

# Oklahoma Field Office

## Resource Management Plan Revision and Environmental Impact Statement

### *Final Scoping Summary Report*

US Department of the Interior,  
Bureau of Land Management  
Bureau of Indian Affairs

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BIA

BLM





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**ACRONYMS AND ABBREVIATIONS**

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Full Phrase

ACEC	Area of Critical Environmental Concern
BIA	United States Department of the Interior, Bureau of Indian Affairs
BLM	United States Department of the Interior, Bureau of Land Management
CFR	Code of Federal Regulations
EIS	environmental impact statement
FLPMA	Federal Land Policy and Management Act of 1976
NEPA	National Environmental Policy Act of 1969
OFO	United States Department of the Interior, Bureau of Land Management, Oklahoma Field Office
planning area	all lands, regardless of ownership, within the United States Department of the Interior, Bureau of Land Management, Oklahoma Field Office
RMP	resource management plan
US	United States

# SUMMARY

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## INTRODUCTION

The United States (US) Department of the Interior, Bureau of Land Management (BLM), Oklahoma Field Office (OFO), in cooperation with the US Department of the Interior, Bureau of Indian Affairs (BIA) Eastern Oklahoma and Southern Plains Regional Offices, is preparing an environmental impact statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) to guide the management of BLM-administered public resources (BLM-administered surface lands and federal minerals) and restricted, trust, and tribal minerals and lands under the jurisdiction of the BIA within the states of Oklahoma, Kansas, and Texas. The EIS will result in a resource management plan (RMP) that creates the management framework for BLM lands and federal minerals under the jurisdiction of the BLM OFO. The RMP, which is developed through a public process, will be prepared as a dynamic and flexible plan to reflect the changing needs of the planning area. It will replace the 1991 Kansas RMP (BLM 1991<sup>1</sup>), the 1994 Oklahoma RMP (BLM 1994a), and the 1996 Texas RMP (BLM 1996a), as amended.

The decision area for the EIS is where either federal or tribal interests exist (excluding US Forest Service interests). The decision area is only the BLM- administered and BIA-administered surface land and subsurface mineral estate within the planning area. The BLM decision area is composed of approximately 104,000 acres of BLM-administered surface lands, 593,000 acres of split-estate land (private land with federal mineral interests), and 5,270,000 acres of federal mineral estate on lands managed by other federal agencies. The BIA decision areas include approximately 621,696 surface acres and 585,000 surface acres for BIA Eastern Oklahoma Regional Office and BIA Southern Plains Regional Office, respectively. This acreage includes all mineral estate within Osage County, Oklahoma, which is managed by the BIA's Eastern Oklahoma Regional Office.

The BIA's Eastern Oklahoma and Southern Plains Regional Offices are charged with leasing Native American minerals in Kansas, Oklahoma, and Texas. As stated above, the Eastern Oklahoma Regional Office is also responsible for minerals management in Osage County, Oklahoma. Both offices have an obligation to evaluate the potential impacts of their decisions

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<sup>1</sup> References cited are provided in Chapter 7, References.

under NEPA and are joining the BLM in this EIS process. The joint planning effort will result in a joint BLM-BIA EIS and a BLM OFO RMP. BLM interests will be addressed under its RMP/EIS Record of Decision; Native American interests will be addressed under either the BIA-Eastern Oklahoma Record of Decision or the BIA-Southern Plains Record of Decision. These documents will comply with NEPA and the Federal Land Policy and Management Act of 1976, as required under 43 Code of Federal Regulations (CFR) 1601.0-6. The EIS also will comply with the BIA NEPA Guidebook, 59 Indian Affairs Manual 3-H (BIA 2012). Finally, the resulting OFO RMP will comply with the criteria outlined in the BLM's Land Use Planning Handbook H-1601-1 (BLM 2005).

#### **GOALS OF THE PUBLIC AND AGENCY COLLABORATION AND COMMUNICATION EFFORTS**

BLM and BIA policies are to provide the following stakeholders with opportunities to participate meaningfully and substantively and to give comments during EIS preparation: the public, various groups, other federal agencies, Native American tribes and governments, and state and local governments. The BLM and BIA encourage various partners, cooperating agencies, and stakeholders to become involved in the process and provide information on local and regional factors unique to the planning area. Local and regional factors include knowledge of area customs and culture, community values and traditions, and the social and economic makeup of the planning area.

The BLM's goal in the public land use planning process is to consider these factors in an inclusive manner; specifically, key tribal, community, agency, and interest groups and individuals are given opportunities to participate in the process and are kept informed of the project status. The BLM must also ensure that participants are made aware of the effect their involvement will have on the final outcome; follow-through is a key element in meeting the goal of collaborative planning. Some agreement among the participants wherever possible is desirable; where agreement cannot be reached, the BLM must explore reasonable alternatives that have been discussed with the participants.

Strategies on coordinating with other federal, state, and local agencies, private groups, and individuals include conducting public information meetings, workshops, small group presentations, and management briefings; hosting field trips; issuing news releases; doing mailings; producing newsletters; publishing newspaper notices; making media announcements; printing brochures, booklets, and pamphlets; and initiating other informal contacts.

Scoping is the term used in the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508). The purpose of scoping is to define the early and open process for determining the extent of issues to be addressed in the planning process. The scoping process serves a number of purposes. One of these is to involve the public in identifying significant issues related to potential land use management actions; another is to help identify any issues that are not significant and can thereby be eliminated from detailed analysis. Also, the list of stakeholders and other interested parties (individuals or groups) is confirmed and expanded during the scoping process.



### **PUBLIC SCOPING ACTIVITIES**

The formal public scoping period, as required by NEPA, began on July 26, 2013, with the publication of a Notice of Intent in the Federal Register (78 *Federal Register* 45266-45628, July 26, 2013); the scoping period ended on January 31, 2014.

Public outreach for the joint BLM-BIA EIS and the BLM OFO RMP since publication of the Notice of Intent has included the following:

- A newsletter mailed to 1,005 individuals from federal, state, and local agencies, tribes, interest groups, and the general public in November 2013
- A press release posted on the OFO website—<http://www.blm.gov/nm/oktrmp>—on November 14, 2013, announcing the publication of the Notice of Intent on July 26, 2013, and the initiation of the public scoping period for the EIS process
- A newspaper advertisement announcing the scoping public meetings published twice in each of 17 local newspapers in November and December 2013 and January 2014 prior to each of the 17 scoping public meetings
- 17 scoping public meetings, held in November and December 2013 and January 2014 in Woodward, Weatherford, Oklahoma City, Poteau, Tahlequah, McAlester, Lawton, Tulsa, and Pawhuska, Oklahoma; Salina and Liberal, Kansas; and Wichita Falls, Fort Worth, Houston, Livingston, Lufkin, and Amarillo, Texas
- A public website—<http://www.blm.gov/nm/oktrmp>—that provides access to materials distributed at scoping meetings and information on the public involvement process

The public scoping process provides opportunity for federal, state, and local agencies, interested organizations and industries, and the general public to express their comments and to provide meaningful input.

### **PUBLIC SCOPING RESULTS**

During the public scoping period, the BLM received 143 unique written submissions and 2 different form letters, which included 683 unique comments. Members of the general public provided 118 written submissions (82.5 percent), organizations or nonprofit groups submitted 10 comments (7.0 percent), and businesses submitted 10 comments (7.0 percent). One federal agency provided 1 written submission (0.7 percent), state agencies provided 2 written submissions (1.4 percent), and an elected official provided 1 written submission (0.7 percent). The latter group represents a total of 2.8 percent of the submissions. No written submissions were received from tribal governments, educational organizations, or local governments. One anonymous comment was received (0.7 percent).

Comments were categorized, coded, entered into a database, tallied, and analyzed. Categories were those pertaining to the EIS and RMP planning process (e.g., how the comment relates to the EIS process), planning issues, and commenter affiliation.

**ISSUE SUMMARY**

Based on internal (within the BLM OFO and BIA staff) and external scoping, the planning issues that follow have been identified.

1. Energy development
2. Minerals and mining
3. Cultural and historic resources
4. Fences and trespassing
5. Recreation and other uses along the Red River
6. Access and transportation
7. Public health and safety
8. Lands and realty
9. Fish and wildlife
10. Socioeconomics
11. Tribal interests
12. Issues not addressed in previous RMPs
13. Climate change and future water needs

In addition to planning issues, commenters asked about issues that are either already addressed or will be addressed outside of the EIS and RMP because they either involve implementation-level decisions or they are beyond the scope of this EIS or RMP revision.

**FUTURE STEPS**

Scoping is the first opportunity for public involvement in the EIS process. The BLM and BIA will use the information collected during the scoping period and the planning issues to formulate alternatives and to prepare the Draft EIS, which is anticipated to be published in 2016. Public release of the Draft EIS will be announced in a Notice of Availability in the Federal Register and in the local media, and it will be posted on the project website (<http://www.blm.gov/nm/oktrmp>).

Additional public meetings will be held to solicit public comment on the Draft EIS. Public comments will be analyzed and used to update alternatives and impacts, where applicable. At the conclusion of the public comment period, the Draft EIS will be revised, and a Proposed RMP/Final EIS will be published and made available to the public.

While these are the specific opportunities for public involvement during the EIS process, the BLM and BIA will consider input from the public throughout the process.

# CHAPTER 1

## INTRODUCTION

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### 1.1 BACKGROUND

The United States (US) Department of the Interior, Bureau of Land Management (BLM), Oklahoma Field Office (OFO), in cooperation with the US Department of the Interior, Bureau of Indian Affairs (BIA) Eastern Oklahoma and Southern Plains Regional Offices, is preparing an environmental impact statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) to guide the management of BLM-administered public resources (BLM-administered surface lands and federal minerals) and restricted, trust, and tribal minerals and lands under the jurisdiction of the BIA within the states of Oklahoma, Kansas, and Texas. The EIS will result in a resource management plan (RMP) that creates the management framework for the BLM lands and federal minerals under the jurisdiction of the BLM OFO. The RMP, which is developed through a public process, will be prepared as a dynamic and flexible plan to reflect the changing needs of the planning area. It will replace the 1991 Kansas RMP (BLM 1991<sup>1</sup>), the 1994 Oklahoma RMP (BLM 1994a), and the 1996 Texas RMP (BLM 1996a), as amended.

The BIA's Eastern Oklahoma and Southern Plains Regional Offices are charged with leasing Native American minerals in Kansas, Oklahoma, and Texas. The Eastern Oklahoma Regional Office is also responsible for minerals management in Osage County, Oklahoma. Both agencies have an obligation to evaluate the potential impacts of their decisions under the National Environmental Policy Act (NEPA) and are joining the BLM in this EIS process. The proposed joint planning effort will result in a joint BLM-BIA EIS and a BLM OFO RMP. BLM interests will be addressed under its RMP/EIS Record of Decision; Native American interests will be addressed under either the BIA-Eastern Oklahoma Record of Decision or the BIA-Southern Plains Record of Decision. These documents will comply with NEPA and the Federal Land Policy and Management Act of 1976 (FLPMA), as required under 43 Code of Federal Regulations (CFR) 1601.0-6. The EIS also will comply with BIA NEPA Guidebook, 59 Indian Affairs Manual 3-H (BIA 2012). Finally, the resulting OFO RMP will comply with the criteria outlined in the BLM's Land Use Planning Handbook H-1601-1 (BLM 2005).

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<sup>1</sup> References cited are provided in Chapter 7, References.

