

COPY

IN RE: PUBLIC MEETING RELATED TO THE RULE:  
MINING OF THE OSAGE MINERAL ESTATE FOR OIL AND GAS  
25 CFR 226  
TAKEN IN SKIATOOK, OKLAHOMA  
ON FEBRUARY 8, 2023

REPORTED BY: DAVID BUCK, CSR

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1                    **APPEARANCES**

2                    Facilitator: Leslie Genova

3                    First Presenter: Eddie Streater

4                    Second Presenter: April Lockler

5

6                    **SPEAKERS**

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8                    Chief Geoff Standing Bear	31
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1                    comments up until March 17th.

2                    So the format for tonight. This should be

3                    much like other public meetings you may have attended

4                    in the past. There will be two parts of it. First,

5                    we have two presentations. We have some copies of

6                    them up here. These will also posted online. But

7                    those will come first. And we will hear first from

8                    the Bureau of Indian Affairs to provide more

9                    information about the proposal and the second we'll

10                    hear from the Office of Natural Resources Revenue.

11                    Then Principal Chief Standing Bear will also provide a

12                    statement as a personal comment and then we may kind

13                    of move on from there. And that will start the

14                    kickoff. The second part of our meeting, which will

15                    be the most important part of the meeting, which is

16                    all of you to make your comments. So please talk

17                    about what you might want us to know about that

18                    represents you individually or your organizations that

19                    you're representing tonight.

20                    There will -- sorry, multiple ways to get your

21                    comments into the public record. You can come up and

22                    do it tonight, you can go online to regulations.gov

23                    and submit electronically, you can also mail or hand

24                    deliver your comments to me.

25                    All right, I think that's it. So without

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1                    MS. GENOVA: All right, we still have seats up

2                    here in the front, seats up here if you like, a few in

3                    the middle back there where it's closer to hear us.

4                    So feel free to come on up, don't be shy.

5                    So I just wanted to welcome all of you. My

6                    name is Leslie Genova and I'll just be your

7                    facilitator for the meeting tonight. This is the

8                    meeting on the Mining of the Osage Mineral Estate for

9                    Oil and Gas Pumping Units. So welcome everyone.

10                    Okay. I just want to talk a little

11                    housekeeping matters as we get going here. The

12                    purpose of the night is to hear from you. We'll also

13                    be providing some information and some presentations.

14                    We have a court reporter here who is here to make sure

15                    your words are accurately captured. As you came in

16                    you should have been asked to fill out a comment card

17                    if you're interested in speaking tonight. If you have

18                    one and you filled it out and you would like to speak

19                    you have to turn it in at some point, come up front

20                    and give it to the guy, he will put it in the pile for

21                    you.

22                    And let's see, and also if you change your

23                    mind and later on you'd like to make a public comment,

24                    you can also do that towards the end and certainly

25                    after you leave there's other opportunities to give

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1                    further adieu, I will call Eddie Streater from BIA to

2                    the podium. Thank you.

3                    MR. STREATER: Good evening, everyone. I know

4                    quite a few people here, but my name is Eddie Streater

5                    and I'm the regional director for the Eastern Oklahoma

6                    Regional Office, Bureau of Indian Affairs. I want to

7                    express my appreciation for everybody coming out. The

8                    weather certainly wasn't the best in the world this

9                    evening, but we managed to make it here and looks like

10                    we're going to have a full house and be able to do

11                    what we want to do and we'll going to get a lot of

12                    good public comments and a lot of good ideas here and

13                    that's what we plan on doing. I'm going to give an

14                    overview, it's of the rule and then ONRR will also

15                    follow up with their presentation and then we'll get

16                    into the public comment, but that's what we're here

17                    today is to hear from you. So we'll let them set up

18                    the lectern there and then we'll get started.

19                    All right. As everyone knows, this public

20                    meeting is regarding the BIA's proposal to revise the

21                    regulations in 25 CFR 226 which cover oil and gas

22                    mining as designated in the video. And I want

23                    everybody to keep in mind the proposed rule is just

24                    that. It's proposed revisions to the current

25                    regulations that we would like for feedback on. The

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1 provisions to the regulations are not set in stone and  
 2 there are no changes that lessee or operator need to  
 3 make right now. The currently regulations in 25 CFR  
 4 226 are still authoritative and lessees and operators  
 5 must comply with those regulations until a final rule  
 6 has been issued and goes into effect. So nothing is  
 7 going to change. This is a proposal for rule. We are  
 8 still operating under CFR 226 as of current. As you  
 9 can see --  
 10 UNKNOWN SPEAKER: Can we get you closer to the  
 11 mic?  
 12 MR. STREATER: I'm not really sure. We'll see how  
 13 this goes. Can you hear that better?  
 14 UNKNOWN SPEAKER: Yeah.  
 15 MR. STREATER: Okay. Could we change the slide?  
 16 We're having a little background of what is --  
 17 why 226 is in place currently. The Congress passed  
 18 the Act June 28th, 1906 to provide for a lot of the  
 19 Osage Indian reservation. Section 3 of the Osage Act  
 20 severed the surface estate of the reservation from the  
 21 1.47 million acre subsurface mineral estate, which  
 22 we'll refer to as the Osage Mineral Estate, and  
 23 reserving all oil and gas and other minerals in the  
 24 Osage Nation in perpetuity. Accordingly, the United  
 25 States holds the Osage Mineral Estate in trust for the

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1 benefit of the Osage Nation pursuant to the 1906 Act.  
 2 The 1906 Act authorizes the Osage Nation to lease the  
 3 Osage Mineral Estate for oil and gas mining subject to  
 4 the approval of the Secretary of the Interior and  
 5 under such rules and regulations as the secretary may  
 6 prescribe. The regulations governing oil and gas  
 7 leasing and development within the Osage Mineral  
 8 Estate are set forth in 25 CFR 226.  
 9 Next slide. The regulations in 25 CFR 226  
 10 need to be revised for several reasons. First, the  
 11 regulations have not been updated in 49 years. The  
 12 last substantive revision of the regulations took  
 13 place in 1974. Second, the regulations do not account  
 14 for advances in technology since the 1970s. Third,  
 15 the regulations do not reflect modern oil and gas  
 16 operations within the Osage Mineral Estate. Fourth,  
 17 the regulations are inconsistent with industry  
 18 standards for oil and gas operations. Fifth, the  
 19 regulations are inconsistent with oil and gas  
 20 regulations governing the rest of Indian country. And  
 21 finally, the regulations must be revised to implement  
 22 certain recommendations from the 2014 Office of  
 23 Inspector General OIG report regarding the BIA's  
 24 management of the Osage Nation's mineral resources.  
 25 Next slide. The BIA's goals for revision of

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1 the regulation are to, one, strengthen BIA's  
 2 management of the Osage Mineral Estate, two, improve  
 3 production accountability to ensure that the Osage  
 4 Nation receives the full value of oil and gas  
 5 resources, three, allow the Office of Natural Resource  
 6 Revenue, or ONRR, to take over the Osage Agency's  
 7 royalty management program, which includes royalty  
 8 payments, processing, royalty reporting, production  
 9 reporting and related audit and enforcement functions,  
 10 modernize the regulations and make them consistent  
 11 with the regulations governing all other Indian oil  
 12 and gas leases DOI administers nationwide, clarify the  
 13 superintendent, lessees, operators and reporting  
 14 obligations to safe environmentally sound operations.  
 15 Next slide. Due to the length of time that  
 16 has passed since the last update to the regulations, a  
 17 number of changes must be made to accomplish the goals  
 18 identified in the prior slide. And the following is  
 19 an overview of some of the significant proposed  
 20 changes of the regulation.  
 21 Next slide. The current regulation provides  
 22 for three types of leases of the Osage Mineral Estate,  
 23 oil only leases, gas only leases and a combination of  
 24 oil and gas leases. Under the proposed rule there's  
 25 just one time of lease, combination oil and gas.

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1 Combination oil and gas leases issued under the  
 2 proposed rule by combination oil and gas leases that  
 3 issue under the current regulations give the lessee  
 4 the right to produce both oil and gas from a lease but  
 5 do not require the lessee to produce both oil and gas.  
 6 This change only applies to leases issued after the  
 7 effective date of the final ruling. Oil only and gas  
 8 only leases issued before the effective date of the  
 9 final rule will remain valid until they terminate due  
 10 to lack of production or are surrendered by the lessee  
 11 or canceled by the superintendent for cause.  
 12 Next slide. The current regulations set the  
 13 annual rentals at one dollar per acre, or fractional  
 14 acre, for oil and gas and gas only leases and two  
 15 dollars per acre, or fractional acre, for combination  
 16 oil and gas leases. As previously noted, under the  
 17 proposed rule all new leases will be a combination oil  
 18 and gas lease. Those leases will be eight dollars per  
 19 acre or a fraction of that. This change only applies  
 20 to combination oil and gas leases issued after the  
 21 effective date of the final rule. The rental rate for  
 22 all leases issued before the effective date of the  
 23 final rule will remain the same.  
 24 Next slide. The current regulation require  
 25 the filing of insurance bonds for each lease. Three

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1 types of bonds are allowed, a lease bond, which is  
 2 5,000 for each quarter section or fractional quarter  
 3 section covered by the lease, two, a collective bond,  
 4 which is 50,000 for oil and gas leases to which lessee  
 5 is, or may become, a party to in total mine acres of  
 6 10,240 acres or less, and three, a nationwide bond,  
 7 which is 150,000 for all oil and gas leases to which  
 8 the lessee is, or may become, a party within the  
 9 United States. Under the proposed rule there are also  
 10 three types of performance bonds available. Number  
 11 one is the individual well bond, which will be six  
 12 dollars per foot of measured well depth for existing  
 13 wells or projected well depth for proposed wells, the  
 14 individual well put on to replace the lease bond.  
 15 Two, the county wide bond, which is 75,000 for oil and  
 16 gas leases and saltwater disposal easements to which  
 17 the lessee is, or may become, a party within the Osage  
 18 Mineral Estate with a total mine acreage of 10,240  
 19 acres or less. And the countywide bond replaces the  
 20 collective bond. And three, the nationwide bond,  
 21 which \$150,000 for all oil and gas leases to which the  
 22 lessee is, or may become, a party within the United  
 23 States and all saltwater disposal easements within the  
 24 Osage Mineral Estate.  
 25 The \$5,000 lease bonds and \$50,000 collective

