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Indian Oil Valuation Amendments

Comment On: ONRR-2014-0001-0001
Indian Oil Valuation Amendments

Document: ONRR-2014-0001-0005
Comment from Roger Birdbear,

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General Comment

I am opposed to these regulations because they are a regulatory taking of Indian oil royalties. ONRR has not enforced the major portion nor disclosed facts essential to understanding a claim, which ONRR knows. The government knows royalty rates could be determined by quality quantifiable by gravity. So, Indian mineral owners are losing nearly 100% of the mineral value because quality is not taken into consideration. Higher gravities mean reduced refinery expense, which the Indian mineral owner are never given that opportunity because the Secretary has refused to negotiate the royalty rates for which the Secretary is responsible. Despite the nonexistence of an allowance for transportation deductions in our lease at Fort Berthold, the Secretary has allowed a taking without any statutory basis. Neither FOGRMA nor the 1909 Act authorize transportation deductions. At first, the solicitor, on behalf of industry, alleged FOGRMA as the basis for deducting transportation expenses; only later to learn no such authority existed in FOGRMA nor any federal statute. In North Dakota, the its Department of Trust Lands recovered substantial payments because "there were no such allowances" in their leases with industry. For these grave breaches, which need to be addressed before proceeding,I respectfully oppose these recommendations because inherently the Indian mineral owner loses a substantial portion of their revenue-contrry to the maximization of revenue principle of trust responsibility.