## **1.2 PURPOSE OF AND NEED FOR THE BLM RESOURCE MANAGEMENT PLAN**

An RMP is a land use plan that describes broad multiple-use direction for managing BLM-administered land. The FLPMA directs the BLM to develop such land use plans to provide for appropriate uses of BLM-administered land. Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions. These decisions establish goals and objectives (desired outcomes) for resource management and the measures needed to achieve them. These measures are expressed as actions and allowable uses, such as lands that are open or available for certain uses and lands that are closed to certain uses. The BLM-administered lands within the Oklahoma RMP planning area are currently managed under the 1991 Kansas RMP (BLM 1991), 1994 Oklahoma RMP (BLM 1994a), and the 1996 Texas RMP (BLM 1996a), as amended.

The need for revising these three OFO RMPs is to respond to:

- New policies on energy
- New policies on climate change
- Demand for limited resources
- Appropriate protection of sensitive resources
- Changing ecological conditions
- Increases in conflict between competing resource values and land uses
- Other issues that have surfaced since approval of the current RMPs

One of the primary objectives of the OFO RMP is to help the BLM update the management decisions of the current RMPs. The final RMP will identify desired outcomes and future conditions to be maintained or achieved. It will specify uses or resource allocations that are allowable, restricted, or prohibited. These include any restrictions needed to meet desired outcomes.

As part of the RMP process, the BLM will prepare an EIS to evaluate the environmental issues and impacts. The NEPA requires the BLM to consider a range of alternatives in its planning process and to analyze and disclose the potential environmental impacts of proposed RMP decisions. The alternatives and impact analysis are documented in the EIS.

The RMP development process also provides for the participation of the public, other federal agencies, and state, local, and tribal governments.

## **1.3 PURPOSE OF AND NEED FOR THE BIA ACTION**

The BIA's Eastern Oklahoma and Southern Plains Regional Offices are charged with assisting Native American tribes in permitting uses on tribal jurisdictional lands and leasing Native American minerals in Kansas, Oklahoma, and Texas. The Eastern Oklahoma Regional Office is also responsible for minerals management in Osage County, Oklahoma. Therefore, the BIA needs to develop overarching guidance for future leasing and development of Indian lands and mineral interests.

The BIA is obligated to evaluate the potential impacts of its decisions under NEPA. The BIA Eastern Oklahoma and Southern Plains Regional Offices would sign two separate Records of Decision on the EIS; these Records of Decision would be in addition to the Record of Decision signed by the BLM.

#### **1.4 DESCRIPTION OF THE PLANNING AREA AND DECISION AREA**

The planning area encompasses parts of Oklahoma, Kansas, and Texas (**Figure 1-1**, Oklahoma Field Office RMP Planning Area). The decision area for the RMP and EIS is where either federal or tribal interests exist (excluding US Forest Service interests). The decision area is only the BLM- and BIA-administered surface land and subsurface mineral estate within the planning area. The BLM decision area is composed of approximately 104,000 acres of BLM-administered surface lands, 593,000 acres of split-estate land (private land with federal mineral interests), and 5,270,000 acres of federal mineral estate on lands managed by other federal agencies. The BIA decision areas include approximately 621,696 surface acres and 585,000 surface acres for BIA Eastern Oklahoma Regional Office and BIA Southern Plains Regional Office, respectively. This acreage includes all mineral estate within Osage County, Oklahoma, which is managed by the BIA's Eastern Oklahoma Regional Office.

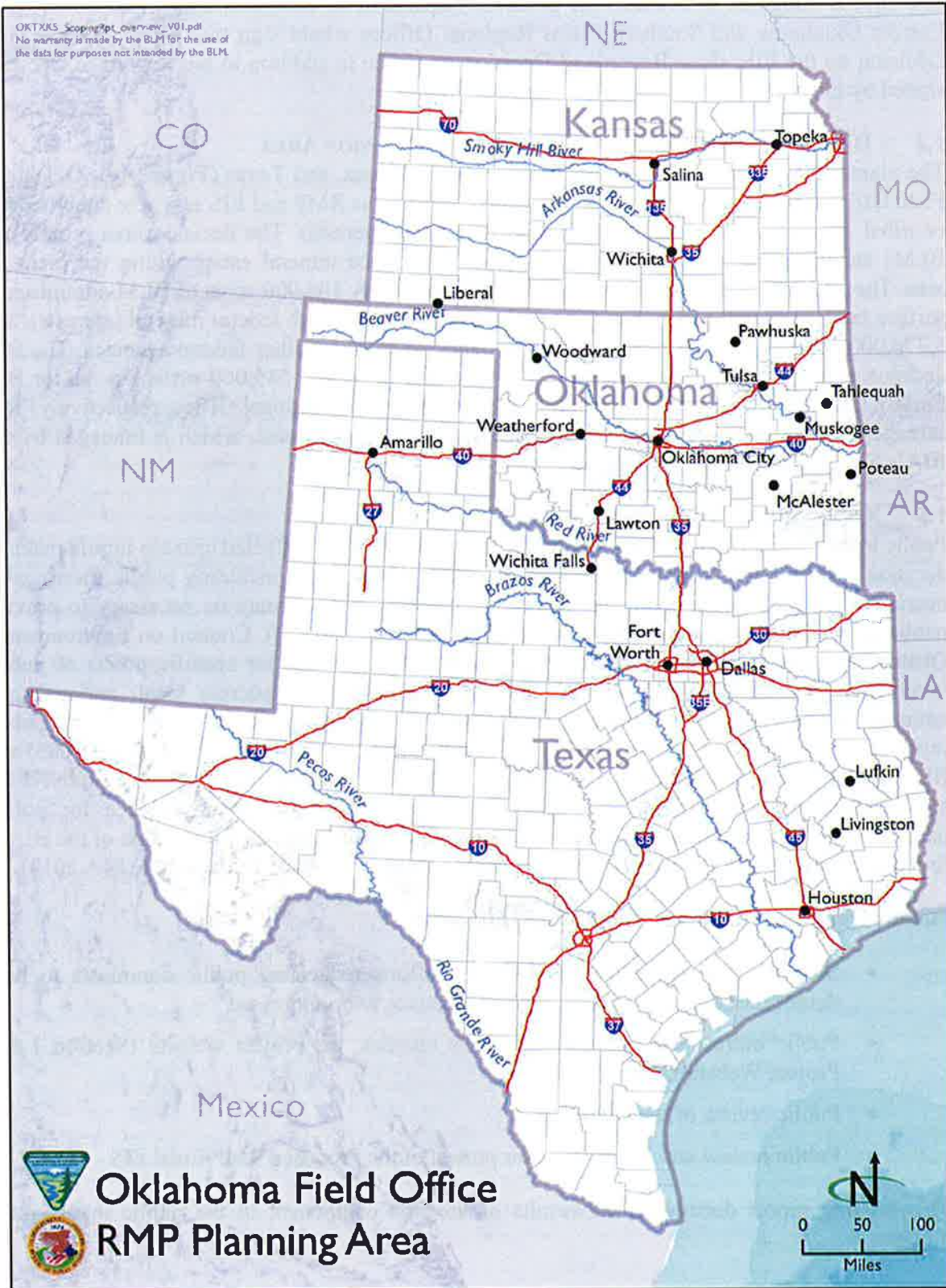
#### **1.5 OVERVIEW OF THE PUBLIC INVOLVEMENT PROCESS**

Public involvement entails “The opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings... or advisory mechanisms, or other such procedures as may be necessary to provide public comment in a particular instance” (FLPMA, Section 103(d)). Council on Environmental Quality regulations and BLM planning regulations both provide for specific points of public involvement in the land use planning and NEPA processes to address local, regional, and national interests (43 CFR 1610.2 and 40 CFR 1506.6). Guidance for implementing public involvement can be found in the BLM Land Use Planning Handbook H-1601-1 (BLM 2005) and BLM NEPA Handbook H-1790-1 (BLM 2008). Public involvement requirements of both NEPA and FLPMA will be satisfied through this joint RMP/EIS process. Guidance for public participation on restricted, trust, and tribal minerals and lands under the jurisdiction of the BIA is found in Section 8.3 of the BIA NEPA Guidebook, 59 Indian Affairs Manual 3-H (BIA 2012).

Public involvement for this planning effort will include:

- Scoping meetings and other outreach efforts requesting public comments to help determine the scope of issues and alternatives to be addressed
- Public outreach via newsletters, news releases, the project website (**Section 1.6.3**, Project Website), and other media
- Public review of the Draft EIS
- Public review and opportunity for protest of the Proposed RMP/Final EIS

This scoping report documents the results of the first component of the public involvement process.



## 1.6 DESCRIPTION OF THE SCOPING PROCESS

Scoping, as required by 40 CFR 1501.7, is an early and open process for determining the issues to be addressed and identifying the significant issues related to a proposed action. Information collected during scoping may also be used to develop the alternatives to be addressed in a NEPA document. The process has two components: internal scoping and external scoping. Internal scoping is conducted within an agency or cooperating agencies to determine preliminary and anticipated issues and concerns. An interdisciplinary team of BLM and BIA resource specialists held internal scoping meetings to identify the anticipated planning issues and the methods, procedures, and data to be used in compiling the EIS.

External scoping is a public process designed to reach beyond the BLM and BIA. Its aim is to identify the concerns of high importance to the public. External scoping helps ensure the following:

- That planning issues are identified early and properly studied
- That issues of no concern do not consume time and effort
- That the proposed action and alternatives are balanced, thorough, and implementable

In accordance with 43 CFR 1610.2(d), the BLM must document the scoping results. Its Land Use Planning Handbook H-1601-1 (BLM 2005) requires the preparation of a scoping summary report to capture public input in one document. This report must summarize the separate comments received during the formal external scoping period. It also must describe the issues and management concerns from public and internal scoping meetings. Finally, it must include a discussion of how these comments will be incorporated into the RMP.

The BLM and BIA follow the public involvement requirements documented in Council on Environmental Quality regulations implementing NEPA (40 CFR 1501.7 for scoping and Part 1506.6 for public involvement). The BLM also follows public involvement requirements described in its planning regulations (43 CFR 1601-1610).

The BLM solicits comments from relevant agencies and the public, organizes and analyzes all comments received, and then distills them to identify issues that will be addressed during the planning process. These issues help define the scope of analysis for the RMP and are used to develop alternatives to the proposed action.

### 1.6.1 Newsletter and Mailing List

In November 2013, the BLM and BIA mailed a newsletter with details about the public scoping period for the joint BLM-BIA EIS and BLM OFO RMP. The newsletter was mailed to 1,005 individuals from the public, agencies, tribes, and organizations. These people all had participated in past OFO or BIA activities, had been included on past OFO or BIA distribution lists, or had expressed an interest in BLM or BIA land management decisions. Email addresses were also available for 379 recipients on the mailing list who were mailed the newsletter, and an email with an attached Adobe Acrobat file (.pdf) of the newsletter was sent to these parties on November 14, 2013. The newsletter provided the dates and venues for the 17 public scoping meetings in Oklahoma, Kansas, and Texas (see **Section 1.6.4**, Scoping Public Meetings). It

described the various methods for submitting comments, including dedicated email and US Postal Service addresses.

The BLM and BIA will publish future newsletters at major project milestones and will mail them to individuals and organizations on the project mailing list. All newsletters will be posted on the project website (**Section 1.6.3**, Project Website). Participants may request to receive newsletters and other project information through electronic or US Postal Service mail. The newsletter is included in **Appendix A**, Scoping Materials.

