

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

Ohio Environmental Council 1145 Chesapeake Ave. Columbus, OH 43212,)	
)	
)	Case No. _____
Ohio Valley Allies P.O. Box 455 Barnesville, OH 43713,)	
)	
Buckeye Environmental Network P.O. Box 82314 Columbus, OH 43202,)	Verified Complaint for Declaratory and Injunctive Relief
)	
and)	
)	
Sierra Club 2101 Webster Street Oakland, CA 94612,)	
)	
Plaintiffs,)	
)	
-vs-)	
)	
THE STATE OF OHIO c/o Ohio Attorney General David Yost 30 E. Broad St., 14 th Floor Columbus, OH 43215,)	
)	
and)	
)	
Mary Mertz, Director, in her official capacity Ohio Department of Natural Resources, 2045 Morse Rd. Columbus, OH 43229-6693,)	
)	
)	
Defendants.)	

**VERIFIED COMPLAINT FOR PRELIMINARY INJUNCTION, PERMANENT
INJUNCTION, AND DECLARATORY JUDGMENT**

The Ohio Environmental Council, Ohio Valley Allies, Buckeye Environmental Network, and the Sierra Club hereby submit the following complaint for declaratory, preliminary, and injunctive relief:

NATURE OF THE CASE

1. This case centers on Ohio House Bill 507 (“H.B. 507”), a law enacted by the State of Ohio in violation of the one-subject rule and three-consideration rule of the Ohio Constitution. The one-subject rule of Article II, Section 15(D) of the Ohio Constitution requires any legislative act to contain one subject that is clearly expressed in the title. The three-consideration rule of Article II, Section 15(C) of the Ohio Constitution requires each house of the legislature to consider every bill on three separate days. Amendments to a bill or substitute bills that vitally alter the substance of a bill also require three considerations.
2. H.B. 507 began as a bill about the number of poultry chicks that can be sold at one time. By the time Governor Mike DeWine signed H.B. 507 into law, the General Assembly had vitally altered the bill to cover numerous unrelated and controversial topics, including:
 - a. A revision to R.C. 155.33 that requires state agencies to lease public lands for oil and gas development (“Mandatory Leasing Provision”); and
 - b. A revision to R.C. 4928.01, pertaining to competitive electric retail distribution, that defines “green energy” as follows: “any energy generated by using an energy resource that does one or more of the following: (a) Releases reduced air pollutants, thereby reducing cumulative air emissions; (b) Is more sustainable and

reliable relative to some fossil fuels. ‘Green Energy’ includes energy generated by using natural gas as a resource.” (“Green Energy Provision”).

3. The Mandatory Leasing Provision requires state agencies to lease public lands for oil and gas development, with no notice to the impacted public and with minimal financial and registration requirements of prospective lessees, until rules that have not yet been adopted by the Oil and Gas Land Management Commission (“Commission”) take effect. The Commission has initiated a rulemaking, however, any rules will not go into effect until an unspecified time **after** April 7, 2023—the effective date of the Mandatory Leasing Provision. Thus, the Mandatory Leasing Provision creates a period of unknown duration during which Ohio state agencies will be forced to lease public lands for oil and gas development (“Mandatory Leasing Period”).
4. The Mandatory Leasing Provision removes agency discretion to refrain from leasing lands that would not be in the state’s interest or to wait until Commission rules take effect prior to leasing.
5. After vitally altering the bill, the General Assembly passed H.B. 507 after only one day of consideration in each house of the legislature, violating the three-consideration rule.
6. By passing H.B. 507 in violation of the one-subject rule and the three-consideration rule, Ohio deprived Plaintiffs and their members of the benefits of Ohio’s constitutionally-protected legislative process.
7. Plaintiffs are organizations with members who have a direct aesthetic, recreational, and social interests in Ohio’s public lands. H.B. 507 threatens these interests.
8. Plaintiffs are organizations engaged in education and advocacy related to the protection of Ohio’s public lands. The passage of H.B. 507 in violation of the one-subject rule and

three-consideration rule prevented Plaintiffs from informing their members of the impacts of the Mandatory Leasing Provision, frustrating their organizational missions.

JURISDICTION AND VENUE

9. This is an action for declaratory relief under Chapter 2721 of the Ohio Revised Code, therefore this court has jurisdiction pursuant R.C. 2721.02(A).
10. Venue is proper in this court pursuant to Civ.R. 3(C) and Civ.R. 3(F) because the General Assembly adopted H.B. 507 in Franklin County, Plaintiffs Ohio Environmental Council and Buckeye Environmental Network are principally located in Franklin County, and Defendants the State of Ohio and Ohio Department of Natural Resources (“ODNR”) have their principal places of business in Franklin County.

PARTIES

11. Plaintiffs are persons aggrieved by H.B. 507.
12. Plaintiff Ohio Environmental Council (“OEC”) is a non-profit organization headquartered in Columbus, Ohio with a mission to protect the air, land, water, and democracy for all who call Ohio home. OEC has approximately 3,100 members, and one hundred environmental and conservation member organizations. This includes members who recreate, gather, socialize, and host events on state lands, and members who live, work, recreate, and worship adjacent to state lands.
13. OEC brings this action on behalf of its members and on its own behalf.
14. The OEC regularly educates people about the legislative process, including its own members as well as the public. Affidavit of Pete Bucher, attached and incorporated herein as exhibit No. 1. Ohio deprived the OEC and its members of the benefits of Ohio’s constitutionally-protected legislative process when it violated the one-subject rule and the

three considerations rule. The OEC informs Ohioans about the fundamental ways a bill can be passed through the legislature, how to contact legislators, and the fundamentals of sound environmental policy. *Id.* The OEC educates members on the impacts of legislation and general issues facing public lands, and regularly presents to both its members and the public about actions they can take to protect water, air, and public lands in Ohio. *Id.* The OEC, and its agents, had to divert time and resources to act in response to the rapid passage of H.B. 507, in violation of the Ohio Constitution, during December 2022. *Id.* On December 16, 2022, the OEC sent a communication to the Governor of Ohio, prior to his signature of the bill, regarding the unconstitutional nature of H.B. 507. *Id.* Following the enactment of H.B. 507, the OEC had to expend additional resources responding to member questions about the legislation, including pivoting during presentations to answer questions from attendees regarding the new legislation and how members can take action to mitigate its impact. *Id.* When the Ohio General Assembly fails to follow requirements of the Ohio Constitution, it confuses our members who were informed of one legislative process different from what the General Assembly utilized. *Id.*

15. OEC also brings this action on behalf of its members, including Terri Sabo, Dan Imhoff, Emily Bacha, Mark Brunton, and Andrea Jones.
16. OEC member Terri Sabo lives less than a mile from Salt Fork State Park, so close that she can smell the campfires in the Park in the summertime. Declaration of Terri Sabo, attached and incorporated herein as exhibit No. 2. Ms. Sabo enjoys viewing the Park from her home, as well as hiking, kayaking, camping, and otherwise recreating in the Park. Ms. Sabo enjoys stargazing in the beautiful dark night sky that is made possible by the undeveloped nature of Salt Fork State Park. *Id.* The unconstitutional passage of H.B.

507 deprived Ms. Sabo of the ability to provide input on the bill, and to advocate against the Mandatory Leasing Provision. *Id.* H.B. 507 threatens Ms. Sabo with the forced unitization of her property, irreparably injuring her property rights. *Id.* In addition, oil and gas development mandated by H.B. 507 threatens Ms. Sabo with irreparable harm from the impacts of oil and gas development on state land, including air pollution, noise, odors, traffic, vibrations, and other disruptions. *Id.*

17. OEC member Dan Imhoff resides in Athens County, regularly hikes in Strouds Run State Park, and frequently visits Burr Oak State Park and Salt Fork State Park. Declaration of Dan Imhoff, attached and incorporated here as exhibit No. 3. Mr. Imhoff visits these parks because they provide him with aesthetic and recreational benefits he cannot find elsewhere in Ohio, including the general enjoyment of nature and escaping the urban life of the state. Mr. Imhoff hunts and fishes in the parks and often eats the animals he catches there. *Id.* Mr. Imhoff enjoys the forests, lakes, pristine ecosystems, quiet, and good air quality of the state parks he visits. *Id.* These parks are places where he can escape the foul odors, noise, dead vegetation, oil-stained ground, and general disturbance of the natural area caused by oil and gas development in southeast Ohio. By mandating oil and gas development in state parks, H.B. 507 threatens Mr. Imhoff's recreational and aesthetic interests. *Id.*

18. OEC member Emily Bacha resides in Cleveland, Ohio, in Cuyahoga County and has visited numerous state parks across Ohio, including Burr Oak, East Harbor, Hocking Hills, Kelleys Island, Lake Hope, Lake Logan, Malabar Farm, Marblehead Lighthouse, Maumee Bay, Mohican, Portage Lakes, South Bass Island, Strouds Run, and Salt Fork State Parks. Declaration of Emily Bacha, attached and incorporated herein as exhibit No.

