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OSAGE ENVIRONMENTAL IMPACT STATEMENT

TAKEN ON DECEMBER 12, 2019  
BEGINNING AT 6:36 P.M.  
IN PAWHUSKA, OKLAHOMA

REPORTED BY: Shannon S. Harwood, CSR, RPR

1           MR. STREATER: Good afternoon, everyone. I  
2 see most everybody in the crowd I think I know or have  
3 ran across before, but I'm Eddie Streater. I'm the  
4 Regional Director for the Eastern Oklahoma Region and we  
5 appreciate everyone coming out tonight for the public  
6 comment meeting for the draft EIS. Looks like almost a  
7 full house. We had a little confusion on the address.  
8 We didn't realize that the building has changed names  
9 from the one downtown to here, but I think we've got  
10 everybody here.

11           Hopefully we'll go through the presentation.  
12 People will leave with more information than they came  
13 in with for certain. We want to be able to have a  
14 dialogue with everyone to have their public -- whatever  
15 comment they may have on record. I'd urge everyone in  
16 here, if you have a public comment, you can come up  
17 front. It's a two-minute time period. The court  
18 reporter will take it down verbatim what you say.

19           If you have longer more technical comments, we  
20 urge you to submit those in writing. The comment period  
21 is still open, and because of the upcoming holidays,  
22 we're going to extend that comment period for two more  
23 weeks. It will be January the 23rd --

24           UNIDENTIFIED SPEAKER: 22nd.

25           MR. STREATER: 22nd, we'll extend it to that

1 time because people will be traveling and with the  
2 comment period open during both Thanksgiving and  
3 Christmas, we felt like it would benefit everybody to  
4 have a few extra weeks to take a look at everything and  
5 come up with some good written comments, and there's no  
6 length limit on those.

7 And for the two minutes, if we -- if someone  
8 has -- wants a few more minutes at the end, if we have  
9 some time, we can circle back around and give you a few  
10 more minutes at that point. We just want to make sure  
11 that everybody gets to get their time at the microphone  
12 and gets to state whatever they feel that is important  
13 to them.

14 So with that, I'm going to turn it over to  
15 Mosby Halterman. He is our environmental officer at the  
16 regional office and he's going to go through a  
17 presentation on the draft EIS, and then we will start  
18 the public comment after that is over with.

19 MR. HALTERMAN: Hello, everyone. Can't hear  
20 me, let me know. I can speak a little bit louder if I  
21 have to.

22 As Mr. Streater said, my name is Mosby  
23 Halterman. I'm the Regional Environmental Scientist  
24 over the Eastern Oklahoma regional office. I'm  
25 currently serving as the project manager for this

1 particular EIS development as well.

2 Well, we've pretty much already gone through  
3 all this, how we're going to be handling the format of  
4 this. We'll be going through -- I'll be going through  
5 the presentation, have oral comments, possibly a little  
6 bit of an open house towards the end if time will let.

7 We already mentioned the extent that we will  
8 be doing. There will be a slide later on that will have  
9 information where to provide the written comments, get a  
10 physical address to mail them to and an email address.

11 I'd like to give you a little bit of the  
12 project background. As I'm sure a lot of you are aware,  
13 the Osage Nation retained all of the mineral rights with  
14 the 1906 Act. As such, Osage Nation is authorized to  
15 lease all minerals for oil and gas with the approval of  
16 the Secretary of the Interior with Superintendent Robin  
17 Phillips delegated authority for that.

18 The original notice of intent to start this  
19 environmental impact statement process was done back in  
20 July 2013. A number of public scoping meetings were  
21 held at that time. Little bit later, the Osage EIS, as  
22 it exists, was separated out from the larger joint EIS  
23 that is still going between the BIA and BLM.

24 The first draft of the EIS was published in  
25 November of 2015, as I'm sure a lot of people are aware.

1 Shortly after that, based on the comments that we  
2 received, it was decided to basically re -- revamp the  
3 process in order to address the comments received and  
4 take into account some additional information. At that  
5 point, we issued another notice of intent to revise the  
6 draft EIS. That was published in April of 2016 and we  
7 held some additional public scoping meetings at that  
8 time.

9 As part of the revision process, we have also  
10 developed a reasonably foreseeable development scenario  
11 for Osage County and it is actually incorporated into  
12 the draft EIS as appendix A. The revised draft EIS was  
13 published last month, November 22nd, in the Federal  
14 Register, and as we mentioned, public comment period for  
15 that runs until January 22nd.

16 There are a number of cooperating agencies,  
17 and these will be federal, state, tribal entities that  
18 have signed memorandums of understanding with the BIA.  
19 As part of this process for this particular EIS, we have  
20 four that have signed MOUs. The Osage Nation, Osage  
21 Minerals Council, the Environmental Protection Agency,  
22 Region 6, which covers Oklahoma, and the US Geological  
23 Survey.

24 The purpose of and need for the development of  
25 this EIS is basically to promote leasing and development

1 of the Osage Nation's mineral estate to the best  
2 interest of the nation in mind. This is done -- being  
3 done under the 1906 Act as amended and under the 25 CFR  
4 Part 226, which covers leasing of the reservation lands  
5 for oil and gas mining.

6 The entire purpose of this is to promote  
7 leasing and development of the mineral estate with the  
8 eye to balancing resource conservation and maximization  
9 of oil and gas production in the long term.