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1 bonds filed valid producing leases before the  
 2 effective date of the final rule will remain valid,  
 3 subject to limitations. Grandfathered leases and  
 4 collective bonds are an acceptable form of financial  
 5 security for the lessee of record on the effective  
 6 date of the final rule only. The right to maintain  
 7 the grandfather bond cannot be transferred by  
 8 assignment or otherwise to any other person or entity.  
 9 Grandfather leases and collective bonds only cover  
 10 unplugged wells located on the lease or leases that  
 11 the lessee drilled and completed, operated or  
 12 controlled before the effective date of the final  
 13 rule. Lessees with grandfather leases and collective  
 14 bonds must file bonds that comply with the new bonding  
 15 requirements in the proposed rule for all wells they  
 16 drill, reenter, recomplete or accept the assignment  
 17 after the effective date of the final rule.  
 18 Next slide. The current regulations do not  
 19 specify bonding requirements for geophysical  
 20 exploration operations, but provide the superintendent  
 21 has broad authority both in pre bond amounts and apply  
 22 any regulatory requirements in 25 CFR 226 to parties  
 23 conducting geophysical exploration operations. The  
 24 proposed rule imposes specific bonding requirements  
 25 for geophysical operations on lease tracts of the

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1 Osage Mineral Estate. And three types of bonds are  
 2 allowed for geophysical exploration, the individual  
 3 exploration bond, which is \$5,000 covering a specific  
 4 tract of the Osage Mineral Estate identified in the  
 5 application for the geophysical exploration permit,  
 6 two, countywide exploration bonds, which are 25,000,  
 7 covering all geophysical exploration operations within  
 8 the Osage Mineral Estate, and three, the nationwide  
 9 exploration bond, which is \$50,000, covering all  
 10 geophysical exploration operations within the United  
 11 States. Lessees with valid countywide or nationwide  
 12 bonds for lease operations under the proposed rule may  
 13 file bond rider to cover geophysical exploration  
 14 operations.  
 15 Next slide. The current regulations require  
 16 lessees to submit a monthly report by the 25th day of  
 17 the month following the production month indicating  
 18 the total amount of oil, gas and other products  
 19 subject to royalty payment. Production is currently  
 20 reported by lease. Lessees submit monthly reports to  
 21 the Osage Agency and the report shall be paper form  
 22 that must be submitted by mail. Under the proposed  
 23 rule the lessee would submit a separate royalty and  
 24 production report. Lessees must submit monthly  
 25 royalty reports on or before the last calender day of

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1 the month following the production month. Lessees  
 2 must submit a monthly production report on or before  
 3 the 15th day of the second month following the  
 4 production month. Production will be reported by  
 5 well. Both royalty and production reports will be  
 6 submitted to ONRR. Forms will be submitted  
 7 electronically using ONRR's eCommerce reporting system  
 8 unless the report qualified for an exemption in the  
 9 electronic reporting.  
 10 Next slide. The current regulations require  
 11 lessees to pay royalty based on the actual selling  
 12 price, but not less than the highest posted price by a  
 13 major purchaser in Osage County that purchases the  
 14 oil, gas -- purchases oil produced from the Osage  
 15 Minimal Estate. Under the proposed rule lessees will  
 16 pay a royalty based on the greater of the NYMEX  
 17 calendar month average price of oil at Cushing,  
 18 Oklahoma for the month in which the oil was removed or  
 19 sold, adjusted for gravity or, two, the actual selling  
 20 price adjusted for gravity.  
 21 Next slide, please. The current regulations  
 22 have a different settlement value for gas depending on  
 23 whether the gas was produced from an oil lease or a  
 24 gas lease. For gas produced from an oil lease the  
 25 lessee must pay royalty based on the market value of

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1 the casinghead gas and all products extracted  
 2 therefrom, less a reasonable allowance for  
 3 manufacturing or processing. For gas produced from a  
 4 gas lease the lessee must pay royalty based on the  
 5 value of all natural gas and products extracted  
 6 therefrom. Under the proposed rule the settlement  
 7 value for gas is the same regardless of whether it's  
 8 produced on an oil lease, gas lease or a combination  
 9 oil and gas lease. The lessee must pay royalty for  
 10 all gas and gas plant products based on the measured  
 11 volume of gas, heating value, and ONRR monthly index  
 12 zone price of gas for Oklahoma Zone 1. No deductions  
 13 or allowances are permitted but a monetary  
 14 volumetric --

15 Next slide. Commencement money and tank  
 16 siting fees are paid in certain prior to the  
 17 commencement of operations or siting of tanks on a  
 18 lease and are a credit for the settlement surface  
 19 damage. The current regulations require commencement  
 20 money and tank siting fees of \$300 per well, \$25 per  
 21 seismic shot hole, \$100 per tank for tanks that are 50  
 22 feet square or less and amounts of less -- the amount  
 23 the lessee and the surface owner negotiate for tanks  
 24 that are 50 feet square or larger. Under the proposed  
 25 rule commencement money and tank siting fees are

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1 \$1,500 per well, \$25 per seismic shot hole, \$12 per  
 2 acre or fractional acre occupied while conducting the  
 3 seismic survey, and \$200 per tank regardless of  
 4 volume. And remember that under the proposed rule  
 5 that would be a credit for the final settlement.

6 Next slide. The current regulations require  
 7 lessees to conduct all operations in a safe and  
 8 workmanlike manner but not specific requirements for  
 9 operations for hydrogen sulfide areas. Under the  
 10 proposed rule lessees must test the H2S concentration  
 11 of the degree as well and production facilities  
 12 completed and calculate the radius of exposure of the  
 13 wells and facilities that have an H2S concentration of  
 14 100 parts per million or more. Lessee must submit  
 15 public protection plans for notification of the DIA,  
 16 tribe, public, federal and state agencies and public  
 17 safety personnel in the event of a release of  
 18 potentially hazardous volumes of H2S if 100 parts per  
 19 million or a 500 parts per million radius of exposure  
 20 is of sufficient distance that includes certain areas.  
 21 The proposed rule also imposes operating, safety and  
 22 training requirements for operators.

23 Next slide. The current regulations generally  
 24 require lessees to report accidents, theft and  
 25 vandalism like other provisions to ensure proper

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1 production and accountability and site security.  
 2 Under the proposed rule with several new requirements  
 3 designed to improve both of those. One, site facility  
 4 diagrams are required for all permanent facilities,  
 5 two, facility measurements points, or FMPs, will be  
 6 used in production reporting, lines leaving and  
 7 entering oil storage tanks must have valves capable of  
 8 being sealed and valves to provide access to  
 9 production before it is measured for sale is also to  
 10 be sealed. Existing valves may be modified to meet  
 11 the seal requirement.

12 Next slide. The current regulations broadly  
 13 requires lessees to measure oil using methods the  
 14 superintendent approves and meters and installations  
 15 must be tested as a directed by the superintendent.  
 16 The proposed rule incorporates specific requirements  
 17 for oil measurement and equipment by clarity and  
 18 improving accountability. The proposed rule  
 19 incorporates American Petroleum Institute, or API,  
 20 standards for oil measurement by reference. The  
 21 proposed rule explicitly states that tank gauging,  
 22 LACT system, and the Coriolis measuring system are  
 23 authorized for the measuring of oil and excepts for  
 24 the installation and operation of measuring equipment.  
 25 The proposed rule also specifies procedures and that

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1 must be used for measurement of tanks by tank gauging  
 2 to ensure consistency and accuracy. The proposed rule  
 3 also imposes specific meter proving requirements. All  
 4 equipment and procedures used to measure oil that was  
 5 in use on lessee's approved -- on leases approved  
 6 before the effective date of the final rule must  
 7 comply with the new requirements within one year from  
 8 the effective date of the final rule. All leases  
 9 approved after the effective date of the final rule  
 10 must comply to the new measurement requirements  
 11 immediately.

12 Next slide. The current regulations require  
 13 gas to be measured by an orifice meter unless the  
 14 superintendent agrees to an alternative method of  
 15 measurement. The proposed rule imposes specific  
 16 requirements and standards for gas measurement to  
 17 provide clarity and approve accountability. The  
 18 proposed rule incorporates API, GPA Midstream and  
 19 American Gas Association (AGA) standards. The  
 20 proposed rule provides specific requirements for the  
 21 installation and operation of orifice meters as well  
 22 as mechanical recorders and electronic gas measurement  
 23 (EGM) systems, and flow computers. The proposed rule  
 24 imposes specific inspection, calibration and  
 25 verification requirements for gas measurement

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1 equipment and components thereof. The proposed rule  
 2 also imposes detailed gas sampling and analysis  
 3 requirements. All equipment and procedures used in  
 4 gas leases approved before the effective date of the  
 5 final rule must comply with the new requirement within  
 6 one year from the effective date of the final rule.  
 7 All leases approved after the effective date of the  
 8 final rule must comply with the new measurement  
 9 requirements immediately.

10 Next slide. The current regulations contains  
 11 general prohibition on conducting operations in a  
 12 manner that results in the waste of oil and gas. But  
 13 the definition of waste is broad and the payment of  
 14 royalty or wasted volumes is not specifically  
 15 discussed, though it is required. The proposed rule  
 16 explicitly states the royalty is due on all oil and  
 17 gas avoidably lost or wasted including the final  
 18 production of unavoidable -- and is unavoidable versus  
 19 unavoidably lost or wasted. The proposed rule also  
 20 imposes the allegation to prevent drainage from wells  
 21 on adjacent leases with lower royalty rates and  
 22 requirements to pay compensatory royalty for drainage  
 23 if production action is not taken within a reasonable  
 24 time.

25 Next slide. Under the current regulations the

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1 superintendent issued a Notice to Lessees prohibiting  
 2 the venting and flaring without prior approval. The  
 3 proposed rule codifies the existing prohibition on  
 4 venting and flaring without the superintendent's prior  
 5 approval and sets forth specific exceptions for, one,  
 6 initial production testing, two, subsequent well  
 7 tests, three, downhole maintenance and, four,  
 8 emergencies. The proposed rule also requires lessees  
 9 to measure or estimate and report the volumes of gas  
 10 vented or flared regardless of whether royalty was  
 11 due.

12 Next slide. The current regulations impose  
 13 civil penalties for violation of the terms and  
 14 conditions of the lease, the regulations in 25 CFR  
 15 226, and orders or notices the superintendent issues  
 16 consisting of five and/or cancellation of the lease.  
 17 In lieu of such penalties, the current regulations  
 18 allow the superintendent to impose specific civil  
 19 penalties for the violation of certain operating  
 20 regulations. The proposed rule updates the civil  
 21 penalties so that they're consistent with the  
 22 penalties the BOI imposes for the same violation.  
 23 Under the proposed rule there are immediate  
 24 assessments for the violation of certain operating  
 25 regulations and civil penalties for violation of terms

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1 and conditions of the lease. The regulations in 25  
 2 CFR 226 and orders or notices the superintendent issue  
 3 shutting in and actual cancellation of a lease is also  
 4 permitted. The BIA and ONRR will determine the amount  
 5 of civil penalties to be assessed by considering, one,  
 6 the severity of the violation, two, history of  
 7 noncompliance, and/or three, the size of the lessees'  
 8 report -- the lessee's, reporter's or payor's  
 9 business.