4. Ms. Bacha visits state parks because they provide aesthetic and recreational benefits, including hiking, kayaking, camping, and the general exploration of nature. *Id.* She has visited Salt Fork State Park multiple times and is currently making plans to visit Salt Fork State Park again this June with her young family, a trip that will be the first visit to the state park for her infant son. *Id.* If Salt Fork State Park is developed for oil and gas, her aesthetic and recreational enjoyment of the park will be directly harmed, especially when it comes to the first experience of the Park for her child. *Id.* Oil and gas operations will also impact the air Ms. Bacha breathes when she visits state parks like Salt Fork State Park, putting her and her child at risk. *Id.* The mandatory expansion of oil and gas development will also increase the present and future damages of climate change, significantly affecting her enjoyment, and her child's enjoyment, of the environment, the air they breathe, and the parks they visit. *Id.*

19. OEC member Andrea Jones is a resident of Laurel Township, Ohio, outside Logan, Ohio in Hocking County. For the past forty-four years, since she was eighteen years of age, Ms. Jones has visited many of Ohio's state parks, including John Bryan, Lake Hope, Mohican, Hocking Hills, Kelleys Island, Caesar's Creek, Houston Woods, Great Seal, Beaver Creek, and Salt Fork, and is currently making plans to visit Salt Fork State Park within the next few months. She visits Ohio's state parks because they provide aesthetic and recreational benefits she cannot find anywhere else in Ohio, including hiking, canoeing, and kayaking. She particularly enjoys camping in state parks for their dark skies, especially for stargazing. Ms. Jones intentionally avoids visiting state parks where oil and gas development and other development activities have occurred nearby because silence and peacefulness of the environment are of particular importance to her aesthetic

and recreational enjoyment. She intentionally avoids visiting state parks most trafficked by other Ohio residents for that same reason. She has witnessed the impacts of oil and gas development throughout Southeast Ohio, especially its light pollution, which significantly impacts her ability to see the night sky, as well as its increased traffic, air pollution, and noise pollution. Ms. Jones's recreational and aesthetic enjoyment of state parks will be irreparably harmed by the expansion of oil and gas development in and around Ohio's state parks.

20. OEC member Mark Brunton lives in Glouster, Ohio, and is the owner of "Burr Oak Getaways," located in Morgan County, Ohio bordering Burr Oak State Park and surrounded by thousands of acres of both state and federal public lands. Declaration of Mark Brunton, attached and incorporated herein as exhibit No. 5. Mark and his eight-year-old son are avid hunters, and they harvest whitetail deer, turkey, and squirrel during hunting excursions in Eastern Ohio. *Id.* ¶ 9. His family boats, hikes, and explores public lands whenever they can, viewing the lands as a living classroom for their family. *Id.* They spend the majority of their time at Burr Oak State Park, Wolf Creek, and Buckeye Lake, along with taking impromptu and planned trips to other parks. *Id.* ¶ 10. In 2023, they plan to visit Salt Fork State Park and other parks in the eastern part of the state; he is eager to show Salt Fork State Park to his wife and son for the first time, and they plan to hike, boat, and fish while enjoying the scenery. *Id.* Bringing industrial methods to the peaceful public lands of Ohio's state parks will disturb the wildlife, air quality, water quality, and natural beauty of the parks that Mr. Brunton enjoys with his family. *Id.* ¶ 13. They specifically visit state parks to escape industry, including oil and gas development. *Id.* The existence of oil and gas development in and around a state park like Salt Fork

State Park will make it likely that Mr. Brunton and his family avoid those areas entirely.

Id. ¶ 12. In addition to the impacts to his family’s experience of state parks, Mr. Brunton is also concerned about how oil and gas development on state parks will impact his business, given many clients visit the region specifically to enjoy the natural environment that is free of the noise of drilling and industry. *Id.* ¶ 13.

21. Plaintiff Buckeye Environmental Network (“BEN”) is a non-profit organization headquartered in Franklin County, Ohio with a mission of protecting communities and Ohio’s environment from economic and environmental exploitation. BEN has members throughout the state of Ohio, including members who recreate on state lands and live, work, recreate, and worship adjacent to state lands.
22. BEN brings this action on behalf of its members, including Roxanne Groff and Cathy Cowan Becker, and on its own behalf.
23. H.B. 507 irreparably harms BEN member Roxanne Groff by depriving her of the constitutionally protected legislative process. Declaration of Roxanne Groff, attached and incorporated herein as exhibit No. 6. The State of Ohio’s failure to adhere to the one-subject rule and the three-consideration rule prevented Ms. Groff from engaging in education and advocacy regarding the impacts of H.B. 507. *Id.* H.B. 507 threatens Ms. Groff with irreparable harm by forcing the leasing of Ohio’s state lands without public participation requirements for the leasing process. *Id.* Roxanne Groff is actively engaged in the Commission’s rulemaking process. *Id.* H.B. 507 irreparably harms Ms. Groff by forcing the leasing of state lands before the Commission’s rules take effect. *Id.*
24. BEN member Cathy Cowan Becker enjoys retreating to the geological formations and hemlock forests of Hocking Hills State Park and the serene trails of Deer Creek State

Park. Declaration of Cathy Cowan Becker, attached and incorporated herein as exhibit No. 7. She enjoys hiking and observing wildlife in these parks. A decades-long activist and organizer for wildlife protection and green energy, Ms. Cowan Becker regularly takes advantage of the event spaces in Ohio's State Parks, including Deer Creek State Park, Mohican State Park, Maumee Bay State Park, and Shawnee State Park, for retreats and conferences. *Id.* ¶ 25. Leasing for oil and gas development and the imminent threat of hydraulic fracturing ("fracking") at Ohio's State Parks threatens Ms. Cowan Becker with irreparable harm to her recreational, professional, and educational interests. Oil and gas development destroys the scenic qualities of parks and pollutes the air and water, meaning that state parks such as Hocking Hills and Deer Creek will no longer be an escape for her. *Id.* ¶ 20. The unconstitutional passage of H.B. 507 also denied Ms. Cowan Becker the opportunity to advocate against the Mandatory Leasing Provision. *Id.* ¶¶ 9-14. Ms. Cowan Becker calls her elected officials, attends committee hearings for legislation, and leverages her communications background to engage the press on important legislation, such as the Mandatory Leasing Provision of H.B. 507. *Id.* ¶ 10. She was unconstitutionally denied notice and time to oppose H.B. 507. *Id.* ¶¶ 9-14.

25. Plaintiff Ohio Valley Allies is a non-profit organization headquartered in Barnesville, Ohio. With deep roots in Appalachia, Ohio Valley Allies uses a science-based education approach to inform the public about the threats of the oil and gas and petrochemical industries, helping empower people in the Ohio River Valley and beyond to stand up for their rights for a healthy environment, and a caring and prosperous community. The mission of Ohio Valley Allies is to promote peaceful, clean energy solutions, and a more harmonious way of life, ensuring a protected Mother Earth for current and future

generations. Ohio Valley Allies has members throughout the Ohio Valley, including members who recreate on Ohio public lands, and who live, work, recreate, and worship adjacent to state lands.

26. Ohio Valley Allies brings this action on behalf of its members, including Jill Hunkler, Patrick Hunkler, and Jean Backs, and on its own behalf.

