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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

Thursday, September 29th, 2022

1:00 P.M. to 1:44 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 KATHRYN ISOM-CLAUSE: All right. So,

5 thank you again for joining us today for this

6 consultation on the Draft Orphaned Well Program

7 Tribal Grant Guidance. We are joined by the

8 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 the DOI to

17 address orphaned wells and well sites on Tribal

18 lands.

19 Several thousand orphaned oil and gas

20 wells remain on Tribal lands, jeopardizing public

21 health and safety by contaminating groundwater,

22 seeping toxic chemicals, emitting harmful

1 pollutants, including methane, and harming  
2 wildlife.

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

6 If you'll pardon me, I have a bit of a  
7 cold. So, let me know if you're having any  
8 trouble hearing me.

9 In August, the Department sent a Dear  
10 Tribal Leader letter and released draft guidance  
11 to Tribes on how to apply for the first \$50  
12 million dollars in grant funding available this  
13 year for fiscal year 2023.

14 The Tribal Grant Guidance was developed  
15 with input gathered over the last year from Tribal  
16 leaders, OEPC, and BIA's Indian Energy Service  
17 Center. This effort also included a formal Tribal  
18 Consultation on the bill generally in January of  
19 this year and Tribal listening sessions specific  
20 to the Orphaned Well Grant Program in February of  
21 this year.

22 Other partners instrumental in the

1 development of this document includes the Bureau  
2 of Land Management, the DOI Office of the  
3 Solicitor, and the Interior Business Center.

4 This guidance will be used in the  
5 administration and distribution of the first round  
6 of funding.

7 We are specifically inviting your  
8 feedback on the following questions, and I'll read  
9 them out here but we'll also display them again as  
10 part of the presentation so you'll have them handy  
11 for comments.

12 What recommendations do you have for  
13 partnering with Tribes to conduct activities  
14 described in the bill and this grant program?

15 How might DOI improve communication with  
16 Tribes regarding orphaned well plugging,  
17 remediation, and reclamation?

18 What additional support including  
19 specific types of technical assistance might be  
20 useful to your Tribe in order to submit a grant  
21 application, manage a plugging program, and meet  
22 the administrative and reporting requirements of

1 this program?

2 The Bill Section 40601 Appropriation for  
3 Tribal Grants totals \$150 million. Allocation of  
4 not more than \$50 million total in year one and  
5 not more than \$1 million per Tribe for capacity  
6 building in year one is recommended to make sure  
7 that Tribes are able to conduct orphaned well  
8 inventories and plan a plugging program over a  
9 period of time. Do these recommended caps support  
10 your Tribe's needs?

11 And, of course, we welcome all other  
12 comments on the Orphaned Well Program Tribal Grant  
13 Guidance as well.

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

21 At this time, I will turn to Greg  
22 Nottingham with the Office of Environmental Policy

1 and Compliance to lead us through an overview of  
2 the Tribal Well Program and Draft Guidance.  
3 Please keep in mind the targeted questions and  
4 other feedback, and I will turn it over to you,  
5 Greg. Thank you.

6 GREG NOTTINGHAM: Thank you very much.  
7 I'll go off camera and share screen, and we'll  
8 walk through a brief PowerPoint. All right.  
9 Kathryn, can you see my screen?

10 KATHRYN ISOM-CLAUSE: Yes, I can see  
11 your screen.

12 GREG NOTTINGHAM: All right. Thank you  
13 so much.

14 So, what we would like to do with this  
15 PowerPoint is simply provide context for the  
16 Orphaned Well Grant Guidance Consultation. So,  
17 the purpose today is, as mentioned by the Deputy  
18 Assistant Secretary, is to seek input on draft  
19 guidance related to the Orphaned Well Grant  
20 Program that has been -- is being put together by  
21 the Department of the Interior under the  
22 Bipartisan Infrastructure Law.