10 In addition, BIA is required under more  
11 generally applicable statutes to include in the best  
12 interest calculation protection of the environment in  
13 the county. Federal actions being analyzed in this  
14 process are the approval of leases, drilling permits,  
15 and workover permits.

16 As I'm sure a lot of people are aware in the  
17 Hayes I litigation, U.S. District Court for the Northern  
18 District of Oklahoma ruled that the old 1979 EA that the  
19 BIA was operating under was deemed no longer valid.  
20 Accordingly, we are not allowed to rely on that EA to  
21 review and approve oil and gas leases and permits any  
22 more. Currently -- sorry.

23 Leasing and workovers are being covered under  
24 two separate programmatic environmental assessments.  
25 Drilling permits, anything with ground disturbance, are

1 being covered under site specific environmental  
2 assessments. This EIS, once it goes through, will  
3 basically streamline NEPA review process by replacing  
4 the leasing and workover programmatic EAs with a single  
5 document covering all activities in the county. It  
6 would also reduce the size and cost of any site specific  
7 documents that must be developed for this, hopefully  
8 making process run much more smoothly, much cheaper,  
9 much faster.

10 As part of our alternatives development, we  
11 held two public scoping periods. We held a number of  
12 alternatives developments workshops. We did two public  
13 listening sessions to present and receive feedback on  
14 those draft alternatives. The alternatives themselves,  
15 management varies, but they are -- all have to meet the  
16 same requirements everybody else does for similar  
17 activities. Clean Water Act, Clean Air Act, Safe  
18 Drinking Water Act will always apply regardless of the  
19 alternative that is ultimately selected. Additionally,  
20 lessees will still have to comply with 25 CFR 226.

21 In the draft EIS, Section 2.3 has a summary of  
22 the conditions or the comparison of alternatives and a  
23 comparison of the conditions of approval that are  
24 applied for each alternative. There will be a table in  
25 there basically showing how each alternative functions

1 and there will be a table of conditions of approval and  
2 what alternative they apply under. Alternatives for  
3 this draft EIS fall under four separate actions.

4 Alternative 1 is the no action alternative,  
5 and I'll discuss these individually a little bit in a  
6 little bit. Alternative 2 emphasizes oil and gas  
7 development. Alternative 3 is a hybrid alternative,  
8 which takes part of Alternative 2 and part of  
9 Alternative 4, and then Alternative 4 is the alternative  
10 that is keyed towards resource protection.

11 As mentioned, Alternative 1 is our no action  
12 alternative. What this would do is basically how things  
13 are administered right now would continue. The only  
14 real change would be that instead of referring to the  
15 two programmatic environmental assessments that exist,  
16 any references would be made to the EIS, it would  
17 basically take their spots. There would not be any  
18 changes from how things are currently handled.

19 Alternative 2 is the emphasis on oil and gas  
20 development. Under this one, the BIA would publish a  
21 list of best management practices, BMPs, for all oil and  
22 gas operations in Osage County and the number of  
23 conditions of approval would be minimized. In addition,  
24 BIA would not prescribe specific methods operators would  
25 have to use to meet those COAs or other applicable



1 federal laws and regulations.

2 Alternative 3 is the hybrid development  
3 alternative. This is the one that is a mixture of 2 and  
4 4. In this one, the conditions of approval would be  
5 based on well density. In high density sections, and  
6 this is sections where there have been 17 or more wells  
7 drilled, BIA would apply the same conditions of approval  
8 from Alternative 2. In the low density sections, those  
9 with less than 17 wells, BIA would apply the same more  
10 protective conditions of approval as Alternative 4 and  
11 there would be some limit to well density with spacing  
12 requirements.

13 In addition, Alternative 3 would have a number  
14 of areas, sensitive areas where new ground disturbing  
15 activities would not be allowed. These are areas such  
16 as municipalities, sensitive water supplies as defined  
17 in the Oklahoma Administrative Code, public water supply  
18 wells and wellhead protection areas as defined by the  
19 Oklahoma Department of Environmental Quality, and areas  
20 of Class 1, special source groundwater as designated by  
21 the Oklahoma Water Resources Board.

22 And this is a map just to kind of give  
23 everybody an idea of how that would end up looking.  
24 These areas right here -- and please don't ask me to  
25 tell you what the color is. I'm a little bit color

1 blind, so it just kind of all blends together for me.  
2 These are the areas basically where new activity would  
3 not be permitted. However, these lighter colors here  
4 are the low density areas where there has not been much  
5 historical development.

6 As you can see, these red areas here, I hope  
7 they're red, are the high density areas and you can see  
8 there is a definite pattern to where the high density  
9 areas are as opposed to the low density areas. And most  
10 of the areas under all this Alternative 3 that would  
11 be -- have limited new ground disturbance really don't  
12 have a lot of overlap, except a little bit down here.

13 This is basically just a map similar to the  
14 last one that kind of gives a more focused look on the  
15 areas where new drilling would not be permitted, and I  
16 think both of these maps were included in the handouts  
17 that were available. So if you didn't grab one, please  
18 do.

19 Under Alternative 4, Alternative 4 would have  
20 the most protective conditions of approval applied to  
21 it. The main change for it from Alternative 3 would be  
22 that there would be an additional set of areas where new  
23 permitting would not be allowed. Those areas would  
24 include Tallgrass Prairie Preserve, state parks, the  
25 state wildlife and management areas, and the Corps of

1 Engineer lakes, and those will be in addition to the  
2 ones outlined in No. 4 -- or sorry, No. 3.

3 And this map is similar to the previous maps.  
4 This just has the additional areas on it that  
5 Alternative 4 would protect, most of those areas, some  
6 here and go up into that northeast corner.