### **1.6.2 Newspaper Advertisements, Press Release, and Other Media Coverage**

A newspaper advertisement was published in 17 local newspapers in November and December 2013 and January 2014 prior to the scoping public meetings. **Table 1-1**, Newspaper Advertisement Publication Dates and Location, displays the date each newspaper published the advertisement. Each newspaper advertisement was customized and announced the scoping public meeting location near that newspaper's local distribution (see **Section 1.6.4**, Scoping Public Meetings). An example newspaper article is included in **Appendix A**, Scoping Materials.

On November 14, 2013, the BLM posted a press release on the OFO website (**Section 1.6.3**, Project Website) announcing the publication of the Notice of Intent on July 26, 2013, and the initiation of the public scoping period for the RMP/EIS process. The project website also provided information on the 17 public scoping meetings (see **Section 1.6.4**, Scoping Public Meetings) and described the various methods for submitting comments.

As shown in **Table 1-2**, Project Coverage in the Media, a total of three articles were known to be written about the joint BLM-BIA EIS and BLM OFO RMP effort by local media outlets.

### **1.6.3 Project Website**

A public website was launched and is regularly updated to provide the public with the latest information about the joint BLM-BIA EIS and BLM OFO RMP process. The website—<http://www.blm.gov/nm/oktrmp>—provides background information about the project, a public involvement timeline and calendar, and maps and photos of the planning area. It also includes copies of public information documents, such as the newsletter and Notices of Intent. Other information that can be found on the website includes a link to the scoping comment form for submitting comments about the EIS and RMP process. The dates and locations of all 17 scoping public meetings were announced on the website.

### **1.6.4 Public Scoping Meetings**

The BLM and BIA hosted 17 public meetings to provide the public with opportunities to become involved, to learn about the project and the planning process, to meet the BLM and BIA team members, and to offer comments. The Notice of Intent announced that the BLM would hold local scoping public meetings. The actual dates, meeting locations and times, and instructions for providing comments were announced via a press release, the project newsletter, and the project website (**Section 1.6.3**, Project Website). The details of the public meetings are provided in **Table 1-3**, Scoping Public Meetings.



**Table 1-1  
Newspaper Advertisement Publication Dates and Location**

<b>Newspaper</b>	<b>Location</b>	<b>Date(s) Advertisement Appeared</b>
Amarillo Globe-News	Amarillo, Texas	December 24, 2013 December 29, 2013
Fort Worth Star-Telegram	Fort Worth, Texas	November 27, 2013 December 1, 2013
Houston Chronicle	Houston, Texas	December 2, 2013 December 8, 2013
Lawton Constitution	Lawton, Texas	November 28, 2013 December 1, 2013
The Leader & Times	Liberal, Kansas	December 24, 2013 December 29, 2013
The Lufkin News	Lufkin, Texas	December 3, 2013 December 8, 2013
McAlester News-Capital	McAlester, Oklahoma	November 17, 2013 November 20, 2013
The Oklahoman	Oklahoma City, Oklahoma	November 6, 2013 November 16, 2013
Pawhuska Journal-Capital	Pawhuska, Oklahoma	January 1, 2014 January 8, 2014
Polk County Enterprise	Livingston, Texas	December 2, 2013 December 5, 2013
Poteau Daily News	Poteau, Oklahoma	November 16, 2013 November 20, 2013
Salina Journal	Salina, Kansas	December 23, 2013 December 30, 2013
Tahlequah Daily Press	Tahlequah, Oklahoma	November 17, 2013 November 20, 2013
Times Record News	Wichita Falls, Texas	November 26, 2013 December 1, 2013
Tulsa World	Tulsa, Oklahoma	December 30, 2013 January 5, 2014
Weatherford Daily News	Weatherford, Oklahoma	November 5, 2013 November 9, 2013
Woodward News	Woodward, Oklahoma	November 5, 2013 November 10, 2013

Scoping meetings were held to encourage participants to discuss concerns and questions with BLM and BIA staff. At the sign-in station, participants could obtain copies of the first issue of the project newsletter, a glossary, blank scoping comment forms, and a guide to providing substantive comments. A BLM staff member gave a Microsoft PowerPoint presentation, followed by an opportunity for attendees to ask questions. BLM and BIA personnel were present to discuss issues with attendees one-on-one. Several resource maps were displayed to illustrate the current situation and management techniques practiced among different resources and land

**Table 1-2  
Project Coverage in the Media**

<b>Publication Name</b>	<b>Date of Publication</b>	<b>Title of Article</b>
Texoma's Homepage.com	December 11, 2013	Concern Over Property Along Red River
The Hays Daily News	January 6, 2014	BLM working on resource management plan for federally owned land
High Plains Daily Leader & Times	January 11, 2014	Lesser prairie chicken important piece of environmental puzzle
Texoma's Homepage.com	January 29, 2014	Residents Along Red River Encouraged to Comment on BLM Study

**Table 1-3  
Scoping Public Meetings**

<b>Location (Oklahoma, Kansas, and Texas)</b>	<b>Venue</b>	<b>Date</b>	<b>Number of Attendees</b>	<b>Number of Completed Comment Forms Received</b>
Woodward, Oklahoma	Holiday Inn Express	11/18/2013	0	0
Weatherford, Oklahoma	Holiday Inn Express	11/19/2013	1	0
Oklahoma City, Oklahoma	Best Western Plus – Saddlebrook Inn and Conference Center	11/20/2013	11	0
Poteau, Oklahoma	Buckley Public Library	12/2/2013	3	0
Tahlequah, Oklahoma	Holiday Inn Express	12/3/2013	3	0
McAlester, Oklahoma	Holiday Inn Express	12/4/2013	4	0
Lawton, Oklahoma	Holiday Inn Express	12/10/2013	14	1
Wichita Falls, Texas	Courtyard Wichita Falls	12/11/2013	37	0
Fort Worth, Texas	Fort Worth Public Library	12/12/2013	7	2
Houston, Texas	Looscan Neighborhood Library	12/17/2013	8	0
Livingston, Texas	Holiday Inn Express	12/18/2013	7	0
Lufkin, Texas	Holiday Inn Express	12/19/2013	5	0
Salina, Kansas	Courtyard Marriott Salina	1/7/2014	7	0
Liberal, Kansas	Liberal Memorial Library	1/8/2014	10	0
Amarillo, Texas	Amarillo Public Library	1/9/2014	35	0
Tulsa, Oklahoma	Doubletree Downtown	1/14/2014	14	0
Pawhuska, Oklahoma	Pawhuska City Library	1/15/2014	6	0
<b>Total</b>			<b>172</b>	

Note: Meetings were from 6 to 8 PM.

areas. Next to the map illustrating fluid mineral leasing stipulations was a handout with additional information on stipulations. The resource maps were also posted on the project website (**Section 1.6.3**, Project Website) for public review. As shown in **Table 1-2**, Public Scoping Meetings, a total of 172 people attended the 17 public meetings.

Members of the public made oral comments during the scoping meetings. This is not the official way of commenting, and attendees were encouraged to write their comments down and to follow the formal submission process. However, for information purposes, oral comments were noted by the BLM and BIA and contractor staff; a summary of these comments is included in **Appendix B**, Oral Comments Made during Scoping Meetings.

### **1.6.5 Notice of Intent**

The Notice of Intent notifies the public of an agency's intent to prepare an EIS for a major federal action and invites the affected and interested agencies, organizations, and the general public to participate in determining the scope and significant issues to be addressed and analyzed in the EIS. The Notice of Intent for this planning effort was published on July 26, 2013 (78 *Federal Register* 45266-45628, July 26, 2013). A Notice of Intent to Extend the Public Scoping Period was published in December (78 *Federal Register* 76318-76319, December 17, 2013) and extended the formal scoping comment period to January 31, 2014, 190 days following publication of the initial Notice of Intent.

All comments received on or before February 28, 2014, are included in this scoping report. The BLM and BIA will consider all comments received during the planning process, both before the publication of the Notice of Intent and after the end of the official scoping comment period, during alternatives formulation and project planning, although the comments may not receive a written response and may not be included as part of the RMP and EIS. A link to the Notice of Intent is posted on the project website (**Section 1.6.3**, Project Website).

## **1.7 COLLABORATIVE INVOLVEMENT PROCESS**

In addition to formal scoping, the BLM and BIA have implemented a collaborative outreach and public involvement process. As part of this process, the BLM and BIA will work closely with cooperating agencies. The BLM and BIA will coordinate with interested agencies and organizations throughout the planning process.

### **1.7.1 Cooperating Agency Coordination**

A cooperating agency is any federal, state, or local government agency or Indian tribe that enters into a formal agreement with the lead federal agency to help develop an environmental analysis. More specifically, cooperating agencies "work with the BLM, sharing knowledge and resources, to achieve desired outcomes for BLM-administered lands and communities within statutory and regulatory frameworks" (BLM 2005). The benefits of enhanced collaboration among agencies in preparing NEPA analyses are as follows:

- Disclosing relevant information early in the analytical process
- Obtaining relevant information, including social conditions, from local communities
- Applying available technical expertise and staff support

- Avoiding duplication with other federal, state, tribal, and local procedures
- Establishing a mechanism for addressing intergovernmental issues

In March 2014, the BLM wrote to all appropriate local, state, federal, and tribal representatives, inviting them to participate as cooperating agencies for the joint BLM-BIA EIS and BLM OFO RMP. As of May 20, 2014, , 54 local, state, and federal agencies and tribal entities had accepted the BLM-BIA cooperating agency invitation. The BLM and BIA will engage cooperating agencies during the RMP/EIS process.

### **1.7.2 Collaboration and Consultation with Tribes**

The BLM and BIA are consulting with the affected Native American tribes identified as having interests or traditional cultural properties in the planning area. Consultation is required by the National Historic Preservation Act and the American Indian Religious Freedom Act. During scoping, the first project newsletter was mailed to 133 contacts associated with tribes. The BLM and BIA have held the following meetings with tribes as of March 12, 2014:

- October 28, 2013, meeting with Quapaw Nation
- October 30, 2013, meeting with Sac and Fox Nation of Missouri, Kansas, and Nebraska; Potawatomi Nation; Choctaw Nation; and Delaware Nation
- January 7, 2014, meeting with Prairie Band of the Potawatomi and Sac and Fox Nation of Missouri, Kansas, and Nebraska

No written comments were received from tribal agencies during the scoping period; tribal concerns or issues have been typically presented in oral format. The BLM and BIA will continue formal consultation with the tribes in 2014 by mailing consultation letters to the affected tribes. Government-to-government consultation will continue throughout the RMP/EIS process to ensure that the concerns of tribal groups are considered as the RMP/EIS is developed.

## CHAPTER 2

### COMMENT SUMMARY

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#### 2.1 METHOD OF COMMENT COLLECTION AND ANALYSIS

All written submissions received on or before February 28, 2014, 4 days following the end of the formal scoping period on January 31, 2014, were evaluated and are documented in this scoping summary report. All comments received during the RMP process will be considered in alternative formulation and project planning. While all comments received outside of the formal scoping period will be considered in alternatives formulation, they may not receive a written response and may not be included as part of the RMP/EIS.

A total of 143 written submissions, resulting in 683 discrete comments, were received during the public scoping period. The most common format used for submissions was email. Submissions were also sent via the US Postal Service or were faxed to the BLM OFO. Additional comment forms were completed at the scoping public meetings.

In addition to unique submissions, letter campaigns from individuals resulted in form letter submissions for a number of topics. Details of form letter submission are included in **Appendix C** (List of Commenters), **Table C-2**, Form Letter Submissions. Letters that represented slight variations of the form letter without significant additional information were treated as form letters. When significant unique comments were added to the form letter, these comments were entered into the comment-tracking database.