1           So, today's consultation is going to  
2 focus on the year one of the Tribal Grant Program  
3 or the FY23 Grant.

4           By way of background, this comes from  
5 the Infrastructure Investment in Jobs Act, also  
6 known as the Bipartisan Infrastructure Law or the  
7 BILATERAL and in Title VI entitled Methane  
8 Reduction Infrastructure, we have Section 40601  
9 that set up an Orphaned Well Site Plugging,  
10 Remediation, and Restoration Program often  
11 referred to as the Energy Communities  
12 Revitalization Program or ECRP, and you'll see  
13 ECRP in the title of the mailbox to which comments  
14 are being sent and later the applications. And  
15 the bill sets aside \$4.677 billion for the  
16 Orphaned Well Program. These funds expire in  
17 2030. This does not mean that everything has to  
18 be complete by 2030. The language of the bill  
19 indicates that funds are available until September  
20 30, 2030, which means the distribution of grant  
21 funds needs to be complete, everything is out the  
22 door, but there could be continuation of projects

1 under contracts, under obligations of those funds  
2 post-2030. But all funds will be distributed to  
3 grant recipients by that date.

4 And the Orphaned Well Program is broken  
5 into a couple different areas. One is the federal  
6 program, and this is \$250 million for -- to  
7 address orphaned wells on federal lands,  
8 specifically Bureau of Land Management, National  
9 Park Service, Fish and Wildlife Service, the  
10 Bureau of Safety and Environmental Enforcement,  
11 BSEE and BLM, which deals with offshore wells, as  
12 well as the US Forest Service, which is part of  
13 not interior, but agriculture.

14 BIL also established a significant  
15 State Orphaned Well Grant Program and \$4.3  
16 billion, basically 94% of the amount appropriated  
17 for this program will be -- is dedicated to state  
18 and private lands, and \$150 million is earmarked  
19 for orphaned wells on Tribal lands.

20 So, why dedicate nearly \$5 billion to  
21 orphaned wells? The full scope of the problem is  
22 not really known. There are estimates of 2.5



1 million to 4 million orphaned wells scattered  
2 across the nation. These wells can leak methane  
3 and other greenhouse gases. They can contaminate  
4 surface water and ground water. They certainly  
5 represent physical safety hazards and impacts on  
6 habitat, and the language in the statute  
7 specifically calls for reducing emissions or  
8 capping -- plugging methane leaks, addressing  
9 contamination, addressing physical safety hazards,  
10 and in doing so, restoring habitat and creating  
11 jobs, particularly in the most heavily hit  
12 communities.

13 So, how does the statute define orphaned  
14 well? There are specific stipulations for a well  
15 either on federal land or Tribal land. So, on  
16 Tribal land, an orphaned well is a well that is  
17 not used for an authorized purpose, for which no  
18 operator can be located, for which the operator is  
19 unable to plug or remediate the well, and it is  
20 also inclusive of National Petroleum Reserve wells  
21 in Alaska.

22 Another aspect of this legislation is

1 that there is a strong incentive, a strong  
2 directly really to go after cost recovery or  
3 reimbursement or performance of work where there  
4 are responsible parties, where there are operators  
5 that can be identified to do the work rather than  
6 using these funds. So, these funds can be used up  
7 front and then reimbursements sought or these  
8 third parties could actually do work performance.

9 The definition of Tribal lands in the  
10 statute includes any land or interest in land  
11 owned by an Indian Tribe that is held in trust by  
12 the United States, or subject to restriction  
13 against alienation under federal law. What this  
14 means essentially is it's fairly broad that wells  
15 drilled into minerals held by the Tribe,  
16 regardless of surface ownership, or vice versa,  
17 wells -- excuse me -- minerals that are perhaps  
18 private or state or other, but the surface is  
19 managed by the Tribe, these would be considered  
20 Tribal lands. These would be wells on Tribal land  
21 and eventually eligible for funding.