7 These next couple of slides kind of  
8 demonstrate how the conditions of approval vary by  
9 alternative. As you can see here, for instance, this  
10 first one, when you get over to the right side, it's got  
11 four different columns, one for each alternative. This  
12 first one, for example that has an X on 1 and 4 means  
13 that would apply under Alternatives 1 and 4. Any  
14 condition of approval with an X under 1, Alternative 1  
15 is one that is already being applied.

16 You can see where it has the L there. That  
17 would apply under Alternative 3 if you're in a low  
18 density area, so anything with less than 17 wells in the  
19 area. Some of them, as you can see by this one right  
20 here, would apply regardless of the alternative.  
21 They're ones that are already applied, ones that apply  
22 all the time, and this is -- for instance, like this one  
23 is for threatened and endangered species. So that is  
24 something that is going to remain a factor regardless of  
25 the alternative that ends up being selected.

1           And then there will be a few, such as in this  
2 particular instance, where you can see how the second  
3 one does not have an X under the first alternative. It  
4 would actually be a new condition of approval if one of  
5 the other alternatives end up being selected, for  
6 instance, like this one would apply under both, all of  
7 2, 3 and 4, regardless of well density.

8           For Endangered Species Act, under Alternative  
9 1 and 4, there is a current biological opinion that the  
10 BIA is operating under. For the most part, things would  
11 remain the same there. It wouldn't be too much change  
12 there, if any at all. Especially under Alternative 1,  
13 that would basically continue as is.

14           For No. 2, Alternative 2, and that is the  
15 alternative that prioritizes development, BIA would  
16 likely have to revise the biological assessment and  
17 reinitialize consultation with Fish and Wildlife.

18           For Alternative 3, I believe we would end up  
19 having to just request a new biological opinion  
20 incorporating the hybrid approach on that one. So just  
21 kind of keep that in mind.

22           For the National Historic Preservation Act for  
23 Alternative 1 and 2, things would basically continue how  
24 they do now. There are some special conditions of  
25 approval that might be added based on any discoveries

1 that happened to be found in the course of assessment of  
2 a particular lease.

3 Alternatives 3 and 4, they would be the same,  
4 but there would be some automatic buffers placed on  
5 any -- any identified sites, whether cultural or  
6 national register listed or eligible.

7 Chapter 4 of the draft EIS covers the  
8 environmental consequences of the actions. This one  
9 basically describes how the environment would change if  
10 any of the alternatives would be implemented basically  
11 to give us an idea of what would happen depending on the  
12 selected alternative. It includes comparisons of how  
13 each alternative would impact the various resource  
14 areas, including fish, water, wildlife, migratory birds,  
15 pretty much anything categorized is a resource.

16 This is kind of a very, very high level  
17 overview of the entire EIS process. Notice of intent,  
18 very first step way up at the top. We are currently  
19 sitting right here. Almost to the bottom. Hopefully  
20 we'll get to the end of it. We are currently in 45-day  
21 public review and comment period. As mentioned earlier,  
22 comment period runs through January 22nd. Pay no  
23 attention to the date on this slide.

24 The very next thing that would happen once the  
25 public comment period ends, all the comments will be

1 consolidated and reviewed. Responses will be developed  
2 for them and then we will start working on preparing a  
3 final EIS based on those comments that we are expecting  
4 to run until about May of this year.

5 In May -- I think we're looking at May --  
6 we'll publish the notice of availability of the final  
7 EIS and we will provide a 30-day public review period  
8 for it starting in March. We would start preparing the  
9 record of decision document, which will be the final  
10 document for basically recording the decision that we  
11 make on which alternative to pursue. Signing of that  
12 document currently is anticipated for about June, July.

13 This is a little overview just basically what  
14 I just talked about. That is -- as I mentioned, here is  
15 the information on submitting written comments to us.  
16 You can submit them either to the email address on here,  
17 which is [osagecountyoilandgaseis@bia.gov](mailto:osagecountyoilandgaseis@bia.gov). There are a  
18 number of us that have access to that email address and  
19 we will be pulling all comments that come on there out  
20 when we do the consolidation.

21 You are also welcome to mail them or hand  
22 deliver them here to the Osage agency. I'm sure a lot  
23 of people are aware of where that's at. Richard and  
24 Robin I'm sure will be happy to see you. We will also  
25 be taking oral comments tonight, so feel free to provide

1 those. There's also some cards back there for filling  
2 out for written comments if you would prefer to use  
3 those as well.

4 If you have any questions for me specifically  
5 or regarding the EIS, please feel free to contact me.  
6 This is my -- this is our office here down at the  
7 Muskogee -- the regional office. The number goes to the  
8 Environmental and Cultural Resources Management Office.  
9 You can also get a copy of the draft EIS from the Osage  
10 agency's website. There's a link here or you can just  
11 go to [bia.gov](http://bia.gov) and navigate down to regional offices down  
12 to the Osage Agency, and they have a separate page under  
13 the Agency for the EIS that has a lot of good  
14 information on it.

15 And with that next one, I'm done. Katie is  
16 going to go over basic rules, but we're going to need to  
17 take a few minutes in order for our very helpful court  
18 reporter to do some troubleshooting on her end. Give us  
19 just a few minutes. Katie can go ahead and explain  
20 rules.

21 (A brief recess was taken.)

