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U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

BIPARTISAN INFRASTRUCTURE LAW SEC. 40601  
ORPHANED WELL PROGRAM

Tribal Grant Guidance  
Fiscal Year 2023

Tuesday, September 27th, 2022  
1:00 P.M. to 1:42 P.M. (EST)

Attended via Zoom Webinar

## 1 P R O C E E D I N G S

2

3 KATHRYN ISOM-CLAUSE: I'm just noting  
4 that we are now turning on the recording. All  
5 right. So, thank you again for joining us today  
6 for this consultation on the Draft Orphaned Well  
7 Program Tribal Grant Guidance. We are joined by  
8 the Bureau of Indian Affairs and the Office of  
9 Environmental Policy and Compliance.

10 The Bipartisan Infrastructure Law  
11 provides a total of \$4.7 billion to address  
12 orphaned wells across the country, including \$150  
13 million for Tribal communities.

14 The Bill Section 40601D creates an  
15 orphaned well plugging, remediation, and  
16 reclamation grant program within DOI to address  
17 orphaned wells and well sites on Tribal lands.

18 Several thousand orphaned oil and gas  
19 wells remain on Tribal lands, jeopardizing public  
20 health and safety by contaminating groundwater,  
21 seeping toxic chemicals, emitting harmful  
22 pollutants, including methane, and harming

1 wildlife.

2           Some of these wells are underwater,  
3 which creates an especially high risk of adverse  
4 impacts.

5           In August, the Department sent a Dear  
6 Tribal Leader letter and released draft guidance  
7 to Tribes on how to apply for the first \$50  
8 million dollars in grant funding available this  
9 year for FY 2023. The Tribal Grant Guidance was  
10 developed with input gathered over the last year  
11 from Tribal leaders, OEPC, BIA's Indian Energy  
12 Service Center, or IESC. There are a lot of  
13 acronyms. I'm going to try to spell them out if I  
14 haven't said them yet. This effort also included  
15 a formal Tribal consultation on the bill generally  
16 in January and Tribal listening sessions specific  
17 to the Orphaned Well Grant Programs in February.

18           Other partners instrumental in the  
19 development of this document includes the Bureau  
20 of Land Management, DOI's Office of the Solicitor,  
21 and the Interior Business Center.

22           The guidance will be used in the

1 administration and distribution of the first round  
2 of funding.

3 We are specifically inviting your  
4 feedback on the following questions:

5 What recommendations do you have for  
6 partnering with Tribes to conduct activities  
7 described in the bill and this grant program?

8 How might DOI improve communication with  
9 Tribes regarding orphaned well plugging,  
10 remediation, and reclamation?

11 What additional support including  
12 specific types of technical assistance might be  
13 useful to your Tribe in order to grant -- in order  
14 to submit a grant application, manage a plugging  
15 program, and meet the administrative and reporting  
16 requirements of the program?

17 And finally, the bill section 40601  
18 Appropriation for Tribal Grants totals \$150  
19 million. Allocation of not more than \$50 million  
20 total in year, one and not more than \$1 million  
21 per Tribe for capacity building in year one are  
22 recommended to make sure that Tribes are able to

1     conduct orphaned well inventories and plan a  
2     plugging program over a period of time. Do these  
3     recommended caps support your Tribe's needs?

4             And we will display all those questions  
5     a little bit later on. So, no need to take notes  
6     on this.

7             We welcome any other comments as well on  
8     the Orphaned Well Program Tribal Grant Guidance as  
9     well.

10            As the Biden-Harris administration  
11     advances the cleanup of orphaned well sites on  
12     Tribal lands, the department is fully committed to  
13     working with federally recognized Tribal  
14     governments on a government-to-government basis  
15     and strengthening Tribal sovereignty and self-  
16     determination.

17            At this time, I will turn to Greg  
18     Nottingham with the Office of Environmental Policy  
19     and Compliance to lead us through an overview of  
20     the Tribal Well Program and Draft Guidance.  
21     Please keep in mind the targeted questions and  
22     other feedback as we go through that. Thank you.