22 Funds can be used for a number of

1 different activities including plugging,  
2 remediating, or reclaiming orphaned wells,  
3 remediating soil, restoring habitat, removing  
4 infrastructure, such as pipelines and facilities.  
5 So, it's not just the well head itself or the  
6 hole, it is all of the associated infrastructure.  
7 Funds can be used to help inform the public and  
8 provide public accounting, perhaps by way of a  
9 website and to characterize undocumented orphaned  
10 wells. In other words, creating or building an  
11 inventory of what else is out there. What don't  
12 we know about.

13 And then item 6, allows for the  
14 development or administration of a Tribal program  
15 to carry out any of these other activities, in  
16 other words, building capacity to start up and run  
17 a program.

18 So, there are two different kinds of  
19 grants in the Draft Grant Guidance that you're  
20 considering. One is a Tribal Implementation  
21 Grant. The other is a Program Development Grant  
22 that really goes to that item 6 on the list of

1 eligible activities, or there is language in  
2 statute that states that if a Tribe prefers that  
3 the Secretary of the Interior undertake the  
4 plugging, remediation, or restoration of the well,  
5 then the Tribe can request that the Secretary  
6 perform that work In Lieu of a Grant and  
7 essentially do the plugging on behalf of the  
8 Tribe. This might be a scenario in which a Tribe  
9 only has a couple of wells and standing up a  
10 program might not make sense, but the work needs  
11 to be done, and this might be an efficient way to  
12 get that accomplished.

13 So, in a little more detail on these  
14 options, the Tribal Implementation Grant comes  
15 with a requirement in the statute that it's not  
16 limited to a five-year program, but the funds have  
17 to be obligated within five years. So, in other  
18 words, if something is being contracted out, if  
19 your work is going to a contractor, then the  
20 funding needs to be obligated within five years of  
21 distribution or returned to the Secretary. So,  
22 there's a five-year window there, and there's a

1 10% cap on administrative costs associated with  
2 these grants.

3 On the other hand, if the interest is in  
4 developing a program, the Program Development  
5 Grant does not come with an administrative cap.  
6 It's purpose really is to build capacity. It  
7 still has a five-year requirement to obligate  
8 within five years or return those funds, and the  
9 language of the draft guidance looks for data,  
10 basically inventory information within a year or  
11 so of the effective date of the grant, in other  
12 words, beginning to show some product coming from  
13 the effort by way of identifying wells, building  
14 an inventory, and within a few years of the  
15 program starting, moving toward a plugging  
16 program. And then in the Grant Guidance, there is  
17 a \$1 million cap per applicant for the Program  
18 Development Grant funding.

19 The In Lieu of Grant will be a, we hope,  
20 very simple process by way of a written request to  
21 the ECRP mailbox or by mail. But that could be as  
22 simple as a request on behalf of the Tribe to the

1 Department of Interior requesting the plugging of  
2 wells In Lieu of A Grant and there are a few --  
3 there's some information required in that E-mail,  
4 but it's fairly brief. If we -- if you choose  
5 that path, then the Office of Environmental Policy  
6 and Compliance, our office, would work with BIA's  
7 Indian Energy Service Center, IESC, and IESC would  
8 actually contract out and oversee the work  
9 including contractor and witnessing the plugging  
10 activities. So, the petroleum engineers or  
11 whomever would be in the field coming from IESC.

12 And an important proposal in the Draft  
13 Guidance is that of the \$150 million available in  
14 Section 40601 for the Tribal Grant Program, this  
15 first year, FY23, would be capped at \$50 million  
16 so that that would allow for subsequent phases,  
17 most likely at \$50 million each phase, each year,  
18 based on need, based on growth of inventories and  
19 more data being gathered in the field. But this  
20 \$50 million cap based on surveys of potential  
21 grant applicants, we think, is within the realm  
22 of, you know, that would capture the demand that

1 we would expect to see in the first year.