Two different form letters were received, neither of which was associated with a particular organization. Both form letters focused on the rights of individuals who own property along the Red River. They touched on a Supreme Court case, *Oklahoma v. Texas*, and the Red River Boundary Compact. The *Oklahoma v. Texas* case addressed the controversy over the Oklahoma-Texas boundary along the Red River. Upon Congressional consent to the Red River Boundary Compact in 2000, the Red River Boundary Compact established a new boundary between Oklahoma and Texas. One of the form letters was submitted by 50 individuals. The other was submitted by five individuals. Form letters are not included in the calculations of affiliation and geographic location percentages. A list of commenters and the dates of submittal are provided in **Appendix C**, List of Commenters. Most written submissions included more than one comment, so the 143 submissions and form letters yielded 683 discrete comments. The comment forms

provided instructions for requesting confidentiality and for withholding names or addresses from public review or from disclosure under the Freedom of Information Act, and several commenters requested confidentiality. One comment was submitted anonymously (i.e., without name or address).

To ensure that public comments were properly registered and that none were overlooked, the BLM and BIA used a multiphase management and tracking system. First, written submissions were logged and numbered. Once all comments were received and documented, the BLM and BIA assigned a planning classification to each issue. These classifications detail which issues raised will be resolved through the planning effort. Planning classifications are as follows:

1. Issues that will be resolved in the RMP/EIS
2. Issues that will be addressed through BLM or BIA policy or administrative action
3. Issues that are beyond the scope of this RMP/EIS that will be considered but not addressed
4. Issues about the Oklahoma-Texas boundary

To assist with the analysis, the BLM and BIA entered comments into the public input and comment tracking database. Staff then organized comments by planning issue categories and commenter affiliation. Finally, these identifiers were queried and tallied to provide information on planning and other issue categories. Details of comments received by planning issue are in **Section 2.2.4, Number of Comments by Planning Issue Category.**

## **2.2 SUMMARY OF PUBLIC COMMENTS RECEIVED**

### **2.2.1 Written Submissions by Affiliation**

The number and proportion of written submissions received from each type of affiliation are shown in **Table 2-1** and on **Figure 2-1, Comments by Commenter Affiliation.** Letters on business, agency, or organization letterhead, or where commenters signed using their official agency title, were considered to represent that organization. All other letters were considered to represent individuals. Members of the general public provided 82.5 percent of the total comments received during the scoping period. A list of commenters, their affiliations, and the submittal date of their comments is in **Appendix C, List of Commenters.**

### **2.2.2 Written Submissions by Geographical Area**

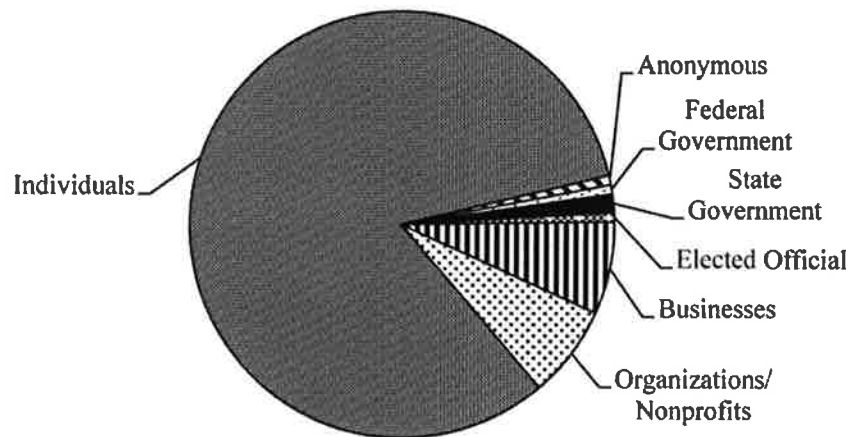
The number and proportion of written submissions received by the geographic location of the sender are shown in **Table 2-2** and on **Figure 2-2, Commenters by Geographic Area.** A total of 107 commenters (74.8 percent) were from states in the OFO (Kansas, Oklahoma, and Texas): 3 commenters (2.2 percent) were from Kansas, 32 commenters (23.9 percent) were from Oklahoma, and 72 commenters (53.7 percent) were from Texas. Of the remaining submissions, 10 (7.5 percent) were from commenters outside of those states; 17 of the commenters (12.7 percent) did not indicate a geographic origin. These calculations do not include form letter submissions. In addition, some commenters made multiple submissions, and some letters had more than one signatory; therefore, the total for commenters by geographic area is not equal to the total letter submissions.

**Table 2-1**  
**Comments by Commenter Affiliation<sup>1</sup>**

<b>Affiliation</b>	<b>Number of Comment Letters</b>	<b>Percentage of Total Comment Letters</b>
Tribal Government	0	0
Federal Government	1	0.7
State Government	2	1.4
Local Government	0	0
Elected Official	1	0.7
Businesses	10	7.0
Educational Organizations	0	0
Other Organizations/Nonprofits	10	7.0
Individuals	118	82.5
Anonymous	1	0.7
<b>Total Unique Submissions</b>	<b>143</b>	<b>100</b>

<sup>1</sup>Calculations do not include non-unique form letter submissions.

**Figure 2-1**  
**Comments by Commenter Affiliation<sup>1</sup>**



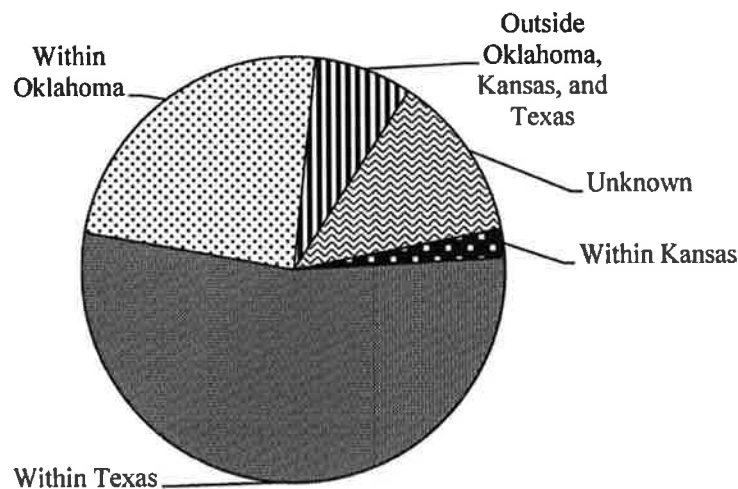
<sup>1</sup>Calculations do not include non-unique form letter submissions.

**Table 2-2**  
**Commenters by Geographic Area<sup>1</sup>**

<b>Location</b>	<b>Number of Commenters</b>	<b>Percentage of Total Commenters</b>
Within Oklahoma, Kansas, and Texas	107	79.9
Within Kansas	3	2.2
Within Texas	72	53.7
Within Oklahoma	32	23.9
Outside Oklahoma, Kansas, and Texas	10	7.5
Unknown	17	12.7
<b>Total</b>	<b>134</b>	<b>100</b>

<sup>1</sup>Calculations do not include non-unique form letter submissions or submissions with nonsubstantive comments.

**Figure 2-2**  
**Commenters by Geographic Area<sup>1</sup>**



<sup>1</sup>Calculations do not include non-unique form letter submissions or submissions with nonsubstantive comments.

### 2.2.3 Number of Comments by Process Category

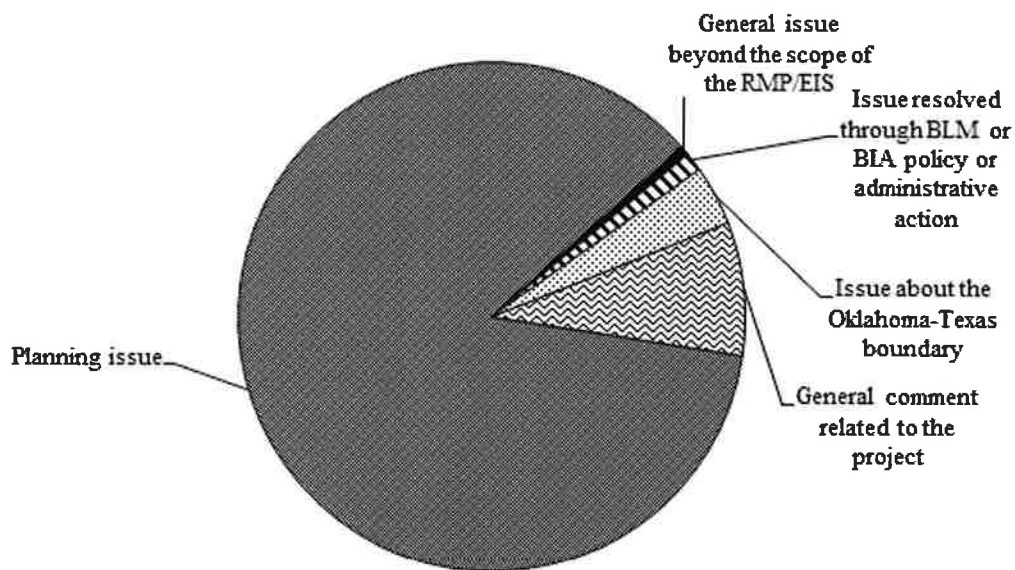
**Table 2-3** and **Figure 2-3**, Comments by Process Category, show the number of issues raised that will or will not be addressed in the joint BLM-BIA EIS and BLM OFO RMP. Of the 683 comments received, 587 (85.9 percent) contained planning issues that will be addressed in the joint BLM-BIA EIS and BLM OFO RMP (see **Section 2.2.4**, Number of Comments by Planning Issue Category).



**Table 2-3**  
**Comments by Process Category**

<b>Process Category Code</b>	<b>Number of Comments</b>	<b>Percent of Comments</b>
General comment related to the project	58	8.5
Planning issue	587	85.9
General issue beyond the scope of the joint BLM-BIA EIS and BLM OFO RMP	4	0.6
Issue resolved through BLM or BIA policy or administrative action	8	1.2
Issue about the Oklahoma-Texas boundary	26	3.8
<b>Total</b>	<b>683</b>	<b>100</b>

**Figure 2-3**  
**Comments by Planning Issue Category**



While some comments addressed multiple planning issues, one primary category was selected for analysis. These comments are discussed in detail below and in **Chapter 4**, Planning Issue Summary. In addition, 58 comments (8.5 percent) were related to issues that will be addressed in the joint BLM-BIA EIS and BLM OFO RMP but do not fall within a specific planning issue category. These were general comments on the RMP planning process, alternatives development, collaboration, and requirements of NEPA and other regulations (see **Section 4.3.14**, Other Issues to Be Addressed in the RMP/EIS). The remaining 5.6 percent of the comments were about the following:

- Issues beyond the scope of the joint BLM-BIA EIS and BLM OFO RMP (0.6 percent)
- Issues that will be resolved through BLM or BIA policy or administrative action (1.2 percent)
- Issues about the Oklahoma-Texas boundary (3.8 percent)

See **Section 4.4**, Issues That Will Not Be Addressed in the RMP/EIS, for more detail.

Comments are provided in **Appendix D**, Comments by Process Category and Planning Issue. Comment letters can be viewed in their entirety at the OFO in Tulsa, Oklahoma.

