



Jim Justice
Governor of West Virginia

February 5, 2020

Stephen S. McDaniel, Director
Division of Natural Resources
324 Fourth Avenue, Room 200
South Charleston, WV 25303-1228

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DNR
DIRECTOR'S OFFICE

Re: Mile Markers 54 – 126.4 Ohio River– Hancock, Brooke, Ohio, Marshall and Wetzel Counties- Sand and Gravel Lease

Dear Director McDaniel:

This is in response to your January 7, 2020 request under W. Va. Code § 20-1-7(14) for approval to solicit sealed bids from the public for a lease to develop the sand and gravel interests underlying portions of the Ohio River from a point within Mile Marker 54 to Mile 126.4, Hancock, Brooke, Ohio, Marshall, and Wetzel Counties, WV. 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;

OFFICE OF THE GOVERNOR

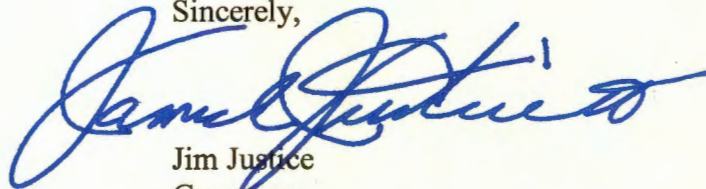
McDaniel

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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 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, Brian Abraham, informed of the status of this matter.

Sincerely,



Jim Justice
Governor

CC:

Ed Gaunch, Cabinet Secretary, Department of Commerce
Dave Hardy, Cabinet Secretary, Department of Revenue



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Stephen S. McDaniel
Director

January 7, 2020

Honorable Jim Justice
Governor of West Virginia
Office of the Governor
State Capitol
1900 Kanawha Boulevard East
Charleston, West Virginia 25305
ATTENTION: Brian Abraham, Chief Counsel

Re: Request for Sand & Gravel Lease
Mile Markers 54 – 126.4
Ohio River
Hancock, Brooke, Ohio, Marshall and Wetzel Counties

Dear Governor Justice,

In accordance with West Virginia Code §20-1-7(14), the Division of Natural Resources hereby requests your approval to again put out for public competitive bid the sand & gravel in, on and underlying that part of the Ohio River between Mile Markers 54 – 126.4 in Hancock, Brooke, Ohio, Marshall and Wetzel Counties.

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 "S. McDaniel".

Stephen S. McDaniel
Director

Approved: _____

Date: _____

A large handwritten signature in blue ink, appearing to read "Jim Justice".
2/7/2020