2 So, the timeline that we have in front  
3 of us is to complete a Tribal Consultation,  
4 receive comments. I believe the date in our Dear  
5 Tribal Leader letter was the third week of October  
6 for comments. We'll take the next couple weeks to  
7 finalize the Grant Guidance and issue or release  
8 the final guidance on or about November 18th, with  
9 the due date for applications being January 20th  
10 of 2023. Those applications would be submitted  
11 electronically, so that would go to our ECRP  
12 mailbox, [ecrp@ios.doi.gov](mailto:ecrp@ios.doi.gov), and the Department of  
13 Interior would then take those applications and  
14 enter the data of those applications into  
15 GrantSolutions on your behalf. So, this is the  
16 same format and same approach we used for the  
17 state grants and we're applying that also to  
18 Tribal grants to try to reduce some of that  
19 administrative burden on the grant application  
20 side of things.

21 So, with that backdrop, we'll go back to  
22 the questions in the Dear Tribal leader letter

1 that the Deputy Assistant Secretary mentioned for  
2 us. Certainly, we would love to have comments on  
3 any aspect of the Grant Guidance, but specifically  
4 we're looking for input just to kind of jog the  
5 conversation on what recommendations you have for  
6 partnering with Tribes to conduct activities  
7 described in this grant program.

8 How might the department improve  
9 communication with Tribes regarding the Orphaned  
10 Well Plugging, Remediation, and Reclamation  
11 process?

12 So, for instance, we have information on  
13 a couple websites. Does that work? Do we need  
14 other information, outlets, and what might those  
15 be?

16 What additional support including  
17 specific types of technical assistance might be  
18 useful to your Tribe in order to submit a grant  
19 application, to manage a plugging program, and to  
20 meet administrative reporting requirements? So,  
21 we're thinking technical assistance might be more  
22 administrative on the front end of the grant or



1 grant management or contract management or more  
2 technical involving field activity, identifying  
3 wells, methane measurement, identification of  
4 surface water or ground water contamination, and  
5 well plugging technical assistance.

6 And then, the last question in the Dear  
7 Tribal Leader letter goes to the allocation of \$50  
8 million in this first year out of the \$150 million  
9 available in the statute and the \$1 million cap on  
10 program development funding per application just  
11 to make sure that we see what the need is and  
12 everyone interested has an opportunity to build  
13 capacity and begin a program or dive straight into  
14 the work but also accumulate new information about  
15 wells, build an inventory, build capacity. So,  
16 there's a \$1 million limit on the program  
17 development component. And we're asking  
18 essentially if these recommended caps support your  
19 Tribe's needs for this first year, FY23.

20 And we'll drop some of these dates into  
21 the chat. But again, comments by October 21. We  
22 have an E-mail address. We also have a physical

1 address if that's preferred. And if you would,  
2 please, identify your Tribal affiliation and write  
3 either in the header or the subject line Tribal  
4 Orphaned Well Grant Guidance just to make sure the  
5 communication gets to the right office.

6 And with that, I will turn it back over  
7 to you, Kathryn.

8 KATHRYN ISOM-CLAUSE: Thank you. All  
9 right. So, we will now open up for the discussion  
10 for comments and questions. We have experts here  
11 today from OEPC and BIA to support the  
12 conversation. So, please use the raise hand  
13 function if you'd like to make a comment. I  
14 believe that's under reactions when you click  
15 through to raise hand, and we will do our best to  
16 call on folks in order. If you are unable to  
17 raise your hand, there is also the chat, which  
18 we'll be monitoring. Oh. Go ahead. Do we have a  
19 comment?

20 Mr. Albers, did you want to start us off  
21 with a comment?

22 DERRICK ALBERS: I'm sorry. I was

1 muted. That wasn't supposed to be on mute. I  
2 apologize.