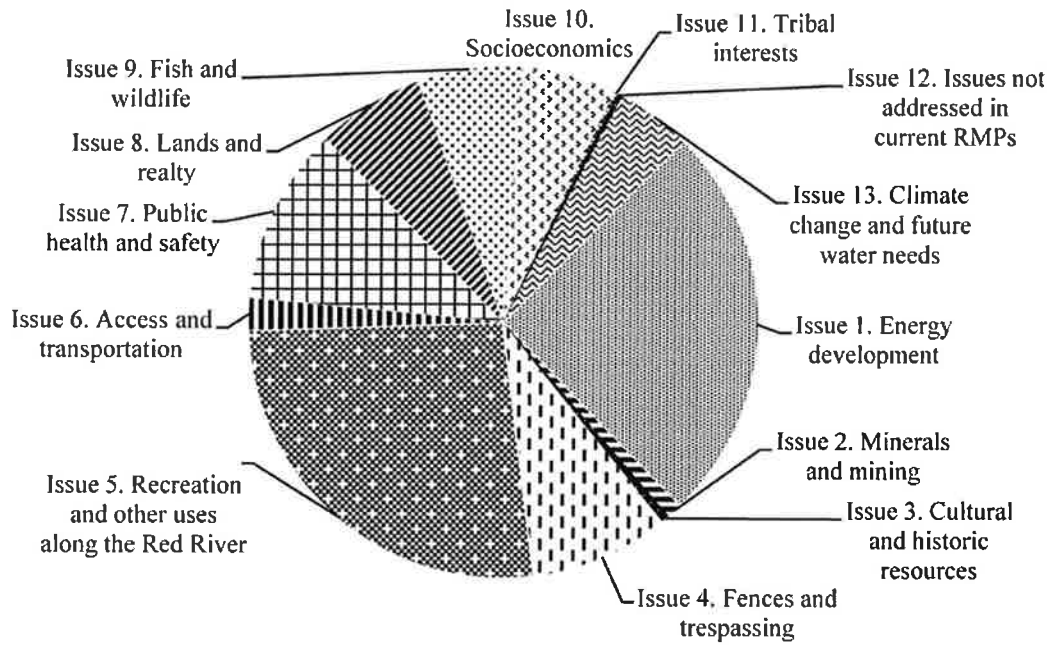
#### 2.2.4 Number of Comments by Planning Issue Category

**Table 2-4** and **Figure 2-4**, Comments by Planning Issue Category, show the number and proportion of comments received by planning issue category. The BLM and BIA received 587 planning issue comments and categorized them into the 13 planning issue categories. **Chapter 4**, Planning Issue Summary, provides a detailed analysis of the comments received for each planning issue category and subcategory.

**Table 2-4**  
**Comments by Planning Issue Category**

<b>Planning Issue Category</b>	<b>Number of Comments</b>	<b>Percent of Comments</b>
Issue 1. Energy development	148	25.2
Issue 2. Minerals and mining	5	0.9
Issue 3. Cultural and historic resources	3	0.5
Issue 4. Fences and trespassing	51	8.7
Issue 5. Recreation and other uses along the Red River	156	26.6
Issue 6. Access and transportation	12	2.0
Issue 7. Public health and safety	66	11.2
Issue 8. Lands and realty	40	6.8
Issue 9. Fish and wildlife	39	6.6
Issue 10. Socioeconomics	36	6.1
Issue 11. Tribal interests	1	0.2
Issue 12. Issues not addressed in current RMPs	2	0.3
Issue 13. Climate change and future water needs	28	4.8
<b>Total</b>	<b>587</b>	<b>100</b>

**Figure 2-4**  
**Comments by Planning Issue Category**



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## CHAPTER 3

# PLANNING CRITERIA

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Planning criteria guide development of the joint BLM-BIA EIS and BLM OFO RMP by helping define the range of decisions that can be made; they are generally based on applicable laws, BLM Director and New Mexico State Director guidance, BIA Eastern Oklahoma and Southern Plains Regional Directors guidance, and the results of public and governmental participation (43 CFR 1610.4-2). The BLM and BIA developed preliminary planning criteria to set the sideboards for focused planning of the EIS and OFO RMP and to guide decision making by topic. A selection of the planning criteria developed is listed below.

The plan will be completed in compliance with the FLPMA, NEPA, and all other applicable laws, regulations, and policies. Impacts from the management alternatives considered in the revised RMP will be analyzed in an EIS developed in accordance with regulations at 43 CFR 1601-1610 and 40 CFR 1500-1508.

The following preliminary criteria were developed internally by the BLM and BIA and were presented for public comment. After public input was analyzed, the criteria became proposed criteria (**Section 3.2**, Additional Suggestions for Planning Criteria).

### 3.1 PRELIMINARY PLANNING CRITERIA

The following general planning criteria will be considered in developing the joint BLM-BIA EIS and BLM OFO RMP:

- Existing laws, regulations, and BLM and BIA policies
- Valid existing rights
- Plans, programs, and policies of other federal, state, and local governments and Native American tribes
- Public input
- Quantity and quality of noncommodity resource values
- Future needs and demands for existing or potential resource commodities and values

- Past and present use of public and adjacent lands
- Environmental effects, including effects on wildlife, cultural resources, and paleontology
- Social and economic values
- Environmental justice
- Public welfare and safety

In addition, the following specific preliminary planning criteria have been identified:

- The BLM will not make any recommendations or decisions that affect federal mineral estate beyond its explicit authority under the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the FLPMA, and other guidance.
- Final title analysis has not yet been conducted for all federal mineral ownership. Although the BLM will plan for these tracts, it will not lease, transfer, or otherwise authorize any actions before verifying title for the properties.
- Decisions that remain valid from previous BLM land use plans will be incorporated into the OFO RMP; these plans are the Kansas RMP (BLM 1991), the Oklahoma RMP (BLM 1994a) and subsequent amendments (BLM 1994b, 1996b, 2004, and 2014), and the Texas RMP (BLM 1996a) and amendment (BLM 2000).
- Tracts of BLM surface and subsurface minerals will be mapped and listed by legal description. Lands of uncertain title will also be listed.
- For federal and Indian oil and gas and other minerals, reasonably foreseeable development scenarios will be prepared.
- Identification of any lands for further consideration for federal coal leasing will be limited to any areas with development potential, as based on the reasonably foreseeable development scenarios.

### 3.2 ADDITIONAL SUGGESTIONS FOR PLANNING CRITERIA

No additional planning criteria were suggested by commenters. Therefore, the preliminary planning criteria (**Section 3.1**, Preliminary Planning Criteria) are now the proposed planning criteria.

## CHAPTER 4

# PLANNING ISSUE SUMMARY

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Issue identification is the first of the nine-step BLM planning process in the BLM Land Use Planning Handbook H-1601-1 (BLM 2005). As defined in the BLM Land Use Planning Handbook H-1601-1 (BLM 2005), planning issues include concerns or controversies about the following:

- Existing and potential land and resource allocations
- Levels of resource use, production, and related management practices
- Concerns, needs, and opportunities for resource use, development, and protection

These issues may stem from new information, changed circumstances, or the need to reassess the appropriate mix of allowable uses.

### 4.1 PLANNING ISSUE DEVELOPMENT

The BLM and BIA enacted a multistep issue-identification process for the joint BLM-BIA EIS and BLM OFO RMP. The process began with the creation of an RMP/EIS preparation plan in May 2013. The BLM and BIA interdisciplinary team used this plan as a guide for developing the RMP/EIS and for the following:

- To establish responsibilities, schedules, and procedures for the project team
- To describe the project team, contact information, and project tasks
- To estimate the schedule
- To highlight anticipated planning issues, management concerns, and preliminary planning criteria developed by the BLM and BIA interdisciplinary team during internal scoping

In July 2013, the BLM issued the Notice of Intent to prepare the joint BLM-BIA EIS and BLM OFO RMP. This initiated the formal scoping period, as required by NEPA, and solicited written public comments (**Section 1.6**, Description of the Scoping Process). The Notice of Intent was amended on December 17, 2013, to extend the public scoping period until January 24, 2014.

Public outreach for scoping continued with the release of the first project newsletter in November 2013, followed by scoping meetings in November and December 2013 and January 2014.

Scoping is a collaborative public involvement process. Its purpose is to identify and refine issues to address in the planning process. During scoping, tribes were sent the project newsletter, and the BLM and BIA met with interested tribes during three tribal scoping meetings.

The BLM and BIA hosted 17 public meetings and solicited written comments from the public during the scoping period. This provided additional information on the public's concerns and suggestions about the planning area.

Information accepted during internal and external scoping was compiled to develop discrete planning issue statements (**Section 4.2**, Planning Issue Statements). The purpose of these statements is to highlight the key issues distilled from these initial planning and scoping processes. (The issues are also discussed in **Section 4.3**, Summary of Public Comments by Planning Issue Category.) They pertain to the various issue categories and associated comments received from interested parties (individuals or groups). The BLM and BIA will use the planning issues and associated information to formulate a reasonable range of alternative management strategies that will be analyzed during the joint BLM-BIA EIS and BLM OFO RMP process.

#### **4.2 PLANNING ISSUE STATEMENTS**

A planning issue is a conflict or dispute over resource management activities, allocations, or land use. It is well defined and deals with only one topic. A number of alternatives can be developed to address a planning issue.

The planning issue statements presented below are preliminary and are based on the best information gathered to date. These issues will be addressed through the joint BLM-BIA EIS and BLM OFO RMP. The process of developing this EIS and RMP will afford many opportunities for collaboration with local, state, federal, and tribal governments, with land-management agencies, and with public interest groups and BLM-administered and BIA land users. As a result, the planning issues and concerns will likely be modified, new issues will be added, and others will be deleted as a result of the public scoping process.

Some of the overarching planning issues that the BLM and BIA will address are listed below. Each issue, in turn, has several subtopics, issue questions, and management concerns that address more specific uses and resources. As applicable, items listed in Appendix C of the BLM's Land Use Planning Handbook H-1601-1 (BLM 2005) will be addressed, and decisions will be made.

**Issue 1:** How can the BLM and BIA allow development of federal and tribal oil and gas resources and honor valid existing lease rights, while protecting air, visual resources, wildlife, water, and the natural environment?

- Oil and gas impacts on other resources
- Hydraulic fracturing
- Impacts on private property



**Issue 2:** How can the BLM and BIA allow development of federal and tribal coal resources and honor valid existing lease rights, while protecting air, visual resources, wildlife, water, and the natural environment?

**Issue 3:** How can the BLM and BIA manage cultural and historic resources for public enjoyment, while protecting those resources?

**Issue 4:** How should the BLM manage the land it administers in the Red River area to reduce conflicts with adjacent property owners?

- Fences/signs
- Trespassing
- Surveys
- Incidents of conflict

**Issue 5:** What uses should be allowed along the Red River and what restrictions, if any, should apply to those uses in order to protect other uses and resources?

- Recreating (hunting, camping, fishing, horseback riding, and hiking)
- Grazing
- Leases
- Access restrictions

**Issue 6:** What access points and trails should be open in the Red River area?

- Necessary trail requirements for horseback riding and other uses

**Issue 7:** How can the BLM minimize public health and safety risks in the Red River area?

- Trash/illegal dumping
- Methamphetamine labs
- Patrols
- Fires
- BLM past management
- Quicksand/bogs
- Access for emergency crews
- Abandoned oil and gas wells
- Feral hogs and other predatory wildlife

**Issue 8:** What criteria should the BLM use for disposing of or acquiring BLM-administered lands?

**Issue 9:** How should the BLM allow use of BLM-administered lands for recreation and other resource uses, while protecting fish and wildlife?

- Special status species
- Conflicts with renewable energy and other uses

**Issue 10:** How can the BLM realize the socioeconomic benefits of the resources in the area, while minimizing conflicts with other uses and protecting sensitive resources in the planning area?