10 Next slide. Under the current regulations the  
 11 party may appeal decisions or orders the  
 12 superintendent issues with the BIA regional director  
 13 pursuant to 5 CFR Part 2. Subsequent appeals of the  
 14 BIA regional director's decisions are made to the  
 15 Interior Board of Indian Appeals, the IBIA, pursuant  
 16 to 43 CFR Subpart D. Under the proposed rule appeals  
 17 of the decisions of the superintendent and BIA  
 18 regional director issue are still filed pursuant to 25  
 19 CFR 2 and 43 CFR 4 Subpart D respectively. However,  
 20 appeals decisions and ONRR issues must be appealed to  
 21 the director of ONRR under 25 CFR 226. Subsequent  
 22 appeals of the director of ONRR's decision must be  
 23 made to the Interior Board of Land Appeals, IBLA,  
 24 pursuant to 43 CFR 4 Subpart E.

25 Public comments on the proposed rule must be

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1 submitted to the BIA on or before March 17th, 2023.  
 2 You may submit public comments orally at the public  
 3 meeting today, which that's what we're here for today,  
 4 online at regulations.gov or by mail/courier or hand  
 5 delivery. Additionally, the information regarding the  
 6 submission of public comment including the delivery  
 7 addresses for comments submitted by mail/courier or  
 8 hand delivery are in the Federal Register notice. As  
 9 I noted earlier, we would like your feedback on the  
 10 proposed rule when you submit a public comment. And  
 11 if you could for the court reporter, please identify  
 12 the specific regulatory provision and paragraphs  
 13 you're commenting on. Be as specific as possible and  
 14 explain your reasoning and if your comment is based on  
 15 research or formal documentation, please be sure to  
 16 include citations and provide a copy of the materials  
 17 you relied on, if possible. And feel free to propose  
 18 alternatives for our consideration. If there's  
 19 another industry standard you think should apply than  
 20 the one we selected or if there's a better, easier,  
 21 less burdensome way to achieve the same result.

22 And as noted before, the public comment period  
 23 on the proposed rule closes on March 17th, 2023.  
 24 After the public comment period closes, the BIA will  
 25 review the public comments received and make changes

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1 to the rule as proposed. Once additions are complete  
 2 the BIA will publish the final rule with the Federal  
 3 Register. The final rule will go into effect 30 days  
 4 after it's published, not 30 days after the comment  
 5 period ends.

6 So, and with that, I will turn it over to  
 7 ONRR, I believe. We'll have a short overview of how  
 8 the wording will look.

9 MS. LOCKLER: Good evening. I'm April Lockler.  
 10 I'm the program manager for data intake solution and  
 11 coordination program. We are responsible for the  
 12 intake validation processes as they pertain to the  
 13 customer, reference, oil production and reporting.

14 Thank you. This presentation is guidance and  
 15 not binding on ONRR. It does not provide legal advice  
 16 and should not be construed as stating ONRR's legal  
 17 interpretation or position. Any reliance on this  
 18 presentation does not limit ONRR in its compliance  
 19 activities or in the appealable decisions and orders  
 20 it may issue.

21 Next slide. Today I'm going to briefly cover  
 22 our eCommerce, which is our electronic reporting  
 23 portal, and then we will take a short dive into the  
 24 oil and gas operations report, or the OGOR report, and  
 25 then we will wrap up with the ONRR form 2014, which is

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1 our electronic report.

2 Next slide. ONRR got developed as a storage  
 3 for all reporting entities' references. To those new  
 4 to reporting the page is at ONRR.gov. On the very  
 5 first page you will learn about the steps needed to  
 6 take for establishing your reporter ID, access  
 7 requests to be prepared for electronic reporting  
 8 requirements.

9 Next slide. Once you have the access  
 10 requirements granted, we will next venture over to the  
 11 ONRR.gov reporting page. Here you will find a way to  
 12 access our eCommerce portal as a reporting portal on  
 13 that page or you can also just go directly to the  
 14 site, which is [https://protect-us.mimecast.com/s/ZSY9Cwp6DjipBWHK2Aef?  
 domain=onrrreporting.onrr.gov](https://protect-us.mimecast.com/s/ZSY9Cwp6DjipBWHK2Aef?domain=onrrreporting.onrr.gov).

15 Next slide, please. If you are like me and  
 16 sometimes forget your password, when you come to the  
 17 log in page you can enter your user name that was  
 18 given to you when you had your access granted and then  
 19 you hit the nice little password button and it will  
 20 take you, it will get your password reset as well. So  
 21 that's a nice little trick just if you're like me and  
 22 you can't remember the passwords you have.

23 Next slide, please. Once you all log on to  
 24 the eCommerce system you will be seeing a document.  
 25 This is the one stop shop for all the reports that you

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1 have access and permission to submit. Here you will  
 2 see different things like the document type. So if  
 3 you're reporting production and royalties you will see  
 4 a header for the quarter and 2014. You will also see  
 5 a report ID. This report ID is helpful in tracking  
 6 reports that you have submitted. If you need to stop  
 7 and start you can always reference that report ID the  
 8 system generated. In this document list you can also  
 9 find the registration information. This will be the  
 10 place that you go to upload a file if you want to  
 11 submit your reporting in that manner. You can also  
 12 view your upload history. If you want to look at your  
 13 last month's report you'll be able to access the  
 14 report in there. There's also a wonderful help  
 15 section within eCommerce. It will take you to the  
 16 fact sheet and some tips and tricks for using the  
 17 system and even for reporting.

18 Next slide, please. There's two main ways to  
 19 create a report. The first option is uploading a  
 20 file. Two of the common file types are the ASCII,  
 21 which is a text file, and a CSC. On that ONRR.gov  
 22 page that I mentioned earlier, that reporting section  
 23 available to you sets up in an ASCII and a CSC port.  
 24 Once you have your file updated and ready to go, you  
 25 just hit that select button right there and it will

Page 25

1 ask you what file you want to upload and you check the  
 2 file and it will upload and make sure that it's  
 3 consistent with the format provided to you.

4 Next slide, please. The second comment which  
 5 I'm actually going to walk through for both the OGOR  
 6 and the 2014 is the data entry activity. On your  
 7 document list in that other section based on your  
 8 access you will see either a new 2014, EMP 2014,  
 9 compliance 2014 an oil and gas operation report or  
 10 production allocation schedule report, which is only  
 11 used for offshore reporting. So you all don't need to  
 12 worry about that. So, if you sit there and you hit  
 13 that new 2014 button or the new OGOR button we'll kind  
 14 of walk through what that looks like.

15 The oil and gas operations report, Form 4054,  
 16 allows ONRR to account for oil and gas production  
 17 activity. This form while provided and used for ONRR  
 18 activities really helps drive the production program  
 19 of our federal --

20 Next slide. The OGOR report Form 4054 is  
 21 broken up into four parts, the header page, the  
 22 OGOR-A, which is the production volume by well, the  
 23 OGOR-B, which is production volume by dispositions,  
 24 and then the OGOR-C, which is the oil inventory and  
 25 sales table.

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1 Next slide, please. The OGOR header. This is  
 2 the screenshot that you will see in the first piece  
 3 when you log onto that new OGOR reporting and this is  
 4 what I was talking about in that data entry  
 5 perspective. What you'll see here in the header is  
 6 report type, you're operator ID will be assigned to  
 7 you, the agreement number or lease number that you are  
 8 producing from, the agency lease number, so the number  
 9 generated by BIA, production month, so wherever you're  
 10 producing, when you are producing it, and then last  
 11 but not least the ONRR signed document A. That  
 12 operator document name is an eight digit alphanumeric  
 13 and it is called --

14 Next slide, please. The OGOR-A accounts for  
 15 all production and injection data on a lease area  
 16 improvement by well in producing intervals including  
 17 the well check. The OGOR-A identifies the status and  
 18 the volume for each well on your lease or agreement  
 19 for which the operator is responsible. The key  
 20 component of the OGOR-A includes the U.S. well number  
 21 or what was previously known as the API. That well is  
 22 added to a producing gas well, you know, if oil shut  
 23 in well or as well as the production and production  
 24 volumes associated with that well.

25 Next slide, please. Made me turn the page.

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1 Bear with me.  
 2 The OGOR-B, this encompasses the total  
 3 disposition of the lease production for each product  
 4 produced on that OGOR-A. My favorite part of these  
 5 forms is here in the OGOR, you'll see the total volume  
 6 section, so the volumes that you showed on the well  
 7 information on the Part A then will carry over to that  
 8 Part B. So if an oil well here you'll see that 225  
 9 barrels, you'll see that on the Part A, the Part B and  
 10 I'll get to the Part C is there too. Disposition may  
 11 include direct sales, transfers, in any lease or  
 12 agreement in use. Dispositions and adjustment codes,  
 13 what we call DC codes, are used to account for the  
 14 total disposition of the product being produced on  
 15 those lands. They will be direct sales, transfers,  
 16 and lease agreements. Here you'll see the disposition  
 17 detail for product volumes for that well produced and  
 18 you'll see two lines for the gas that was produced  
 19 from the first well on A and it's broken up into  
 20 basically royalty volumes and then beneficial use on  
 21 this.

22 Next slide, please. The OGOR-C accounts for  
 23 production and sales attributable to a lease that are  
 24 produced into inventory report production is sold from  
 25 a storage facility. It identifies any inventory,

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1 inventory production, sales and adjustments. The key  
 2 function and components of the OGOR-C include use only  
 3 for oil condensate accounting when inventory can be  
 4 carried on from month to month, it tracks your  
 5 inventory overage. The reported inventory must match  
 6 prior and subsequent months. That beginning inventory  
 7 plus the production minus your sales and adjusted  
 8 volumes equals that ending inventory, which will be  
 9 your next month's beginning inventory.

10 Next slide, please. Next will be the review  
 11 the form 2014, the report of sales and royalty  
 12 remittance.

13 Next slide, please. Very similar, when you  
 14 select the new 2014 button you'll see that the report  
 15 total is broken up into three parts, you have your  
 16 header, you have your detail and your trailer. The  
 17 header captures very similar to the OGOR but a payor  
 18 code, the type of report, is it federal or Indian, and  
 19 then also the payor assigned document, which is very  
 20 similar to operator assigned document. The details  
 21 shows basically the information attributable to those  
 22 sales, what lease was it, what month was it, were  
 23 there any adjustments made, were there processing and  
 24 transportation allowed. And then the trailer is  
 25 really for the payment information that goes in

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1 accordance with that royalty and sales report.  
 2 Next slide, please. After clicking that new  
 3 2014 button you've created a new report that you can  
 4 track that automatically generated ID. The report  
 5 will have a drop down menu, a list of the payor codes  
 6 that they have responsibility for. Once you populate  
 7 that payor code section it will also coordinate with  
 8 the company's -- following that. As I mentioned, that  
 9 payor's same document number is an eight digit  
 10 alphanumeric that is company generated.