1 Greg.

2 GREG NOTTINGHAM: Thank you, Kathryn.  
3 So, I will share screens, and I'll take myself off  
4 of video for that. And you should all see a  
5 presentation now, a PowerPoint of Tribal  
6 Consultation for the Orphaned Well FY23 Grant  
7 Guidance. This is intended to give an overview of  
8 the grant guidance and the timeline. So, the  
9 purpose of this consultation, as you all know, is  
10 to receive your input on this Draft Grant Guidance  
11 for the Orphaned Well program for the coming year.

12 By way of background, the Orphaned Well  
13 Program comes from the Infrastructure Investment  
14 and Jobs Act, also known as the Bipartisan  
15 Infrastructure Law or nickname Bill. Specifically  
16 --

17 KATHRYN ISOM-CLAUSE: Greg, I'm so sorry  
18 to interrupt, but I notice people in the chat are  
19 saying they don't see the presentation. I'm not  
20 seeing that, either.

21 GREG NOTTINGHAM: Okay. Let me see.  
22 I'll try it again.

1 KATHRYN ISOM-CLAUSE: There it is.

2 Thank you.

3 GREG NOTTINGHAM: Okay. Thank you for  
4 checking in. Let's try that again. Okay, and  
5 hopefully, that is visible now. So, do you see  
6 the What is the Orphaned Well Program section,  
7 Kathryn?

8 KATHRYN ISOM-CLAUSE: Yes, yes. That's  
9 up now.

10 GREG NOTTINGHAM: Thank you, that helps.  
11 It's hard to do a PowerPoint if nobody can see it.  
12 So, let's go with this.

13 So, under the Bipartisan Infrastructure  
14 Law is Title 6, entitled Methane Reduction  
15 Infrastructure. Obviously, the focus being on  
16 going after methane sources from orphaned wells  
17 and Section 40601 specifically entitled Orphaned  
18 Well Site Plugging, Remediation, and Respiration,  
19 is intended to go after methane leaks as part of a  
20 strategy to combat climate change, methane being a  
21 major greenhouse gas, as well as going after  
22 service water and groundwater contamination, and a

1 variety of other issues associated with orphaned  
2 wells. And part of -- in the appropriations  
3 section, this is referred to as the Energy  
4 Communities Revitalization Program, or ECRP. So,  
5 that name comes up every so often, and those of  
6 you who sent comments by E-mail will see that in  
7 the title of our mailbox. And Section 40601 sets  
8 aside \$4.677 billion over the course of nine  
9 years, beginning last November, so it expires at  
10 the end of September of 3020 and funding is to be  
11 made available in three different program areas.  
12 \$250 million out of that \$4.677 billion is  
13 available for a Federal program largely  
14 administered to Federal Land Managers, Bureau of  
15 Land Management, National Park Service, Fish and  
16 Wildlife Service, Bureau of Safety and Energy --  
17 sorry, Bureau of Safety and Environmental  
18 Enforcement, BSEE and BLM, which is offshore, and  
19 US Forest Service, which is actually a different  
20 department of the US Department of Agriculture,  
21 and that, as I said, is a \$250 million portion of  
22 Section 40601.



1           The majority of the funding is dedicated  
2     to a State Grant Program, and that is  
3     approximately \$4.3 billion to address wells on  
4     state and private lands and \$150 million is set  
5     aside by the statute for -- to address wells on  
6     Tribal lands. So, in total, across the time  
7     period of the grant through 2030, \$150 million is  
8     to be made available for addressing wells on  
9     Tribal land.

10           Why -- why this legislation? Why a  
11    focus on orphaned wells? We've mentioned that  
12    wells can be a source of methane and other  
13    greenhouse gases, they can be a source of  
14    contamination, particularly to surface and  
15    groundwater. They can also be a physical safety  
16    hazard on the surface and leave lasting impacts on  
17    habitat. Part of the issue is that the true  
18    inventory of orphaned wells across the country is  
19    not known, and there are between two and a half  
20    and four million orphaned wells thought to exist  
21    across the United States.

22           In addressing these wells, the intention

1 of the legislation is to go after methane sources,  
2 go after contamination and health risks, but also  
3 to restore habitat and create jobs in the process,  
4 particularly in those communities most impacted by  
5 the oil and gas and other production process.

