’s authority.

The Oil and Gas Land Management Commission sent the draft rule and draft lease to the Common Sense Initiative on February 1. CSI staff tell us they are likely to approve it by March 15 and send it to JCARR. JCARR has a meeting on March 27. If they hear and approve the rule at that meeting, it could go into effect by April 7. This is a stretch but within the realm of possibility.

If you like, you can send a comment to CSI asking them to expedite Rule 155-1-01 regarding oil and gas leases on Ohio public lands. Here is their [web contact form](https://governor.ohio.gov/priorities/common-sense-initiative/contact-csi).

**Now we need to make some good trouble**

The next meeting of the Oil and Gas Land Management Commission is this **Wednesday, March 1, at 10 a.m.** at the Ohio Department of Natural Resources, 2045 Morse Road, Building H, 1st Floor Conference Room, Columbus, Ohio. **We need people to attend.**

The [meeting agenda](https://ohiodnr.gov/static/documents/oil-gas/lm_commission/OGLMC-Agenda-030123.pdf) shows that they will hear a presentation by Craig Butler of the Muskingum Watershed Conservancy District, which is often touted by the oil and gas industry as a successful example of oil and gas extraction in a state watershed.

Even worse, despite extensive conversations, we have been told citizens may attend the March 1 meeting but **may not speak or testify**. This is highly ironic considering that on February 1 they said repeatedly they welcome public input.

Even if we can’t speak, there are other ways to get our point across. Some of us plan to attend with signs and posters that say what we want. We could bring markers and paper to write on and hold up during the meeting. We could dress up as a fracking rig. The sky's the limit on how creative we want to be, especially as we hope to have media at the meeting again.

One key point of contention is **surface leasing**. Gov. Mike DeWine is on record as saying the administration has a “policy of prohibiting any new surface use access in our state parks.”

Yet the [draft lease](https://ohiodnr.gov/static/documents/oil-gas/lm_commission/Standard-Lease-CSI-Submission.pdf) allows for surface leasing *if the oil and gas company makes a separate agreement with the agency that owns the public land*. This means surface leasing would not even come before the Oil and Gas Land Management Commission for approval – it would be done later, behind closed doors, with no public notice or comment.

**Webinar Q and A**

If you are considering attending the commission meeting on March 1, please  join us for a webinar Q and A session this **Sunday, February 26, at 7 p.m.** Here is the Zoom link: <https://us02web.zoom.us/j/85604351328?pwd=aGYySGV5KzViVkkzNmljVTlpVDN4dz09>

If you cannot make the March 1 meeting, the Oil and Gas Land Management Commission is still taking written comments. Send them to Commission.Clerk@oglmc.ohio.gov by March 1.

Thank you for your ongoing interest in protecting Ohio’s public lands from oil and gas extraction. We hope to see you this Sunday at 7 p.m. and Wednesday at 10 a.m.!

Loraine McCosker

Roxanne Groff

Cathy Cowan Becker

|  |  |
| --- | --- |
|  |  |