11 Next slide, please. The key components to the  
 12 detail section of form 2014, you will have an ONRR  
 13 lease number and ONRR agreement number in reporting  
 14 allocated sales production. You will also report a  
 15 product code and a sales type code, are you with an  
 16 arm's length contract or a non arm's length contract  
 17 or are you reporting under index type. You will also  
 18 be reporting your sales rates. And then the key  
 19 components to the royalty equation are the sales  
 20 volumes and sales value, the royalty value prior to  
 21 allowance, any transportation and processing  
 22 allowances and then the total royalty due, which is  
 23 royalty value less --

24 Next slide, please. We are here to help  
 25 provide assistance for submitting accurate and timely



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1 reports. Here you will see that we have two  
 2 envelopes, one for production reporting, one for  
 3 royalty reporting. We also have an Indian Payor  
 4 Handbook where if you need scenarios on Indian land  
 5 and then we also provide training videos and have a  
 6 YouTube channel as well for report submission.  
 7 Thank you.  
 8 MS. GENOVA: Okay. We have made it to the public  
 9 comment portion of the meeting. In order to provide  
 10 public comment we would ask please let us just know in  
 11 advance if you can so that we can ensure your names  
 12 and put you into the order. I know there were some  
 13 folks who took a sheet to your seats. Is there anyone  
 14 who would like to comment who hasn't had a chance to  
 15 turn their form in yet? If so, you can just bring it  
 16 the font, but I just need to collect them if you want  
 17 to say something.  
 18 Okay. So, how this will work is we'll call  
 19 you up two at a time. When the first person is  
 20 speaking the second person will start to work their  
 21 way up to the front to be on deck to speak. If you  
 22 need some help getting the microphone to you, you can  
 23 just let me know and we'll run one over to you. And I  
 24 would like to remind everybody while you're making  
 25 your comments that the agency will not be responding

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1 tonight, just be listening, but we'll take all your  
 2 comments into consideration which will be reported by  
 3 the court reporter and will be put into a response.  
 4 Okay. We would like to ask that you limit  
 5 your comments to two minutes and we have a little  
 6 timer over here and we'll give you a 30 second warning  
 7 when you're running out of time, so just keep that in  
 8 mind as you're preparing your remarks. We will try to  
 9 give you advanced warning. If you run out of time and  
 10 we'll go through the speakers, you will be given the  
 11 opportunity to go again as long as there's time at the  
 12 end of the meeting. And when you come up to speak,  
 13 please give us your name and your representative  
 14 organization, please state the name of your  
 15 organization prior to giving your comments. We will  
 16 call the commenters from the cards that we have here.  
 17 Again, you are welcome to continue to put those in as  
 18 long as the meeting is open and we will allow more  
 19 time once we get through the first set of commenters.  
 20 So without further adieu, I will call the  
 21 first commenter of the evening. Everyone please  
 22 welcome our first commenter, Chief Standing Bear of  
 23 the Osage Nation. He will be followed by Everett  
 24 Waller, who is with the Osage Minerals Council.  
 25 CHIEF STANDING BEAR: Test, one, two. Thank you.

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1 Chairman Waller, the Osage Minerals Council,  
 2 please say hi. All you Osage shareholders and our oil  
 3 and gas partners, I'm Geoff Standing Bear, principal  
 4 chief of the Osage Nation. I've also been a headright  
 5 owner since 1975. We thank the federal officials who  
 6 have traveled here today. We want to remind everyone  
 7 that our mineral estate is a product of the unique  
 8 history of the Osage Nation. Unlike almost any other  
 9 tribe, the Osage Nation purchased its reservation  
 10 using our own funds which helped us resist traditional  
 11 allotment policies and insist on unique provisions  
 12 that are ultimately included in the 1906 Act. The  
 13 1906 Act reserved the mineral estate as a trust asset  
 14 for the benefit of the Osage people. This is a unique  
 15 situation and we understand the BIA has put a great  
 16 deal of effort into developing the proposed rule, but  
 17 I have concerns. The proposed rule is too long, too  
 18 detailed and, above all, very complicated. The main  
 19 rationale for the proposed rule discussed in the  
 20 preamble is the inspector general's 2014 report  
 21 regarding management of the Osage Mineral Estate. The  
 22 inspector general's report initially recommended that  
 23 the regulations be amended to mirror other Indian oil  
 24 and gas regulations, but the BIA did not agree with  
 25 this recommendation based on discussions with our

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1 Osage Mineral Council. In the end the 2014 report  
 2 accepted the BIA's position and considered the issue  
 3 resolved. We have unique challenges. Oil and gas  
 4 production on Osage Nation is dominated by small  
 5 producers operating -- many on operating stripper  
 6 wells that produce less than three barrels of oil per  
 7 day. These low production wells do not allow for  
 8 directional drilling and many producers must now rely  
 9 on secondary and tertiary recovery methods.  
 10 This mature oilfield is unique in Indian  
 11 country and I have concerns that this long and  
 12 complicated rule does not adequately consider this  
 13 specific situation. The Minerals Council of the Osage  
 14 Nation has asked that BIA not to issue a proposed rule  
 15 and instead work collaboratively with the council in  
 16 developing new regulations. The assistant secretary  
 17 responded by telling the council that consultation  
 18 would not be possible until after publication of the  
 19 proposed rule, which he said had already been  
 20 finalized, but then 11 months go by before the  
 21 proposed rule is published just last month. Under the  
 22 Department of Interior's tribal consultation policies  
 23 issued November 22, before the proposed rule is  
 24 published, these regulations should have been subject  
 25 to the highest level of consensus seeking. They

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1 should also have been deferred to the Osage Minerals  
 2 Council and the Osage Nation and appropriate  
 3 standards. Unfortunately, it seems that the last  
 4 government consultation was held back in October of  
 5 2016. Much has changed since then. We hope to  
 6 restart the consultation process and find consensus on  
 7 the regulations.

8 Consistent with the Indian Tribal Energy  
 9 Development Self Determination Act, the proposed rule  
 10 should include provisions that would provide the Osage  
 11 Nation and the Osage Minerals Council with an option  
 12 to manage and develop its energy resources through  
 13 other federal laws. The proposed rule contains 15  
 14 subparts and 185 sections. It takes up to 48 pages of  
 15 the Federal Register with hundreds of additional pages  
 16 of industry standards and practices incorporated into  
 17 the regulations by reference. This contrasts with the  
 18 current regulations which have only four subparts and  
 19 53 sections. If the proposed rule is as complex as it  
 20 appears to be, the new regulations might drive our  
 21 producers off the reservation and into other counties  
 22 where permits will be processed in days, not weeks or  
 23 months.

24 According to the preamble, the regulatory cost  
 25 for an average lessee will increase by 18,000 to

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1 \$26,000 per year. I am concerned that smaller  
 2 producers cannot bear these costs, royalty payments  
 3 who aren't headright owners will go down, not up. I'd  
 4 like to hear more about how the BIA assessed the  
 5 impacts of these regulations on small producers. The  
 6 proposed rule mentions that the BIA attempted to  
 7 address this issue with a regulatory impact analysis,  
 8 but that report is available only on request. I would  
 9 ask the BIA to please send a copy of this regulatory  
 10 impact analysis to my team and the Osage Minerals  
 11 Council.

12 We witnessed the litigation of the 1979  
 13 environmental assessment and we understand how much  
 14 uncertainty can be caused. I am similarly concerned  
 15 that the complexity and length of this proposed rule  
 16 will serve to discourage oil and gas production, not  
 17 facilitate it.

18 Finally, in summary, after reviewing the  
 19 proposed rule, it is less than clear whether it will  
 20 help facilitate oil and gas leasing of the Osage  
 21 Nation, make the permitting process more efficient or  
 22 encourage production of this important trust resource.  
 23 The proposed rule here seems to accomplish none of  
 24 these goals and was developed without adequate  
 25 government to government consultation.

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1 With these comments in mind, it would be  
 2 helpful to hear from the BIA how the proposed rule  
 3 would advance tribal self determination, sovereignty  
 4 and self governance and facilitate the development of  
 5 the mineral estate which is of critical importance to  
 6 our Osage headright goals. Thank you.

7 MS. GENOVA: Next we'll hear from Everett Waller,  
 8 who is with the Osage Minerals Council. On deck will  
 9 be Paul Revard from the Osage Minerals Council.

10 MR. WALLER: I got turned around. I'm not  
 11 supposed to speak to the back of my brothers and  
 12 sisters here. I will take care of this. It's not the  
 13 most important part. The most important part is I  
 14 have my Osage shareholder elders behind me. I've been  
 15 doing this since 1979 so, we'll take care of business  
 16 at hand. And now you want me to talk to you. Well,  
 17 get ready to listen. What we have is a problem, we're  
 18 not communicating with what we're being told. I  
 19 represent the Osage Minerals Council and we didn't  
 20 have a consultation as the federal law says. Your own  
 21 Supreme Court wrote about last week, which I happened  
 22 to be in trying to protect the sovereignty of my  
 23 nation, that we didn't even get the opportunity here.  
 24 I have great council. This is my fifth council and I  
 25 think that we need to be heard. I know I want to be

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1 heard. I've been sitting here and I'm tribal and I'm  
 2 not going to be a visitor to the Osage reservation.  
 3 My children is why I'm here. But my elders in the  
 4 room see other reasons. This is strictly to them.  
 5 This estate was taken care of by our great  
 6 grandparents. I should know, they drove over everyone  
 7 to get here. And then how do we work together when we  
 8 don't even have an opportunity to tell you how this  
 9 is going to work. If I have a code of federal  
 10 regulations that has killed my production and these  
 11 folks right here that serve our people and their  
 12 families just like us, why am I going to go to a  
 13 proposed rule that I didn't even look at? Yeah, you  
 14 send me the draft, but the law says you had to come  
 15 and see the chief and I with our congress and our  
 16 council. That is mandatory. Any other time I want to  
 17 get to talk when we're in Federal Court. I've never  
 18 been a chairman without being in Federal Court.  
 19 Something is wrong with that.

