US Bureau of Indian Affairs
Eastern Oklahoma Regional Office

Osage County Oil and Gas Environmental Impact Statement

Draft EIS Public Meeting

November 30, 2015

Welcome!

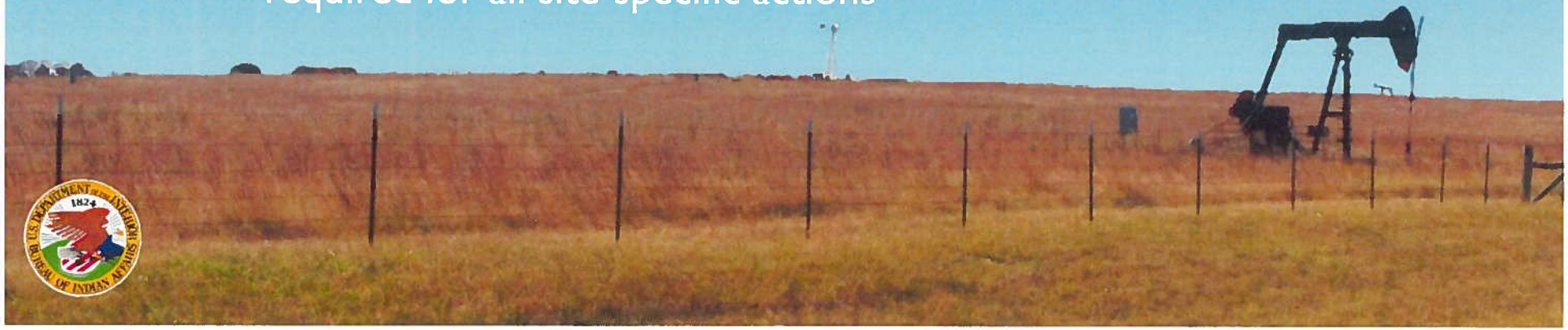
- This is your opportunity to tell the United States Bureau of Indian Affairs (BIA) your thoughts on the management strategies proposed in the Draft Osage County Oil and Gas Environmental Impact Statement (EIS), officially announced to the public on November 6, 2015.
- Format
  - Introductory Presentation
  - Public oral comments (2 minutes each)
  - Written comments also accepted until December 24, 2015.
    (The official 45-day comment period ends on December 21, 2015. Due to public concern, the BIA will accept comments until December 24, 2015)

Project Background

- The Osage Tribe retained all mineral rights in Osage County when the surface was allotted in 1906. The Osage Minerals Council negotiates and executes leases for oil and gas development.
- The Superintendent of the BIA Osage Agency has been delegated the responsibility for managing oil and gas operations on the Osage mineral estate for the benefit of the Osage.
- This includes approving oil and gas mining leases, approving drilling, workover, and plugging operations, and monitoring lease operations to ensure lessees do not cause pollution.

Project Background *(continued)*

- This EIS is a programmatic- level evaluation of environmental impacts. It is not necessarily the final NEPA review for all future actions in the project area.
  - Leases and most workover permits would be fully covered by this NEPA analysis.
  - This EIS will allow the approval process for permits to drill to be streamlined by allowing a tiered NEPA analysis.
  - Site-specific environmental analyses and additional NEPA compliance (e.g., an environmental assessment [EA] or EIS) may be required for all site-specific actions



Cooperating Agencies/Entities

Federal, state, or local agencies or Indian tribes with jurisdiction by law or special expertise

Agencies/Entities Accepting the BIA's Invitation:

- Osage Nation
- US Environmental Protection Agency (EPA), Region 6

How Does This EIS Fit In With Other Projects in Osage County?

Programmatic EA for Leasing Activities

Programmatic EA for Permitting of Workover Operations

Osage County Oil and Gas EIS

Negotiated Rulemaking

Purpose of and Need for Action
(DEIS Section 1.2)

Under the Osage Allotment Act of 1906, the United States reserved all rights to the mineral estate in Osage County for the benefit of the Osage. The mineral estate is held in trust, and the BIA approves oil and gas leases, applications for permits to drill (APDs), and other site-specific permit applications in Osage County under the authority of the 1906 Act, as amended, and 25 CFR Part 226.

The BIA, under delegation from the Secretary of the Interior, is responsible for administering the development of oil and gas resources in Osage County for the benefit of the Osage. The federal actions, including approvals of leases and issuance of permits, are needed for the BIA to fulfill a portion of its trust responsibility to the Osage and facilitate the development of the mineral estate.