27. Jill Hunkler resides in Barnesville, Ohio and has been an Ohio taxpayer and resident for most of her life. Declaration of Jill Hunkler, attached and incorporated fully herein as exhibit No. 8. Ms. Hunkler regularly visits and recreates in state parks and other public lands, including, but not limited to, swimming in and attending local artisan fairs at Salt Fork State Park, hiking and swimming at Barkcamp State Park, staying the weekend and attending family reunions at Mohican State Park, swimming and fishing out of pontoon boats at Seneca State Park, as well as hiking and wildlife watching in the Egypt Valley Wildlife Area. *Id.* Expanding oil and gas development on state lands will harm Ms. Hunkler's enjoyment of the land and ability to travel to the land, and threatens her health and safety. *Id.* Ms. Hunkler is concerned about the impact of any type of oil spill, pipeline leakage, noise pollution, and increased industrial traffic, which can make many of these parks that are only reachable through narrow dirt roads completely inaccessible. *Id.* Ms. Hunkler is also extremely worried about the harm to fauna in the parks because she has witnessed the decline of the beaver, otter, coyote, bear, and bobcat populations since fracking began in Ohio. *Id.* Ms. Hunkler is worried a new expansion of fracking will worsen this population loss. H.B. 507 threatens to significantly impair Ms. Hunkler's ability to recreate peacefully and safely on Ohio's public lands that she currently enjoys. *Id.* As the leader of Ohio Valley Allies, Ms. Hunkler also informs and educates members

of Ohio Valley Allies about legislation that would affect public land. By passing H.B. 507 in violation of the one-subject rule and the three-consideration rule, the State of Ohio deprived Ms. Hunkler of notice and opportunities to oppose the Mandatory Leasing Provision and the Green Energy Provision.

28. Ohio Valley Allies member Patrick Hunkler is extremely concerned about the impacts of fracking in Ohio. He visits his hometown of Barnesville, Ohio, less often due to fracking, and he no longer drinks the municipal water in Barnesville when he visits. Declaration of Patrick Hunkler, attached and incorporated fully herein as exhibit No. 9.

29. Ohio Valley Allies member Jean Backs worked for ODNR for 30 years and dedicated her career to promoting state parks as safe places for families to visit and enjoy nature. Declaration of Jean Backs, attached and incorporated fully herein as exhibit No. 10. Ms. Backs is particularly concerned about the water diminution and water pollution impacts of fracking in state parks making state parks less desirable and safe destinations for Ohioans.

30. Mr. Hunkler and Ms. Backs are married and reside in Pataskala, Ohio. They are almost lifelong Ohio residents and they are Ohio taxpayers. Mr. Hunkler and Ms. Backs particularly enjoy the recreational and aesthetic benefits the parks have to offer such as opportunities to hike, birdwatch, camp, raft, and explore parts of nature unmarred by pollution. Mr. Hunkler and Ms. Backs frequent two state parks close to their home – Dillon State Park and Buckeye Lake State Park – where they hike, picnic, and enjoy the solitude and peace that the parks provide. Mr. Hunkler and Ms. Backs attend their family reunion at Mohican State Park annually, where they spend a week camping or staying in cabins near the river. Mr. Hunkler and Ms. Backs also recreate at Egypt Valley Wildlife

Area, Hocking Hills State Park, and Burr Oak State Park. Mr. Hunkler and Ms. Backs own property near Piedmont Lake, a mile away from Egypt Valley Wildlife Area and near Salt Fork State Park and Barkcamp State Park. Mr. Hunkler and Ms. Backs are extremely concerned about oil and gas development in the Egypt Valley Wildlife Area disrupting their quiet enjoyment of the Piedmont Lake property and lowering its property value. They are concerned that their neighbors will lease land near the park for surface development, which will create noise, air pollution, water pollution, light pollution, and additional truck traffic. They are particularly concerned that oil and gas development activity near their property will contaminate the drinking water on the property, making the property unusable. They are concerned that similar and compounded issues will arise from the leasing and development of Salt Fork State Park and Barkcamp State Park. *Id.*

25. Mr. Hunkler and Ms. Backs believe that oil and gas development on these lands will permanently alter their aesthetic, environmental, ecological, and recreational, and would force them to visit less often. Further, because the legislature violated the one-subject rule and the three-consideration rule when it passed H.B. 507, Mr. Hunkler and Ms. Backs did not have the opportunity to contact legislators and voice their concerns about the bill. *Id.*

31. Plaintiff Sierra Club is a national nonprofit organization of approximately 800,000 members nationwide dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment and to using all lawful means to carry out these objectives. The Ohio Chapter of the Sierra Club has over 23,000 members, including

members who recreate, gather, socialize, and host events on state lands and members who live, work, recreate, and worship adjacent to state lands.

32. As part of its mission, Sierra Club advocates for a just transition to renewable energy.

The Mandatory Leasing Provision and Green Energy Provision undermine this transition.

33. The Sierra Club brings this action on behalf of its members and on its own behalf.

34. The Sierra Club brings this action on behalf of its members, including Loraine McCosker, Christine Curran, and Zachary Justus.

35. Loraine McCosker has been a Sierra Club member for 30 years, and she regularly recreates in Ohio's state parks. Declaration of Loraine McCosker, attached and incorporated herein as exhibit No. 11. She has enjoyed weekly walks at Strouds Run State Park since 2005, and she lives 10 minutes away from Strouds Run State Park. She enjoys hiking, kayaking, picnicking, and attending parties and gatherings in at least 17 other state parks: John Bryan State Park, Hueston Woods State Park, Malabar Farm State Park, Mohican State Park, Forked Run State Park, Shawnee State Park, Tar Hollow State Park, Lake Hope State Park, Burr Oak State Park, Hocking Hills State Park, Deer Creek State Park, Blue Rock State Park, Barkcamp State Park, Salt Fork State Park, Buckeye Lake State Park, Beaver Creek State Park, Quail Hollow Park. Exercising and gathering with friends in state parks has been essential to Ms. McCosker's health as she has weathered the COVID-19 pandemic and recovered from a recent knee replacement surgery. H.B. 507 will irreparably harm Ms. McCosker because she will no longer feel safe returning to state parks. Ms. McCosker has asthma, and she experiences headaches from fracking odors. She is extremely concerned that oil and gas development in Strouds Run and other state parks would harm her health if she continued to visit. Oil and gas

development in state parks will injure Ms. McCosker by depriving her of the aesthetic, recreational, educational, and spiritual benefits of state parks free from this development. Ms. McCosker has been politically active on environmental issues in Ohio for decades, and she is also extremely concerned about the lack of public participation opportunities in permitting decisions afforded during the Mandatory Leasing Period.

36. Christine Curran has been a member of the Sierra Club since 2002, and she is a fourth-generation camper. Declaration of Christine Curran, attached and incorporated herein as exhibit No. 12. Ms. Curran enjoys retreating to public lands such as Shawnee State Park, Ohio University State Forests, Mohican State Park, Zaleski State Forest, Tar Hollow State Park, Caesar Creek State Park, Alum Creek State Park Campground, Cayuga Valley National Park, and Hocking Hills State Park, at least once a month to escape the city and enjoy the fresh air, peace, and solitude. She hikes, camps, canoes, and backpacks with her two grandchildren and other members of her family. She enjoys observing woodpeckers, foxes, and other wildlife in these parks. Ms. Curran is concerned that oil and gas development will disturb the serenity of the parks because of noise, water pollution and diminution, air pollution, and truck traffic that go hand in hand with oil and gas development. Ms. Curran is very concerned that oil and gas development will trigger her asthma as well as the breathing problems of her children and grandchildren. The Mandatory Leasing Provision of H.B. 507 will irreparably harm Ms. Curran's recreational and aesthetic interests in Stonelick Lake State Park, Rocky Fork State Park, Paint Creek State Park, and other state parks that she frequents. Ms. Curran is also extremely concerned that she will not receive notice of drilling in state parks or be able to participate in permitting decisions during the Mandatory Leasing Period.

