



Governor Jim Justice

Director Brett W. McMillion

August 16, 2022

The Honorable Jim Justice  
Governor of West Virginia  
Office of the Governor  
State Capitol  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305

ATTENTION: Felicia Swecker for Brian Abraham

RE: Request for Oil & Gas Lease  
329.80 acres (Mile Markers 103-108) Ohio River  
Clay District, Marshall County, West Virginia

Dear Governor Justice,

In accordance with West Virginia Code §20-1-7(14), the Division of Natural Resources hereby requests your approval to put out for public competitive bid the oil & gas in, on and underlying that part of the Ohio River, being 329.80 acres (Mile Markers 103-108) in Clay District, Marshall County, West Virginia.

The advertising and bidding procedure will be done in compliance with West Virginia Code §59-3-1.

Your favorable consideration of this request is appreciated.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Brett W. McMillion".

Brett W. McMillion  
Director

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Jim Justice".  
8-24-2022

BWM/jam



*Jim Justice*  
*Governor of West Virginia*

August 24, 2022

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

Re: Ohio River 329.80 acres (Mile Markers 103-108) – Clay District- Marshall County, West Virginia- Oil and Gas Lease

Dear Director McMillion:

This is in response to your August 16, 2022 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 Ohio River 329.80 acres (Mile Markers 103-108) Clay District- 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;

McMillion  
Page 2

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 the Ohio River and all navigable portions of the Ohio River 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, Acting Cabinet Secretary, Department of Commerce  
Dave Hardy, Cabinet Secretary, Department of Revenue