The purpose of the BIA's action is to facilitate oil and gas production in a manner that is efficient, prevents pollution, and is consistent with the mandates of federal law in coordination with the Osage Minerals Council. Through this action, the BIA also intends to streamline the permitting process and provide certainty to developers regarding permit conditions and restrictions.

Alternatives Development
(DEIS Chapter 2)

- The alternatives development process for the Osage County Oil and Gas EIS included public scoping, an alternatives development workshop, and a draft alternatives concepts public listening session
- Alternatives vary based on different resource conservation measures (RCMs) applied under each alternative

Alternatives Development *(continued)* (DEIS Chapter 2)

- The DEIS describes RCMs that would apply to:
  - 1) non-permitted lease activities (assuming an Order of the Superintendent or Notice to Lessees),
  - 2) activities within the scope of the 2015 Workover Programmatic Environmental Assessment (PEA) (workover activities), and
  - 3) Applications for Permit to Drill (APDs) and other permitted activities.
- DEIS Section 2.5 provides a summary comparison of RCMs applied for each alternative (see Summary Comparison of Resource Conservation Measures handout).

Alternative Themes
(DEIS Chapter 2)

1. No Action Alternative

   (Business as Usual)

2. Action Alternative 1

   (Streamlined Management)

3. Action Alternative 2

   (Upfront Protective Management)

No Action Alternative

Alternative	Theme, How RCMs are Applied
No Action Alternative	The BIA would continue to administer oil and gas development in Osage County according to the measures outlined in the Leasing PEA (Nov 2014) and Workover PEA (April 2015) for any activity within the scope of the PEAs. The BIA would continue to issue permits based on site-specific NEPA analysis and would apply RCMs as mandatory permit conditions on a case-by-case basis

Action Alternative 1

Alternative	Theme, How RCMs are Applied
Action Alternative 1	Additional RCMs would be applied to all permits and may be applied to all lease activities, including non-permitted lease activities. The RCMs would be tailored to planning area-specific conditions and issues; therefore, as a general rule, these measures would apply to all new oil and gas activities in the planning area. This alternative would formalize protective measures already applied on a site-specific basis in practice.

Action Alternative 2

Alternative	Theme, How RCMs are Applied
Action Alternative 2	The BIA would apply additional proactively protective RCMs. Most RCMs that apply under Action Alternative 1 would also apply under Action Alternative 2. In some cases, an RCM from Action Alternative 1 would be replaced by a more detailed or more stringent measure under Action Alternative 2.

Example RCMs – Water Resources

Resource Conservation Measures		
No Action Alternative	**Action Alternative 1**	**Action Alternative 2**
• Prohibit activities in stream channels or wetlands without proper authorization. Authorization may be required from the BIA or from the USACE under its CWA Section 404 permit program. Avoid discharging soil or contaminants or removing stream water that could violate applicable federally approved water quality standards. *(Workovers only)* • On conclusion of operations, promptly reclaim all areas of surface disturbance (e.g., well pad, access road, and pipeline), as described in the workover review form, permit, and/or approved NEPA document. *(Workovers only)* • After a well is no longer in production, reclaim the site not later than 90 days after rig removal, well abandonment, and final well plugging, unless otherwise approved by the BIA. *(Workovers only)*	Same as the No Action Alternative, plus: • Special water quality standards apply in sensitive public and private water supplies and wellhead protection areas. • Lessees are encouraged to implement measures to minimize the use of virgin (i.e., non-recycled) surface water and groundwater needed for drilling and hydraulic fracturing of wells. • Avoid creation of new stream (including ephemeral streams), lake, and wetland crossings. Where new crossings are deemed necessary based on site conditions, incorporate culverts or other appropriate drainage structures to ensure the free flow of water when drainage ways are intersected.	Same as Action Alternative 1, plus: • Collect and report to the BIA results of pre-drilling samples of all drinking water wells within 300 feet of proposed conventional wells or within 1,500 feet of proposed horizontal wellheads. Collect additional samples from the same wells used for baseline sampling. • If a well associated with oil and gas development fails its mechanical integrity test or has other casing problems that may result in contamination of drinking water, work with the BIA, the EPA, and other appropriate entities to address the contamination. • Actions to avoid changes to area hydrology, wetlands, and other aquatic resources. • Actions to prevent toxins from entering watersheds.