37. Sierra Club member Zachary Justus lives in Wooster, Ohio. Declaration of Zachary Justus, attached and incorporated herein as exhibit No. 13. Mr. Justus regularly visits Killbuck Marsh Wildlife Area, where he enjoys hiking and birdwatching. Killbuck Marsh Wildlife Area is very important to Mr. Justus and his community's ecosystem, and Mr. Justus worries that fracking in and nearby the Wildlife Area would reduce his ability to view the many bird species he enjoys watching. Zachary also visits Mohican State Park, and Zaleski State Forest in Lake Hope State Park. In these state parks, Mr. Justus enjoys canoeing, camping, hiking, and spending time together with friends and family while enjoying the parks' natural beauty. The leasing of state lands for oil and gas development would irreparably injure Mr. Justus's aesthetic and recreational interests by reducing the recreational opportunities available to him and diminishing the natural beauty of the state parks he enjoys. Mr. Justus is extremely concerned that oil and gas development will harm the water quality of waterbodies in the state parks where he recreates and socializes, and that oil and gas operations, including associated trucking, will cause air pollution in the parks. Oil and gas development on state lands will cause Mr. Justus to stop visiting the parks that are so important to him. Mr. Justus is also extremely concerned about accidents and spills from oil and gas development on state lands. By requiring the leasing of lands, the Mandatory Leasing Provision deprives Mr. Justus of the opportunity for public notice prior to the leasing of state lands that would otherwise go through the Commission's leasing process once rules are in place.

38. Declaring H.B. 507 unconstitutional, and therefore void, would redress Plaintiffs' members' injuries by restoring ODNR's discretion to not lease the state lands these

members currently enjoy, removing the impacts of the Green Energy Provision, and protecting their constitutional rights to participate in the legislative process.

39. Granting preliminary and injunctive relief enjoining the State from leasing public lands pursuant to the Mandatory Leasing Provision would prevent irreparable harm to Plaintiffs' and their members by remedying a violation of their constitutional rights and preventing the leasing of the Ohio state lands they currently enjoy.
40. Plaintiffs rely on The State of Ohio to follow constitutional requirements when enacting legislation. Understanding the subject matter of a bill allows Plaintiffs to educate their membership about a bill's impact to Plaintiffs' respective missions and members. The one-subject rule facilitates Plaintiffs' understanding and tracking of legislation relevant to their mission and membership. *See* Declaration of Pete Bucher, exhibit No. 1; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Roxanne Groff, exhibit No. 6.
41. The inclusion of the Mandatory Leasing Provision and the Green Energy Provision in H.B. 507—a bill fundamentally about agriculture and food purity—hindered Plaintiffs' ability to educate their members about the impact of the Mandatory Leasing Provision and the Green Energy Provision on Plaintiffs' respective missions and members. *See* Declaration of Pete Bucher, exhibit No. 1; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Roxanne Groff, exhibit No. 6.
42. The three-consideration rule is essential to providing Plaintiffs with time to educate their members on the impacts of a piece of legislation. *See* Declaration of Pete Bucher, exhibit No. 1; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Roxanne Groff, exhibit No. 6.

43. By violating the three-consideration rule, the enactment of H.B. 507 deprived Plaintiffs of time to educate their members on the impacts of H.B. 507 to Plaintiffs, Plaintiffs' members, and Plaintiffs' missions. *See* Declaration of Pete Bucher, exhibit No. 1; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Roxanne Groff, exhibit No. 6.
44. Defendant State of Ohio is a sovereign entity on whose behalf H.B. 507 was enacted.
45. Defendant Ohio Department of Natural Resources is a state agency charged with control over the majority of Ohio's public lands that would be impacted by the Mandatory Leasing Provision.

FACTS COMMON TO ALL CLAIMS

The Mandatory Leasing Provision: H.B. 507's Amendments to R.C. 155.33

46. R.C. 155.33 governs the authority and procedure for state agencies to lease public lands for the exploration, development, and production of oil or natural gas on public lands.
47. Prior to the effective date of H.B. 507, R.C. 155.33 provided that—beginning on September 30, 2011, and ending on the effective date of rules adopted by the Commission under R.C. 155.34—a state agency “**may** lease 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.” R.C. 155.33(A)(1) (2011) (emphasis added); *see also* H.B. 507 at 1, attached and incorporated fully herein as exhibit No. 25.
48. The Mandatory Leasing Provision amended R.C. 155.33 as follows (emphasis added):

Beginning on the effective date of this amendment, and ending on the effective date of the rules adopted under section 155.34 of the Revised Code, **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 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, and shall include at least the terms required under divisions (A)(1)(a) to (d) of section 155.34 of the Revised

Code. The person seeking to lease the formation shall submit to the state agency the proof described in divisions (D)(5)(a) and (b) of this section before entering into the lease. On and after the effective date of the rules adopted under section 155.34 of the Revised Code, a formation within a parcel of land that is owned or controlled by a state agency may be leased for the exploration for and development and production of oil or natural gas only in accordance with divisions (A)(2) to (H) of this section and those rules.

49. The Mandatory Leasing Provision becomes effective on April 7, 2023, and will remain effective until the Commission adopts rules under R.C. 155.34.
50. R.C. 155.34 requires the Commission to adopt rules and a standard lease for leasing state lands for oil and gas development.
51. To date, the Commission has not adopted rules and a standard lease for leasing state lands for oil and gas development. Currently, the Commission is in the process of adopting rules under R.C. 155.34, and has scheduled a public hearing on the proposed rules for April 10, 2023. A true and correct copy of the Commission’s JCARR Public Hearing Notice is attached and incorporated herein as exhibit No. 15.
52. It is impossible for any rules adopted by the Commission to go into effect prior to April 7, 2023, the effective date of the Mandatory Leasing Provision, because of the steps and timeframes required by the administrative rulemaking process.
53. Therefore, by changing the discretionary “may” language to the nondiscretionary word “shall” in R.C. 155.33(A)(1), the Mandatory Leasing Provision forces Ohio’s state agencies to lease public lands for the period of time between April 7, 2023, and the unknown future date upon which the Commission’s rules become effective (“Mandatory Leasing Period”).
54. Pursuant to the Mandatory Leasing Provision, during the Mandatory Leasing Period, a person interested in leasing state land for oil and gas exploration, development, and

production need only submit (a) proof of insurance and financial assurance required under R.C. 1509.07(A)(1)(a), and (b) proof of registration with the Division of Oil and Gas Resources Management under R.C. 1509.31(A)(1).

55. Pursuant to the Mandatory Leasing Provision, any lease issued must be “on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry.” R.C. 155.33(A)(1).

56. Pursuant to the Mandatory Leasing Provision, there are only four requirements to be included in a lease of state lands for oil and gas development:

- a. If there would be surface development, a separate lease must be executed by the state agency;
- b. The landowner must receive a one-eighth gross landowner royalty;
- c. The primary lease term must be three years; and
- d. A lease must include an option to extend the primary lease term by tendering to the state agency the same bonus first paid when entering the lease.

57. During the Mandatory Leasing Period, a lease **does not** need to comply with the nomination process for the leasing of parcels set forth in R.C. 155.33(A)(2) through R.C. 155.33(H) (“Nomination Process”).

58. Thus, the Mandatory Leasing Provision forces Ohio state agencies to lease Ohio’s public lands without the protocols and protections provided in the Nomination Process, including public notice of a parcel nominated for leasing and ensuring that leases go to the highest and best bid. *See* R.C. 155.33(A)(2) and (C).

59. Pursuant to R.C. 155.33(B)(1), the Nomination Process that does not apply during the Mandatory Leasing Period also includes requirements for how the Commission must

approve or disapprove a nomination, including that the Commission must consider the following: economic benefits of leasing the formation, compatibility of the proposed oil and gas operation with current land uses, environmental impacts resulting from the lease, potential adverse geological impacts, potential impacts to visitors or users of the land, potential impacts to a state university or college, comments or objections from Ohio residents or other people who use the land, and any appropriate special terms or conditions.

60. The Mandatory Leasing Provision would force agencies to proceed with leasing state public lands before rules are in place to implement the Nomination Process and without the requirement that the agency leasing the land use the Nomination Process set forth in the Revised Code.

The Legislative History of H.B. 507

61. As introduced on December 8, 2021, the title of H.B. 507 was: “A Bill to amend section 925.62 of the Revised Code to revise the number of poultry chicks that may be sold in lots.” December 8 House Journal at 2107, attached and incorporated fully herein as exhibit No. 16; H.B. 507 as Introduced, attached and incorporated fully herein as exhibit No. 14.