6 So, under the legislation, an orphaned  
7 well is defined, either on federal or Tribal land,  
8 as a well that is not used for an authorized  
9 purpose, for which no operator can be located, for  
10 which the operator is unable to plug the well or  
11 remediate the well. It also is inclusive of wells  
12 in the National Petroleum Reserve in Alaska. And  
13 an important part of the language in the act is  
14 that those responsible, you know, former  
15 operators, that if they can be found, should be  
16 paying the cost or reimbursing the cost of doing  
17 the plugging and remediation of the sites.

18 So, on Tribal land specifically, Tribal  
19 land in the legislation is defined as any land or  
20 interest in land owned by an Indian Tribe, the  
21 title to which is held in trust by the United  
22 States, or subject to a restriction against

1 alienation under Federal law. That is interpreted  
2 to include essentially wells drilled in minerals  
3 held in trust by a Tribe, even if the surface is  
4 private, or federal, or state or remediation of  
5 surface, even if the minerals are not Tribal. So,  
6 we were running into this across the gamut from  
7 the state program, the federal program, and the  
8 Tribal program were having to criss cross mixtures  
9 of ownership of surface and mineral and for that  
10 reason, encouraging as much interaction and  
11 coordination among the various entities as we can,  
12 to make sure potentially eligible wells do not  
13 kind of fall through the cracks.

14 Now the purpose of this legislation, and  
15 the funding is to plug, remediate and reclaim  
16 orphaned wells on Tribal land. But it's fairly  
17 broad and allows also for remediation of soil,  
18 restoration of habitat, removal associated  
19 infrastructure, like pipes and facilities. Funds  
20 can also be used to inform the public and provide  
21 accounting for the use of the funds. The funding  
22 is also available to identify and characterize

1 undocumented wells. So, in other words, this  
2 funding can be used to create an inventory of the  
3 as yet unknown number of wells that might be  
4 present on Tribal lands.

5 And then lastly, there's a category in  
6 the legislation that allows for use of funds to  
7 develop or administer a Tribal program to carry  
8 out any of these activities, something we have  
9 coined as program development, essentially  
10 developing a capacity undertake this work.

11 So, the Tribal Well Program comes in two  
12 types, really, grants or In Lieu of. The grant is  
13 what we're all most familiar with, I suspect, and  
14 those will be in in the form of either a Tribal  
15 Implementation Grant, so the Tribe is ready to  
16 receive grant funding and go out and plug wells  
17 quickly or request Program Development to get a  
18 program started, do some staffing, buy equipment,  
19 create an inventory. But the legislation also has  
20 interesting language that provides for an option  
21 in which, for instance, if a Tribe only has a  
22 couple wells and it's not particularly interested

1 in building a program but does want to address  
2 maybe the small cluster of wells that are present  
3 can request that the Secretary's In Lieu of Grant,  
4 performs the plugging and remediation or  
5 reclamation on behalf of the Tribe.

6 So, a little more detail, how those  
7 different options would work is that, for  
8 instance, with the Tribal Implementation Grant,  
9 these are five-year funds, meaning that the  
10 funding distributed is a grant and needs to be  
11 obligated within five years. Obligation does not  
12 mean spend down. It does not mean the project has  
13 to end in five years. It does mean that if you're  
14 contracting, for instance, you need to obligate  
15 those funds to contracts within five years and for  
16 the Tribal Implementation Grant, there is in the  
17 statute a 10% cap for administrative costs.

18 A different grant option would be the  
19 Program Development Grant. Again, this might be  
20 where capacity needs to be developed over the  
21 first couple of years, either in terms of staffing  
22 and equipment, or in terms of collecting inventory

1 before plugging can begin. This, too, is five  
2 years to obligate the funds. However, the grant  
3 language suggests in order to ensure that the  
4 program development is leading to inventory,  
5 leading to build up a capacity to undertake  
6 plugging, data would be shared with the department  
7 at the end of year one, we're developing an  
8 orphaned well database for all wells, federal  
9 Tribal state and private. But the data would be  
10 generated in year one and the progress toward a  
11 fully developed program leading to plugging would  
12 be evidenced in the first three years or so.