20 Something else too, we have one obligation and  
 21 that's to the youngest person that's Osage today.  
 22 It's going to be -- and I will say this openly, is,  
 23 yeah, I'm that guy. Twenty-two years ago you know who  
 24 I am. And I was here for you then, I'm going to be  
 25 here for my people later. I hope to tell you I'm

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1 going to have to turn over this floor to my council.  
 2 The last thing is you don't have to consult  
 3 with us. You are a federal trustee. Now if you're  
 4 not going to cash that check and you hurt it in any  
 5 way, that's not your job. Your job is to build it up.  
 6 I was here back in the BIA in 1979 and we were dealing  
 7 hundreds of permits. Again, I even have some council  
 8 here that I met with and we did hundreds of permits.  
 9 We got the lease -- didn't even do the workover unit,  
 10 but I can tell you this, if this does not help our  
 11 production get up, you leave us very few options.  
 12 Councilman Revard, it's all yours, sir.  
 13 MS. GENOVA: Myron Red Eagle is up next.  
 14 MR. REVARD: Hello. Yes, my name is Paul Revard.  
 15 This is my second term on the Osage Mineral Council.  
 16 I was first selected to the Osage Mineral Council four  
 17 in 2018 and now we are a council referred to as the  
 18 Osage, the fifth Osage Mineral Council in our first  
 19 seven months or so. So we're pretty, pretty just  
 20 recently elected, we're starting to get our feet wet  
 21 as a collective unit. And this is such a major issue  
 22 that addresses us right off the bat. And so I want to  
 23 say that in addition to being an elected official  
 24 representing our headright owners, I'm also a  
 25 headright owner, we all councilmen are, but I've also

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1 been an Osage oil and gas producer for 46 years now I  
 2 think it is. 1977 is when I drilled my first well.  
 3 And I saw on the screen a little earlier and Mr.  
 4 Streater made reference to the last time these  
 5 regulations were revised or amended was in 1974. My  
 6 copy, which is pretty weathered, is something that's  
 7 kind of my Bible to our producers it's referred to and  
 8 referenced often. Mine says the last revision was May  
 9 1st of 1994. That's what's stamped on mine. I don't  
 10 know what the difference is between '74 and '94. I've  
 11 only been operating here since '77 and a producer.  
 12 But we've gone from this pamphlet, which is not --  
 13 which is antiquated. I think that there's very little  
 14 controversy about that. These need to be revised, but  
 15 this is not the answer. The Chief said so just a  
 16 minute ago that this is way too cumbersome, way too  
 17 involved, it's not digestible. So, you know, from a  
 18 broad picture, you all are the trustees of our mineral  
 19 estate, we are beneficiaries, we headright owners, and  
 20 we elected officials here represent the headright  
 21 owners. You all are trustees, you're to help us  
 22 protect and develop our assets and this mineral estate  
 23 is a large asset worth billions of dollars. And so  
 24 when the CFRs were going to be revised back in 2012,  
 25 2013, it ended up in Federal Court in 2015, that was a

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1 draft that was not acceptable to the producers and if  
 2 it's not acceptable -- or nor to the Osage Mineral  
 3 Council and for lots of reasons. But since then, and  
 4 this is the modern picture, since then I'm looking at  
 5 you all as our trustee and through those eyes who are  
 6 supposed to be helping us develop our asset. We've  
 7 had the revision of the CFRs that we all agree that  
 8 probably need revision, but since then we've also had  
 9 the NEPA that the Chief mentioned earlier, which is  
 10 very cumbersome and maybe really not applicable to our  
 11 mineral estate. Those are for federal lands and I  
 12 believe that they just really are not applicable on  
 13 our mineral estate. That's a whole other issue, but  
 14 it is something that our producers have to comply  
 15 with. Then we have the FOIA. In 2014 the secretary  
 16 of defense had come out with a policy I guess it was  
 17 to lock up all of our well records and take them to  
 18 Kansas or somewhere, but that is -- that's a jugular  
 19 vein type of attack on our mineral estate is to lock  
 20 up our well records and very damaging. But then after  
 21 that, after the FOIA, the Freedom of Information Act,  
 22 then we had the fish and wildlife, which is our  
 23 trustee, the federal government, U.S. Fish and  
 24 Wildlife throw this American Dream eagle at us which  
 25 was harmful and it just brought drilling to a

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1 screeching halt. If that's not enough, then we're  
 2 doing the EIS and we had to deal with the EIS and  
 3 we're replacing a -- the environmental assessment  
 4 from, what, 1978, '79. I think the Chief made  
 5 reference to that too, the EIS. And then now you're  
 6 back with the CFRs again. It's like at what point --  
 7 I just feel like we have incoming all the time, it's  
 8 incoming, incoming. So where is it that you're  
 9 helping us? You're supposed to be helping us to  
 10 develop our mineral estate. And I just don't know --  
 11 I just don't see that. All I see is attack right and  
 12 left.  
 13 And let me say this. And I know that I'm  
 14 getting close to my two minutes. You know, when I  
 15 first came here as a producer I followed the footsteps  
 16 of my great grandfather Franklin and my father George  
 17 Revard who served on the council a couple of times.  
 18 Franklin 38 consecutive years. My cousin, Susan  
 19 Foreman, a former council member, we share the same  
 20 great grandfather. Back in those days Osage County  
 21 was the premier, it was a gold nugget, it was the  
 22 place to be. You could raise money, all you had to do  
 23 is say I got a deal in Osage County and you could get  
 24 an audience and you'd get an introduction to get the  
 25 show you're drilling to somebody if you had Osage

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1 County. And you know one reason why? Because it had  
 2 low risk, it was shallow and it had the best well  
 3 records of anywhere in the United States. You cannot  
 4 develop or generate a drilling prospect without well  
 5 records. So it was one mineral owner, which was  
 6 really unique and really favorable, but now -- and  
 7 I'll give you an example. Before I was on the council  
 8 the first time I had somebody from California cold  
 9 call me, an investment group, who said so and so told  
 10 me to call you and so and so was supposed to be a  
 11 friend of mine and I didn't recognize the name and it  
 12 was a friend of a friend of a friend I guess kind of  
 13 deal and they said you need to call Paul Revard. If  
 14 you got some drilling money and some develop money, I  
 15 know a guy in northeastern Oklahoma that could help  
 16 you spend some of it. So this guy cold calls me and I  
 17 said, oh yeah, I know of some properties in Osage  
 18 County that -- I mean, I got the word that out and I  
 19 got stopped and they said, oh, wait a minute, anywhere  
 20 but Osage County. He said that to me, anywhere but  
 21 Osage County. That's where we are. And why is  
 22 because it's not just this one book of regulations.  
 23 If somebody new came to Osage County what would you  
 24 give them to teach them how to operate here? You'd  
 25 say, well, here's the CFRs, here's the code of federal

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1 regulations. This is how you do business in Osage as  
 2 an operator. Well, that's only part of the story.  
 3 And you're getting ready to change this little  
 4 pamphlet with this. And the Chief made reference to  
 5 that. This is just -- it's just a no go from the  
 6 getgo.  
 7 But not only this, but then you'll have to  
 8 know about what is this NEPA deal going on, what's  
 9 this about EIS. And oh, by the way, we understand  
 10 that after you learn all of this, then you have to  
 11 find out, well, what about the policies. What  
 12 policies? The superintendent has the discretion to  
 13 create policies. And I won't get into the weeds and  
 14 tell you the ones I'm familiar with, and they  
 15 fluctuate. The one superintendent may have a policy  
 16 one year, change it the next year or maybe a new  
 17 superintendent may have a different set of policies,  
 18 but then you have to know in addition to these and the  
 19 NEPA and the EIS and the fish and wildlife, now you  
 20 have to know what's the superintendent's policies.  
 21 So, I'll close with this since I'm getting  
 22 close to the end of my two minutes. The damage --  
 23 this here, publication of this in the Federal Register  
 24 has already, has already damaged our mineral headright  
 25 owners. Just the fact that it's out there and

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1 lingering is damage to us, our headright owners. It's  
 2 going to affect, it's going to deter development  
 3 capital into our mineral estate. So it's already  
 4 harmed us and continuing to harm us.  
 5 And finally, I want to say, that the comment  
 6 period after tonight, the written comment period,  
 7 March the 17th. Is that correct? I would like to  
 8 request, I'd like to say demand, but, you know, I  
 9 don't think I have that authority, but I'd like to  
 10 request that you delay any further efforts on this  
 11 document until such time that you do what you all  
 12 promised us you would do and that is to meet with  
 13 Chairman Waller's mineral council and consult with us  
 14 so that we could possibly jointly come up with a  
 15 reasonable set of regulations that not only protects  
 16 you all and your trust responsibility to our headright  
 17 owners to protect and develop our mineral estate, but  
 18 also to make it a document that is workable for these  
 19 guys to risk their dollars to come to Osage instead of  
 20 anywhere but Osage. Let's bring it back to Osage.  
 21 Let's make it to where they can come back.  
 22 With that, I thank you all.  
 23 MS. GENOVA: Myron Red Eagle. And on deck is Joe  
 24 Cheshewalla.  
 25 MR. RED EAGLE: My name is Myron Red Eagle. I'm

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1 on the Osage Mineral Council.  
 2 (Speaking Osage)  
 3 I don't think I'll take as much time as Paul  
 4 did. I want to repeat the Osage Bureau of Indian  
 5 Affairs mission statement. It applies to what we're  
 6 talking about tonight. The mission statement states,  
 7 the mission of the Bureau of Indian Affairs is to  
 8 enhance the quality of life, to promote economic  
 9 opportunity and to carry out the responsibility to  
 10 protect, to protect and improve the trust assets of  
 11 American Indians, Indian tribes and Alaska natives.  
 12 I'd also like to point out this doesn't really  
 13 apply to our Osage Mineral Estate. We're American  
 14 Indians, right. We're an Indian tribe, tribal nation  
 15 or nation we're called today but we're not Alaska  
 16 natives, we're not the Navajo reservation, we're not  
 17 the Sioux reservation, we're not the free affiliated  
 18 or anybody like that, any other Indian tribe. We're  
 19 different, totally different. All our leases, all our  
 20 royalty goes to our shareholders. In different tribes  
 21 they go to different -- I know, I lived around  
 22 Anadarko years ago. Every leaseholder down there got  
 23 just independent royalty, the whole tribe didn't get  
 24 any. If they had a lease on their land that's what  
 25 they got. Here, the Osage people, they share

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1 royalties. That's different. Just like everybody up  
 2 there, I hear a lot of people say, we're different and  
 3 we're unique. It's very true.

4 Last night the president of our United States,  
 5 President Biden said I'm want to work with the people,  
 6 I want to work with the people. You all remember  
 7 that, you watched that. He said I want to work with  
 8 Democrats, I want to work with Republicans. One of  
 9 the last things he said, I want to work with Indians  
 10 and Indian tribes, Indian tribes. He saved us a  
 11 place, Indian tribes. We are used to that, we're used  
 12 to it.

13 But what I want to point out is, Chief -- I  
 14 don't want to take up too much time, I'm a man of few  
 15 words. The Chief said there's room for consultation  
 16 here. There's much room for consultation. This is  
 17 not a done deal and we have many people who we  
 18 represent, producers who count on us, shareholders,  
 19 they count on us, some of the -- they count on us.  
 20 So, it's up to our trustee.