Example RCMs – Fish and Wildlife

Resource Conservation Measures		
No Action Alternative	**Action Alternative 1**	**Action Alternative 2**
• No similar actions.	• Bury power lines where feasible and appropriate given other resource protection needs (e.g., fish and wildlife and cultural resources).	Same as Action Alternative 1, plus: • Reduce or eliminate habitat fragmentation from man-made features (e.g., power lines, pipelines, roads, tank batteries, and pumpjacks) in important grassland prairie habitat for migratory and non-migratory birds (indicated by the Oklahoma Greater Prairie Chicken Spatial Planning Tool. If new infrastructure is necessary, locate it near other existing infrastructure or at the edge of the open prairie, where feasible. Avoid siting tall structures, such as power lines, tank batteries, and pump jacks, on prairie ridges and hilltops. • Avoid disturbing breeding prairie chickens by not allowing vehicle traffic on roads within 1,640 feet of booming grounds (leks) in the morning from two hours before sunrise until three hours following sunrise from March 1 – May 31.

Example RCMs – Noise

Resource Conservation Measures		
No Action Alternative	**Action Alternative 1**	**Action Alternative 2**
• No similar actions.	• Use submersible pumping units for all production wells, where three-phase electricity is available and where such units are cost effective • In situations where noise could disturb wildlife, livestock, and private landowners or neighbors, take affirmative steps to reduce sound levels. Where appropriate given surrounding vegetation, place natural buffers (e.g., trees or shrubs) as close to the noise source as possible. Use artificial barriers or landforms, such as berms, and maximize distance from sensitive noise receptors to decrease noise disturbance. Install suitable mufflers on all internal combustion engines and certain compressor components (e.g., single-cylinder engines).	• Use submersible pumping units as described in Action Alternative 1. • The BIA, the surface owner, and the lessee will consult to determine how to mitigate noise impacts to wildlife, livestock, or surface owners, where applicable. If noise levels from the proposed activity would exceed 5 dBA above daytime ambient sound levels or 3 dBA above nighttime ambient sound levels, when measured at 200 feet from the activity, the BIA will require noise reduction measures. Specific measures would be determined based on the site-specific consultation. • When practicable, to reduce sleep interference, limit construction occurring within 0.25 mile of a residential dwelling or designated campground to a Monday through Friday work schedule of 7:00 a.m. to 7:00 p.m.

Example RCMs – Cultural Resources

Resource Conservation Measures		
No Action Alternative	**Action Alternative 1**	**Action Alternative 2**
• Avoid impacts on National Register-eligible or unevaluated cultural resources on well sites and access roads. If cultural resources are discovered during construction or operation, stop work immediately, secure the affected site, and notify the BIA and Osage Nation Historic Preservation Office. Work in that area shall halt and not resume until written authorization to proceed has been received from the BIA. *(Workovers only)* • Keep all surface disturbance within the confines of the historic well pad. Do not engage in activities not included in the approved NEPA and NHPA documents without first submitting an appropriate cultural resources survey to the BIA Osage Agency, having it approved, and obtaining all appropriate permits. *(Workovers only)*	Same as the No Action Alternative, plus: • Emphasize block cultural resource lease surveys that include the identification of proposed well sites, facilities, and access roads. This will allow early input from the State Historic Preservation Office (SHPO) and Osage Nation Historic Preservation Office.	Same as Action Alternative 1, plus: • Use guidance on minimum expected no-drilling buffer zones for particular site types to assist in development and access road planning. Siting in the vicinity of cultural resources would still be subject to site-specific review and approval. • Apply no-drilling buffers around cultural sites based on the results of the preconstruction survey. Buffer sizes vary based on site type (see Draft EIS Table 2-2, Cultural Site Buffers). Buffer sizes may be adjusted as necessary based on site-specific conditions.

Endangered Species Act (ESA) Compliance

- No Action Alternative
  - Separate consultations with the US Fish and Wildlife Service (USFWS) under Section 7 or Section 10 of the ESA are required each time before approving a drilling permit application
- Action Alternatives
  - A programmatic level consultation with the USFWS under Section 7 of the ESA will result in a Biological Opinion covering all oil and gas development activities in Osage.
  - The programmatic consultation and Biological Opinion will establish RCMs and other measures necessary to comply with the ESA.
  - Permit applicants would be able to obtain an incidental take permit under the ESA by complying with these RCMs

Environmental Consequences
(DEIS Chapter 4)

- The DEIS presents the anticipated impacts on the human and natural environment that could result from the alternatives.
- Chapter 4 describes how the environment could change if any of the alternatives were to be implemented and aids in the decision of which alternative to implement.
- It includes a comparison of how each alternative would impact different resource areas, including water, fish and wildlife, mineral resources, socioeconomic conditions, and others.