13 For the FY23 Grant Guidance, we've  
14 proposed a \$1 million cap per applicant for the  
15 program development portion, but the statute does  
16 not apply an administrative cap. So, there's no  
17 10% cap on administrative costs under this  
18 category.

19 And going to the In Lieu of Grant  
20 option, again, this is a request by the Tribe that  
21 the Department of the Interior undertake the  
22 plugging and abandonment on behalf of the Tribe.

1 We're trying to keep this as streamline as  
2 possible. It's as simple as a written request,  
3 with some information in it that's spelled out in  
4 the guidance. This will be sent by mail or E-mail  
5 and would be undertaken largely by the Indian  
6 Energy Service Center, which is part of the Bureau  
7 of Indian Affairs, in coordination with the  
8 requesting Tribe. And then IESC would perform the  
9 contracting, well witnessing, and provide that  
10 kind of technical support and implementation of  
11 the plugging activities.

12 And the FY23 Grant Guidance proposes  
13 starting with a \$50 million, one-third of the \$150  
14 million available for Tribal well plugging, and  
15 that \$50 million would be the first of three  
16 phases, \$50 million each, in order to space out  
17 some of the work, allow for the building of  
18 capacity, establishment of contracts and protocols  
19 over the course of time since we do have several  
20 years to implement the project. So, the first --  
21 the FY23 period would be limited to \$50 million  
22 total across those -- the two grants and the In

1 Lieu of Grant.

2           And then the application process,  
3 currently the timeline we have in mind is to  
4 receive your comments through October -- I believe  
5 October 21 is our due date. That would give us a  
6 few weeks to address any comments, make final  
7 revisions, and fully vet the final guidance for  
8 release on or about November 18th, that's a  
9 Friday, with the expectation that applications for  
10 funding would be due January 20, 2023. So, that  
11 would give a couple months to put the applications  
12 together, with January 20th as a due date. This  
13 could be -- these would be submitted  
14 electronically to the ECRP@ios.doi.gov mailbox and  
15 as we are doing for the state grants, we would  
16 receive those applications electronically and  
17 enter them on your behalf into Grant Solutions so  
18 that data entry, application entry would be done  
19 by DOI.

20           And now, as Kathryn, we will reiterate  
21 the specific questions in the Dear Tribal Leader  
22 letter and then turn this back over for discussion



1 and comment period.

2 The first question is, what  
3 recommendations do you have for partnering with  
4 Tribes to conduct activities described in this  
5 grant program? This also is thinking across  
6 Tribes and state and federal, who are also going  
7 to be very active in doing work on their  
8 respective properties, but the hope is that  
9 there's cooperation to realize efficiencies in  
10 making sure that wells are all addressed through  
11 one funding source or another.

12 How might DOI improve communication with  
13 Tribes regarding orphaned well plugging,  
14 remediation, or reclamation? So, we do have the  
15 mailbox. We are communicating via a website. We  
16 host and the Assistant Secretary for Indian  
17 Affairs hosted a website to promote this Tribal  
18 consultation session. But if there are other  
19 communication mechanisms that you recommend, we'd  
20 be very interested in hearing about those.

21 What additional support, including  
22 specific types of technical assistance, might be

1 useful to your Tribe in order to submit a grant  
2 application, to manage appointment program, and to  
3 meet the administrative and reporting requirements  
4 of this program? So, we're looking for specifics  
5 on what kind of technical assistance we can offer  
6 collectively across OEPC, Assistant Secretary,  
7 Indian Affairs, BIA, and IEC and others -- Bureau  
8 of Land Management, for instance, in terms of  
9 either helping with the grant administration or  
10 with the technical aspects of inventory  
11 assessment, plugging, and remediation.

12 And then, the fourth question we posed  
13 in the Dear Tribal Leader letter has to do with  
14 the specific components of the grant, of the grant  
15 guidance that I just outlined, and specifically  
16 the terms of the guidance include proposing a \$50  
17 million total for year, one \$1 million cap for  
18 program development or capacity building grants  
19 per Tribe, and again, the intent of this is to  
20 ensure that there is funding available over time,  
21 and that those Tribes who do not maybe have  
22 developed programs, or don't have an inventory yet

1 to know the full scope and scale of what -- what  
2 needs to be addressed, has time to develop that  
3 information.

