

Testimony of Rebecca Clutter

NARO Appalachia Board of Directors (Ohio)

January 23, 2018

House Energy Committee re: HB 393

Chairman Landis, Vice Chair Hagan, Ranking member O'Brien, Committee members:

NARO Appalachia comes to you as an Interested Party regarding HB 393.

I wonder if this body has fully considered the mineral owner perspective into this discussion? Please do not forget that the State of Ohio is a large mineral owner itself. On the surface, this issue is about a single corporation seeking to use recycled brine for use in road applications. The bigger issue is that the filtered brine kicks back Rare Earth Elements (REE) from privately owned mineral sources. Specifically we are seeing a high degree of interest regarding Lithium filtered from not only brine, but from coal ponds as well.

Several research projects on this at the National Energy Technology Labs (NETL) are ongoing as well as those by private industry. NETL PA and WVU both presented on REE at our annual conference in WV at the end of October. Additionally, one only has to Google search Lithium stock prices to see that these numbers have increased significantly over the course of the last few months. While Lithium is not the only REE, it is certainly the one getting the most attention, with the most research being done on it.

It has become a big enough issue in Oklahoma that our National organization is looking at this from a multi-chapter perspective. Specific to the Appalachian basin formations, "[Berea, Clinton, Point Pleasant, or Trempealeau brines may all contain different compositions due to the variations in lithology in the parent rock](#)", this per Geologist William Guillian, NARO Appalachia Board of Directors. He goes on to state that, "[Brines have been known to carry a variety of elements. In some cases it will carry REE, depending on the geologic source of the water](#)", and that there is an interest in the Appalachian basin involving these REE's.

The responsibility to protect private property rights regarding mineral assets inclusive of REE's belongs to all of you.

Our ask is that should Brine be listed as a commodity, that it also be looked at from the perspective of how the mineral owner, including the State of Ohio, would be properly compensated and that discussions on this include mineral owners and not simply those tied to industry.

Thank you for your time.