3 KATHRYN ISOM-CLAUDE: Okay. I don't  
4 want to put you on the spot. All right. Ms.  
5 Flowers, I see you have a comment in the chat.  
6 So, go ahead.

7 VICTORIA FLOWERS: I will defer to any  
8 Tribal leaders first if anyone has a comment they  
9 would like to make, and then I'll come back on.  
10 But I do have some pertinent questions and  
11 suggestions for outreach.

12 KATHRYN ISOM-CLAUDE: Great. We'll give  
13 it a moment. I don't see any hands raised right  
14 now. Yeah, I don't see any hands raised. So, if  
15 you want to go ahead, please, Victoria.

16 VICTORIA FLOWERS: Sure. My name is  
17 Victoria Flowers. I work for the Oneida Nation.

18 One of the things that I am interested  
19 in besides the information I listed in the chat is  
20 relative to getting the information out to Tribes  
21 who might be affected by this. I know in my EPA  
22 circles, the folks in air programs heard about

1 this through the Methane Reduction; however,  
2 people in the underground storage tank world, The  
3 Brownfield world in EPA haven't heard anything  
4 about it, and I think relative to Tribes engaging  
5 as in an oversight or capacity building, I think  
6 reaching out to EPA channels through the Office of  
7 Land and Emergency Management would be really  
8 helpful going forward to inform Tribes of this  
9 being out there. And then, I would also defer to  
10 you to read the questions in the chat to receive  
11 comment. Thank you.

12 KATHRYN ISOM-CLAUSE: Sure. Thank you  
13 for those comments, and I'll read out your  
14 questions. Who pursues cost recovery? Would DOI  
15 support or initiate this activity? How would a  
16 Tribe develop a capacity to oversee this activity?  
17 What resources would be made available to Tribes  
18 to develop the capacity?

19 STEVE TRYON: I don't mind taking the  
20 first shot at that one. So, I think the question  
21 is a reference to potentially responsible parties  
22 and what has been done to exhaust financial

1     assurances, if there are any, and I'm sure the  
2     first place to start is with Bureau of Indian  
3     Affairs, and I would ask Johnna Spriggs if you  
4     have a preference to whether they would start with  
5     your office, the Indian Energy Service Center, or  
6     whether, in the case of the Oneida, would they  
7     start with the regional office maybe in New York?  
8     Where would be their starting place with the BIA?

9             JOHNNA OBERLY SPRIGGS: For our program,  
10    if it's a well that would be included in one of  
11    the applications for either capacity building or  
12    the direct grant or even In Lieu of Grant, we are  
13    planning on investigating each well that's being  
14    proposed through our office. So, we would  
15    actually look -- they would start with our office.  
16    We would actually look to see if there was a  
17    responsible party and then go down that road of  
18    recovery or costs; however, most orphaned wells  
19    that are truly orphaned don't have a responsible  
20    party. But that is -- that's what we're planning  
21    to do.

22             STEVE TRYON: And I see Ms. Flowers

1 commented that she's actually based out of  
2 Wisconsin, not New York, but in either case, the  
3 right starting place would be the Indian Energy  
4 Service Center, which is physically located in  
5 Denver but is easy to reach virtually and then at  
6 a certain point, we can bring in people from our  
7 Office of the Solicitor, who have history running  
8 down potentially responsible parties for cost  
9 recovery purposes.

10 But, as Johnna was just saying, often  
11 times you're going to find that there is chain of  
12 custody to retrace the original leasing documents,  
13 if there are any, referring to companies that are  
14 long since out of business and cannot provide any  
15 financial assurances. But we will work with you  
16 on that including getting you a good lawyer.

17 VICTORIA FLOWERS: As a followup to my  
18 question that I posted in the chat and it is one  
19 of the Dear Tribal Leader questions that you are  
20 posing to Tribal leaders, what kind of technical  
21 support do you envision offering to Tribes so that  
22 they can train to become knowledgeable about what

1 it takes to plug a well, what type of contaminant  
2 evaluation they might have to do, and then  
3 relative to any contamination

4 that might have resulted as these wells  
5 being there, are you also providing support for  
6 environmental assessment and cleanup?