22 MS. PATTERSON: So I'm going to call those who  
23 signed up in order. If we get everybody here, I'll go  
24 ahead and ask if anybody else is interested in speaking.  
25 So when you come up, if you could please just state your

1 name clearly for the court reporter and you can go ahead  
2 on into your comment.

3 So the first one we have signed up is Travis  
4 Keener.

5 MR. KEENER: It's okay. I'll pass.

6 MS. PATTERSON: You sure?

7 MR. KEENER: Yeah.

8 MS. PATTERSON: Okay. Fred Storer. And if  
9 you'd like to use the microphone, there's one right here  
10 on the table too.

11 MR. STORER: I don't think that will be  
12 necessary. Thank you.

13 MS. PATTERSON: Okay.

14 MR. STORER: I'm concerned that the time  
15 period is inadequate even with the extension, that you  
16 spent four years writing this new document and we're  
17 expected to read it and understand it and correct it in  
18 this period of time is not reasonable. I think you'll  
19 hear from members of the Minerals Council, the Minerals  
20 Council itself, the Osage Producers Association,  
21 etcetera, and I think you ought to allow, say, until  
22 April 6th to do the comments.

23 Okay. The other thing I'd like to point out  
24 is that you're not restricted to selecting one or the  
25 other of the -- of the alternatives, that the rules



1 allow you to make a mix to embrace a new version.  
2 That's a combination of the features of the various  
3 alternatives. So the commenters should be careful to  
4 recognize that and to object to any feature of any one  
5 alternative that they consider inappropriate. Thank  
6 you.

7 Oh, another thing. I still got time?

8 MR. CRAIG: Yep.

9 MR. STORER: Last time I commented on the  
10 environmental -- on the proposal, my comments were 50  
11 pages long. I expect that the comments that I will  
12 write will be at least that long this time. I think  
13 that the comments I submitted last time were very  
14 influential in terms of the decision to scrap that  
15 version, and then you spent four years writing a new  
16 one. I don't like this one either. Thank you.

17 MS. PATTERSON: All right. Thank you. So  
18 that is the end of our list of folks who had signed up.  
19 So is there anybody else who would like to speak? I saw  
20 you first, sir. Come on up and if I could just get you  
21 to write down your name here, and again, state it for  
22 the court reporter. I'll leave this here for you and I  
23 will bring this one around to --

24 MR. REDCORN: Sign here?

25 MS. PATTERSON: Yes, please.

1 MR. REDCORN: How much time do we have before  
2 the yellow?

3 MR. CRAIG: One minute.

4 MS. PATTERSON: If you are interested in  
5 signing up and speaking as well, if you can raise your  
6 hand.

7 MR. REDCORN: I'm Talee Redcorn with the Osage  
8 Mineral Council. This is my third time I've been on the  
9 Mineral Council, have dealt with the EIS, and we  
10 purchased this land, Osages did, and since that time, we  
11 had all the surface and we had all the minerals. And  
12 then the fight began for all the surface and then we  
13 lost. We just continue to lose and eventually we got  
14 what we call a general allotment. And then the land  
15 started going, but we were wise to hold onto the  
16 minerals.

17 I feel like this effort is an affront to our  
18 resource. This is the only thing -- this is what we  
19 have as Osages. And you're showing me maps and you're  
20 showing me these things that's going to restrict or  
21 basically eliminate all these areas that we can't even  
22 touch. I don't -- I don't care for that at all.

23 So I don't know what our options are, but I  
24 feel like -- I'll say this, I like -- I like Alternative  
25 1 and I really think the market ought to drive the

1 decision to go into these more restrictive things.  
2 That's how they do in EIS nationwide. Why can't it  
3 happen here? Let the -- let the companies propose that.  
4 Let them plan it and let them pay for it.

5 So I like Alternative 1, and then that opens  
6 our reservation and we still do things as we do now, and  
7 if there's an opportunity out there that causes for this  
8 kind of development, then let it happen, but I'm going  
9 to push for that and then see what our options are  
10 elsewhere to eliminate people, non Osages taking our  
11 asset. It just bothers me. I can't sit her and stomach  
12 it sometimes. I'm sorry, but thank you for your time.

13 MS. PATTERSON: Thank you.

14 MR. REDCORN: Uh-huh.

15 MS. PATTERSON: All right. Susan Forman.

16 MS. FORMAN: Do I need this or --

17 MR. CRAIG: If you want to use it.

18 MS. FORMAN: Can everybody hear me? I really  
19 don't -- I did not prepare a comment. I just want to  
20 support Mr. Storer's request and desire to extend the  
21 comment period. After all, it is a 566-page document  
22 that's very technical and involved and I think we all  
23 need the extra time to make appropriate comments that  
24 are effective and productive and everything that goes  
25 along with that.

1 I reiterate, you all -- the government took  
2 four years to rewrite it. We need a longer time. So I  
3 don't know if there's another official way to request an  
4 extension of the comment period, but I'm asking right  
5 now.

6 I'm an Osage Minerals Councilperson. I'm an  
7 Osage shareholder. I'm a member of the Nation and  
8 belong to several -- I belong to the Osage Shareholders  
9 Association. So I'm asking for an extension on that  
10 comment period and will probably come again in writing  
11 in some fashion, not only from myself and many others,  
12 but might as well go ahead and ask for it now, so thank  
13 you.