4 So, do these recommended caps support  
5 your Tribes needs for the first year of this  
6 program?

7 And with that, I will stop sharing and I  
8 will turn this back over to Special Assistant,  
9 Joaquin Gallegos. Joaquin.

10 JOAQUIN GALLEGOS: Thank you, Greg. We  
11 will now open up the consultation for discussion  
12 for comments and questions. We have experts here  
13 today from OEPS and BIA to support the  
14 conversation. And, as a reminder, please use the  
15 raise hand function, and we will do our best to  
16 call on folks in order. The floor is yours.  
17 Barbara.

18 BARBARA ROSENBAUGH: I'm sorry. It's  
19 probably mentioned somewhere, but would like a  
20 copy of the screen presentation if we're able to  
21 have that.

22 GREG NOTTINGHAM: Certainly. We'll make

1 that available most likely, Joaquin, on both  
2 websites, the OEPC Legacy Pollution website, and  
3 also the -- and possibly the Asia website as well.

4 BARBARA ROSENBAUGH: Is there any way  
5 you can just send it to the participants?

6 GREG NOTTINGHAM: We will certainly  
7 look into that. If we have --

8 BARBARA ROSENBAUGH: Thanks, Greg.

9 GREG NOTTINGHAM: Yeah, if we have E-  
10 mail addresses, we will certainly do that.

11 BARBARA ROSENBAUGH: That would make it  
12 really much -- very handy for us. Thank you.

13 GREG NOTTINGHAM: Okay.

14 JOAQUIN GALLEGOS: Thanks, Barbara.  
15 We'll add it to the website and send that out  
16 shortly. Scott.

17 SCOTT CLOW: Good day. I'm Scott Clow  
18 with the Ute Mountain Ute Tribes Environmental  
19 Programs Department. I was curious, is there any  
20 preclusion on perhaps getting some program  
21 development funding as well as the -- the Tribal  
22 Implementation funding? Is it one or the other,

1 or can we apply for both at the same time?

2 GREG NOTTINGHAM: Joaquin, if you'd like  
3 me to take that, I'll take a shot.

4 JOAQUIN GALLEGOS: Yeah, please, Greg.

5 GREG NOTTINGHAM: Okay. So, the  
6 language in the guidance indicates that it's  
7 either the Implementation Grant or the In Lieu of  
8 Grant because those would both go to plugging.  
9 But if there's an interest in the Capacity  
10 Building Grant, the Program Development, as you've  
11 suggested, there's no prohibition in combining  
12 that with one of the others.

13 SCOTT CLOW: Thank you.

14 JOAQUIN GALLEGOS: And Danielle.

15 DANIELLE SQUEOCHS: Thank you, and good  
16 morning, everyone. I am wondering, so I'm with  
17 the -- I'm an environmental engineer and  
18 hydrogeologist with the Yakima Nation. We do have  
19 some oil and gas wells, but we also have water  
20 production and water supply wells that are posing  
21 a risk to our aquifers and I'm wondering if there  
22 is any funding associated with this to support

1 some of the decommissioning activities for those.

2 JOAQUIN GALLEGOS: Greg or BIA.

3 GREG NOTTINGHAM: So, the -- so, the  
4 language of the statute, as you I'm sure noticed,  
5 speaks to some extent about oil and gas wells, but  
6 is not exclusive to oil and gas wells. So, we  
7 have had folks reach out, some states, for  
8 instance, with geothermal wells and other types of  
9 wells. So, I think this is likely to be more a  
10 matter of how does it score out in terms of  
11 priority? Is this potentially a methane leak?  
12 Are there contaminant -- groundwater service water  
13 contamination issues associated with it? Those  
14 would likely be the drivers. But certainly,  
15 anything that is -- that is potentially methane or  
16 the greenhouse gas source, or a source of  
17 contamination would be likely to be considered  
18 eligible for this funding.

