Francis Craig

From: mosby.halterman@bia.gov on behalf of EIS, Osage County Oil and Gas <osagecountyoilandgaseis@bia.gov>
Sent: Friday, February 14, 2020 8:04 AM
To: Katie Patterson; Francis Craig
Subject: Fwd: [EXTERNAL] Dear Preparers,

Mosby Halterman
Regional Environmental Scientist
Eastern Oklahoma Region, BIA
P.O. Box 8002
Muskogee, OK 74402-8002
Phone: 918-781-4660
Fax: 918-781-4667

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From: **Buck Trent** <bucktrent@bucktrent.com>
Date: Fri, Jan 31, 2020 at 11:08 PM
Subject: [EXTERNAL] Dear Preparers,
To: <osagecountyoilgaseis@bia.gov>

Dear Preparers,

I am an Osage Shareholder, that is, an Osage that receives a check every quarter from the BIA. I do not feel grateful for the money, I feel entitled.

I have these comments which I hope you consider before completing the process of preparing the EIS.

Your Alternatives 3 and 4 intend the reduction of the Osage mineral estate which was established by the Osage Allotment Act of 1906 and its amendments. I don't think you can do that, and I assure you I will support litigation to restore the mineral estate if Alternative 3 or 4 are implemented. Also, you must not realize that the no drilling areas include existing leases where the lessee has a right to drill additional wells. I expect lessees will seek compensation for there losses. Was Ms. Kokinos and Mr. Simpson, attorneys for the Department of the Interior and Appendix listed Preparers, even in the room when Alternatives 3 and 4 were conjured up?

I think you failed to describe the Osage environment (difficult to do while seated at a computer) and you failed to describe the consequences of the BIA's continued management of the mineral estate. Both the management of the mineral estate and a statement of the consequences are required by federal law (1906 Allotment Act and the National Environmental Policy Act).

You failed to include in the EIS:

· The saltwater spill into Bird Creek in 2016 that caused Pawhuska to temporally change the source of city water to Clear Creek. I understand the EPA (not the BIA) worked on a solution and after a few gully washers the saltwater is gone.

· You talked about visual resources and said nothing about the Osage Wind Farm a visual blight which I can see for miles.

· Most of the oil and gas environmental issues result from the movement of saltwater from tank batteries to injection wells. This is what ranchers are sore about. Spills and leaks are usually cleaned up and should not be confused with historic scars where the old oil companies, the BIA, and the surface owners share responsibility. Why surface owners? Oil operators paid for damages and the surface owners put the money in their pocket. A consequence is the Soil Conservation Service's map symbol, 44, for oil waste land.

· Where is the US EPA in all this? The big issues are managed by the EPA not by the BIA, spill plans (Clean Water Act) and injection wells (Safe Drinking Water Act).

· You failed to discuss the tension which will always exist between the surface owner and the Osage Agency because the mineral estate has broad power to access the minerals. Generations of Osage surface owners have been sore since the 1906 Allotment Act was amended to grant the minerals to the Osage in perpetuity.

· The Fish and Wildlife Service's proposal to change the American Burying Beetle from Endangered to Threatened: About one quarter of the EIS is devoted to an outdated Biological Assessment and Biological Opinion. These documents must be replaced.

· Where does the beetle do well in Osage County? Answer: The Tallgrass Preserve. And, why not so well elsewhere? The FWS talks about habitat fragmentation, lights, and urban encroachment. That explains why beetles are not found in Tulsa. Maybe the beetle's problem in Osage County is wild horses and cattle. The BLM paid The Nature Conservancy $200,000 (a dollar an acre) to do something to benefit the beetle because wild horses (7.5 acres per horse) destroy beetle habitat. A stocker cattle operation puts lots of cattle (2 acres per cow) on the grass for 90 days in which time the cattle eat all the grass and walk on every square foot of the pasture to the detriment of the creatures the beetle needs to bury. This starts in April and lasts past the time where the beetles leave their nests. If there were any beetles there is a good chance they will be stepped on by a cow. BTW, the Tallgrass winters 1,618 bison on 39,650 acres, 24 acres per bison.

We need to rebuild confidence that Osage County is a good place to do business. That confidence was destroyed when the Osage Agency overreacted to the expected lawsuit about the Agency's failure to keep up with their NEPA bookkeeping. The confidence won't be restored unless the Agency finds a way to efficiently process permits and finds a rational basis for protecting the beetle. The EIS should be rewritten, again.

Sincerely,

Jean M. Trent