62. As introduced, H.B. 507 was just over a page long. *See* exhibit No. 14, H.B. 507 as Introduced.

63. As introduced, H.B. 507 amended R.C. 925.62, changing the minimum amount of lots of poultry younger than four weeks of age that may be sold, given away, or otherwise distributed from six to three lots. *Id.*

64. On March 31, 2022, the Standing Committee on Agriculture and Conservation (“House

Committee”) reported back a substitute version of H.B. 507 (“Original H.B. 507”) and recommended its passage. March 31 House Journal at 2656, attached and incorporated fully herein as exhibit No. 17; Original H.B. 507, attached and incorporated fully herein as exhibit No. 18.

65. On April 6, 2022, the House Committee introduced Original H.B. 507 into the House for a vote. April 6 House Journal at 2689, attached and incorporated fully herein as exhibit No. 20.

66. As reported on March 31 and proposed on April 6, the Title of Original H.B. 507 read:

To amend sections 913.04, 913.28, 915.01, 915.03, 915.14, 915.18, 915.20, 925.21, 925.62, 3715.041, 3715.07, 3715.27, 3715.33, 3715.36, and 3715.99; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3715.36 (3715.34); and to repeal sections 913.27, 915.04, 915.05, 915.06, 915.07, 915.08, 915.19, 915.21, 925.26, 925.27, 925.28, 925.52, 925.56, 925.61, 3715.14, 3715.15, 3715.16, 3715.17, 3715.18, 3715.19, 3715.20, 3715.34, 3715.35, and 3715.37 of the Revised Code to revise specified provisions of agriculture law. Original H.B. 507 (exhibit No. 18).

67. Original H.B. 507 pertained to the subjects of agriculture and food purity.

68. Specifically, Original H.B. 507 amended nine sections and repealed 14 sections of Title 9 of the Revised Code, pertaining to agriculture. Original H.B. 507 amended six sections and repealed ten sections of the revised code under Title 37, pertaining to food purity.

69. On April 6, after three considerations, the House passed Original H.B. 507 unanimously, with 96 “yea” votes and 0 “nay” votes. April 6 House Journal at 2689, attached and incorporated fully herein as exhibit No. 19.

70. The House referred Original H.B. 507 to the Senate’s Standing Committee on Agriculture and Natural Resources (“Senate Committee”).

71. The Senate Committee reported back a substitute bill during a lame duck session, on December 7, 2022, and recommended its passage (“Substitute H.B. 507”). December 7 Senate Journal at 2293-94, attached and incorporated fully herein as exhibit No. 20.
72. Substitute H.B. 507 was vitally different from Original H.B. 507.
73. Substitute H.B. 507 added multiple separate and distinct subjects from agriculture and food purity, including, among other things, the Mandatory Leasing Provision and the Green Energy Provision.
74. The title of Substitute H.B. 507 read as follows:
- To amend sections 155.33, 913.04, 913.28, 915.01, 915.03, 915.14, 915.18, 915.20, 921.26, 925.21, 925.62, 3715.041, 3715.07, 3715.27, 3715.33, 3715.36, 3715.99, 3717.33, 3717.52, 4505.101, 4505.104, 4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4707.02, 4928.01, and 4928.645; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3715.36 (3715.34); and to repeal sections 913.27, 915.04, 915.05, 915.06, 915.07, 915.08, 915.19, 915.21, 925.26, 925.27, 925.28, 925.52, 925.56, 925.61, 3715.14, 3715.15, 3715.16, 3715.17, 3715.18, 3715.19, 3715.20, 3715.34, 3715.35, and 3715.37 of the Revised Code to revise specified provisions of agriculture law, to define green energy, to exclude natural gas from receiving renewable energy credits, to revise the law governing environmental health specialists and environmental health specialists in training, and to allow conservancy district police departments to take specified actions regarding the towing and storage of motor vehicles.
75. Substitute H.B. 507 retained the agriculture and pure food provisions that were in Original H.B. 507, and amended an additional section of Title 9 of the Revised Code pertaining to agriculture, R.C. 921.26. *See* Substitute H.B. 507, attached and incorporated fully herein as exhibit No. 21.
76. Substitute H.B. 507 added the amendment of two Revised Code sections under Title 37 of the Revised Code, pertaining to the licensing of food establishments. *Id.*
77. Substitute H.B. 507 added the amendment of 11 sections of the Revised Code under Title

- 45, pertaining to motor vehicles. The amendments to Title 45 add the chief of a conservancy district as a party that may enforce motor vehicle laws. *Id.*
78. Substitute H.B. 507 added amendments to R.C. 4707.02, pertaining to the licensing of auctioneers. *Id.*
79. Substitute H.B. 507 added amendments to R.C. 4928.01, pertaining to public utilities, and amendments to R.C. 4928.645, pertaining to renewable energy credits for utilities. *Id.*
80. The Senate passed Substitute H.B. 507 on December 7, 2022, the same day that the Senate Committee reported on and recommended the passage of Substitute H.B. 507. December 7 Senate Journal at 2293-94, exhibit No. 20.
81. The Senate passed Substitute H.B. 507 without considering H.B. 507 on three separate days.
82. The Senate passed Substitute H.B. 507 without taking action to suspend the requirement that a bill be considered on three separate days.
83. On December 13, 2022, the Clerk of the House presented a message from the Senate requesting that the House concur on Substitute H.B. 507. December 13 House Journal at 3171, attached and incorporated herein as exhibit No. 22.
84. Representative Ginter moved that H.B. 507 be taken up for immediate consideration and the House agreed to the motion without objection on December 13, 2022. *Id.*
85. The House concurred to Substitute H.B. 507 and passed Substitute H.B. 507 with a vote of 59 “yeas” and 33 “nays” on December 13, 2022. *Id.* at 3172.
86. The House passed Substitute H.B. 507 without considering H.B. 507 on three separate days.

87. The House passed Substitute H.B. 507 without taking action to suspend the requirement that a bill be considered on three separate days.
88. The speaker of the House signed Substitute H.B. 507 on December 28, 2022. December 28 House Journal at 4717, attached and incorporated herein as exhibit No. 23.
89. The General Assembly passed Substitute H.B. 507 during the last days of the 2022 lame duck session.
90. Governor DeWine signed Substitute H.B. 507 into law on January 6, 2023 (“H.B. 507”).
See H.B. 507, attached and incorporated herein as exhibit No. 24.
91. H.B. 507 combines numerous unrelated topics, including the Mandatory Leasing Provision and the Green Energy Provision.
92. The Mandatory Leasing Provision shares no common purpose or relationship with Original H.B. 507 or the other provisions of H.B. 507 governing agriculture, motor vehicles, the licensing of food establishments, public utilities, and renewable energy credits.
93. The Green Energy Provision shares no common purpose or relationship with Original H.B. 507 or the other provisions of H.B. 507 governing agriculture, motor vehicles, the licensing of food establishments, public utilities, and the Mandatory Leasing Provision.
94. The General Assembly combined the unrelated subjects in H.B. 507 with limited opportunity for discussion and review.