7 STEVE TYRONE: So, that's a great  
8 question and we have given some thought to what  
9 technical assistance might look like. And I think  
10 it's two pretty different types of technical  
11 assistance. One is in the short term and in the  
12 medium term, support from my office and from our  
13 so-called interior business center and how to  
14 actually apply for a grant and support on our end  
15 and actually, in some cases, inputting the  
16 information into our financial system, which is  
17 known as GrantSolutions. So, that's one type of  
18 technical assistance.

19 The other type of technical assistance  
20 that we have discussed at some length is what you  
21 just asked, is where do I go to get a petroleum  
22 engineer or a petroleum engineering technician or

1 an environmental protection specialist, and I  
2 would say your starting place again would be the  
3 Indian Energy Service Center or the BIA, which has  
4 a small unit that includes BIA and BLM employees  
5 who can actually go to the field and can help you  
6 evaluate what a program might look like. Because  
7 for many Tribes, it's not going to make sense to  
8 hire a petroleum engineer of their own if they  
9 have one available to them through the  
10 relationship with the BIA, and I hope that  
11 answered your question.

12 VICTORIA FLOWERS. It does, but it did  
13 not answer my question relative to the legacy  
14 contamination that might be surrounding these  
15 things. Do you envision support for performing  
16 cleanups as would be required under the National  
17 Oil Pollution Control Act, things that are  
18 required under CERCLA Liability even though  
19 petroleum is largely excused from CERCLA  
20 Liability? There is an add-in back in under  
21 CERCLA to do that. Would you envision Tribes  
22 having to have to go to the EPA to request funding



1 for cleanup under those programs?

2 STEVE TRYON: So, that's -- that's a  
3 complicated question. You obviously know what  
4 you're talking about. The statute does not, on  
5 it's face, cover underground storage tanks or  
6 Brownfields, which was one of your previous  
7 questions. It has to do with wells and the  
8 equipment that allowed someone to access the  
9 wells. So, that would include tanks, that would  
10 include flow lines, that would include any  
11 transmission lines that were left behind. So, any  
12 of the devices that were connected to oil and gas  
13 operations back in the day when they were extant.

14 Generally speaking, oil pollution is not  
15 covered by CERCLA but it is covered by this  
16 statute. And so, site remediation is covered for  
17 sure, including potentially soil removal, if it's  
18 bad enough. So, those are the types of things  
19 that would be covered, but not USTs and not  
20 Brownfields, which might be covered by some other  
21 program with the federal government, however. So,  
22 it's certainly worth having a conversation.

1           KATHRYN ISOM-CLAUSE: Thank you. Any  
2 other comments or questions at this time? If  
3 you're not able to use the raise hand function,  
4 just go ahead and unmute.

5           ROWENA CHEROMIAH: I have a question.  
6 This is Rowena Cheromiah with the Navajo Nation.  
7 Can you hear me okay?

8           KATHRYN ISOM-CLAUSE: Yes, we can hear  
9 you.

10          ROWENA CHEROMIAH: The Navajo Nation is  
11 interested in applying for this grant. If we  
12 receive the grant, would we be able to use another  
13 company to do the work for us? So, this would be  
14 an enterprise of the Navajo Nation. In  
15 particular, we are looking at Navajo Nation Oil  
16 and Gas Company to do the remediation work, to  
17 plug the abandoned wells.

18          STEVE TRYON: The short answer is yes,  
19 and we imagine that Tribes will want to think  
20 about whether they can have Tribal preference in  
21 their contracting opportunities. I don't know  
22 that we have raised the question internally about

1 hiring a business that is owned directly by the  
2 Tribe, but on its face, I don't see that there  
3 would be anything wrong with that. And honestly,  
4 the suggestion you just made, I think might be  
5 common is that Tribes will look to contract rather  
6 than to do work in-house and the first place they  
7 will start is in a contract with Tribally-owned  
8 businesses.