21 I also want to point out one thing to you. In  
 22 1906 my grandfather was 26 years old and when they  
 23 made that 1906 Allotment Act. It wasn't the 1906 Act,  
 24 it was the 1906 Allotment Act, one year before  
 25 Oklahoma became a state. And when they did that they

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1 appointed an Osage Tribal Council to go along with the  
 2 row that they had. Ain't that right, Chief? When  
 3 that happened the Osage Tribal Council over a hundred  
 4 years evolved into the Osage Mineral Council. We  
 5 still represent the same people. Thank you.

6 MS. GENOVA: Joe Cheshewalla. And Anthony  
 7 Shackelford is on deck.

8 MR. CHESHEWALLA: Good evening, everybody. Joe  
 9 Cheshewalla, Osage Mineral Council, second term and  
 10 I'm also an ex employee for the Bureau of Indian  
 11 Affairs minerals department for 30 years. Worked  
 12 under our CFRs that we had, you know, for all my  
 13 career and seemed like it was a pretty good deal  
 14 because, you know, we had a lot of business going on  
 15 for the 30 years I was working there. And now we've  
 16 got the same -- now suspiciously it's almost become  
 17 the size of the BLM handbook. Our lessees can't work  
 18 with that. We know that. We still need to work  
 19 together and come together with some kind of agreement  
 20 that we can all work with. And one of the things  
 21 whenever I was reviewing it the past couple nights,  
 22 once I came upon that part the superintendent has  
 23 broad authority, well, I started counting the numbers  
 24 of times I seen that, you know, the superintendent  
 25 referred to. Before it was all said and done I seen

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1 it over 157 times and I never really seen any --  
 2 hardly any mention of the OMC. And that's got to  
 3 change. We've got to come to some sort of, some sort  
 4 of middle ground there because 157 times the  
 5 superintendent with broad authority, no, no. We got  
 6 to have the OMC in there too.

7 And I'll give the rest of my time to  
 8 Councilman Shackelford.

9 MS. GENOVA: Anthony Shackelford. And Lee  
 10 Levinson on deck.

11 MR. SHACKELFORD: Good evening. Thank you for  
 12 this opportunity to share some thoughts about what  
 13 we're here tonight. Moving forward from the 1906, and  
 14 we're accustomed to seeing improvements made and  
 15 simplifications made to the tedious and complicated  
 16 processes that were initiated a long time ago and as  
 17 the Chief spoke earlier, he made a lot of great  
 18 points, so did Mr. Waller and everybody before me this  
 19 evening, is that we're not seeing things whenever we  
 20 ran for office and we shared with our relatives and  
 21 people that we revered, our elders that we're going to  
 22 step into this seat and this position and make things  
 23 better for you, we're going to increase the  
 24 production, we're going to work with the producers and  
 25 do those certain things to alleviate the difficulty of

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1 the permitting process, the length of those things.  
 2 And there's a lot of it goes into that and standing  
 3 here tonight I can't honestly talk to my shareholders  
 4 and say that I've been able to do a lot of that  
 5 because of the regulations and the difficulties and  
 6 complications that there are already in place and with  
 7 this new proposed document have been maximized it  
 8 seems to me. And it's something that I want to move  
 9 forward and I want to be able to work with the Bureau  
 10 of Indian Affairs, I want to work with the producers,  
 11 I want to work with my council. As Mr. Waller said  
 12 earlier, this is a good council with a lot of new  
 13 people on the council. And people put their faith and  
 14 trust in us to do -- take care of them because a lot  
 15 people are dependent upon this, that's their sole  
 16 source of income and their livelihood depends on this.  
 17 And whenever I see these slides flying by and voices  
 18 just talking very fast, you know, and trying to digest  
 19 this. And like Cheshewalla spoke about, we went from  
 20 us a phone book and now it's the Bartlesville phone  
 21 book. And it's something that you have to be almost  
 22 like Mr. -- an attorney to interpret a lot of these  
 23 things and a lot of us can't.

24 So, again, we're here this evening to ask you  
 25 to please take into consideration our input as the

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1 minerals council, especially us new ones. Everett and  
 2 them that have been here four and five terms, they  
 3 have been down this road before. This is new ground  
 4 for me and I went out and I talked my people and they  
 5 put me in a seat, they trusted me, they had faith in  
 6 me to go make the processes better and I assured them  
 7 that I would do my best. And the Osage have a word  
 8 it's Basaw, it's called doing your best and they  
 9 expect me to do that and I expect that from the Bureau  
 10 of Indian Affairs.

11 Thank you.

12 MS. GENOVA: Okay, we have Lee Levinson. And is  
 13 Talee Red Corn here? You were signed up. Do you want  
 14 to speak? No?

15 MR. RED CORN: I can't hear you.

16 MS. GENOVA: You were signed up. Do you want to  
 17 speak?

18 MR. RED CORN: Sure.

19 MS. GENOVA: Okay. You're up next.

20 MR. LEVINSON: Hi. I'm Lee Levinson and this is  
 21 McLemore sitting next to me there. We're the ones  
 22 that represented the Osage producers in the last  
 23 federal case where basically these same rules were  
 24 proposed except this time you just made it more  
 25 complicated.

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1 The judge -- one of the highlights of that  
 2 case, I have to tell you, we had a full courtroom and  
 3 a great attorney they had from the Bureau of Indian  
 4 Affairs in Washington came and said, well, Judge, this  
 5 doesn't affect these people. And the judge said,  
 6 stop, please, turn around, I think it does.

7 And first I want to say this, I've known your  
 8 chief a long time. A good man. What he said today is  
 9 probably the most important thing, he's going to stand  
 10 behind everybody here and all the producers. He's not  
 11 going to turn. He also knows that I was involved,  
 12 believe it or not, with the tobacco awards. I  
 13 represented I think it was 39 tribes and I represented  
 14 and we fought the State of Oklahoma, but we have  
 15 certain chiefs, they didn't even come forward, but you  
 16 got a good man there and you ought to appreciate what  
 17 he's done and what he said.

18 He also said earlier that the small producers  
 19 can't live with these rules. Well, it's not that to  
 20 me if these rules pass, it's an extinction event. You  
 21 might as well take and put a field there and put the  
 22 keys in it. I can also say without -- besides being  
 23 an attorney, I operate at least a hundred wells. I've  
 24 produced wells since I've been a kid. Drilled my  
 25 first well when I was 19 years old and these rules

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1 don't work. The first slide you put up, one thing was  
 2 false in it. You made the comment, and I know you put  
 3 it up there, you said technology has improved the last  
 4 49 years and it has, except, and I've got a lot of  
 5 producers here, I recognize some of them, those one or  
 6 two barrel wells when I was a kid my dad had, we  
 7 produced them the same way. You get out there with  
 8 your boots in the mud and you try to keep them going.  
 9 It used to be how much production do you have, today  
 10 it's how much does it cost to operate. And I want  
 11 everybody to know that Mr. McLemore and I, I really do  
 12 care about small producers. I grew up with in this  
 13 business. I call it the Beverly Hillbillies syndrome  
 14 in Washington. They think you shoot and the bubbling  
 15 crude comes out. As you know if you work in it, this  
 16 is a tough business. We've got hardworking people  
 17 here.

18 Let me tell you this about Osage County. I  
 19 work a lot with the Corporation Commission. Osage  
 20 County has some of the best environmental controls,  
 21 maybe has the best in the State of Oklahoma. And  
 22 everybody needs to know that there's no longer more  
 23 pollution in this county. If it is it's taken care  
 24 of. And I just want everybody to know that the best  
 25 part about today, appreciate your chief who is going

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1 to stand behind you.

2 MS. GENOVA: Okay, Talee Red Corn and then I have  
 3 Mike Mackey on deck.

4 MR. RED CORN: Hi, everybody.  
 5 (Speaking Osage.)  
 6 We think it's good that American people,  
 7 representatives of the president of the United States  
 8 would come to our reservation and want to talk with  
 9 us.  
 10 (Speaking Osage.)  
 11 And they said good words, our Chief, our  
 12 Assistant Chief sitting there. We're happy today that  
 13 you're here but we're concerned.  
 14 (Speaking Osage.)  
 15 The laws and things that you write on paper,  
 16 that's going to hurt our Osages, our headright holders  
 17 because the production goes down. When production  
 18 goes down I cannot give good money to my headright  
 19 holders. I get calls all the time, I can't make my  
 20 bills, how much longer do I have to wait, it's 20, 30  
 21 days until I get my next check and how much is it  
 22 going to be because that's all I have to pay my bills.  
 23 I might have to sell my home. These are prestigious  
 24 Osages they're making a movie about nowadays I'm  
 25 hearing.

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1 I just want to say that when I started this  
 2 mineral council we had 82 leases approved in one  
 3 month. You multiply that times 12, that's 984. Now,  
 4 Mr. Streater, BIA, can I ask ya'll how many are  
 5 approved? That's almost a thousand in one year. How  
 6 many do we have approved now in Osage? And it hits  
 7 hard our paycheck, our royalties.  
 8 (Speaking Osage.)  
 9 That's all I have to say. Thank you all.  
 10 MS. GENOVA: Mike Mackey. And Justin DeLong is on  
 11 deck.  
 12 MR. MACKEY: I can't talk to peoples' backs. I'll  
 13 make this two minutes as fast as I can. I thought  
 14 about a lot of the things I can say. And Everett, I  
 15 appreciate you. I can't tell you how much I  
 16 appreciate what you said, Chief.  
 17 I want to tell you a quick story as fast as I  
 18 can. One hundred seventeen years ago there was a  
 19 magnificent ship built, what's called the Osage  
 20 Mineral Estate. And appointed the captain was the  
 21 BIA. Their responsibility was for the safety, the  
 22 administration and the well-being of that ship. The  
 23 deckhands, the crew was a bunch of wildcatters,  
 24 drillers, those kind of guys, but it wasn't just them,  
 25 it was the restaurateurs, the waitresses, the fuel

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1 stations. Everybody was there to support this. And  
 2 the people that rode ownership, the guests, came from  
 3 all over the world to ride the most magnificent ship  
 4 that ever sailed the ocean and it was wonderful for  
 5 years and years, decades. This ship was the talk of  
 6 the world. It was a well oiled machine. A few years  
 7 ago something happened. The ship began to wander and  
 8 as it did a lot of the people that were on board who  
 9 were guests that were taking this ride, they all got  
 10 out and took the boat, the dingies, and they left the  
 11 ship without any lifeboats. And what happened after  
 12 that was the crew began to get funny kind of commands  
 13 from the bridge and the captain started giving orders  
 14 that we had never heard and as a result the captain  
 15 thought that we were an unruly crew, but we weren't.  
 16 We wanted the same thing that the captain wanted. The  
 17 captain had been given an impossible task and that was  
 18 to keep the ship in order, to keep its magnificence  
 19 but at the same time don't go and give any specific  
 20 direction. We're not going to stop at this port or  
 21 that port, we're just going to keep wandering. So  
 22 they continued to wander and then about three years  
 23 ago there was nobody on the bridge and the ship went  
 24 adrift. And one day we all woke up and we were in the  
 25 icy seas of the north, there wasn't enough power to