14 MS. PATTERSON: Thank you. Mike Mackey.

15 MR. MACKEY: I'm Mike Mackey. I may have to  
16 come up more than once because I'm representing more  
17 than one constituent here. I'm a member of the Osage  
18 Producers Association, and on behalf of them, I would,  
19 along with Fred, request that we have a much longer time  
20 to have public comment period here.

21 And the reasons for that are many, but I also  
22 own a service company here, one of the few service  
23 companies remaining, Osage Wireline here in the county,  
24 and the service industry in this county has been  
25 devastated in the last five years. And there's a lot of

1 people that are no longer here because of this effort.

2 I also own land here in this county and also  
3 in Pawnee County, and as a royalty owner, I -- I feel  
4 for Talee. If somebody tells you that you own 100  
5 percent of your minerals on your property, and I've  
6 drilled on my own property, and somebody would tell me,  
7 but you can't have that, even though you purchased it  
8 and -- and you're entitled to it. At the courthouse,  
9 have you title to that property, but it's not really  
10 yours because there's a lake over here and we're trying  
11 to protect the water.

12 Well, okay, but we own what's under the water  
13 and royalties are just as much a property as what's on  
14 the surface. So we have to protect the -- the Minerals  
15 Council and the people in this county who own property  
16 that's underneath our feet.

17 I'm also a producer in this county and I've  
18 participated in the last couple of years in a project  
19 where oil has been found that has never been found in  
20 the manner that we found it in this county. We have  
21 found fault-trapped off-structure Mississippi chat that  
22 nobody has ever even considered looking for.

23 This is my third different person that I'm up  
24 here, so I've got a couple more people that I represent  
25 that are me too.

1           But anyway, nobody will ever look for minerals  
2   in this county. Everybody knows where the major  
3   structures in this county are, but nobody has ever  
4   looked for oil like this before and we found it in  
5   producing quantities. A share of that belongs to the  
6   Minerals Council and to the -- the owners of the mineral  
7   estate. And nobody will ever look for that.

8           As a service person, I can tell you that in  
9   the last five years, at least tens of millions, if not  
10  hundreds of millions of dollars have bypassed this  
11  county because of the restrictive nature of what we've  
12  dealt with in the last few years. And if  
13  alternatives -- other than Alternative 1 are allowed to  
14  proceed here, then nobody will look for oil in this  
15  county, there's oil in other places, and that will hurt  
16  the people that have been here the longest.

17           And, finally, I'm a producer. I'm a service  
18  person. I'm a consultant. And on behalf of the people  
19  that I consult for, we're moving a drilling rig in here  
20  in the county tomorrow. As soon as that's done, I'll be  
21  moving it over to another location in the northwest part  
22  of the county for another person that I consult for.

23           These people have been waiting for nearly a  
24  year for these permits, and a couple of the issues that  
25  we have had are with the EPA on SWDs. I sat down

1 with -- with the engineer here in Osage County, laid out  
2 logs. I'm in the logging business. Been there for 39  
3 years. Calculated logs showing him that the fresh water  
4 zone they're trying to protect is a salt water zone.  
5 And he said, well, the EPA deems that to be treatable  
6 water.

7 Let me tell you something. There are  
8 desalinization plants on the coast of countries all over  
9 this world that take sea water and take the salt out of  
10 it and give it to the people to drink. Now, that would  
11 be a great alternative if the EPA is -- is going to say,  
12 okay, we'll take all the produced water in the county,  
13 take the salt out of it and ship it to Pawhuska or  
14 Hominy or Wynona or other municipalities within the  
15 county.

16 But the reason why they don't do that is it's  
17 not cost effective because we do have fresh water zones  
18 and they should be protected, but when you ask a  
19 producer to spend an extra 20-, \$30,000 for -- to  
20 protect a water zone that the EPA has deemed treatable  
21 water that is, in fact, salt water, then you're saying  
22 it's okay that we don't take the salt water that  
23 producers make and take the salt out of it and ship it  
24 to a municipality because that's not cost effective, but  
25 we don't care about the cost effectiveness for a

1 producer to have to spend an extra 25- or \$30,000 to run  
2 pipe deeper in a well and protect a zone that isn't  
3 really a fresh water zone.

4 So anyway, as a consultant, as a producer, as  
5 a -- as a service company, as an owner and as a -- as a  
6 property owner here in the county, I think that we need  
7 to take -- there are a lot of reasons why we need extra  
8 time to look at these 566 pages and, say, listen,  
9 people, we need more time to take a hard look at this,  
10 because there are a lot of comments that can be made.

11 This may be an improvement over what we had a  
12 few years ago, but we're a long way from being where we  
13 need to be at. Thank you.

14 MS. PATTERSON: Thank you. Robert Knappe.

15 MR. KNAPPE: Thank you. I'm Robert Knappe. I  
16 represent one of the larger producers in the county. I  
17 work with a couple of different operating companies, and  
18 a lot of what has been said I would agree with. I think  
19 it would be nice to have more time to try to, you know,  
20 really go through the 566 pages and try to be -- and try  
21 to be careful and considerate about what's being  
22 presented and provide meaningful comment that could be  
23 helpful. And I think that would be -- would be  
24 accomplished with the timeframe that Fred outlined if  
25 possible.



1 I'm trying not to take too much time. I had  
2 about 20 minutes worth of comments, so I'll try to go  
3 down to about two minutes, but some things that haven't  
4 been said that I thought were worthy of comment, I think  
5 in the reasonably foreseeable development scenario, I  
6 think that some assumptions made there may -- may not be  
7 accurate.