9 ROWENA CHEROMIAH: Okay. So, you don't  
10 see a problem if Navajo Nation Oil and Gas Company  
11 needed to themselves contract out other pieces of  
12 the work, so there would be several contracts in  
13 place? Navajo Nation would get the grant and with  
14 this grant, we would contract with Navajo Nation  
15 Oil and Gas Company, who may in turn need to  
16 contract out certain portions.

17 STEVE TRYON: What you're describing is  
18 -- I think it's commonly called subaward and that  
19 will be happening with state and private land and  
20 could certainly happen with Tribal land as well.

21 ROWENA CHEROMIAH: Okay, thank you.

22 KATHRYN ISOM-CLAUSE: Thank you for your

1 questions, and we welcome any other questions or  
2 comments. The floor is open.

3 STEVE TRYON: Does anyone want to go out  
4 on a limb in a public meeting and say whether you  
5 anticipate putting in for a capacity building of  
6 up to \$1 million?

7 The reason I ask this is we think that  
8 there is a need for capacity building, but -- and  
9 we have had some feedback from Tribes that that's  
10 a good idea. But I just really don't have any  
11 idea how many Tribes might actually put in for it  
12 at the end of the day.

13 KATHRYN ISOM-CLAUDE: Just a reminder  
14 too that written comments are due by October 21st,  
15 so plenty of time to submit those as well. We  
16 also have the floor open right now if anyone else  
17 wants to add anything.

18 ROWENA CHEROMIAH: This is Rowena  
19 Cheromiah again. I do have a question about the  
20 capacity building topic that you just mentioned.  
21 Can you explain how you envision that working for  
22 a Tribe?

1           STEVE TRYON: I don't mind going first,  
2 but Greg or folks from the IESC, we can get your  
3 views also.

4           So, the guidance that we drafted was  
5 limited to \$1 million and that funding needs to be  
6 obligated within a five-year period. What that  
7 might look like is you hire a couple of grant  
8 specialists to manage the preparation of and then  
9 the management of the life cycle of the grants.  
10 It wouldn't be disallowed if you wanted to hire a  
11 petroleum engineer technician to do witnessing,  
12 even though that could also be provided through  
13 one of the auspices of the IESC, the Indian Energy  
14 Service Center. So, those are the types of  
15 positions.

16           But if a Tribe wanted to actually create  
17 an oil and gas program, that would be allowable.  
18 That really is part of self-governance. And so,  
19 those determinations about what types of positions  
20 you might want to hire are for the Tribe to make.  
21 But I think probably the most common positions  
22 would be in the area of grants management.

1           Anybody from IESC want to add to that?

2           JOHNNA OBERLY SPRIGGS: This is Johnna  
3 Spriggs. I think the capacity building component  
4 that we envision would either enhance an existing  
5 program also, so in terms of Navajo, you may be  
6 able to increase the capacity that your oil and  
7 gas program already has to include orphaned well  
8 management or well management and expand on that  
9 within your program. We do have technical  
10 assistance with a petroleum engineer that we do  
11 have on staff that would be able to assist. But I  
12 think that's definitely something that we were  
13 looking at.

14           We were also considering the Tribes that  
15 may be very creative in their proposals, as it is  
16 a million dollars and it is for capacity building,  
17 you know, as it's related to orphaned wells and  
18 well management, methane measurements, and the  
19 capacity for maybe even just starting an  
20 inventory. All of those are on the table, and I  
21 think, you know, if you proposed something that's  
22 within an already existing program, I believe

1 that's even stronger. That's even a stronger  
2 proposal. But we are willing to look at  
3 everything and work creatively with Tribes to  
4 enhance existing programs or to create programs.

