



# SOUTHERN UTE INDIAN TRIBE

January 27, 2017

Hon. Paul D. Ryan  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20510

Dear Mr. Speaker:

In April 2016, the Southern Ute Indian Tribe (Tribe) submitted formal comments to the Department of the Interior – Bureau of Land Management (BLM) in response to the issuance of the “Waste Prevention, Production Subject to Royalties, and Resource Conservation; Proposed Rule (Fed. Reg. Vol .81, No. 25, February 8, 2016).

We understand there will be a congressional disapproval effort led by Committee on Natural Resources Chairman Rob Bishop to render the proposed rule null and void, and we submit this letter in support of Chairman Bishop’s efforts.

Located in southwest Colorado, the Tribe has many oil and gas production and gathering facilities on its reservation lands that would be subject to the proposed rule. At the same time, the Tribe and our members have long held the view that air quality --- and a clean environment in general --- are values we hold dear. Because of these circumstances, the Tribe is uniquely positioned to comment on the proposed rule.

Also in April 2016, the Tribe shared 8 pages of specific comments and concerns the Tribe has with the rule with Chairman Lamborn and Ranking Member Lowenthal of the House Subcommittee on Energy & Minerals, so I will not repeat them here. In broad strokes, however, the following are several, but not all, of the comments and concerns with the proposed rule:

- (1) the BLM lacks legal authority under the Clean Air Act to impose the air quality control aspects of the rule and, even if it had authority, the rule creates a regulatory conflict between the BLM and the U.S. EPA;
- (2) it adopts a “one size fits all” model that does not admit of variations in resources, different levels of pressure in oil and gas wells, and variations associated with extraction activities in general;

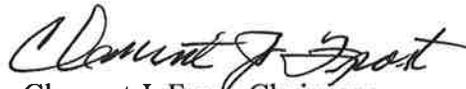
(3) it fails to take into account the cost of compliance versus the production value of some wells, which often can result in net royalty loss to the public and the Tribe;

(4) with the patchwork of land ownership on the Tribe's reservation, it will create regulatory gaps and jurisdictional conflicts among state, tribal and federal authorities; and

(5) in 2012 the U.S. EPA approved the Tribe's Title V Operating Permit Program granting the Tribe authority to regulate certain emissions sources within the exterior boundaries of the reservation and the proposed rule will conflict with this authority and could create enforcement conflicts between the BLM and the Tribe for these sources.

On behalf of the Tribe and its members, I thank you for your leadership as Speaker and for this opportunity to communicate our concerns over this proposed rule.

Sincerely,



Clement J. Frost, Chairman