- Oil and gas (e.g., employment)
- Tourism (e.g., property values)
- Agriculture

**Issue 11:** How can the BIA minimize trespassing on tribal lands, especially during the hunting season?

**Issue 12:** How will the BLM address resources not addressed in the current RMPs?

- Cave and karst resources
- Salable, locatable, and leasable minerals
- New technology
- New information on diseases

**Issue 13:** How are the BLM and BIA going to plan for future water needs and for climate change and its effects, including water shortage?

- Increased risk of drought
- Fire
- Carbon sequestration
- Renewable energy

#### **4.3 SUMMARY OF PUBLIC COMMENTS BY PLANNING ISSUE CATEGORY**

Each comment received during public scoping was reviewed and coded. Of the 683 comments received, 587 (85.9 percent) were related to one of the 13 planning issues defined above. In addition, 58 (8.5 percent) were general comments related to issues that will be addressed in the RMP but are not in a specific planning issue category. See **Table 2-4**, Comments by Planning Issue Category, for a breakdown of the number of comments received for each planning issue and subcategory.

Summaries of the scoping comments received for each planning issue category, as well as general comments, are provided in **Section 4.3.1**, Issue 1, through **Section 4.3.14**, Other Issues to Be Addressed in the RMP/EIS. These summaries provide details only on comments related to

issues that will be resolved in the joint BLM-BIA EIS and BLM OFO RMP. Tables with all comments for each planning issue and those for issues that will not be addressed in the RMP are included in **Appendix D**, Comments by Process Category and Planning Issue.

Adjustments or additions may be made to the planning issues. These changes will be made as the planning process proceeds and the BLM and BIA continue to review information, meet with the interdisciplinary team, and talk with the public.

#### **4.3.1 Issue 1**

*How can the BLM and BIA allow development of federal and tribal oil and gas resources and honor valid existing lease rights, while protecting air, visual resources, wildlife, water, and the natural environment?*

The BLM and BIA received 148 comments (25 percent of the planning issue comments) on impacts of oil and gas development on other resources in the area. Many of these commenters expressed concern over how the oil and gas industry could be impacted by stipulations placed on oil and gas activities. Most of these comments were submitted by the oil and gas industry. The comments focused on minimizing restrictions on oil and gas and opening up more land, such as military installations and wildlife refuges, for oil and gas activities. Some comments also came from oil and gas companies requesting that the BLM respond more quickly with stipulations to include in a lease when a tract has been nominated. Other commenters stated that the BLM cannot attach additional conditions of approval and mitigation measures to existing leases. A few commenters also reminded the BLM and BIA of the importance of the oil and gas industry in the country's economic development and movement toward energy independence.

Many commenters stated that the oil and gas industry is negatively affecting the environment. Many of the comments under this category expressed concern about oil and gas development impacts on air quality, climate change, visual resources, water quality, as well as related human health impacts. Commenters were concerned about the following:

- Groundwater and surface water contamination from oil and gas activities
- Soil contamination
- Negative impacts on wildlife and special status species
- Impacts on tribes if oil and gas accidents and injuries occur on tribal land
- Impacts on cultural resources and livestock
- Impacts on wildlife-based tourism, such as hunting, fishing, and wildlife viewing

A few commenters also expressed concern that oil and gas development lowered the value of nearby properties.

Many commenters were concerned that hydraulic fracturing would impact human health, the environment, and wildlife. Commenters requested baseline water quality assessments around proposed drill sites and thorough assessments of hydraulic fracturing impacts. They requested that the BLM analyze induced seismicity caused by hydraulic fracturing. Many commenters expressed concerns about potential public health impacts from the chemicals used in hydraulic

fracturing fluid. Others noted a risk of water contamination and stated that the large amount of water that hydraulic fracturing uses and how this use of water, particularly during a drought, is irresponsible.

#### **4.3.2 Issue 2**

*How can the BLM and BIA allow development of federal and tribal coal resources and honor valid existing lease rights, while protecting air, water, and the natural environment?*

The BLM and BIA received 5 comments (1 percent of the planning issue comments) on the impact of coal on other resources in the area. Three of the comments focused on reducing the impacts that mining and coal development have on the environment and public health. In particular, commenters expressed concern about the following:

- Water contamination from chemicals used in the process
- Impacts on human health caused by coal dust
- Environmentally damaging processes used in coal extraction, such as mountaintop removal

One of the remaining two commenters asked about mineral exploration on tribal land, and the other inquired about acquiring rights to lease and mine in the period before the joint BLM-BIA EIS and BLM OFO RMP is completed.

#### **4.3.3 Issue 3**

*How can BLM and BIA manage cultural and historic resources for public enjoyment, while protecting those resources?*

The BLM and BIA received 3 comments (less than 1 percent of the planning issue comments) about the management of cultural and historical resources. The commenters were concerned about the preservation of the cultural and historical resources along the Red River. One commenter also asked that the BLM comply with the National Historic Preservation Act and the Oklahoma Statewide Preservation Plan when considering management of historical, cultural, and archaeological resources.

#### **4.3.4 Issue 4**

*How should the BLM manage the land it administers in the Red River area to reduce conflicts with adjacent property owners?*

The BLM received 51 comments (9 percent of the planning issue comments) about conflicts between the public and property owners in the Red River area. Most of these comments were submitted by current landowners. They described the issues they have had in the past with trespassers who have threatened landowners' safety or endangered them or have destroyed or stolen property. Many of these commenters believe the current problems they experience with trespassers will only be aggravated and increased by opening areas around the Red River for public use.

Commenters tended to be skeptical that the BLM would be able to prevent trespassing and enforce laws on the lands it administers. Commenters noted that in the past they have had trouble getting law enforcement to address trespassing concerns. Some commenters noted particular areas along the Red River that were common points of access for trespassers.

Many of the commenters also had questions about BLM land surveys that would delineate which part of the Red River area is BLM-administered land and which part is private property. Commenters were curious about when the surveys would take place, whether the government would ask for landowner permission for access before conducting the surveys, and how the property lines would be demarcated once they were identified. A few commenters were opposed to the surveys being conducted. Some commenters were confused as to why the BLM did not already know the boundaries of the land it administers. Others were confused about why the BLM was asking for feedback without yet knowing what land along the Red River it administers. Commenters also noted the difficulty in defining property lines based on vegetation lines and the river's location.

#### **4.3.5 Issue 5**

*What uses should be allowed along the Red River and what restrictions, if any, should apply to those uses in order to protect other users and resources?*

The BLM received 156 comments (27 percent of the planning issue comments) about what uses should be allowed along the Red River and what restrictions should be placed on those uses.

Many commenters expressed enthusiasm for equestrian trails along the Red River. Equestrian groups and other recreation groups and individuals volunteered their time to help clear or plan trails. Many commenters had specific suggestions on what kinds of features and facilities would be appreciated by recreational users; many were eager to help expedite the creation of more recreation opportunities along the river. Some commenters also had opinions about uses that would be incompatible, such as the use of trails for both equestrian and bicycle use. Others were in support of using the land for hiking, biking, hunting, fishing, wildlife viewing, camping, and livestock grazing. A few requested that the area be restored to short grass prairie.

Other commenters, many who own land along the Red River, expressed hesitation or opposition to opening the Red River to public recreation. Commenters stated that erosion is an issue in the area, and public use of the Red River area, in particular by all-terrain vehicle users, contributes to the problem. Other commenters were opposed to motorized vehicle travel in the area, noting that it leads to extended camping, trespassing, and public safety concerns.

Many commenters requested that the Red River be closed to the public and to oil and gas leasing. They noted that the Red River currently has no management and is being damaged by all-terrain vehicle use and litter. These commenters noted that public use of the land could lead to increased damage through water pollution, motorized vehicle use, erosion, increased fires, trespassing, increased use of the area for illegal drug production, and negative impacts on visual resources and wildlife. Many of the landowners expressed concerns that the public was not respectful of BLM-administered land and that if the river were opened to the public, it would become irreparably damaged.

Some of the commenters questioned the kinds of uses that would be allowed and who would enforce those allowed uses. Others had logistical suggestions about providing brochures and kiosks along the river to disseminate information about allowable uses. Some commenters questioned if this was a wise use of federal money.

Many commenters questioned whether opening the area to the public was worth the risk of environmental damage, fire, and trespassing. A few commenters were concerned that their livelihoods as ranchers and farmers would be negatively affected by opening the land to public use.

Several commenters had suggestions about trail specifications in order to make them the most enjoyable, most accessible to users of all ability levels, and safest for users and horses. One commenter requested that a study be conducted to determine if the Red River is suitable for inclusion in the National Wild and Scenic Rivers System.

#### **4.3.6 Issue 6**

*What access points and trails should be open in the Red River area?*

The BLM received 12 comments (2 percent of the planning issue comments) on what access points and trails should be open in the Red River area. Commenters suggested various locations through which the Red River could be easily accessed. Some commenters also suggested locations for parking lots and other facilities. One commenter suggested the BLM develop a tie-in with the Northeast Texas Trail if possible, and another suggested that linear equestrian trails be developed. Other commenters expressed concern that private land would be used by the public to access the Red River if the river were opened for public use.

#### **4.3.7 Issue 7**

*How can the BLM minimize public health and safety risks in the Red River area?*

The BLM received 66 comments (11 percent of the planning issue comments) about public health and safety risks along the Red River. Most commenters acknowledged that currently there are health and safety risks along the river. They expressed concern that these risks would increase if the river were opened to the public. Commenters expressed concerns about illegal drug labs, theft, fires, aggressive trespassers, illegal dumping, criminal activity, trash, and wild parties. Many commenters opposed the idea of opening up the area to hunting and viewed that as a public safety hazard. Commenters are also concerned about danger to livestock, trespassers hunting at night, and the public hunting while drinking alcohol. Most commenters do not want the area opened to the public or to oil and gas leasing.

Several commenters were particularly concerned that the area is more susceptible to wildfire due to the drought and that opening it to the public would increase wildfire risk. Commenters stated that it would unfairly disadvantage adjacent property owners who would risk property damage and loss in the event of a wildfire.

Many commenters also noted that unlike the landowners along the river, the general public is not aware of the array of dangers along the Red River. These include quicksand and bogs, as well as feral hogs, mountain lions, and other predatory wildlife. Additionally, many commenters noted

the difficulty emergency crews have in reaching area properties. Were public access granted along the Red River, many landowners are concerned that the public would not be able to receive emergency assistance. Reasons cited for this concern were lack of cell phone reception and access roads for emergency crews, as well as the amount of time emergency crews typically take to respond to emergencies in the area.

Commenters questioned whether the BLM has the funds and staff to enforce area rules and public safety were the area opened to the public. Commenters questioned how the BLM would deal with health and safety hazards, such as fires or all-terrain vehicles stuck in quicksand. Additional commenters noted the inability of Oklahoma Department of Wildlife Conservation game wardens to effectively address the public safety concerns in the area. One commenter suggested the BLM partner with the Oklahoma Department of Wildlife Conservation to reduce costs of management and to add a law enforcement presence.

#### **4.3.8 Issue 8**

*What criteria should the BLM use for disposing of or acquiring BLM-administered lands?*

The BLM received 40 comments (7 percent of the planning issue comments) on the disposal and acquisition of BLM-administered lands. Most of the commenters were opposed to surveying lands along the Red River to determine that some lands are BLM administered rather than private. Most of the commenters were concerned about how they could maintain ownership and use rights of their land. Some desired clarification on how this could happen and what the processes are for public domain.