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1 buck the water current and we all looked out and there  
 2 were icebergs everywhere. And a few weeks ago the  
 3 captain got a new order and that order was whatever it  
 4 takes, deliver this ship back to port immediately,  
 5 straightaway, don't go this way, don't go that way, we  
 6 want you here immediately because this ship has to  
 7 undergo some repairs. And so the captain with the  
 8 impossible task that he has now comes to the crew and  
 9 has a meeting on February 8th and says, on or about  
 10 March 17th if you don't get this ship sailing as fast  
 11 as we can to port in a straight line, I'm going to  
 12 make ya'll get out and push. His method is all stick  
 13 and no care and even though the crew wants the same  
 14 thing that the captain wants and that is to get this  
 15 ship back to port, his methods are not attainable,  
 16 they're impossible and the way he wants to go will  
 17 take this ship to the bottom of the ocean. Lee  
 18 referenced this. He knows it and every one of you  
 19 know it. Now as many great people as there are in  
 20 this county and on this crew of this vessel, I know of  
 21 none of you that can walk on water and that's would be  
 22 required for us to get out and push.  
 23 The bottom line is we need more oil and  
 24 there's only one way to get it. I would suggest a  
 25 couple solutions. One, there are new technologies

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1 which you guys are fond of bringing up for casing  
 2 repair and casing patch. There are new bottom hole  
 3 pump technologies that we could implement that are  
 4 here in the county today that will increase production  
 5 by 10 to 15 percent, will solve the problem of methane  
 6 abatement. Yeah, I know. I got nothing but time.  
 7 And solving the problem of methane abatement while  
 8 reducing operator costs by on average 40 percent.  
 9 Those are here today. In addition, with new IOT  
 10 sensor technologies and low bandwidth emissions from  
 11 5G cellular technology, we can deliver to the ONRR  
 12 people realtime data at next to zero cost for  
 13 reporting and that will allow us to not turn every  
 14 operator in this county into a felon. These things  
 15 are achievable. All we have to do is avoid the  
 16 icebergs and we can do it. As the crew, we're on  
 17 board with you, we want to take this baby home because  
 18 there's a lot of you out here that have been on this  
 19 vessel for a long time.  
 20 And it used to be that the crew would stay on  
 21 board for decades, for entire careers and then one day  
 22 that ship would pull up to port and they would offload  
 23 and a new crew would come on. And as that new crew  
 24 came on there was excitement about what was getting  
 25 ready to happen to the voyage, the experience. I've

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1 only been here for 40 years in the county and I've  
 2 loved every minute of it. I've appreciated where this  
 3 vessel has taken me. I would appreciate the  
 4 opportunities that this vessel has afforded me. But  
 5 there are others that want those same opportunities  
 6 and if this boat is laying at the bottom an ocean  
 7 somewhere, they're not going to get those  
 8 opportunities. You owe it to the people out here who  
 9 have been around for a while not to throw them  
 10 overboard. Thank you.

11 MS. GENOVA: Justin DeLong, you're up. On deck is  
 12 Nona Roach.

13 MR. DeLONG: Council, you're already going to get  
 14 me off topic. He brought up our well records, not  
 15 being able to access those and I can't help but just  
 16 bring it up because I wouldn't be standing here if it  
 17 wasn't for that and a man that actually passed away  
 18 last Sunday actually. He worked for my Uncle Phillip  
 19 all his life, was a geologist, log analyst,  
 20 prospector, he actually worked all over the world. A  
 21 wonderfully neat man. I worked 15 years with him  
 22 drilling wells up here. I really would not be here if  
 23 it wasn't for him. So Mr. Sutton, basically retired  
 24 and spent probably two days a week at the Osage  
 25 pouring through all the records and built a lot of

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1 prospects took over. I'd say a third of our wells we  
 2 drilled, a third of our wells we operate, we drilled a  
 3 third were purchased and a third were abandoned, which  
 4 means they were sitting there for years not doing  
 5 anything and they're producing. And that all happened  
 6 because they weren't forced but a man was able to go  
 7 build prospects by looking at records that haven't  
 8 been there close to a hundred years. Anyway, that can  
 9 happen. There's no more to me, you know. And it's  
 10 sad. The destruction of the -- sorry, I'm not  
 11 prepared, I was welding all day. So as many of these  
 12 people back here as you can see, they work for a  
 13 living, work very hard and what's proposed here is  
 14 going to put a lot of people out of business, you  
 15 know, I firmly believe that. So, I worked for my dad,  
 16 I graduated from college and went to work for my dad,  
 17 third generation producing in Osage County. He worked  
 18 for big companies, produced lots of gas, has done oil  
 19 and gas accounting all of his life, not accounting but  
 20 paying of -- overseeing and paying of royalties, all  
 21 that. He had one lease that he reports on and every  
 22 month I hear, I get a phonecall and I dread it because  
 23 I know he doesn't like it, it takes two or three days  
 24 to get done. Yes, he's turning 70 in a couple months  
 25 so he's not the best online, but still he's done this

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1 all of his life. And so he has -- it might take him  
 2 two or three days to get it done and he can do the  
 3 Osage County reports in a couple of hours. So very  
 4 scary to think we're going to have to deal with this,  
 5 the dual accounting. I don't think it will be done by  
 6 probably anybody in this room.

7 I guess my time is up. But I hope everybody  
 8 that has to do with these CFRs and putting them  
 9 together understand that they're talking about putting  
 10 people out of business.

11 MS. GENOVA: We have Nona Roach followed by  
 12 Michael Wachtura.

13 MS. ROACH: Im Nona Roach and I'm really glad to  
 14 follow you, Justin, because Stan and I have discussed  
 15 how horrific the ONRR system is and what a nightmare  
 16 it is to try to navigate through. I've had -- I do  
 17 probably over a hundred BIA reports a month and like  
 18 Stan, I can do them in a couple days. The ONRR part  
 19 of it, I had three different leases for guys that were  
 20 outside of Osage County, it was a nightmare from  
 21 beginning to end. It's horrific to navigate in. One  
 22 of the things you figure out is I think I looked up  
 23 last night and there's four days of training to teach  
 24 you how to get in it and navigate it. Now, look  
 25 around you. These guys don't do computers. They pay

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1 me to do that. But those three guys that I did, I  
 2 told them they couldn't pay me enough money anymore to  
 3 do it because it was so time consuming. And I want  
 4 you to explain to us how much burden in dollars it's  
 5 going to be for these people to have to, A, go get a  
 6 computer, which they don't have.

7 The thing about it also is you couldn't get on  
 8 it before 7:00 a.m. in the morning, you couldn't get  
 9 on it after 7:00 p.m. at night, you could not get an  
 10 audit on weekends or holidays. Do you know when these  
 11 type up their reports? Sunday afternoons or whenever  
 12 Stan calls. I'm just sick of all of it. It's  
 13 ridiculous. They cannot do this. This is a burden  
 14 that nobody should have to bear in Osage County.  
 15 We've lived all these months and years with the  
 16 economic impact of all of this regulatory insecurity  
 17 that we've had. And I think I was talking to Mitch a  
 18 while ago, he said I think 11 years ago we started  
 19 this and we still haven't got it resolved. And Osage  
 20 County hasn't fell off the face of the earth, we're  
 21 still making oil, but I promise you I have guys call  
 22 me that want to buy leases and they're all excited  
 23 until they go, where is it, and I say, Osage County,  
 24 nope, not doing it. So, you need to realize the  
 25 impact you're making on all these people and their



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1 livelihoods because they're mom and pops and they  
 2 don't even know how to turn a computer on.  
 3 MS. GENOVA: Mike Wachtura. And Mel Carter. Is  
 4 Michael here somewhere? Oh, you said no. Sorry.  
 5 Nevermind. So we'll go right to Mel Carter. I think  
 6 it's Carter.  
 7 MS. CARTER: I'm Melinda Carter. I'm president of  
 8 the OPA. I'm a third generation oil producer. And my  
 9 question is, why would these be reintroduced after  
 10 they've been struck down in 2015 by Judge Frizzell?  
 11 What positive does this offer this county or this  
 12 mineral estate? This is nothing more than a  
 13 generational chalk outline. I sit in my office every  
 14 day having people call me and ask me how to turn in  
 15 their reports they already have, paper versions. I  
 16 sit one day of every quarter turning in EPA reports  
 17 for all the small producers who, by the way, average  
 18 age is over 60. They no longer own -- they don't own  
 19 computers, they are not savvy. What positive does  
 20 this offer us? Why was the OMC not consulted? Was  
 21 that not part of the stipulation in 2015? Can you not  
 22 give me a positive answer that this does anything for  
 23 the mineral estate except for give us a death by a  
 24 thousand paper cuts? This is nothing but a chalk  
 25 outline. Am I the last generation that's going to see

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1 Osage County as a positive? I hope not. I have  
 2 nieces and nephews. I hope to have children one day.  
 3 What is this all for them? Nothing. So until  
 4 somebody can tell me a positive thing from this, I may  
 5 see you in court. And anybody who is not a member of  
 6 the OPA come see me. I have membership. I will take  
 7 you under my wing and I will take you to that  
 8 courthouse myself. I have no fear because I have  
 9 nothing left to lose. Am I going to lose my  
 10 generational wealth? Am I going to lose my  
 11 generational job? Am I going to lose everything  
 12 because somebody thinks that I need to get up with the  
 13 ages in a place that is not with the ages. We produce  
 14 stripper and marginal wells at best. What does this  
 15 do for us? Is there an answer? Can anybody give me  
 16 one? Because I don't think you can.  
 17 MS. GENOVA: Next is Robert Knappe for your  
 18 comments.  
 19 MR. KNAPPE: Well, so much has already been said I  
 20 think that's appropriate. I don't have a prepared  
 21 statement. I thought I would try to come with a  
 22 prepared statement but when I started going through  
 23 highlighting 71 pages and three columns of proposed  
 24 regulations, I realized that I probably just need to  
 25 make my written comments and send them in and I'm

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1 assuming I can still do that.  
 2 I just want to echo some of the things that  
 3 have been said. I don't have a grand story to tell  
 4 which I think is great. I respect the Chief what he  
 5 said and Mr. Waller. I want to share at some length  
 6 of what he expressed. I came down here for the first  
 7 time in the '70s with my dad, sat in a Winnebago with  
 8 a microscope and a black light and watched samples on  
 9 my first well in Osage County and been here ever  
 10 since. I graduated from college, came down here and  
 11 met my wife and have been part of the oil and gas  
 12 business in Osage County ever since. In the last 12  
 13 to 15 years we've probably invested more than a  
 14 hundred million dollars drilling and developing Osage  
 15 County. And I really have to say that in the last --  
 16 since the issue with NEPA and some of the new  
 17 requirements surrounding permits related to drilling,  
 18 it's been really hard for us. We tried to rise to the  
 19 occasion, we tried to deal with what needs to be done,  
 20 we try to work with the environmental experts that we  
 21 need to work with to get DAs done.  
 22 It's been 30 seconds already?  
 23 MS. GENOVA: That's all right. You're last.  
 24 MR. KNAPPE: Anyway, I just want to reiterate a  
 25 couple things that have been said. The first is, you

