



*Jim Justice*  
*Governor of West Virginia*

January 24, 2023

Brett W. McMillion, Director  
Division of Natural Resources  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303-1228

Re: Big Wheeling Creek 25.178 acres – Sandhill and Webster Districts-Marshall County,  
West Virginia - Oil and Gas Lease

Dear Director McMillion:

This is in response to your January 13, 2023, request under W. Va. Code § 20-1-7(14) for approval to solicit sealed bids from the public for a lease to develop the oil and gas interests underlying portions of Big Wheeling Creek 25.178 acres – Sandhill and Webster Districts-Marshall County, West Virginia. I hereby approve your request, subject to the division ensuring, at a minimum, that:

1. The bidding process is competitive and accords with § 20-1-7(14);
2. The bidders are responsible and qualified to hold the lease;
3. The mineral interests will be developed in an orderly, diligent, and timely manner;
4. The mineral interests will be developed in compliance with applicable environmental protection laws and regulations;
5. The state shall receive rents, royalties, or other compensation equal to or greater than the fair market value of the mineral interests leased;
6. The state's royalty shall be free of volumetric and cost deductions (*i.e.*, the lessee shall bear all costs incurred in exploring for, producing, marketing, and transporting the mineral interests to the point of sale), unless the particular circumstances warrant the state bearing a portion of the deductions;

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7. The lessee shall be liable for royalty payments on mineral interests lost or wasted because of negligence or failure to comply with the lease or the law;
8. The lessee shall drill and produce wells necessary to protect the property from drainage or pay compensatory royalty for drainage;
9. The lessee shall regularly furnish detailed statements to the division showing the amount and quality of all minerals extracted and sold, the proceeds therefrom, and the amount used for production purposes or unavoidably lost; and
10. The proposed development is in the best economic interests of the state and will not unreasonably disrupt use and enjoyment of Big Wheeling Creek and all navigable portions of Big Wheeling Creek or the division's opportunities to develop other mineral interests in the area.

Although the resulting lease will include other important terms and conditions, I believe the foregoing solicitation and lease requirements are of key importance to ensure that the state receives a fair and reasonable deal. Please see that these requirements are adhered to and highlighted in the solicitation process. If they prove unworkable based on the particular circumstances at issue, please advise. Further, please keep my General Counsel, Berkeley Bentley, informed of the status of this matter.

Sincerely,



Jim Justice  
Governor

CC:

James Bailey, Cabinet Secretary, Department of Commerce

Dave Hardy, Cabinet Secretary, Department of Revenue