Many commenters think that the land along the Red River should be returned to private ownership or kept as is. Several commenters suggested that the land along the Red River be sold to adjacent landowners. Commenters expressed disappointment and confusion over the idea that the BLM could own land to which the commenters have deeds and on which they pay taxes. Some think the federal government should compensate landowners if the survey shows the land is administered by the BLM. Others were concerned about the socioeconomic impacts they would experience as ranchers and farmers if their land were found to be BLM-administered land open to public use. One commenter believes privately owned wetlands should retain private property rights.

#### **4.3.9 Issue 9**

*How should the BLM allow use of the lands it administers for recreation and other resource uses, while protecting fish and wildlife?*

The BLM received 39 comments (7 percent of the planning issue comments) on impacts on fish and wildlife from allowing use of BLM-administered lands for recreation and other resource uses. Commenters inquired about the presence of endangered or threatened animal species in the area. They also expressed concerns about the fish and wildlife impacts that would result from opening the Red River to motorized vehicle use, oil and gas development, renewable energy development, and hunting.

Many commenters were concerned that wildlife is being harassed and habitat being destroyed by Red River area visitors. They were concerned about poaching along the Red River and the future

impacts on fish and wildlife if hunting were allowed. One commenter asked that shotgun hunting be restricted to nontoxic shot so birds feeding along the river would not be at risk for ingesting lead pellets. Specifically, commenters expressed concerns about the status of eagle, sandhill crane, bobcat, deer, American burying beetle, piping plover, lesser prairie chicken, quail, songbirds, and ducks.

One commenter was concerned about the growing population of feral hogs in the Red River Valley. Another was concerned about the protection of bats and how land use decisions impacting surface water would affect bats. This commenter also questioned how the BLM would address white-nose syndrome in future management.

Commenters requested that the BLM analyze impacts from oil and gas development on wildlife, and in particular on migratory birds and special status species. Commenters also expressed concern that water reduction caused by oil and gas development, particularly hydraulic fracturing, could impact aquatic and riverine species and habitat. One commenter from an energy company requested the avoidance of blanket stipulations to protect threatened and endangered species.

Commenters also were concerned that allowing visitors along the Red River would harm habitat and drive wildlife out of the area. Commenters were concerned about the impacts of motorized vehicles on fish and wildlife, specifically on amphibians and shore bird breeding grounds. One commenter suggested the BLM work with landowners along the Red River to preserve and restore fish and wildlife habitat. Another recommended the BLM install escape structures on all steep-sided livestock troughs and open-topped storage tanks on BLM-administered land to minimize wildlife drowning in such structures. Two commenters recommended the Red River be managed to emphasize wildlife protection.

#### **4.3.10 Issue 10**

*How can the BLM realize the socioeconomic benefits of the resources in the area, while minimizing conflicts with other uses and protecting sensitive resources in the planning area?*

The BLM received 36 comments (6 percent of the planning issue comments) on socioeconomics. Many of the commenters believe the development of equestrian and hiking trails along the Red River would attract tourists, generate jobs, and benefit nearby towns' economies. However, most of the commenters were more concerned about the potential negative socioeconomic impacts of new resource and use management included in the RMP revision and EIS.

Many commenters noted the importance of the oil and gas industry to the Oklahoma, Kansas, and Texas state economies, to job development, and to the federal government in the way of royalties. One commenter suggested that minerals should be the BLM's primary focus due to their economic potential. Other commenters noted the importance of agriculture to the economy and feared the impact the RMP revision and EIS would have on that industry.

Commenters also expressed concern about how the RMP revision and EIS would impact their livelihoods. Some asked that the BLM quantify the economic impact of restricting such activities as timber harvesting, livestock grazing, hunting, and mining in the planning area. Others asked that public access to the Red River area be restricted because, if the land were damaged by the



public, the livelihood of ranchers and farmers would be harmed. Others were worried about their farms and livelihoods if their land along the Red River was found to be BLM administered. Some commenters were also concerned about how the management of the Red River area would impact property values. Others questioned whether doing surveys and then managing the area along the Red River for various recreational uses was a good use of federal money, stating that there are multiple other federal programs needing funding.

#### **4.3.11 Issue 11**

*How can the BIA minimize trespassing on tribal lands, especially during the hunting season?*

The BLM and BIA received 1 comment (less than 1 percent of the planning issue comments) on trespassing on tribal lands. The commenter noted that there is trespassing on tribal land and that this is accentuated during hunting season. The commenter would like the BIA to increase patrolling and to enforce trespassing laws.

#### **4.3.12 Issue 12**

*How will the BLM address resources not addressed in the current RMPs?*

The BLM received 2 comments (less than 1 percent of the planning issue comments) on resources not addressed in the previous RMP. One commenter expressed concerns about how the BLM would ensure the protection of bats in future management. The commenter noted that currently the two greatest threats to bats in the US and Canada are wind power and white-nose syndrome; these were not primary threats to bats when the previous Kansas, Oklahoma, and Texas RMPs were written. The other commenter noted that caves and karst and mines were not addressed in the previous RMPs. The commenter would like best management practices prescribed in the RMP revision and EIS that consider the role cave, karst, and mines play in bat communities and subsequent spread of white-nose syndrome.

#### **4.3.13 Issue 13**

*How are the BLM and BIA going to plan for future water needs and for climate change and its effects, including water shortage?*

The BLM and BIA received 28 comments (5 percent of the planning issue comments) on climate change, drought, and future water needs. Most of the comments were focused on the impacts of climate change on other resources and stated that the oil and gas industry had a role in causing climate change. Many of the comments were focused on the future of the US water supply and the impact the oil and gas industry has on water supply and quality.

Commenters reminded the BLM and BIA of their obligation to consider climate change impacts in planning and decision making. They also suggested that the BLM and BIA consider increasing renewable energy as a way to mitigate climate change, reduce greenhouse gas emissions, and decrease future impacts on water supply and quality. One commenter mentioned carbon sequestration permits and asked that these be addressed in the joint BLM-BIA EIS and BLM OFO RMP. Many commenters expressed concern about methane levels, tropospheric ozone, and black carbon and their impacts on air quality, climate change, crop yields, and public health.

Commenters expressed opposition to hydraulic fracturing and concern that this and other oil and gas development impact climate change and air quality. Commenters also requested that the BLM and BIA analyze the cumulative and incremental effects of coal and oil and gas development on climate change, human health, vegetation and wildlife, water quality and quantity, agriculture, and socioeconomics.

Commenters reminded the BLM and BIA that they are required to protect water from further degradation, expressing concern about future water needs in the OFO. Many commenters were concerned about the current drought conditions and the associated increased risk of fire. One commenter opposed public and government use of streams or rivers next to private property.

Commenters were particularly concerned about the amount of water used in oil and gas development. They requested that the BLM and BIA consider the impacts of using water for oil and gas development on the availability of water for drinking, ranching, agriculture, wildlife, and recreation. Commenters also noted the drought and questioned whether using water for oil and gas development is appropriate during drought. Some commenters stated that because chemicals are added to the water used in hydraulic fracturing, the water cannot be reused, and that this can stress water supplies and increase the concentration of water pollutants.

#### **4.3.14 Other Issues to Be Addressed in the RMP/EIS**

Of the 683 comments received, 85.9 percent were related to planning issues that will be addressed in the joint BLM-BIA EIS and BLM OFO RMP (as discussed in **Section 4.3.1**, Issue 1, through **Section 4.3.13**, Issue 13). Another 58 comments (8.5 percent) focused on other topics, such as the planning process in general, alternatives, or the public involvement process. These topics will be addressed in the joint BLM-BIA EIS and BLM OFO RMP, but they do not fit in any particular planning issue category. Comments are displayed in **Appendix D, Table D-4**, General Comments Related to the Project.

General comments included the following:

- Issues related to how the BLM and BIA plan to fund the joint BLM-BIA EIS and BLM OFO RMP
- Issues about the manner in which the BLM and BIA conducted public scoping and suggestions for improving future public outreach
- Comments on FLPMA and the BLM's multiple-use mandate

#### **4.4 ISSUES THAT WILL NOT BE ADDRESSED IN THE RMP/EIS**

Approximately 5.6 percent of the comments were related to issues that will not be addressed in the joint BLM-BIA EIS and BLM OFO RMP. These include issues resolved through policy or administrative action, those beyond the scope of the joint BLM-BIA EIS and BLM OFO RMP, and issues about the Oklahoma-Texas boundary. Refer to **Appendix D, Table D-1**, Issues Not Related to the Scope of This Project, **Table D-2**, Issues Resolved through Policy or Administrative Action, and **Table D-3**, Oklahoma-Texas Boundary Issues.

Administrative or policy comments included issues pertaining to national BLM and BIA policy that will not be addressed during the joint BLM-BIA EIS and BLM OFO RMP process. Comments include questions about the following:

- Compensation for landowners whose land is found to be under BLM administration
- The BLM's oil and gas policy and processes
- Opposition to the manner in which the BLM determines property boundaries
- Opposition to the land along the Red River being surveyed

Issues outside the scope of the joint BLM-BIA EIS and BLM OFO RMP are those about land management outside the planning area, comments about other government agencies, and opposition to the BLM's or BIA's functions. This category included comments on issues about which the BLM or BIA have limited or no administrative authority.

#### **4.5 DECISIONS TO BE MADE**

BLM interests will be addressed under its RMP/EIS Record of Decision; Native American interests will be addressed under either the BIA-Eastern Oklahoma Record of Decision or the BIA-Southern Plains Record of Decision.

The New Mexico BLM State Director will decide whether to approve the RMP. The final RMP will identify desired outcomes, future conditions to be maintained or achieved, and specify uses or resource allocations that are allowable, restricted, or prohibited, including any restrictions needed to meet desired outcomes. The BLM is reviewing the condition of the environment and the current management situation to identify which management directions should be continued, which should be modified, and which should be developed and added.

The BIA is cooperating in the preparation of the EIS and will issue separate decisions for the restricted, trust, and tribal minerals and lands under its jurisdiction.

This scoping report does not make any decisions, nor does it change current management direction set forth in the current RMPs (BLM 1991, 1994a, and 1996a); instead it summarizes those issues identified during the scoping period. The BLM will use planning issues summarized in this scoping report, along with subsequently identified issues, planning criteria, and other information (such as occurrence and development potential for minerals), to help formulate a reasonable range of alternatives during the next phase of the RMP process. Each identified alternative (including continuation of existing management practices) will represent a complete and reasonable plan for managing the OFO.

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# CHAPTER 5

## DATA SUMMARY AND DATA GAPS

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### 5.1 SUMMARY OF AVAILABLE RELEVANT INFORMATION

Both new data and existing resource information will be used in formulating management alternatives in the joint BLM-BIA EIS and BLM OFO RMP. To facilitate this process, information is being compiled and put into digital format using geographic information systems for use in analysis and map production. Because this information is imperative to quantifying resources, to updating maps, and to manipulating information during alternative formulation, this process must be completed before actual analysis can begin. New data generated during the joint BLM-BIA EIS and BLM OFO RMP process will be used to address planning issues and will meet applicable established standards.

