

# ODNR chief shrugs off claims of disputed pro-fracking comments as state weighs drilling parks

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COLUMBUS, Ohio – The head of the Ohio Department of Natural Resources defended the decision to neither independently investigate nor remove from the official record disputed, pro-fracking public comments after more than 150 people said their names were used on the letters without their knowing permission.

ODNR Director Mary Mertz said she was first made aware via grassroots activists in mid-July of Ohioans saying they didn't knowingly allow anyone to attach their names to comments urging the Ohio Oil and Gas Land Management Commission to open two state parks and two protected wildlife areas to oil and gas exploration.

Cleveland.com and The Plain Dealer have [previously identified more than 64 people](#) who say their names were used without their knowing permission on the letters. Save Ohio Parks, a grassroots advocacy organization organized to oppose fracking in state parks, has identified an additional 84 names. The Dayton Daily News reported it [identified 10 Dayton-area people](#) who say their names were used in public comments without permission.

All the letters mention Salt Fork State Park, a Guernsey County recreational area that was previously the subject of a [nearly \\$2 billion leasing offer](#).

ODNR itself has received at least 10 emails from people whose names appeared on public comments asking that they be taken down. Mertz downplayed the accusations as "handfuls" and minimized their relevance as to the state's decision on whether to lease mineral rights to the parks.

"In terms of internally, finding an investigator to track this down, no, not my intention at this point," she said in an interview Monday.

"So far we have heard from not huge numbers of people. At this point, it seems like it's more handfuls of folks this has happened to. We take that into account and we're happy to take their names off the rolls. But no, no further investigation at this point."

Mertz said the Oil and Gas Land Management Commission, which is part of ODNR, promptly notified the attorney general's office when it learned of the allegedly misattributed identities. However, its own staff will not investigate independently of the attorney general. Mertz and staff also brushed aside requests from Save Ohio

Parks that they strip from the record the identical copies of letters whose provenance has been challenged.

On Sept. 10, Cleveland.com and The Plain Dealer reported that [28 people claimed their names were used without knowing consent](#), prompting [Attorney General Dave Yost to open an investigation](#) into the origins of the comments. That figure included three people who [emailed](#) the commission alleging their names were used without consent.

One letter contained the name of Briella Keep, a 9-year-old girl, whose mother insisted her daughter never allowed anyone to use her name, email, phone and home address. As of Monday afternoon, that letter is still posted on the OGLMC's website and in the public record. Mertz said she didn't know why.

"If we had an actual name, we were trying to call the people and find out and make sure that's happened," she said. "Honestly, I don't know if my folks called them and didn't get an answer, or why they don't have that result by now. I think that's a fair comment. I don't why that one isn't resolved. If we had any names where we had information that was a problem, I tasked the staff to look into it."

By Sept. 15, the commission emailed everyone whose name appeared on a public comment, some of which were months old by then, thanking them for taking the time to speak up. But it made no mention of the scores of Ohioans who said their names were used without their knowing consent.

From there, the OGLMC fielded another round of [seven emails](#), obtained in a records request, from people alleging their names were used without permission.

"Whatever comment you received (that prompted your email to me), I demand that it be removed from the comments in question from all leasing nominations and pause decision-making on all leasing nominations containing fake public comments until the public record is accurate!" wrote Rachel Goodpaster, who lives a few minutes from Salt Fork, in one of the emails. "I have not authorized anyone to submit a comment using my personal information."

State law requires the commission to consider public comments along with eight other factors when deciding whether to approve a land nomination. A yes vote from the commission triggers a public bidding process from interested extraction companies. Save Ohio Parks has argued that charging ahead with nominations without an investigation and with the comments remaining in the public record leaves the commissioners with a distorted view of public opinion.

Mertz said while the department would prefer an entirely "clean" public comment process, it doesn't want to take too many investigative steps looking backward or require more identity-verification steps going forward because it could "discourage" people from commenting on public affairs.

"These are comments, not a vote. It's not like they're counting them up and whoever has the most comments wins," she said. "It's not really a numbers game."

Dozens of the letters trace back to the pro-oil and gas Consumer Energy Alliance, which generated form letters submitted to the commission. The organization has denied wrongdoing and said it doesn't attach names to public comments without permission.

The OGLMC was scheduled to vote on the land nominations last week, though [commissioners held off on a final decision](#) while citing factors unrelated to the public comment controversy. The commission, by deadlines set in state law, still had about two months before it was required to make a final ruling.

When asked what happens if Yost finds a violation of criminal or civil law, which presumably would not occur until after the agency has entered into a contract with a natural gas driller, Mertz said it's hard to predict what happens from there.

"I don't know that it will necessarily do anything," she said. "It depends what they find out."