19 DANIELLE SQUEOCHS: Fantastic. Thank  
20 you.

21 JOAQUIN GALLEGOS: And Graham.

22 GRAHAM STAHNKE: Thank you, Joaquin. My

1 name is Graham Stahnke and I'm with the Southern  
2 Indian Tribes Department of Energy. We've been  
3 looking at orphaned wells for a few years and we  
4 have a few that are on the list that are actively  
5 undergoing either service for mediation or  
6 plugging. I guess one of the items, and I think,  
7 Greg, you touched on this, was that there is a  
8 potential to use some of this funding for a split  
9 state situation where you may have a well  
10 penetrating Tribal minerals that you may have fee  
11 surface, and it could be vice versa, but it sounds  
12 like those are available for funding through this  
13 federal program.

14 And I guess the only other point would  
15 be we've got a good working relationship with  
16 Colorado, and they are also in the process of  
17 dispersing a number of funding pools for orphaned  
18 wells. So, do you recommend in situations like  
19 that that we continue to work through DOI, and if  
20 so, is DOI going to work with any state agencies  
21 to kind of address situations like this, or kind  
22 of where do you see that going?

1           GREG NOTTINGHAM: Very good question.  
2       We are encouraging coordination among the various  
3       entities, particularly because there is so much  
4       potential overlap in funding and questions about  
5       ownership and control depending on service and  
6       mineral. So, at this point, yes, we have pushed  
7       out money to several federal agencies. We pushed  
8       that some funding states. Colorado did receive  
9       their initial state grant. And in those in those  
10      -- in the guidance for those two sources of  
11      funding, they too, are encouraged to coordinate  
12      and find deficiencies. There certainly is  
13      complexity related to some of the either land  
14      ownership or mineral ownership, particularly on  
15      Tribal lands or under Tribal lands, and we are  
16      happy to facilitate any conversations with states  
17      or federal agencies. We also have the technical  
18      expertise. For instance, Albert Bond is on the  
19      phone from the Indian Energy Service Center. They  
20      have been grappling with these topics for some  
21      time, and we would lean heavily on their subject  
22      matter expertise to help guide through that --



1 some of those difficult determinations of who  
2 controls in what instance and then look for  
3 opportunities to coordinate with either the  
4 federal entity or the state.

5 But if you have questions, feel free --  
6 or would like to know, you know, who do we contact  
7 in Colorado or Utah or wherever, we will do what  
8 we can to put you in touch and to the extent that  
9 we can, we'd be happy to facilitate that  
10 conversation.

11 GRAHAM STAHNKE: No, thank you for that,  
12 and I know Albert has been on a few calls as well,  
13 and I probably owe him an E-mail or a phone call.  
14 So, we will pursue that.

15 So, a couple more quick questions. So,  
16 with this initial \$50 million that's going to be  
17 dispersed in FY23, our goal -- and we submitted  
18 written comments largely to the effect of what I'm  
19 going to ask, but since we have you all in person  
20 -- is the grant funding, going to be awarded on a  
21 competitive bid process or is this something  
22 where, if we submit a grant application and it's

1 for, let's say, \$700,000 to do an inventory of  
2 existing wells, is the potential that that gets  
3 awarded, is that one hundred percent or is it  
4 still going to be subject to available funding  
5 through DOI?

6 GREG NOTTINGHAM: Right. Another good  
7 question. We are developing a scoring matrix to  
8 help prioritize projects with the \$50 million for  
9 year one. We were comfortable with that amount  
10 after surveys by the Indian Energy Service Center  
11 and the regional contacts suggested that that  
12 should encompass the demand. So, our hope is that  
13 that is enough to address the demand in this first  
14 year. If that is not enough, then we'll -- we'll  
15 revisit that based on a scoring scheme and a and a  
16 distribution of funds across the three categories.  
17 So, that is something we are still working on.

18 GRAHAM STAHNKE: Okay. Then, it sounds  
19 like that grant, that will be kind of in the grant  
20 guidance that's going to come out in November,  
21 you're thinking?

