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Subject RE: Preparing for the Regional Oil and Gas Workshop next
week

Interesting. It appears that someone has finally recognized the value of attempting to put some structure to OGM administration on FS lands in the east!! Kudos to Research!

As I have maintained from the get go here, if OGC has a role to play at all in this FS "Workshop" it is both narrow and limited. You, not OGC, are best suited to work through and deal with your "working relationships", "communication", "partnerships" and "information sharing" challenges. The technical aspects of "scientific information needs" are your forte not OGC's. Thus, we have no 1 page summary or formal statement of "messages". From our perspective the workshop attendees need to understand right up front and come away with two, perhaps three, very basic messages from OGC's involvement. Those are:

- **As a matter of law**, mineral and O&G ownership constitutes a real property interest that can't be "taken" by FS denial of a right to exercise same without the payment of just compensation. Stated a bit differently, that the FS or Congress may draw a line around an area of NF and label it as "Experimental" or "Wilderness" or "NRA" on "Scenic River" or "National Trail" etc., does nothing to displace or abrogate the existing rights of a private OGM owner. At least not without the payment of just compensation for the displacement of those private rights.
- As a general rule, the presence of outstanding OGM interests and the exercise of outstanding or reserved O&G rights on NF lands in no way preempts the laws or regulations dealing with NF administration and NF decision making. As they affect NF lands, such activities are subject to the reasonable application of all such laws as well as FS regulation. The operative term here is "**reasonable**".
- From the perspective of this OGC office, an organized Plan of Operation dealing with the **consistent administration** of O&G activities on NF lands in R-9 and the issues associated with that administration is missing. Leadership in formulating and implementing such a plan is needed.

That's it ... that will be the sum and the substance of the OGC presentation to the workshop group. I suspect time spent by OGC dealing with **questions from the group** and hopefully answers will be of much greater value than waxing eloquent with some sort of esoteric presentation on basic property rights and the role of the 5th Amendment etc. So that is the way we intend to proceed.