Ohio’s Public Lands

95. The vast majority of the 26,222,080 total acres of land that make up the state of Ohio is privately owned.

96. ODNR owns and manages Ohio's state-owned public recreation lands. ODNR owns and manages approximately 3% of Ohio's total land acres, which consists of more than 800,000 acres of land, including 75 state parks, 24 state forests, 140 state nature preserves, and 150 wildlife areas.
97. Salt Fork State Park is Ohio's largest state park at 17,229 land acres.
98. Ohio has only one state-designated wilderness, the 8,000-acre Shawnee Wilderness Area. The Shawnee Wilderness area represents less than 1% of ODNR's public land portfolio.
99. In addition to state public lands, there are about 305,502 acres of federal public land in Ohio, representing approximately 1.2% of the state. Federal wilderness areas have been designated in 44 states plus Puerto Rico. Of the 44 states that contain federal wilderness, Ohio ranks last in acreage with the 77-acre West Sister Island Wilderness.
100. A total of only 15% of Ohio's forested acres are publicly owned (combined state, federal, and local public ownership).
101. Approximately 7,996,702 acres of Ohio are forested, which equates to roughly thirty percent of the state. There are approximately 11,689,442 people in Ohio. *Id.* Ohio therefore contains about 0.68 acres of forest land per person. *Id.*
102. The state of Ohio owns 572,843 forested acres, or 6.7% of forest land in Ohio. Logging is prohibited on only 79,606 acres of ODNR-owned land.
103. Ohio's forests are fragmented, and additional fragmentation is occurring. The rate of conversion of forest land to wildland urban interface ("WUI") is greater in Ohio than any other state in the USDA Forest Service's Region 9, with an average of 7.5% of forest land becoming WUI each decade. *Id.*

104. As of the year 2000, 77 percent of Ohio’s forest land was within 1,310 feet of a road, and 44 percent was within 650 feet.
105. According to the Outdoor Industry Association, outdoor recreation in Ohio is responsible for 137,845 direct jobs, \$12.8 billion in economic generation, and \$6.5 billion in wages and salaries.
106. State parks have remained largely protected from oil and gas development in areas of the state that otherwise experience extensive high volume unconventional oil and gas development. *See e.g.* Map of ODNR State Lands and Horizontal Oil and Gas Wells—Barkcamp State Park, attached and incorporated herein as exhibit No. 25; Map of ODNR State Lands and Horizontal Oil and Gas Wells—Sunfish Creek State Forest, attached and incorporated herein as exhibit No. 26; Map of ODNR State Lands and Horizontal Oil and Gas Wells—Egypt Valley Wildlife Area, attached and incorporated herein as exhibit No. 27; Map of ODNR State Lands and Horizontal Oil and Gas Wells—Salt Fork State Park, attached and incorporated herein as exhibit No. 28.

Impacts of Oil and Gas Development

107. Oil and gas development, including fracking, has a profound impact on surrounding communities and leads to increased noise, air, and light pollution along with more traffic congestion.
108. Noise pollution can lead to adverse health impacts like diabetes, depression, birth complications, and cognitive impairment in children. Oil and gas development and operations produce a wide variety of noise types that contribute to this, including intermittent and continuous sounds, all of varying intensity. Fracking, commonly known as fracking, creates a greater intensity of noise than conventional oil and gas drilling

because it can take up to five weeks of 24-hour drilling to drill a well, and fracking requires a greater volume of water and higher pressures, resulting in more pump and fluid handling noise. Fracking also requires compressor stations which produce consistent low rumbles.

109. Oil and gas drilling and extraction activity, including the process of fracking, releases air pollutants during various stages of production. Emission sources come from pad, road, and pipeline construction; well drilling and completion; and flowback activities and natural gas processing, storage, and transmission equipment. During these processes, key pollutants, such as methane, volatile organic compounds, nitrogen oxides, particulate matter, and various hazardous air pollutants, are released into the environment.
110. Light pollution has a significant impact on human health and wellbeing and artificial light can disrupt melatonin secretion and the circadian rhythm, along with corresponding changes in mood regulation, depression, and sleeping disorders. Oil and gas drilling and extraction activity, including the process of fracking, increases light pollution in surrounding areas, especially rural areas. Natural gas compressor stations and access roads to drilling sites require artificial lighting. Flaring done at different phases throughout the natural gas extraction process also adds to light pollution.
111. Oil and gas drilling and extraction activity, including the process of fracking, increases heavy truck traffic to service the energy sectors. Fracking requires 2,300 to 4,000 truck trips per well to deliver the necessary fluids, which is 33-50 percent more than conventional methods because of the need for water injection and wastewater disposal. Heavy trucks pose an even greater risk to other vehicles in collisions due to their higher

front ends and heavier body structures, and concentrated truck traffic near sites leads to more truck-involved crashes and collisions among cars.

112. Oil and gas drilling and extraction activity, including the process of fracking, permanently alters the subsurface by injecting millions of gallons of water, sand, and other chemicals during the drilling and fracking process.
113. In the State of Ohio, oil and gas companies have the ability to force property owners who are unwilling to lease their property for oil and gas development into mandatory pooling or mandatory unitization orders that give companies the right to extract oil and gas under their property. *See* R.C. 1509.27 and 1509.28.
114. If an oil and gas company obtains consent from landowners for at least 65 percent of land overlaying the proposed unit, the company can go through the state mandatory unitization process to force the remaining non-consenting landowners into allowing the extraction of oil and gas underneath their property without a lease. *See* R.C. 1509.28.
115. The leasing of public lands will result in more non-consenting landowners being forced to develop the oil and gas minerals beneath their property. Non-consenting landowners suffer injuries to their property rights and interests from oil and gas development.

Irreparable Harm to Plaintiffs

116. H.B. 507 affects Plaintiffs' rights, status, and legal relations by requiring the State of Ohio to lease state lands—including lands in which Plaintiffs' and their members have environmental, aesthetic, social, and recreational interests—for oil and gas development during the Mandatory Leasing Period.
117. H.B. 507 affects Plaintiffs' rights, status, and legal relations by requiring the State of Ohio to allow the exploration, development, and production of oil and gas on state

lands—including lands in which Plaintiffs’ and their members have environmental, aesthetic, social, and recreational interests.

118. Plaintiffs have members who regularly recreate in, socialize in, and enjoy the aesthetic and environmental qualities of Ohio’s state lands, including state lands with known unleased oil and gas resources. *See e.g.* Declaration of Terri Sabo, exhibit No. 2; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Emily Bacha, exhibit No. 4; Declaration of Dan Imhoff, exhibit No. 3; Declaration of Loraine McCosker, exhibit No. 11; Declaration of Zachary Justus, exhibit No. 13; Declaration of Christine Curran, exhibit No. 12; Declaration of Jean Backs, exhibit No. 10; Declaration of Patrick Hunkler, exhibit No. 9; Declaration of Cathy Cowan Becker, exhibit No. 7.

119. Plaintiffs have members who regularly recreate in, socialize in, and enjoy the aesthetic and environmental qualities of Salt Fork State Park, Barkcamp State Park, Seneca Lake State Park, Mohican State Park, Egypt Valley Wildlife Area and Piedmont Lake, Sunfish Creek State Park, Malabar Farm State Park, Forked Run State Park, Tar Hollow State Park, Killbuck Marsh Wildlife Area, Zelleski State Forest, Lake Hope State Park, Burr Oak State Park, Hocking Hills State Park, Blue Rock State Park, Buckeye Lake State Park, Strouds Run State Park, Beaver Creek State Park, and Quail Hollow Park, among other state lands. *See* Declaration of Terri Sabo, exhibit No. 2; Declaration of Jill Hunkler, exhibit No. 8; Declaration of Emily Bacha, exhibit No. 4; Declaration of Dan Imhoff, exhibit No. 3; Declaration of Loraine McCosker, exhibit No. 11; Declaration of Zachary Justus, exhibit No. 13; Declaration of Christine Curran, exhibit No. 12; Declaration of Jean Backs, exhibit No. 10; Declaration of Patrick Hunkler, exhibit No. 9; Declaration of Cathy Cowan Becker, exhibit No. 7.

120. All of the above-listed state lands contain unleased oil and gas resources.
121. Prior to April 7, 2023, the date upon which H.B. 507 takes effect, R.C. 155.33 gives ODNR discretion to lease the above-listed state lands.
122. Absent action from this Court, on April 7, 2023, H.B. 507 will amend R.C. 155.33 such that the Mandatory Leasing Provision requires ODNR to lease the above-listed state lands to any interested party with proof of insurance, financial insurance, and registration with ODNR—without requiring notice to Plaintiffs, Plaintiffs members, Ohio residents, or other users of these state lands.
123. The Mandatory Leasing Provision threatens Plaintiffs with the irreparable harm of irreversibly committing the above-listed state lands for oil and gas development.
124. The Mandatory Leasing Provision forces Ohio State agencies to lease lands that it would not lease in the absence of the enactment of H.B. 507, guaranteeing oil and gas development on state lands that state agencies would protect from oil and gas development if they had discretion to do so.
125. Oil and gas industry representatives have referred to Ohio’s public lands, including Salt Fork State Park, as “top prospects” for drilling and extracting oil and gas. *See Jake Zuckerman, The next fracking frontier: Gas drillers circling Ohio’s state parks after state law change* (March 27, 2023), available at <https://www.cleveland.com/open/2023/03/the-next-fracking-frontier-gas-drillers-circling-ohios-state-parks-after-state-law-change.html> (accessed April 5, 2023), attached and incorporated herein as exhibit No. 29.
126. The State of Ohio has previously turned down offers from oil and gas companies to lease and drill for oil and gas under public lands, such as Salt Fork State Park, but the

Mandatory Leasing Provision requires the state to enter into leases prior to the adoption of rules by the Commission. *See id.*

127. Plaintiffs have members who own property near public lands. These members' property rights and interests are threatened and will be irreparably injured if they are forced to allow oil and gas extraction underneath their property through mandatory pooling or unitization by removing their mineral interests without their consent and by injecting water, sand, and other chemicals under their land without their consent. *See e.g.*, Declaration of Terri Sabo, exhibit No. 2.

