

OSAGE COUNTY OIL AND GAS EIS

DRAFT EIS PUBLIC MEETING

Frequently Asked Questions

Why is the BIA preparing the Osage County Oil and Gas Environmental Impact Statement (EIS)?

The National Environmental Policy Act of 1969 (NEPA) is a federal law requiring that federal agencies consider the environmental effects of their actions prior to taking such actions. The purpose of the NEPA is to help federal agencies make informed decisions while documenting effects on the natural and human environment and complying with other laws and mandates. The BIA has determined that an EIS for its oil and gas leasing and permitting program is necessary in order to update its NEPA compliance efforts. 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.

What authority does the BIA have to place requirements on oil and gas leasing and development in Osage County?

The Superintendent of the BIA Osage Agency has been delegated the responsibility for managing oil and gas operations on the Osage mineral estate. As described in 25 CFR, Part 226, this responsibility includes, but is not limited to, the following:

- Approving all oil and gas mining leases
- Approving drilling, workover, and plugging operations
- Maintaining accurate records of all production and income received
- Appraising damages and collecting compensation for damages on restricted and tribal trust lands
- Reviewing all incoming well records to ensure that they comply with BIA Osage Agency standards
- Monitoring overall lease operations to ensure that lessees do not cause surface or subsurface pollution
- Ensuring that lessees carry out lease operations in a prudent manner

The BIA is also authorized to apply requirements in the form of notices to lessees (NTLs) or Orders of the Superintendent to ensure that all operations are conducted in a manner that protects natural resources, environmental quality, and life and property (see 25 CFR, Subparts 226.19[a], 226.22[a], and 226.30). Through these NTLs and orders, the BIA may specify applicable requirements and practices that are interpreted as necessary or considered to be appropriate measures to protect natural resources in compliance with the regulations. The BIA would not apply measures that would prohibit development of an approved lease.

Will this EIS prohibit oil and gas leasing and development in Osage County?

No. Oil and gas leasing and development can and will (depending on prices and demand) continue to occur in Osage County. This EIS will formalize resource conservation measures (RCMs) for oil and gas leasing and development in the county, many of which are already being applied to operations as permit conditions on a case-by-case basis. The EIS will increase certainty by allowing lessees to know what kinds of requirements to expect when they propose oil or gas development in an area within Osage County.

Has oil and gas development in Osage County been allowed during the preparation of this EIS?

Yes! The BIA has been permitting new oil and gas development in the county by preparing environmental assessments analyzing the impacts of each new application for permit to drill (APD) proposed by a lessee.

An environmental assessment for every APD sounds very time consuming. Isn't there another way?

Yes. The EIS will streamline the permitting process by doing most of the impact analysis up-front. This effort will also identify the requirements that will generally apply to all leasing and development activity in Osage County. The RCMs would be tailored to planning area-specific conditions and issues; therefore, as a general rule, these measures would apply to all new permitted activities and workovers in the county. Similarly, if an NTL or Order of the Superintendent were issued requiring these measures, that NTL or Order of the Superintendent would apply to all leases in the county.

Would the RCMs under each alternative be applied to all oil and gas leasing and development in Osage County? What if they don't make sense for a specific APD?

The BIA would still have the flexibility to allow exceptions based on site-specific circumstances. Exceptions would be granted where an RCM was not applicable or where another measure proposed by the lessee would achieve the goals of the RCM, given site-specific conditions.

What has the BIA done to reach out to members of the public for their comments on the EIS?

The BIA held a public scoping period as required by NEPA. Beyond what is required by NEPA, the BIA offered an additional opportunity for public input at a public draft alternatives listening session.

The BIA held a formal scoping period to involve the public in identifying significant issues related to the agency's potential land use management actions. The public scoping period was completed as part of the Oklahoma, Kansas, and Texas Joint EIS/Bureau of Land Management Resource Management Plan (RMP) and BIA Integrated RMP. The scoping period began on July 26, 2013, with the publication of a Notice of Intent in the *Federal Register* and concluded on January 31, 2014. The scoping period provided an opportunity for individuals from federal, state, and local agencies, tribes, interest groups, and the general public to express their comments and to provide meaningful input via e-mail, letters, and participation in 17 public scoping meetings. As part of the scoping period, the BIA held a public meeting in Pawhuska, Oklahoma, on January 15, 2014. Meeting materials and the final scoping report are available at the public website for the OKT Joint EIS/BLM RMP and BIA Integrated RMP (<http://www.blm.gov/nm/oktrmp>). The BIA used the information collected during this scoping period to formulate the alternatives for this EIS.

A public draft alternatives listening session was held on March 9, 2015 in Pawhuska, OK. The listening session included a presentation providing background information on the EIS process and additional

detail on the measures that could be included in each alternative. The public was invited to provide written comment and verbal input on the draft alternatives. The BIA used information collected during this meeting to revise the alternatives.