8 For example, you can see in 2019, it shows  
9 about 200 wells are going to be drilled. I don't think  
10 we made that projection. I think the reason is because  
11 it was tied to pricing that's forecasted based on price,  
12 and I don't think price is the only thing that caused  
13 the decline in drilling in Osage County.

14 I think it's largely related to what happened  
15 with the regulatory environment in response to legal  
16 issues and how the permitting process was slowed down at  
17 that time. And I think by and large, many of those  
18 issues still exist today as -- as hurdles or things  
19 that -- that caused delays or inability to scale up the  
20 kind of -- the kind of drilling that would match what  
21 was forecasted. So I think it would be worth taking  
22 another look at that.

23 I'm all in favor of an alternative obviously  
24 that -- that streamlines the process, makes it easier to  
25 get permits accomplished, that reduces the number of

1 conditions of approval within reason and -- and still  
2 allows the operator to be responsible for developing in  
3 a responsible manner.

4 I may not understand the alternatives. I know  
5 1 is no action, but 2 does reduce the conditions of  
6 approval and still streamlines maybe some other  
7 processes, so I'll have to look again more carefully at  
8 that.

9 Finally, I would just say that I have the same  
10 problem. A lot of our leasehold is in areas that are  
11 outlined in the maps as there will be no drilling  
12 allowed. So we have a lot of acreage, and I've looked  
13 at the -- what's been highlighted and we have invested a  
14 lot of money in leases and have expectations about our  
15 ability to achieve a return that's associated with  
16 drilling on those leases, and we have to keep drilling  
17 or -- in order to keep leases economical.

18 And in many of these areas that are considered  
19 low density or considered sensitive areas, we have  
20 leasehold where we're producing. Matter of fact, we're  
21 in a 14-well drilling program right now in the middle of  
22 one of the sensitive areas that we would not be able to  
23 drill would Alternative 3 or Alternative 4 be considered  
24 or be the outcome.

25 So I'm with Mike and with Talee on that. I

1 think that's a property issue and we have -- I'm  
2 assuming that property is not taken away from you  
3 without compensation and consideration, so for us, that  
4 would be a significant impact on our business if we were  
5 not to be able to drill those leases. Thank you.

6 MS. PATTERSON: Thank you. Will Cabbage.

7 MR. CABBAGE: I'm going to speak on a minute  
8 just because of what I heard from the very beginning.  
9 I'm -- maybe I'm the only surface owner that is not  
10 biased by owning and being active in the oil business.  
11 I am just a surface owner. This -- you know, this idea  
12 that we're trying to take away something that's owned by  
13 the tribe I think is ridiculous.

14 You know, for one, I have no issues allowing  
15 access or anything. I've never done anything on my  
16 property. I don't know anybody that's done anything to  
17 prohibit anybody from accessing minerals underneath  
18 their surface. The issue is you're on our property to  
19 get to yours. We all agree to that.

20 I just think that it's -- it's -- I mean, I  
21 guess I'm offended by the statements that began this  
22 session and -- and I just -- I want to set the record  
23 straight that I don't think we're trying to take away  
24 anything. We're trying to just obtain surface owner  
25 rights that, across the rest of this state and probably

1 the majority of the country for all I know, other people  
2 have. That is the only thing we're really trying to  
3 accomplish here.

4 Outside of the -- the other regulatory  
5 concerns you guys have and drilling permits, I'm not --  
6 I don't know how that's working, but I'll give anyone of  
7 you an open invitation to come see a piece of property  
8 in Osage County that when -- you know, when this program  
9 operates like it does today and has in the past, the  
10 garbage that's done on the piece of surface that  
11 represents the industry and what's going on across the  
12 county, I mean, I'm just here to tell you, it's time to  
13 clean some things up and get things brought to current  
14 standards, and that's all -- I mean, I'm not going to  
15 try to take your property. I just want to have respect  
16 for the property that I own and pay the taxes on.

17 MS. PATTERSON: Thank you. I think I'm  
18 reading this right. Wilson Pipestem? Did I get your  
19 last name right?

20 MR. PIPESTEM: Yes.

21 MS. PATTERSON: Okay.

22 MR. PIPESTEM: Wilson Pipestem. I'm the  
23 attorney for the Osage Minerals Council and I also am an  
24 Osage head right owner.

25 And I think that I just want to provide some

1 information about the law related to this process that  
2 maybe hasn't -- wasn't fully considered when this was  
3 drafted. Just want to read to you from one of the  
4 amendments to the 1906 Act.

5 So the 1906 Act was a law that allotted the  
6 surface of the Osage Reservation and it held the land in  
7 the subsurface for the Osage Tribe. So, today, after  
8 that, lots of times people read that, but they don't  
9 understand what the amendments say, and I think that's  
10 very relevant to this EIS process.

11 For one, in 1921, in one of the amendments  
12 Congress, "Authorized and directed," the Secretary of  
13 the Interior and the Osage Tribal Council to offer for  
14 lease for oil and gas purposes all of the remaining  
15 portion of Osage unleased land. So at that time, the  
16 government said that -- directed the Secretary of the  
17 Interior to lease the Osage Reservation out for minerals  
18 exploration. Even so, they said -- and though a future  
19 amendment said -- limited that to a 25,000 acre area,  
20 but the tribe was required by federal law and the  
21 Department of Interior to lease lands out for oil and  
22 gas exploration.