5 KATHRYN ISOM-CLAUDE: So, I see there's  
6 another couple questions in the chat from Greg  
7 Delzer, who apologizes if we covered this already.  
8 No need for apologies. His two questions are: are  
9 the slides available to the participants on this  
10 call and if you know if we're going to make those  
11 available and did we cover the specific meaning of  
12 well, meaning that he assumes that these wells  
13 were originally intended for petroleum, gas,  
14 etcetera extraction, as opposed to municipal  
15 domestic stock wells for water.

16 STEVE TRYON: Greg, if you have your  
17 slides handy, could you find the one that provides  
18 the definition of a well?

19 GREG NOTTINGHAM: Yes, I will pop that  
20 up. Popping it up slowly apparently. It will be  
21 there in a second. There it is. So, you should  
22 be able to see it now.

1           STEVE TRYON: This is the slide that  
2 defines Tribal lands. I think there's another one  
3 that defines orphaned well.

4           GREG NOTTINGHAM: Yes. There it is.  
5 I'm looking at two different screens.

6           So, there's the definition for orphaned  
7 well and it does not say oil and gas. It does say  
8 -- it defines what an orphaned well is. So, to be  
9 eligible for funding, the well must be orphaned  
10 according to this definition for federal and  
11 Tribal lands or according to a state definition  
12 for a state and private well.

13           STEVE TRYON: So, the context is, this  
14 is a section of the Bipartisan Infrastructure Law  
15 that's all about methane. There are several  
16 sections in a row that deal with energy  
17 development and methane.

18           Somewhat surprisingly, 40601 does not  
19 require it to be a former oil and gas well, but it  
20 does have this definition that says production,  
21 injection, or monitoring, all of which are  
22 generally in the context of current or former oil



1 and gas development. We think that Congress did  
2 not intend stock wells for water to be included.  
3 But it is not expressly forbidden in the statute  
4 either.

5 KATHRYN ISOM-CLAUSE: Great. It looks  
6 like that answers Mr. Delzer's question. Thank  
7 you.

8 All right. So, if there aren't any  
9 further comments or questions, we may end early,  
10 but I want to make sure people have every  
11 opportunity to get any comments or questions on  
12 the record. So, let's try one last time for  
13 comments and questions.

14 And I'll again note that the comment  
15 deadline is October 21st. You can submit those by  
16 E-mail or mail. Information is in the chat,  
17 although I know there are some of you joining us  
18 by phone, but it's on the website as well. So,  
19 please submit written comments as well. Ah, there  
20 we go, it's [ecrp@ios.doi.gov](mailto:ecrp@ios.doi.gov). That's the E-mail  
21 address for comments.

22 GREG NOTTINGHAM: And Kathryn, you know,

1 we will make the PowerPoint available as a PDF on  
2 the website and we will try to send that through  
3 E-mail to participants once we have those lists  
4 put together.

5 KATHRYN ISOM-CLAUSE: My apologies, I  
6 think I read the wrong deadline. So, October 27th  
7 is the deadline for comments. Please disregard  
8 what I said, October 27th.

9 Are there any final comments on the  
10 federal side that you would like to add anything  
11 in closing?

12 STEVE TRYON: I'd like to thank the BIA  
13 and the Assistant Secretary for Indian Affairs for  
14 partnering with us. It's a great partnership and  
15 we appreciate it.

16 KATHRYN ISOM-CLAUSE: Thank you, we  
17 appreciate it, too.

18 All right. Well, seeing no further  
19 comments, we can go ahead and close this out.  
20 Thank you to all of our tribal participants and  
21 our federal participants as well. We look forward  
22 to the written comments. I thank you.

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STEVE TRYON: Thank you.

(WHEREUPON THE MEETING WAS  
CONCLUDED AT 1:44 P.M.)

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**CERTIFICATE OF COURT REPORTER**

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JULIANNE FLUTIE