



**DIVISION OF NATURAL RESOURCES**

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**Earl Ray Tomblin**  
*Governor*

**Frank Jezioro**  
*Director*

October 3, 2014

The Honorable Earl Ray Tomblin  
Governor of West Virginia  
Office of the Governor  
State Capitol Complex  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Attention: Peter Marcum

RE: Ohio River  
Oil & Gas Leasing

Dear Governor Tomblin:

In accordance with Chapter 20, Article 1, Section 7, Item 14, of the Code of West Virginia, the Division of Natural Resources, hereby requests your approval to put out to public competitive bid the oil & gas resources (Marcellus shale) under the waters of the Ohio River beginning from mile post 104 to 108 in Marshall County, West Virginia.

The advertising and bidding procedure will all be carried out in compliance with West Virginia Code Chapter 59, Article 3, Section One.

Your favorable consideration of this request will be appreciated.

Sincerely,

Frank Jezioro  
Director

APPROVED:

DATE:

  
Nov. 25, 2014

FJ: js



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305  
(304) 558-2000

EARL RAY TOMBLIN  
GOVERNOR

November 25, 2014

Frank Jezioro, Director  
Division of Natural Resources  
324 Fourth Avenue, Room 200  
South Charleston, WV 25303-1228

Re: Ohio River – Oil & Gas Leasing; Mile Markers 104-108 (Marshall Co.)

Dear Director Jezioro:

This is in response to your October 3, 2014, 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 in the Marcellus Shale underlying the Ohio River between mile markers 104 and 108 in Marshall County, 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;

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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 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, Peter G. Markham, informed of the status of this matter.

Sincerely,



Earl Ray Tomblin  
Governor

Cc:

J. Keith Burdette, Cabinet Secretary, Department of Commerce ✓  
Joshua Jarrell, Esq., General Counsel, Department of Commerce  
Robert Kiss, Cabinet Secretary, Department of Revenue