23 That is our history here, and today in 1978,  
24 still relevant to this is a law, another amendment to  
25 the 1906 Act that says -- and I think, again, this is

1 relevant to how we frame and which alternative the  
2 Bureau of Indian Affairs chooses. It says, Congress has  
3 specifically directed the Secretary to "provide for the  
4 greatest ultimate recovery of oil and gas underlying the  
5 Osage mineral estate."

6           So our history here, not only is this the home  
7 land of the Osage Indians, the Osage Reservation, this  
8 is our homeland, but we have owned the subsurface and  
9 the laws that were created related to this home land  
10 made minerals production a primary obligation of the  
11 federal government. So doing so, I think when you talk  
12 about limiting where the Osage Minerals Council can  
13 lease out lands to drill, you're not understanding the  
14 federal laws that govern the land on which we stand.

15           So I just want to point out that we're going  
16 to -- the Osage Minerals Council is going to submit  
17 detailed comments to this, but I want to point out as  
18 you think about this process, the 1906 Act and  
19 specifically the amendments to the 1906 Act, require the  
20 Department to make minerals exploration a highest use of  
21 this property.

22           So I also want to make a second point. I want  
23 to reinforce and restate what Mr. Storer said about the  
24 time for preparing comments to this. So this is a very  
25 long technical document. It's been -- it was released

1 in November and it goes through the holiday period and  
2 so we need additional time for -- to prepare comments on  
3 this.

4 So the Osage Minerals Council is very actively  
5 working through experts through legal counsel to provide  
6 comments to the 1906 Act, but we need sufficient time to  
7 ensure that our comments are prepared in detail and so  
8 we can make sure that this document is -- that we're  
9 heard and we have plenty of time to look at every piece  
10 of this and make -- and comment on it.

11 I know that other parties that also have an  
12 interest in these -- this process also need additional  
13 time. So I appreciate that we were given a couple of  
14 extra weeks, but the -- just the length of the document  
15 itself requires a very detailed review. So I would also  
16 like to add to the comments that have been made so far  
17 that we need an additional extension of time. Thank  
18 you.

19 MS. PATTERSON: Thank you. David Hayes.

20 MR. HAYES: Well, I'm David Hayes. From what  
21 I see, I think Alternative 3 and 4 are kind of headed in  
22 the right direction. I'm representing two or three  
23 others, so I'm going to use their time here as I speak.

24 A quote from William Jennings Bryan said,  
25 "Destroy the cities and they can be built back. Destroy

1 the land and all will perish." Here in Osage County,  
2 mandates and rules governing oil production and  
3 marketing of oil are essential for the protection of  
4 both human and natural environment for the people living  
5 and working here, for future generations, even for the  
6 protection of the mineral estate of the Osage Nation.

7           Strengthening existing rules governing the  
8 operation of oil leases is imperative. This will make  
9 side-stepping responsibility difficult and hopefully  
10 extinct resulting in an improved management of oil  
11 production while protecting the environment.

12           In Osage County, oil producers spoke at a past  
13 meeting I attended. Change is going to take place. To  
14 stay in business, oil companies need to learn to comply  
15 with these rules and mandates. There's a big difference  
16 between what is convenient and what is right. A shovel  
17 of dirt or gravel on top of an oil spill is not a clean  
18 up. It's a cover-up. Preventative maintenance is a lot  
19 cheaper than a clean-up to take one can in any manner,  
20 regardless of the cost of the future generations and the  
21 environment is not right.

22           When the town of Pawnee, one of many towns  
23 over the past several years, was damaged by an  
24 earthquake Osage Minerals Chairman Everett Waller was  
25 quit to respond. Chairman Waller said, "We will do



1 whatever is necessary to protect the safety and welfare  
2 of the people. Safety is number one with us."

3 I read another article in the Osage news that  
4 talked about an Osage delegation going to Sacred Stone  
5 Camp to take a stand with the Sioux Tribe to help  
6 protect their water source. Delegates reported that a  
7 sign at the entrance to the camp read, "Water is life."  
8 Why go so far to lend a hand? Because they knew when  
9 the rules are not followed, it's not if the environment  
10 will be damaged, but when.

11 Aging and improperly plugged wells on the  
12 school grounds of Pawhuska delayed the start of school  
13 in the fall of 2017. In the same year, the City of  
14 Pawhuska had to change its water source because of salt  
15 water contamination of Bird Creek. The chief of the  
16 Osage, Geoffrey M. Standingbear, so moved by the efforts  
17 of the people at Standing Rock issued a proclamation  
18 encouraging and supporting all efforts to resist harm to  
19 the environment.

20 My thought is that when the Osage came to this  
21 land, they took of the water wherever they wanted and it  
22 was clean. They breathed the air that was pure. Today,  
23 gas, odors and harmful fumes from vented wells permeate  
24 the air. Reclaiming oil fumes and gases instead of  
25 venting is the only solution to keep our air clean and

1 pure.

2 I especially like Charles Redcorn's articles  
3 about the Osage and their prayers. He said, "The people  
4 ask for assistance in receiving basic needs of living  
5 such as food and water that sustains their lives." I  
6 wonder what's been done to the damage in the upper Bird  
7 Creek that many think has occurred from improperly  
8 plugged wells or nearby injection wells.

9 In another article, Charles Redcorn wrote  
10 about the understanding of the Osage of each and every  
11 tree with profound respect for the earth and the water.  
12 I asked a friend of mine if that includes bugs too, and  
13 he said yes.