128. Pollution and impacts to land, vegetation, wildlife, and ecosystems from oil and gas development will result in permanent loss and alteration of the aesthetic, environmental, ecological, and recreational qualities of Ohio's public lands.

129. The Mandatory Leasing Provision threatens Plaintiffs with irreparable harm from the permanent loss and alteration of the aesthetic, environmental, ecological, and recreational qualities of Ohio's public lands due to oil and gas development required by the Mandatory Leasing Provision. This harm will be impossible to remedy.

130. The Mandatory Leasing Provision threatens Plaintiffs and their members with irreparable harm from the industrial development of Ohio's public lands due to oil and gas development. This development would transform the nature of Ohio's public lands from a natural setting, rich with scenic beauty, to an industrial landscape lacking the same aesthetic, environmental, and recreational qualities that Plaintiffs' members currently enjoy.

131. The Mandatory Leasing Provision threatens Plaintiffs and their members with irreparable harm to their aesthetic, social, environmental, and recreational interests due to

the air pollution, noise, odors, traffic, vibrations, and other disruptions caused by oil and gas development on the state lands that Plaintiffs' members currently enjoy.

132. The passage of H.B. 507 in violation of the one-subject rule and the three-consideration rule deprived Plaintiffs and their members with the notice and opportunity to contact their state representatives, participate in organizing, advocacy, and education efforts and to express their concerns and objections to H.B. 507.

OHIO CONSTITUTIONAL REQUIREMENTS

Violations of the One-Subject Rule

133. Section 15(D) of Article II of the Ohio Constitution provides that “[n]o bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.”

134. Section 15(D) of Article II is commonly referred to as the “one-subject rule.”

135. A primary purpose of the one-subject rule is to provide for an orderly and fair legislative process. By limiting each bill to one subject, the issues presented can be better grasped and more intelligently discussed.

136. Where a bill includes a disunity of subject matter such that there is no discernable practical, rational, or legitimate reason for combining the provisions in one act, it violates the one-subject rule and is therefore void.

137. Where a bill contains multiple topics, the bill violates the one-subject rule when the topics do not share a common purpose or relationship. The topics share a common purpose or relationship where the topics unite to form one subject.

138. H.B. 507 contains numerous unrelated topics that do not share a common purpose or

relationship, including agriculture and food purity, the leasing of public lands for oil and gas development, motor vehicle enforcement, the licensing of auctioneers, public utilities, and the laws governing environmental health specialists.

Violations of the Three-Consideration Rule

139. Section 15(C) of Article II of the Ohio Constitution requires that each house of the General Assembly consider each bill on at least three separate days. This Section is commonly referred to as the three-consideration rule.
140. The purpose of the three-consideration rule is to prevent hasty action and lessen the danger of ill-advised amendments at the last moment.
141. The three-consideration rule provides the opportunity for publicity and discussion. It also affords each legislator an opportunity to study the proposed legislation, communicate with their constituents, note the comments of the press, and become sensitive to public opinion.
142. The vital alteration of a bill before it is enacted, without three readings of the alteration, violates the three-consideration rule.
143. The three-consideration rule is violated if the legislative journal does not reflect the required three considerations in each house of the bill in the form in which it was eventually enacted.
144. A violation of the three-consideration rule renders the legislation void.
145. H.B. 507 significantly altered Original H.B. 507 and included at least 34 amendments to laws unrelated to poultry and feedlots, including the Mandatory Leasing Provision and the Green Energy Provision described herein.
146. The Legislative Journal does not reflect that each house considered H.B. 507 on at least

three separate days as required by Section 15(C) of Article II of the Ohio Constitution.

COUNT ONE

**Declaratory Judgment – H.B. 507 Violates the One-Subject Rule of Article II, Section 15(D)
of the Ohio Constitution**

147. The Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 146 above as if fully rewritten herein and additionally allege the following:

148. H.B. 507 combines multiple distinct and unrelated topics for no discernable practical, rational, or legitimate reason.

149. Substitute H.B. 507 vitally altered Original H.B. 507 by including provisions that had no relationship to Original H.B. 507, including the Mandatory Leasing Provision and the Green Energy Provision.

150. The Mandatory Leasing Provision is a distinct and separate subject from agriculture and food purity.

151. The Green Energy Provision is a distinct and separate subject from agriculture and food purity.

152. Numerous other provisions in H.B. 507 are distinct and separate from agriculture and food purity, including amendments to statutes governing utilities and motor vehicle enforcement.

153. The various separate and distinct subjects included in H.B. 507, including the Mandatory Leasing Provision and the Green Energy Provision, share no common purpose.

154. Accordingly, H.B. 507 violates the one-subject rule of Article II, section 15(D) of the Ohio Constitution.

155. Pursuant to R.C. Chapter 2721, Plaintiffs are entitled to a judgment declaring H.B. 507 unconstitutional under the one-subject rule.

COUNT TWO

Declaratory Judgment – H.B. 507 Violates the Three-Consideration Rule of Article II, Section 15(C) of the Ohio Constitution

156. The Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 146 above as if fully rewritten herein and additionally allege the following:

157. The House considered Original H.B. 507 on three separate days.

158. H.B. 507 vitally altered Original H.B. 507.

159. The Senate passed Substitute H.B. 507 after only one day of consideration.

160. The House passed Substitute H.B. 507 after only one day of consideration.

161. Article II, Section 15(C) of the Ohio Constitution requires each house of the Ohio Legislature to consider a bill on three different days, unless two-thirds of the members of the house in which it is pending suspend this requirement.

162. The Senate did not consider Substitute H.B. 507 on three different days.

163. The House did not consider Substitute H.B. 507 on three different days.

164. Every consideration of a bill must be recorded in the journal of the respective house.

Ohio Constitution, Article II, Section 15(C).

165. Every action suspending the requirement for a bill to be considered on three different days must be recorded in the journal of the respective house. *Id.*

166. The legislative journal for the Senate does not reflect three considerations of Substitute H.B. 507.

167. The legislative journal for the Senate does not reflect an action suspending the requirement that the Senate consider H.B. 507 on three different days.
168. The legislative journal for the House does not reflect three considerations of Substitute H.B. 507.
169. The legislative journal for the House does not reflect an action suspending the requirement that the Senate consider H.B. 507 on three different days.
170. Accordingly, H.B. 507 violates the three-consideration rule of Article II, Section 15(C) of the Ohio Constitution.
171. Pursuant to R.C. Chapter 2721, Plaintiffs are entitled to a judgment declaring H.B. 507 unconstitutional under the three-consideration rule.

COUNT THREE

Claim for Injunctive Relief

172. Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 146 above as if fully rewritten herein and additionally allege the following:
173. H.B. 507 disrupts the status quo by removing agency discretion to lease state lands for oil and gas development and replacing that discretion with a mandate that state agencies lease to any interested party with proof of insurance, financial assurances, and registration with ODNR, during the Mandatory Leasing Period.
174. The activity mandated by H.B. 507—the leasing of state lands for the exploration, development, and production of oil and gas—is an irretrievable commitment of state resources.
175. H.B. 507 affects Plaintiffs’ rights, status, and legal relations by requiring the State of Ohio to lease state lands—including lands in which Plaintiffs’ and their members have

environmental, aesthetic, social, and recreational interests—for the exploration, development, and production of oil or gas. The leasing of these state lands is an irreversible commitment of these state resources for oil and gas development.

