Ohio Fracking Expansion

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Critical Question #34

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Introduction

We live in a privileged time in human history where many Americans live in homes and cities powered by electricity with supermarkets stocked with food that is safe to eat. It is something commonplace that the average person struggles to be mindful of what systems are in place to ensure that we do not have to want or worry about energy powering our communities or food powering our bodies. Federal and state government agencies have many departments that regulate our natural resources, the environment, our agriculture, and our energy production. All of these systems provide us with goods that make our lives more convenient, but they come with consequences. To feed people, we need energy to fuel equipment to plant and harvest crops efficiently and sustainably. To generate the energy needed to provide electricity across the nation, many resources are used, including land and environmental resources. One of the ways America generates energy is through a process that is often talked about but seldom explained: fracking.

Question #1: What is fracking?

Hydraulic fracturing, or fracking, is a method used to extract oil, natural gas, geothermal energy, and water from underground wells. Oil and gas companies use highly pressurized hydraulic injections to secrete fluids into wells that penetrate shale and other deep-rock formations. The fracking fluid consists of mostly water, particles of sand, and chemical additives meant to prevent well-corrosion and allow for a lubricated extraction process. Steel pipes are placed within the openings created through the cracked rock formations to stabilize the well and prevent soil and water contamination. Fracking helps with vertical drilling, and many oil and gas companies employ further horizontal drilling methods after fracking to allow natural gas and oil to flow freely through the permeations. The oil and gas are captured at the surface and sent to off-site processing plants for refining. Oil and gas collected from fracking is used to generate electricity, provide heating for homes and businesses, and fuel for automobiles.

Question #2: How will the Ohio Commission’s Decision alter fracking in Ohio?

Fracking is a polarizing practice. Much of the oil and gas industry suggests the practice is a safe alternative that reduces energy prices and provides cleaner air by cutting away at US greenhouse gas emissions. Others remain skeptical of these claims, with many environmental organizations accusing fracking of negatively impacting air quality and water quality through improper waste management and leading to soil and geological damage that can cause seismic events. Ohio has faced controversies with fracking in the past after a strategic communications plan from the Kasich administration and the Ohio Department of Natural Resources in 2012 was
released years later in 2014 outlining plans to pursue oil and gas development operations in state park areas. Barkcamp State Park, Wolfrun State Park, and Sun creek Fish State Park were listed as prospects for fracking operations in the report after legislation in 2011 stated that public lands in Ohio may be leased for oil and gas drilling.

The Ohio Oil and Gas Land Management Commission approved several parcels of land owned by the Ohio Department of Natural Resources and the Ohio Department of Transportation for fracking. Some of these parcels included state parks and wildlife areas. The parcels have been placed in a confidential bid which organizations can use to acquire fracking rights on the land. Governor John Kasich advocated for a state board while in office, encouraging Ohio-owned land to be leased for land development, oil exploration, and production of oil and natural gas. Kasich's vision came to fruition through the commission in 2017. This decision was the first of its kind made by the commission, but fracking legislation has existed in Ohio since 2011.

Oil and gas leasing has been allowed at state parks and public lands in Ohio since a 2011 bill. Ohio House Bill 507 has passed through the Senate as of April 7, 2023, stating, “A state agency shall lease, in good faith, a formation within a parcel of land that is owned or controlled by the state agency for the exploration for and development and production of oil or natural gas. The lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry.” The bill goes on to codify jurisdiction over the bidding process to the commission, stating, “any person or state agency that is interested in leasing a formation within a parcel of land that is owned or controlled by a state agency for the exploration for and the development and production of oil or natural gas may submit to the oil and gas land management commission a nomination.” Current statutes regarding considerations of whether drilling conflicts with other uses of the public land, environmental impacts, and geological consequences will remain in effect, but it is unclear how they will apply until the leasing commission adopts rules for reviewing proposed parcels to be drilled and accepting bids on them.

**Question #3: What has been the public response to the decision? What legal matters have proceeded since the decision?**

The commission’s decision has faced scrutiny and is being contested by a number of groups. Save Ohio Parks, the Ohio Environmental Council, the Buckeye Environmental Network, and Backcountry Hunters and Anglers have filed a lawsuit to appeal the Commission’s decision, with attorneys from Earthjustice, a nonprofit environmental law agency, serving as their counsel. Ohio law now requires the commission to consider nine specific factors prior to approving parcels for fracking leasing relating to the environmental, geological, and economic impact such an operation would have, as well as how it could impact current property uses. The plaintiffs argue that at least four of the nine criteria were not discussed during the meeting in which the tracts were approved, leading counsel to suggest that the commission violated its own procedures and put the parks, wildlife, and people in harm’s way. State lawyers have filed a
motion to dismiss the suit on the grounds that the court does not have the discretion to review the commission's decision because the statute that empowered it does not expressly reserve the right to judicial review.

In addition to the suit, a Cleveland.com report found that more than one hundred Ohioans discovered that their names were attached to letters sent to the Commission urging for state parks to allow fracking in Ohio without their knowledge or consent. According to a subsequent AP News investigation, the letters have been traced back to multiple pro-oil entities, including Texas-based oil and gas organization Consumer Energy Alliance, which has faced similar scrutiny in the past for accusations of using resident names in petitions in Wisconsin in 2014, Ohio in 2016, and South Carolina in 2018. Consumer Energy Alliance has denied all accusations and labeled the Cleveland.com report as libelous, suggesting that the names verified by their organization are processed through a third party. Ohio Attorney General Dave Yost's office has launched a formal investigation into the matter.

**Conclusion**

Maintaining clear communication with people as to what happens next in the wake of the Commission's decision, review of HR 507, and the ongoing Attorney General investigation is vital in building trust with Ohioans. Fracking has been seen as a means to meet growing demands for energy. The politics of fracking is a nuanced issue, and Ohioans should remain constantly mindful of the systems in place that decide the future of fracking and natural resources in our public lands and whether they are satisfying their needs as citizens.