14 President Trump's Earth Day message about the  
15 environment, he said, "Our nation is blessed with an  
16 abundant natural resources and awesome inspiring beauty.  
17 Americans are rightfully grateful for these God-given  
18 gifts and have an obligation to safeguard them for  
19 future generations. My administration is committed to  
20 keeping our air and water clean, to preserving our  
21 forest, lakes, and to protect endangered species." So  
22 from the Minerals Council to the president, people  
23 taking a stand, speaking from the heart to protect and  
24 preserve the environment, both human and natural.

25 There are two major aquifers that underly

1 about 49 percent of Osage County. These aquifers are  
2 important to all. Both are penetrated by producing and  
3 injection wells. Some undoubtedly with aging and  
4 decaying or leaking casings. I urge any new permitted  
5 well above these aquifers to be accompanied by a new  
6 environmental impact study on each location with  
7 periodically quarterly inspections. Any well near a  
8 home, a water source or school or business to -- to each  
9 have an environmental study done with, again, quarterly  
10 inspections.

11 When problems are found, producers need to be  
12 held accountable. There is a -- there should be a  
13 timetable for swift repair or needed corrections. I  
14 urge strict enforcement of all rules on all wells, flow  
15 lines, tank batteries, and maintain lease roads with  
16 consequences, whether fines or canceling of the lease.

17 So for the good of the mineral estate, for the  
18 good of the oil producer, for the good of all future  
19 generations, all rules and mandates that protect and  
20 preserve the air, the water, the land and health  
21 involved both now and in the future are necessary and  
22 essential.

23 We've been given an opportunity to change  
24 what's taking place. Let us embrace the most stringent  
25 rule changes and enforcement for the betterment of all.

1 May God bless Osage County with wisdom and integrity to  
2 protect and preserve all that we've been blessed with.

3 Thank you.

4 MS. PATTERSON: Thank you. All right. Is  
5 there anybody else who would wish to speak tonight or  
6 anybody who would like to come back up? Sir, if I can  
7 just have you write your name down and state it for the  
8 court reporter, please. Thank you.

9 MR. RED EAGLE: My name is Myron Red Eagle.  
10 I'm on the Osage Mineral Council, I'm Osage, and this is  
11 my second term. And I'd just like to state that -- most  
12 of you know, me and I'd like to just also state that  
13 my -- I have a grandfather on my mother's side that was  
14 on the tribal counsel in 1914, and my dad's people on  
15 Osage -- his Osage side go back to the 1880s and 1890s.  
16 That's how far back we go, and it's about as far back as  
17 the Drummond family go. Maybe -- maybe just as far.

18 But I'm in favor of the extension also and  
19 what I would like to see, you know, we -- we have these  
20 meetings. I've been to several of these meetings before  
21 and I see the same faces. Ms. Superintendent, Eddie,  
22 yourself, and others, same faces.

23 I would like to see Mr. Department of the  
24 interior, Secretary of the Interior here, you know.  
25 This is -- this includes the interior, doesn't it, Osage

1 County the interior? Mr. -- what's his name?  
2 Bernhardt? Why don't -- why don't he come? We see the  
3 same faces every time. We get the same answers and we  
4 get the same look and the same comments. I would like  
5 to see Mr. Bernhardt be here or maybe somebody high up  
6 that's representing him -- representing him. That's my  
7 biggest concern. That's what I was thinking about  
8 awhile ago.

9 We're all in this together. How much -- am I  
10 getting close?

11 MR. CRAIG: You got 30 seconds left.

12 MR. RED EAGLE: We're all in this together.  
13 You know, the ranchers came with the cattle drives. We  
14 came. We bought this land from the Cherokees. The  
15 government went along. It was a swap. It was a trade  
16 off. Okay. You guys can have the 1906 Allotment Act.  
17 Right. It's not the 1906 Act. It's the 1906 Allotment  
18 Act.

19 A man from Missouri is the one who came up  
20 with the idea, because he wanted the land to go to  
21 everybody. So now here we are. Everybody is here.  
22 We're all in it together. We get royalties. The  
23 surface owner gets his share. He let's us use his land  
24 and we all -- we're all in this together. Everybody and  
25 everything that I've heard tonight is -- we all benefit

1 from this. And I think the best way is to let it go a  
2 little bit longer and let us all comment on it and hope  
3 for the best.

4 MS. PATTERSON: Thank you. Okay. Anybody  
5 else who would like to come up?

6 Just a reminder, of course, you can provide  
7 written comments any time between now and January 22nd.  
8 So if no one else would like to come up and speak, we'll  
9 break back out into sort of the open house format.  
10 Again, there's staff and BIA and Solicitors here if you  
11 would like to talk with them. Feel free to take the  
12 handouts in the back, especially the one that tells you  
13 how to submit your comments.

14 We really appreciate you all coming here  
15 tonight. And, Mr. Streater, is there anything else you  
16 would like to say?

17 MR. STREATER: No. We just appreciate all the  
18 comments. We look forward to more written ones and take  
19 everything that everyone says here to heart.

20 MS. PATTERSON: Thank you.

21 (Meeting concluded at 7:31 p.m.)

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C E R T I F I C A T E

STATE OF OKLAHOMA )  
 )  
COUNTY OF TULSA )

I, Shannon S. Harwood, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the foregoing is a true and correct transcription of my shorthand notes of proceedings on the 12th day of December, 2019, and is only valid with my stamped seal and my original signature.

I further certify that I am not related to nor attorney for either of said parties nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of January, 2020.



\_\_\_\_\_

Shannon S. Harwood, CSR, RPR

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