22 GREG NOTTINGHAM: Yes.

1           GRAHAM STAHNKE: Okay, okay. Then one  
2 final question. So, like I said, on the Southern  
3 Ute Indian Reservation, we have a decent  
4 inventory. We have two orphaned wells that we are  
5 actively remediating right now. That said, we  
6 have situations where we have Tribal purchase.  
7 So, essentially, we have land that was previously  
8 fee land. The Tribe has since purchased it. It's  
9 essentially being managed under trust  
10 responsibility through the Department of the  
11 Interior. So, that's kind of our background. But  
12 as far as, we've got our Department of Energy and  
13 we're actively managing this stuff. We do want to  
14 do an inventory, though. So does that, I mean, I  
15 guess, and maybe this will come out in the -- in  
16 the grant guidance as well in November. But is  
17 that really -- would that be a Tribal  
18 Implementation Grant as in we're going to request  
19 the funding, we're going to hire a third-party  
20 contractor, we're going to manage the work, or is  
21 that more on the program development side of hey,  
22 we have a list already, but we think we can make

1 our list better by taking some of these existing  
2 historic wells that may have been plugged  
3 incorrectly, maybe methane leaks into the surface.  
4 So, and I guess -- so, I guess that's just kind of  
5 my question is what -- what pool of money do you  
6 think that falls into and, you know, if it's a  
7 question that we need to discuss further offline,  
8 that's fine, too.

9 GREG NOTTINGHAM: Okay. The first blush  
10 would be in the -- if you're doing plugging and  
11 inventory, that's probably the Implementation  
12 Grant, the larger grant potentially, and you have  
13 some capacity -- you might build up some more  
14 capacity, but it's not exclusively -- exclusively  
15 or heavily focused on building a program. So, on  
16 first blush, that would be my inclination. I  
17 think we would also work with you, you know, if  
18 someone puts in for Program Development Funding  
19 and it's 90% plugging, we'll probably work with  
20 them on what's the nature of this proposal really,  
21 and what's the better, you know, bucket to put it  
22 in.

1           GRAHAM STAHNKE: Excellent. Fantastic.  
2 Well, thank you Greg. We certainly appreciate the  
3 opportunity to comment and the availability of all  
4 the staff at the Department of Interior. And like  
5 I said, we submitted comments, so I'm not going to  
6 reiterate all of them today. But again, we  
7 appreciate your time and the opportunity to be  
8 involved in the process. So, thank you.

9           JOAQUIN GALLEGOS: Thanks, Graham. and  
10 then Rollie.

11           ROLLIE WILSON: Hey, everybody. Hi,  
12 Greg. Hi, Joaquin. Thank you all for taking the  
13 time to do this consultation and taking another  
14 round of comments. I was looking through the  
15 participants. Was Deputy Assistant Secretary  
16 Kathryn Isom-Clause able to stay on or did she  
17 have to take off?

18           JOAQUIN GALLEGOS: She got pulled into  
19 something but will re rejoining in a bit.

20           ROLLIE WILSON: oh, okay. Well, so,  
21 Greg and Joaquin, if I miss her, if you could pass  
22 this first comment on to her. This was included

1 in our written comments, but sort of like Graham  
2 said, we appreciate the opportunity to reemphasize  
3 this with you in person.

4 So, Greg, you all noted that there's  
5 \$150 million available for work on Tribal lands,  
6 and, of course, we appreciate that substantial  
7 funding. We did want to point out that Section  
8 40601 of the Infrastructure Act defined federal  
9 land as all land administered by a Land Management  
10 Agency within the Department of Agriculture and  
11 the Department of the Interior. The reason why  
12 that's important is that the \$250 million that's  
13 available for a federal well-plugging program is  
14 therefore available to the Bureau of Indian  
15 Affairs as a Land Management Agency within the  
16 Department of the Interior. So, I know that you  
17 all have other responsibilities on BLM-managed  
18 lands, Park Service-managed land, but to the  
19 extent that the lands managed by BIA exceeds the  
20 \$150 million that was specifically designated for  
21 Tribal lands, we encourage and hope that you will  
22 tap into and look at that other \$250 million that

1 the Infrastructure Law specifically provided for  
2 Federal Land Management Agencies. And again,  
3 that's in our written comments if you need  
4 something to reference on that. But we appreciate  
5 that.

6 Also, I'll just say the reason why I  
7 bring that up on behalf of the Osage Minerals  
8 Council is we have at least 1,600 orphaned wells  
9 that need to be plugged. We've been plugging them  
10 for the last three or five years through money  
11 obtained through Congress, and really hope to use  
12 the resources provided in this program to make a  
13 substantial dent in the remainder of those 1,600  
14 wells.

