

February 27, 2013

Negotiated Rule Making Public Comment ; by Ron P. Reed

I did not have ample time to review all the proposed changes made by the Negotiated Rule Making Committee that were posted late Friday afternoon February 22, 2013 which would be zero business days to evaluate before proposed February 24, 2013 meeting. I would urge the Rules Committee for a minimum of 30 days for surface owners, their legal counsel, their experts and others to review any and all proposed changes, deletions or additions to CFR 226 before any voting to accept or deny.

CFR 226.18 (Information to be Given Surface Owners prior to Drilling operations) Surface Owners must be notified prior to first entry by lessee, regardless of the activity which would include surveying and staking of well. The safety of the surveyor and conversation with the surface owner are mandatory for beginning the process of all aspects of the proposed drilling process. There are many safety factors to be considered such as pasture burning, aerial weed spraying, hunting seasons, Greater Prairie Chicken booming grounds, and unruly bulls, bison, or Wild Mustang just to mention a small number of factors for safety of surveyors and to minimize other potential dangers , damages and liability.
Why wouldn't prior notification to surface owners be the right and best thing to do?

This complete process of notification to surface owners, for drilling sites, roadways, and all considerations of drilling a well can be taken care of at one time in advance of drilling with a written agreement and if not agreeable by both parties, then in that event the arbitration process would commence on all or any parts of the disagreement.

CFR 226.21 (Procedure for Settlement of damage Claims.) If the mineral lessee and the surface owner can not agreed on the entire spectrum of land usage or damages or any parts thereof, then in that event each should appoint an arbitrator and those two selected should agree on 3rd arbitrator. In the event the two cannot agree on third arbitrator or one party does not appoint an arbitrator or follow date limits, then the District Judge shall appoint the arbitrator (s). The arbitration process must first be completed before future District Court action by either parties. No party is withheld from filing future action in District Court.

At present time there is absolutely no guidelines if BIA Superintendent does not make a ruling or has no time limits for ruling. There are multitude reasons the BIA Superintendent is not qualified or has legal basis to make decision that have financial or other impacts to third parties. The District Court would be the Competent Jurisdiction to handle all surface disagreements. That is why there is court systems and Judges that are used to settle disputes of all legal issues. ***Why is not having the District Court and District Judges the right and best thing to do?***

*** The fresh well water in Osage County MUST be put in the Highest standard. Previous errors by the BIA on fresh water wells that were using the incomplete and outdated fresh water zones and maps causing literally 100's of water wells in Osage County to be contaminated by salt water is outrageous and irresponsible. A complete overhaul of protecting Osage County fresh water must begin NOW with exact and up to date fresh water zones locations, expanding immediate cementing regulations and other precautions to insure the safety of fresh water for future generations. A county wide survey and determination of every well in Osage County to satisfy without a doubt, that all fresh water wells have the utmost protection from contamination from any source. There are several areas now in Osage County that cannot drill for water because of salt water contaminating the water supply. (Let's don't ruin the God given fresh water supply by allowing a complete array of mineral dysfunctions.) **What type of new regulations, mapping of water zones and cementing/plugging of oil wells will insure maximum protection of fresh ground water?**

All of our responsibilities are to preserve mother earth and everyone and things on it, while making use of the natural resources we have been blessed with. ***Does the Negotiated Rule making committee believe they are doing everything to protect all parts and parties?***

Thank you.

Ron P. Reed, P.O. Box 695, Pawhuska, Oklahoma

Part of Ranching Family having 5 generations in Osage County, Oklahoma since 1901.