176. The State of Ohio's enactment of H.B. 507 without the constitutionally required legislative process affects Plaintiffs' rights, status, and legal relations by depriving Plaintiffs of the opportunity to educate their members on the impacts of H.B. 507 on Plaintiffs, Plaintiffs' missions, and Plaintiffs' members.
177. As a direct and proximate result of the passage of unconstitutional H.B. 507, Plaintiffs and their members will suffer irreparable harm for which there is no adequate remedy at law.
178. Plaintiffs have a substantial likelihood of success on the merits of the underlying claims in this action.
179. The issuance of leases as required by the Mandatory Leasing Provision will limit the remedies Plaintiffs can obtain if they prevail on the merits of this action because prevailing on the merits of this action will not void any leases entered into during the Mandatory Leasing Period.
180. Issuance of injunctive relief to the Plaintiffs based on the facts, as set forth in this complaint, will not unjustifiably harm the Defendants or any third parties.
181. Defendants have no legal or cognizable interest in forcing Ohio's state agencies to lease Ohio's public lands for oil and gas development during the Mandatory Leasing Period, when Ohio's state agencies already have discretion to lease those lands.
182. The fact that the Commission is already in the process of adopting rules under R.C. 155.34 mitigates any harm to Defendants or third parties from injunctive relief.

183. Because the Mandatory Leasing Provision does not even require leases to go to the highest and best bid, Defendants may benefit financially from an injunction.
184. The public interest will be best served by issuance of the injunctive relief that Plaintiffs seek in this Complaint because it is always in the public interest to prevent a violation of the Ohio Constitution.
185. Plaintiffs are entitled to a temporary restraining order and preliminary and permanent injunctive relief enjoining Defendants from enforcing, implementing, or otherwise effectuating H.B. 507, including the Mandatory Leasing Provision and the Green Energy Provision.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

186. Declare H.B. 507 unconstitutional under Article II, Section 15(D) of the Ohio Constitution and therefore void;
187. Declare H.B. 507 unconstitutional under Article II, Section 15(C) of the Ohio Constitution and therefore void;
188. Award preliminary and injunctive relief enjoining the State from leasing public lands pursuant to the mandate in R.C. 155.33(A) as amended by H.B. 507;
189. Award attorneys fee and costs pursuant to R.C. 2335.39, and all other relief the Court finds just and proper.

[SIGNATURE BLOCK ON NEXT PAGE]

Respectfully submitted this 6th day of April, 2023 by,

/s/ Megan M. Hunter

Megan M. Hunter (Ohio Bar No. 96035)
E: mhunter@earthjustice.org
T: 312.800.8331

/s/ James Yskamp

James Yskamp* (Ohio Bar No. 93095)
E: jyskamp@earthjustice.org
T: 312.500.2191
*not licensed to practice in Illinois

/s/ Claire Taigman

Claire Taigman (*Pro Hac Vice* No. 26665)
Pro Hac Vice application pending
E: ctaigman@earthjustice.org
T: 312.500.2190

Earthjustice

311 South Wacker Drive, Suite 1400
Chicago, IL 60606

Counsel for all Plaintiffs

/s/ Chris Tavenor

Chris Tavenor (Ohio Bar No. 0096642)
E: ctavenor@theoec.org
T: 614.487.7506

/s/ Nathan Johnson

Nathan Johnson (Ohio Bar No. 0082838)
E: njohnson@theoec.org
T: 614.487.5841

Ohio Environmental Council

1145 Chesapeake Ave., Suite I
Columbus, Ohio 43212
T: 614.487.7506

*Counsel for Plaintiff Ohio Environmental
Council*

/s/ Miranda Leppla

Miranda Leppla (Ohio Bar No. 0086351)
E: miranda.leppla@case.edu
T: 216.368.3318

/s/ Addison Caruso

Addison Caruso (Ohio Bar No. 0101690)
E: addison.caruso@case.edu
T: 216.368.2766

/s/ Matthew Koutsky

Matthew Koutsky
LEGAL INTERN
E: mkoutsky-lawclinic@case.edu
T: 216.368.2766

/s/ Kevin Roberts

Kevin Roberts
LEGAL INTERN
E: kroberts-lawclinic@case.edu
T: 216.368.2766

**Case Western Reserve University
School of Law**

Environmental Law Clinic

11075 East Blvd.
Cleveland, OH 44106
T: 216.368.2766

*Counsel for Plaintiff Ohio Environmental
Council*

VERIFICATION

I, Chris Tavenor, am Associate General Counsel for the Ohio Environmental Council (“OEC”) and am empowered to bring the foregoing Verified Complaint for Declaratory and Injunctive Relief on behalf of OEC’s members. I have reviewed the allegations in the Verified Complaint for Declaratory and Injunctive Relief and believe them to be true to the best of my knowledge, information, and belief.



Chris Tavenor

State of Ohio)
)
County of Franklin) ss:

Sworn to before me and subscribed in my presence this 6th day of April, 2023.



Notary Public



Karin Nordstrom, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

VERIFICATION

I, Cheryl Johncox, am the Board Chairperson of Buckeye Environmental Network ("BEN") and am empowered to bring the foregoing Verified Complaint for Declaratory and Injunctive Relief on behalf of BEN's members. I have reviewed the allegations in the Verified Complaint for Declaratory and Injunctive Relief and believe them to be true to the best of my knowledge, information, and belief.


Cheryl Johncox

State of Ohio)
)
County of Union) ss:

Sworn to before me and subscribed in my presence this 5 day of April,
2023.

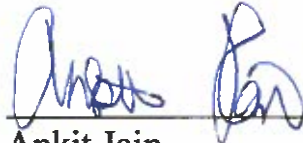


ANGELA MARIE MILLER
Notary Public
State of Ohio
My Comm. Expires
April 21, 2027


Notary Public

VERIFICATION

I, Ankit Jain, am an Associate Attorney with the Sierra Club and am empowered to bring the foregoing Verified Complaint for Declaratory and Injunctive Relief on behalf of Sierra Club's members. I have reviewed the allegations in the Verified Complaint for Declaratory and Injunctive Relief and believe them to be true to the best of my knowledge, information, and belief.


Ankit Jain

Sworn to before me and subscribed in my presence this 5th day of April, 2023.


Notary Public



INDEX OF EXHIBITS TO COMPLAINT

Exhibit No.	Title
1.	Declaration of Pete Bucher, OEC
2.	Declaration of Terri Sabo, OEC Member
3.	Declaration of Dan Imhoff, OEC Member
4.	Declaration of Emily Bacha, OEC Member
5.	Declaration of Mark Brunton, OEC Member
6.	Declaration of Roxanne Groff, BEN Member
7.	Declaration of Cathy Cowan Becker, BEN Member
8.	Declaration of Jill Hunkler, OVA Member
9.	Declaration of Patrick Hunkler, OVA Member
10.	Declaration of Jean Backs, OVA Member
11.	Declaration of Loraine McCosker, Sierra Club Member
12.	Declaration of Christine Curran, Sierra Club Member
13.	Declaration of Zachary Justus, Sierra Club Member
14.	H.B. 507 as Introduced
15.	Commission's JCARR Public Hearing Notice
16.	December 8, 2021 House Journal
17.	March 31, 2022 House Journal
18.	Original H.B. 507
19.	April 6, 2022 House Journal
20.	December 7, 2022 Senate Journal
21.	Substitute H.B. 507
22.	December 13, 2022 House Journal
23.	December 28, 2022 House Journal
24.	H.B. 507
25.	Map of ODNR State Lands and Horizontal Oil & Gas Wells – Barkcamp State Park
26.	Map of ODNR State Lands and Horizontal Oil & Gas Wells – Sunfish Creek State Forest
27.	Map of ODNR State Lands and Horizontal Oil & Gas Wells – Egypt Valley Wildlife Area
28.	Map of ODNR State Lands and Horizontal Oil & Gas Wells – Salt Fork State Park
29.	Jake Zuckerman, The next fracking frontier: Gas drillers circling Ohio's state parks after stat law change (March 27, 2023)