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1 know, the regulations I don't think are appropriate  
 2 given the average well in Osage County. That's  
 3 already been said. But if you take capture point out  
 4 and you look at the production in the county, the  
 5 average well probably divided over the rest of the  
 6 wells is probably .6 or .7 barrels a day on average.  
 7 When we were doing really good I think it was about  
 8 1.4 or 1.6-barrel average. I don't know if everybody  
 9 else knows. It's not uncommon for a well to make a  
 10 thousand dollars a month. So, as somebody else said,  
 11 it's not much oil you make, it's what's your cost of  
 12 operation. So, you know, we have rising labor costs,  
 13 we have rising material costs, some days it's double,  
 14 triple, tubing is hard to find. We're fighting all  
 15 these other problems with the increased cost and the  
 16 cost of compliance with regulations is not helping  
 17 that at all. And I think I would wonder how whoever  
 18 did the study came up with 18 to \$26,000 for  
 19 compliance when they start reading through everything  
 20 that has to be done to comply with the ONRR reporting,  
 21 with the valve sealing and records and keeping logs  
 22 and I have a lot of questions about the payment of the  
 23 royalties. As a representative of, I didn't say who,  
 24 Warrior Exploration and Production, but I'm also a  
 25 representative of Performance Energy, Performance

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1 Operating and Osage Hills Pipeline. We have over 650  
 2 miles of pipeline right now in Osage County because  
 3 other companies were going to walk away from it and we  
 4 wanted to still be able to sell our gas. And it's a  
 5 hard, hard business. We don't make money operating a  
 6 gas well. We hope to make a little money selling the  
 7 gas that we produce from the wells that we pump. And  
 8 I think when we start talking about operators having  
 9 to pay royalties on gas when they have to give the  
 10 purchaser at least some -- we have eight big  
 11 compressors to move, you know, a couple million feet  
 12 of gas all over the county and those compressors burn  
 13 oil and gas. That pipeline is almost a hundred years  
 14 old. It leaks a little gas. We have seven, eight  
 15 guys out all the time patching up leaks. And like I  
 16 said, we don't make any money doing that. So now when  
 17 you -- I haven't looked at the standards, I don't  
 18 know, when I got to all the things that are going to  
 19 be incorporated by reference to all the API standards,  
 20 all the measurement standards, I still have to  
 21 understand all this. We have old meter tubes out in  
 22 Osage County. Some of them are pretty old and my  
 23 guess is that, yeah, if they had, you know, a couple  
 24 million feet of gas going through them, there would  
 25 probably be a little discrepancy involved. But, you

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1 know, on an average of 15,000 cubic feet a day per  
 2 delivery point, I think a one percent, you know,  
 3 variance on 15,000 is not going to be significant  
 4 compared to the cost to try to comply with inspections  
 5 and changing meter tubes and doing some of those  
 6 things that might be required for a well that sells  
 7 \$500 worth of gas every month.  
 8 So those are some of the things that I would  
 9 recommend that the BIA take into consideration  
 10 regarding some of these rules, some of the things that  
 11 are being appropriated by reference and asking  
 12 producers to pay royalty on gas for the money they are  
 13 going to receive because the purchaser has to take a  
 14 little of that gas to pay for compression, for  
 15 transport and that kind of thing.  
 16 I think that's the main thing I wanted to say  
 17 and comment on. I just appreciate everything that  
 18 everybody else said and I think that the bottom line  
 19 for me is the cost, the cost is -- I think as Lee  
 20 said, it's an event that will be the death of a lot of  
 21 operators. It's already hard to track capital in  
 22 Osage County as has been said because of the  
 23 uncertainty and ability to get to know what the cost  
 24 is going to be at the end of the day. We have to  
 25 operate here.

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1 Thank you.  
 2 MS. GENOVA: That was the last of our commenters  
 3 that we had, so if anyone or someone who has already  
 4 spoken who has more to say, we will leave the mic  
 5 open. We will be here until 9:00 o'clock or a few  
 6 minutes after if you want to wait in line.  
 7 Sure, go ahead. Please say your name.  
 8 MR. REVARD: Again, thank you.  
 9 Again, my name is Paul Revard, one of the  
 10 Osage Mineral Council members serving on the fifth  
 11 council. One thing that I failed to mention earlier  
 12 that I'd like to point out was that this mineral  
 13 council has in recent months and over the last year  
 14 have reached out and had support from the Oklahoma  
 15 congressional delegation on our behalf. They reached  
 16 out to the BIA and had requested that you all work  
 17 with the mineral council in developing these  
 18 regulations. And instead of doing that you all have  
 19 published these proposed rules on January the 13th  
 20 without honoring their request, our request to have  
 21 you all work with us through this Oklahoma  
 22 congressional delegation.  
 23 I also wanted to remind you how unique Osage  
 24 County is. It's been referred to, Ms. Carter just  
 25 mentioned how minimal our production is, these are

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1 stripper wells. The average well in Osage County is  
 2 less than a barrel a day. There's 14,000 active  
 3 wells, but out of those 14,000 active wells 3,200 of  
 4 those wells are injection wells. So we're talking  
 5 about 11,000 oil and gas producing wells most of which  
 6 are oil but some are gas and some are a combination of  
 7 oil and gas, but those 11,000 wells produce about  
 8 11,000 barrels of oil. And we have two producers in  
 9 this room, I won't name names right now, but two of  
 10 the producers in this room produce half of that 11,000  
 11 barrels from just two producers. The rest of that is  
 12 divided by the other two or 300 operators that we  
 13 have. We have operators that have maybe just seven  
 14 barrels a day. We have some that may have 14 barrels  
 15 a day. But we've got producers that produce a quarter  
 16 barrel a day per well, maybe this well does a quarter  
 17 barrel, this one does one and a quarter barrels.  
 18 That's the kind of production we have. And these  
 19 rules that you've accumulated and it feels like a lot  
 20 of this is copy and pasted from other governing bodies  
 21 like maybe the BLM, for instance, where you may have  
 22 one set of rules that might work good and appropriate  
 23 for say the Bakken up north or maybe the Permian Basin  
 24 in west Texas. They have a different environment.  
 25 They have wells that are not stripper wells. They

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1 have wells that come in at larger production volumes.  
 2 That changes the economics. Some of the economics  
 3 like this reporting, production reporting, it's one  
 4 thing for a producer like the two I just mentioned  
 5 that produces half of our oil to be able to have  
 6 people on staff to do that kind of work, but it's like  
 7 Mr. DeLong said earlier about his father, he's a third  
 8 generation, these people are doing their production  
 9 reports maybe on a Saturday morning if they are not  
 10 out in the field. Maybe they do it when they're  
 11 coming in from the field and they're doing it when  
 12 they can as they can best they can.  
 13 So, it's the point I'm trying to make is that  
 14 what works in one area does not -- it just doesn't  
 15 conform and work. The Chief said and so did Chairman  
 16 Waller that we have a unique mineral estate. It's  
 17 very unique in lots and lots of ways. The royalty  
 18 ownership is unique, the volume of our production is  
 19 unique. We've been developed for 117 or so years and  
 20 we're depleted. There is some new opportunities in  
 21 technology, most of like Mr. Mackey said, most of this  
 22 technology is not available to this average Osage  
 23 County producer, the mom and pops like somebody made  
 24 reference to. The mom and pops, they don't have this  
 25 type of technology. There's just trying to keep a

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1 barrel a day going like, you know, they've been doing  
 2 for a couple of generations.  
 3 And Ms. Carter also said something about her  
 4 generation. When Councilman Red Corn and some others  
 5 talk about elders I was like, wait a minute, I think I  
 6 feel I am one of the elders too. I don't want to be  
 7 but here I am. I get a special parking place but I'm  
 8 too embarrassed to put it on my windshield because in  
 9 my heart, I'm not elderly at heart. But yeah, the  
 10 point is we from a headright perspective Councilman  
 11 Red Corn, this is very serious. These people that  
 12 he's talking about, the constituents, the headright  
 13 owners, they make a decision of do I buy -- which has  
 14 skyrocketed these days, or do I buy my medicine. He  
 15 hears these people, these people talk to us and they  
 16 look to us for help and these people, a lot of our  
 17 headright owners are dependent upon this revenue. And  
 18 when you hear operators like Ms. Carter represents  
 19 with their producers association, she's talking about  
 20 generational stuff. We've been talking about third  
 21 generations. And I am a third generation myself, but  
 22 my children, they don't want any part of this. And  
 23 the same way with a lot of these people in this room,  
 24 she mentioned that most of them are 60 years or older.  
 25 Now, I did have a computer but I have to have

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1 a grandson or daughter help me with it occasionally.  
 2 But the thing is the next generation like my children  
 3 don't want anything to do with it. And she's telling  
 4 you all that she's in there, she said she's a third  
 5 generation. When she has -- she just doesn't see, she  
 6 can't foresee her children picking up their family  
 7 production and carrying it on with this.  
 8 So, there was another point I wanted to make  
 9 if I can remember. Well, that's all for now, but I do  
 10 appreciate it.  
 11 MS. GENOVA: Is there anyone else out there wants  
 12 to speak or speak again?  
 13 We'll take a five minute break and see if  
 14 there's more comments. We have one half hour left. I  
 15 was trying to get the time. So we'll take a five  
 16 minute break and we'll come back, come back for the  
 17 final comments.  
 18 (A recess was here had 8:28 to 9:00.)  
 19 MR. MOUTON: The meeting is adjourned. Thank you  
 20 for your attendance.  
 21 (End of Public Meeting at 9:00 p.m.)  
 22  
 23  
 24  
 25

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1 CERTIFICATE  
 2  
 3 STATE OF OKLAHOMA )  
 4 ) SS:  
 5 COUNTY OF OKLAHOMA )  
 6  
 7 I, David Buck, Certified Shorthand Reporter  
 8 within and for the State of Oklahoma, do hereby  
 9 certify that the PUBLIC MEETING was taken in shorthand  
 10 and thereafter transcribed; that the same was taken on  
 11 February 8th, 2023, in Skiatook, Oklahoma; that I am  
 12 not an attorney for nor a relative of any said  
 13 parties, or otherwise interested in said action.  
 14 IN WITNESS WHEREOF, I have hereunto set my  
 15 hand and official seal this 16th day of February,  
 16 2023.  
 17  
 18  
 19  
 20  
 21 -----  
 22 David Buck, CSR #1585  
 23  
 24  
 25

A		
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