EIS Process, Next Steps

Osage EIS Planning Process

Issue Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and start the scoping process

Conduct Public Scoping and Data Collection
Document results in a published scoping report

Gather and synthesize data

Formulate alternatives

Draft alternatives public listening session

Analyze effects of alternatives

Prepare a Draft EIS

Publish Notice of Availability (NOA) for the Draft EIS

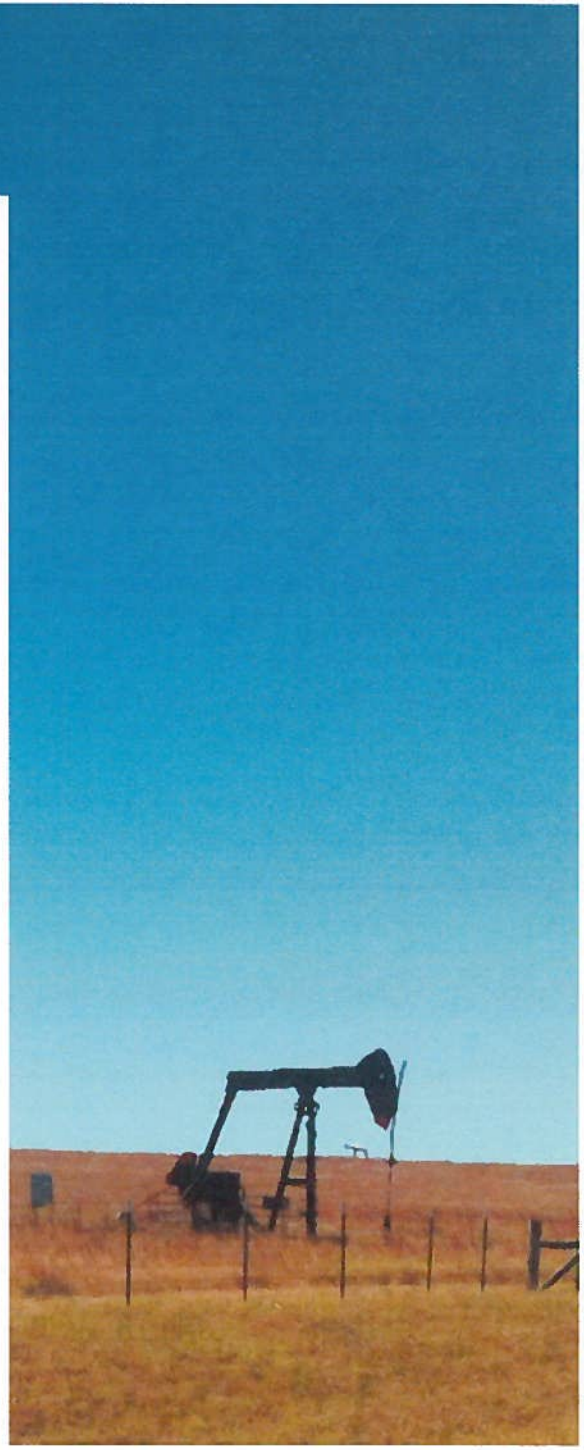
We Are Here → 45-day public review and comment period, including a public meeting — November—December 2015

Prepare a Final EIS — December 2015—February 2016

Publish NOA for Final EIS and provide a 30-day public review period — February 2016

Prepare the Record of Decision (ROD) — February—April 2016

Implement decision



Next Steps

- The BIA will compile comments from the public comment period (ends December 24, 2015)
- The BIA will revise the DEIS according to comments, as applicable, and will respond to comment
- Final EIS published February 2016
- Record of Decision April 2016

Tell Us What You Think

We welcome your feedback!

Interested parties are invited to submit comments on the Draft EIS. Comments may be submitted through one of the following methods:

- Email osagecountyoilgaseis@bia.gov
- Mail to

  Jeannine Hale, BIA Eastern Oklahoma Region
  3100 W. Peak Boulevard
  Muskogee, OK 74401

Comment orally tonight or submit written comments by **Thursday, December 24, 2015**

Contact Us With Questions

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