

Negotiated rule Making Meeting  
April 2, 2013

Read into record by Cynthia Boone, Osage Minerals Council

We, the Osage Minerals Council, have no legal counsel at the present time due to the fact that we terminated the contract of Akin & Gump effective 3-20-13 per resolution #2-159. I believe we should be allowed to have legal representation in order to proceed, but I see this will not be allowed. Would you want to move forward without your attorney? Do we have to sue you because you pressed us forward on this process without legal counsel?

In one of the Negotiated Rule Making meetings, I asked for a sub-committee of oil producers. Someone on the federal government side said it is too late. Since that time, we have had two meetings with the oil producers. We continue to receive comments from our oil producers regarding this Negotiated Rule Making process. Don't you think we should have additional time to address their concerns? I think we should.

I became a headright owner in my early 20's and have enjoyed the income it has provided. I am thankful to all the oil companies. Does the committee agree that the comments the oil producers have provided strengthen our position? Apparently not.

You took the word approval and changed it to consultation. Do you think that strengthens the Osage Minerals Council? Everywhere you use the words "consultation with the Osage Minerals Council" you need to change the words back to "after approval of the Osage Minerals Council."

After these regulation changes are finished, I will still be here. Will these regulation changes be the demise of our mineral estate as we now know it? In some other parts of the U.S., all the minerals money is divided equally among all its members. Is that where we are headed? I enjoy my share just like it is.

We have changed the regulations in the accounting, section 226.24, to leave the door open for ONRRS to come in. Why weren't we given a 202 agreement to review? I've heard comments today and some of the Osage Minerals Council are still confused about penalties and where the money goes. I feel there is a lot more to this ONRRS system that we have not been told about.

Water was mentioned at one of the Negotiated Rule Making Meetings Section 226.24. We did not make changes to the water regulations. Last Thursday I attended an Osage Nation water task force meeting. According to the Osage Constitution Article II Section I. Territory shall include the Osage Reservation and so on. Territory is defined as, but not limited to; air, water, surface and subsurface and so on. The Osage Nation plan is to drill water wells on Osage Nation property and sell the water to the oil producers

The Tulsa World newspaper quotes Interior Department attorney Vanessa Ray Hodge, "it is not true that all water is automatically subject to state law." The minerals estate

Trumps the surface. That minerals estate is held in trust and is subject to federal law. Water is becoming an issue. Will the federal government become involved, or will it take the position that this is an internal tribal issue not get involved?

In November I asked the committee to take its time. The Osage Minerals Council is asking the Department of Interior to extend the Negotiated Rule Making Process for an indefinite period of time according to Resolution #2-155, we could have negotiated a time.

But I understand from the opening comments that we will not be allowed extra time. The comments I've heard different members of this committee make tells me that we need more time to understand everything. I don't want to use a price that is widely used. We need to remain unique. Don't leave the doors open, close them. Don't destroy the U.S. Congressional Act of 1906. Don't you think we should air on the side of caution? I am disappointed that our request for more time was not honored. BLM regulations do not keep us unique.

I am the only elected official of the Osage Minerals Council not on this committee or listed as an alternate, and I did not receive a packet that was referenced at the beginning of this meeting.

Thank you for allowing me to speak