Francis Craig

From: mosby.halterman@bia.gov on behalf of EIS, Osage County Oil and Gas <osagecountyoilandgaseis@bia.gov>
Sent: Monday, February 24, 2020 6:53 AM
To: Katie Patterson; Francis Craig
Subject: Fwd: [EXTERNAL] Draft Osage Oil and Gas EIS Comment

Mosby Halterman
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---------- Forwarded message ---------
From: **Susan Forman** <formanse@hotmail.com>
Date: Fri, Feb 21, 2020 at 11:41 PM
Subject: [EXTERNAL] Draft Osage Oil and Gas EIS Comment
To: mosby.halterman@bia.gov <mosby.halterman@bia.gov>, osagecountyoilgaseis@bia.gov <osagecountyoilgaseis@bia.gov>

Dear Mr. Halterman:

As an Osage owner of mineral rights in Osage Co., member of the Osage Nation, Citizen of the State of Oklahoma, and 39 year veteran of the exploration and production side of the Oil & Gas Industry, I am compelled to weigh-in on the Draft Environmental Impact Statement published in the Federal Register in November 2019. Compelled because of the threat this poorly worded 566 page useless document poses to my income and other owner's income, the economic viability of the Osage Mineral Estate and the economies of Osage Co. and the State of Oklahoma. You probably don't know that the Osage is the only Tribe that pays gross production tax in Oklahoma. I would be surprised if any of the preparers of this latest cut and paste attempt to destroy the Osage Mineral Estate and the Osage People have stepped foot in Osage Co. or even in Oklahoma. Also, I am an elected Osage Minerals Council Member. It is important to note that this comment is my personal comment as an owner in the Osage Mineral Estate and is not intended in any way to be representative of the Council.

That said, if the preparers attempt is truly to *protect and improve the trust assets of American Indians* as stated in the BIA Mission Statement on the first page of the DEIS, and furthermore, *to promote and development the Mineral Estate*

in an economic and efficient manner this document is an EPIC FAIL full of useless & redundant information and fear-mongering. Most if not all of the language contained in the EIS referring to BMPs and COAs is covered by existing State & Federal regulations in addition to well thought out industry standards by oil & gas professionals

Let's get the easy stuff out of the way:

Alternatives 3 & 4 violate the 1906 Congressional Allotment Act and Amendments. More specifically, they violate the goal of the "highest ultimate recovery" in **Act of March 2, 1929, 45 Stat. 1478, Sec 1,** **Act of June 24, 1938, 52 Stat. 1034**, Sec 3; **Act of October 21, 1978, 92 Stat. 1660, Sec 4.** Both are Non-Starters and must be removed. It would be a Taking of our property value. Not only for the headright owners but also for the Producers and Investors who have leases in the properties that this EIS is condemning for fossil fuel extraction.

Alternative 2 would only be workable if it took out any reference to acreage that cannot be drilled upon among other issues.

Two cases in point of useless information:

1. "Lights may be installed for safety and to illuminate work areas, such as drilling rigs, at night. **This would reduce nighttime darkness by adding light to areas lacking artificial light. As a result, this would diminish opportunities for viewing visual resources between dusk and dawn, particularly stargazing opportunities**." (page 4-82).

Comment: Really? What relevance does this have in permitting and leasing? A drilling rig is a temporary structure, completely gone after the drilling and completion are finished. Including this is laughable and should be stricken.

2. H2S: Of course H2S exists in gas streams and for decades the Oil & Gas Industry has been mitigating the dangers to human life and corrosion of pipelines. Why is this even included? Technological solutions exist and are already being practiced and regulations followed.

This entire document fails to describe the environmental impact of federal actions as required by Section 102 of the National Environmental Policy Act (NEPA). Did any of the preparers bother to inspect any of the Osage Co. well sites existing since 2014 when the BIA and Osage Co. Producers were sued for not following NEPA? If so they would realize that the scars of the past have nothing to do with the wells of the last decade or so.

I know other commenters have found and commented on numerous errors in this DEIS which I will not list here but all need to be corrected. This EIS should be delayed until such time that the ABB Proposed Rule is determined, and the Osage Tribe's progress to enter a TERA or TEDO are finalized because this will make the Federal trigger go away and

hopefully we will not need this EIS or one that is actually included the Osage Minerals Council's input. Please don't waste any more taxpayers money trying to fix this pernicious DEIS. It is bound to become redundant.

Best regards,

Susan Forman