15 On the coordination issue that you  
16 raised, Greg, or that somebody raised, we've not  
17 heard -- there was a like a well-plugging council  
18 or advisory group established within the  
19 Department of Energy as a part of all this, and we  
20 had hoped that there would be outreach or  
21 inclusion of Tribes as a part of that advisory  
22 group. I forget the acronym, but it was DOE and

1 the large state oil and gas entity that brings  
2 together a lot of states. Go ahead, Greg.

3 GREG NOTTINGHAM: IOGCC, the Interstate  
4 Oil and Gas Compact Commission?

5 ROLLIE WILSON: Yeah, that one. Yeah.  
6 It would be great if Tribes were also invited and  
7 participated in that group or any meetings that  
8 they're having. I don't know, maybe they're not  
9 having any meetings yet, but we've not heard  
10 anything from them, maybe engaging the DOE Office  
11 of Indian energy, and then reaching out to the  
12 Tribes that have a substantial interest in  
13 orphaned well plugging would be great. I think it  
14 would really help with that overall coordination  
15 between the federal government, state governments,  
16 and Tribal governments on this issue.

17 So, we look forward to your guidance and  
18 maybe reach out to you again with questions as  
19 we're preparing our application, and please check  
20 into that other \$250 million that could be  
21 available and thank you very much for your time  
22 today.



1           JOAQUIN GALLEGOS: Thanks, Rollie. We  
2 also have a question in the chat, Greg. I think  
3 it's been answered, but just to be clear. Does  
4 this program extend to water supply/geothermal  
5 wells or is there strictly oil and gas production  
6 wells?

7           GREG NOTTINGHAM: So, that is -- it is  
8 dependent on how orphaned well is defined, but it  
9 is not exclusively limited to oil and gas wells.  
10 As mentioned earlier, we do have a couple  
11 geothermal wells that may be submitted from  
12 certain applicants. So, again, it depends on how  
13 orphaned well is defined in your jurisdiction.

14           JOAQUIN GALLEGOS: Are there any other  
15 questions or comments at this time? And, as a  
16 reminder, we look forward to receiving your  
17 written comments. That submission E-mail is in  
18 the Chat, [ecrp@ios.doi.gov](mailto:ecrp@ios.doi.gov) and the deadline for  
19 written comments is October 27th. And again, we  
20 ask for specific feedback on those targeted  
21 questions that are in the Dear Tribal Leader  
22 letter, but we also look forward to any other

1 comments on the Orphaned Well Program Tribal Grant  
2 Guidance too.

3 Seeing no hands or I'm not hearing  
4 anyone, we will give it a last call for comments  
5 or questions.

6 JOHNNA OBERLY SPRIGGS: Joaquin, we do  
7 have a request in the chat to display the targeted  
8 questions. Are we able to do that?

9 GREG NOTTINGHAM: I'm trying to drop  
10 those in.

11 JOAQUIN GALLEGOS: Thanks for the  
12 questions that were on the Dear Tribal Leader  
13 letter, and we'll put those in the chat. And  
14 those questions are now in the chat.

15 Well, thank you everyone for your  
16 feedback and participation today. We heard the  
17 outline of the guidance that calls for  
18 encouragement to coordinate with states, how the  
19 funding can be used with the different pools of  
20 implementation and capacity building funding. And  
21 again, we look forward to hearing your feedback  
22 through written comments. The deadline again is

1     October 27th, and the E-mail is ecrp@ios.doi.gov.  
2     We do ask that on your correspondence, please note  
3     your Tribal affiliation and include "Tribal  
4     Orphaned Well Grant Guidance" in the subject line.  
5     And at this time, we will conclude this first  
6     consultation on the Tribal Orphaned Well Grant  
7     Guidance. And as a reminder, we have another  
8     session on Thursday.

9             Did you have another comment, Mr. Clow?  
10     Perhaps that was a goodbye. But thank you very  
11     much everyone and this concludes our consultation  
12     for today.

13                             (WHEREUPON THE MEETING WAS  
14                             CONCLUDED AT 1:42 P.M.)

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