### 5.2 DATA NEEDS

The BLM and BIA have identified the following data needs:

- An assessment of various social and economic parameters will be conducted with local governments; the results will be documented in a socioeconomic report and incorporated into the joint BLM-BIA EIS and BLM OFO RMP.
- A mineral potential report will be developed in cooperation with the BLM and cooperating state and federal agencies. The report will assess the mineral resource occurrence and development potential of the area defined for the joint BLM-BIA EIS and BLM OFO RMP.
- A Wild and Scenic Rivers eligibility and suitability study will be conducted; the results will be documented in a report, incorporated into the BLM OFO RMP alternatives, and analyzed in the RMP/EIS.
- A focused visual resource inventory will be conducted; the results will be documented in a report, incorporated into the joint BLM-BIA EIS and BLM OFO RMP alternatives, and analyzed in the RMP/EIS.
- Air quality modeling and impact analysis will be conducted, which will form the baseline of the impact analysis in the joint BLM-BIA EIS.

- Climate change data
- A Class I-level cultural resources analysis and consultation with the State Historic Preservation Office per Section 106 of the National Historic Preservation Act of 1966 will be conducted; issues and management considerations provided in the analysis and consultation will be included in the joint BLM-BIA EIS and BLM OFO RMP.
- Officially nominated areas will be assessed for designation as BLM Areas of Critical Environmental Concern, and the results will inform the special designations section of the BLM OFO RMP. (No areas were nominated in scoping comment submissions.)

### **5.3 DATA GAPS**

Data for the EIS will be gathered throughout the joint BLM-BIA EIS and BLM OFO RMP process to ensure that data gaps are minimized.

# CHAPTER 6

## FUTURE STEPS

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### 6.1 FUTURE STEPS AND PUBLIC PARTICIPATION OPPORTUNITIES

The assessments and studies identified in **Section 5.4**, Data Needs, will be conducted. In addition, the BLM Land Use Planning Handbook (H-1601-1 [BLM 2005]) requires the BLM to develop a report called the analysis of the management situation. The analysis of the management situation describes the current conditions and trends of the resources and resource uses/activities in the planning area. It also documents current management and opportunities for changes in management. The analysis of the management situation provides the framework from which to address the planning issues through the development of alternatives. The BLM will develop the analysis of the management situation prior to developing alternatives.

The next phase of the BLM's planning process is to develop draft alternatives based on the issues presented in **Section 4.2**, Planning Issue Statements, and **Section 4.3**, Summary of Public Comments by Planning Issue Category. These alternatives will address planning issues identified during scoping and will meet goals and objectives to be developed by the BLM/BIA interdisciplinary team. In compliance with NEPA, Council on Environmental Quality regulations, and BLM and BIA planning regulations and guidance, alternatives should be reasonable and capable of implementation.

An analysis of the alternatives will be documented and the agency's preferred alternative identified in a joint Draft EIS/BLM OFO Draft RMP. The preferred alternative may be comprised of a combination of management option components from various other alternatives to provide the best mix and balance of multiple land and resource uses to address the issues. The draft document, anticipated to be published in 2016, will be widely distributed to elected officials, regulatory agencies, and members of the public, and it will be available on the project website (**Section 1.6.3**, Project Website). The availability of the draft document will be announced via a Notice of Availability in the Federal Register, and a 90-day public comment period will follow. Public meetings will be held in the planning area during the 90-day comment period.

At the conclusion of the public comment period, the BLM and BIA will review and analyze public comments and determine what changes need to be made to the document. The BLM and

BIA will then revise the Draft EIS and prepare a joint Final EIS/BLM OFO Proposed RMP. The Final EIS will then be published. The availability of the document will be announced in the Federal Register, and a 30-day public protest period regarding the proposed planning level decisions (43 CFR 1610.5.2) will follow. Concurrently, the Oklahoma, Kansas, and Texas Governors will review the document for consistency with approved state and local plans, policies, and programs.

At the conclusion of the public protest period and the 60-day Governors' consistency reviews, the BLM and BIA will resolve all protests and any inconsistencies. If necessary, a notice will be published in the Federal Register requesting public comment on significant changes made as a result of protest. The BLM will then prepare the approved RMP and Record of Decision. The BIA will also prepare two Records of Decision: one for the Eastern Oklahoma Regional Office and one for the Southern Plains Regional Office. The availability of these documents will be announced in the Federal Register.

All publications, including this report, newsletters, the Draft RMP/EIS, Proposed RMP/Final EIS, Approved RMP/Record of Decision, and the Notices of Availability of the Draft RMP/EIS, the Proposed RMP/Final EIS, and the Approved RMP/Record of Decision, will be published on the project website (**Section 1.6.3**, Project Website). In addition, pertinent dates regarding solicitation of public comments will be published on the website.

## **6.2 CONTACT INFORMATION**

The public is invited and encouraged to participate throughout the planning process for the joint BLM-BIA EIS and BLM OFO RMP. Some ways to participate are as follows:

- Review the progress of the joint BLM-BIA EIS and BLM OFO RMP at the project website (**Section 1.6.3**, Project Website), which will be updated with information, documents, and announcements throughout the duration of the EIS preparation
- Request to be added to or to remain on the official project mailing list in order to receive future mailings and information (email [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov))

### **6.2.1 Contacts**

Those wishing to be added to or deleted from the distribution list, wishing to change their contact information, or requesting further information may email a request to [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov) or contact Mr. Laurence Levesque, Planning and Environmental Coordinator, BLM, 7906 East 33rd Street, Suite 101, Tulsa, Oklahoma 74145, phone 918-621-4136. Please provide your name, organization, mailing address, email address, and phone number, as well as the preferred method to receive information.

### **6.2.2 Scoping Team**

This scoping report was prepared by the BLM and BIA, with assistance from Environmental Management and Planning Solutions, Inc. (EMPSi). **Table 6-1**, Agency and EMPSi Scoping Team, shows the primary BLM, BIA, and EMPSi staff who attended scoping meetings and contributed to this report.



**Table 6-1**  
**Agency and EMPSi Scoping Team**

<b>Name</b>	<b>Company</b>
Laurence Levesque	BLM
David Anderson	BIA
Micki Bailey	BLM
Dave Goodman	BLM
Richard Fields	BLM
Matt Flynn	BLM
Michael Johnson	BLM
Paul McGuire	BLM
D. J. Money	BLM
Larry Moore	BLM
Gabe Morgan	BIA
Jonna Polk	BIA
Steve Tryon	BLM
Angie Adams	EMPSi
David Batts	EMPSi
Annie Daly	EMPSi
Andrew Gentile	EMPSi
Jenna Jonker	EMPSi
Kate Krebs	EMPSi
Laura Long	EMPSi
Katie Patterson	EMPSi

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## CHAPTER 7

### REFERENCES

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- BIA (US Department of the Interior, Bureau of Indian Affairs). 2012. 59 Indian Affairs Manual 3-H—Indian Affairs NEPA Guidebook. BIA, Division of Environmental and Cultural Resources Management, Reston, VA. August 2012. 444 pp.
- BLM (US Department of the Interior, Bureau of Land Management). 1991. Kansas Resource Management Plan and Record of Decision. BLM, Tulsa District, Oklahoma Resource Area, OK. September 1991. 148 pp.
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- \_\_\_\_\_. 1994b. Environmental Assessment and Finding of No Significant Impact and Decision Record: Six Coal Lease Applications and One Coal Lease Modification in Southeastern Oklahoma. BLM, Tulsa District, Oklahoma Resource Area, OK. August 1994. 124 pp.
- \_\_\_\_\_. 1996a. Texas Resource Management Plan and Record of Decision. BLM, Tulsa District, Oklahoma Resource Area, OK. May 1996. 144 pp.
- \_\_\_\_\_. 1996b. Oklahoma Resource Management Plan Amendment and Record of Decision. BLM, Tulsa District, Oklahoma Resource Area. September 1996. 42 pp.
- \_\_\_\_\_. 2000. Texas Resource Management Plan Amendment and Finding of No Significant Impact for the Cross Bar Cooperative Management Area. BLM, Tulsa District, Oklahoma Resource Area, OK. April 2000. 100 pp.
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- \_\_\_\_\_. 2005. Handbook H-1601-1—Land Use Planning Handbook. BLM, Washington, DC. March 11, 2005. 161 pp.

- \_\_\_\_\_. 2008. Handbook H-1790-1—BLM National Environmental Policy Act. BLM, Washington, DC. January 2008. 184 pp.
- \_\_\_\_\_. 2014. Resource Management Plan Amendment and Decision Record for Federal Coal Leases in Haskell and LeFlore Counties, Oklahoma. BLM, Oklahoma Field Office, OK. March 2014. 40 pp.

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# Appendix A

## Scoping Materials

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# APPENDIX A

## SCOPING MATERIALS

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Public scoping for the OFO RMP/EIS has included a newsletter, 17 scoping public meetings, press releases, and a public website (<http://www.blm.gov/nm/oktrmp>). The formal public comment period as required by NEPA began on July 26, 2013, with the publication of a Notice of Intent in the Federal Register (78 *Federal Register* 45266-45628, July 26, 2013), and ended on January 31, 2014. However, comments received until February 28, 2014, are considered in this report.

Information provided to the public during the public scoping period is included in this appendix. Material includes the following:

1. Federal Register Notice of Intent (78 *Federal Register* 45266-45628, July 26, 2013) (3 pages)
2. Press release that was mailed in November 2013 to all the major local and regional newspapers and other media outlets throughout Oklahoma, Kansas, and Texas (1 page)
3. Project newsletter (4 pages)
4. Federal Register Notice of Intent to Extend the Public Scoping Period (78 *Federal Register* 76318-76319, December 17, 2013) (2 pages)
5. Example of the newspaper advertisement that was published in 17 local newspapers (1 page)
6. Scoping meeting handouts (6 pages)
7. Scoping meeting presentation (5 pages)
8. Scoping meeting comment form (2 pages)

Exhibits presented at the scoping meetings included the following. All exhibits are available on the project website (<http://www.blm.gov/nm/oktrmp>).

**EXHIBITS DISPLAYED AT OKLAHOMA SCOPING PUBLIC MEETINGS**

- Oklahoma Aquifers
- Oklahoma Geologic Basins and Features
- Oklahoma Wild Horse and Burro Holding Facilities and Grazing Allotments
- Oklahoma Surface Ownership
- Example Oil and Gas Lease Restrictions in Oklahoma
- Oklahoma Oil and Gas Wells
- Oklahoma Active Oil and Gas Wells
- Oklahoma Directional/Horizontal Oil and Gas Wells
- Oklahoma Subsurface Minerals with BLM Oversight
- Oklahoma Surface Water
- Oklahoma BIA Tribal Jurisdictional Boundaries
- Oklahoma Critical Habitat and Level III Ecoregions
- Red River Area

**EXHIBITS DISPLAYED AT KANSAS SCOPING PUBLIC MEETINGS**

- Kansas Aquifers
- Kansas Geologic Basins and Features
- Helium Pipeline
- Kansas Surface Ownership
- Kansas Oil and Gas Wells
- Kansas Active Oil and Gas Wells
- Kansas Directional/Horizontal Oil and Gas Wells
- Example Oil and Gas Lease Restrictions in Kansas
- Kansas Salt Resources
- Anticipated Activity on Federal Salt in Kansas
- Kansas Subsurface Minerals
- Kansas Surface Water
- Kansas BIA Tribal Jurisdictional Boundaries)
- Kansas Critical Habitat and Level III Ecoregions

**EXHIBITS DISPLAYED AT TEXAS SCOPING PUBLIC MEETINGS**

- Red River Area
- Texas Aquifers
- Texas Geologic Basins and Features



- Texas Surface Ownership
- Example Oil and Gas Lease Restrictions in Texas
- Texas Oil and Gas Wells
- Texas Active Oil and Gas Wells
- Texas Directional/Horizontal Oil and Gas Wells
- Texas Surface Water Subsurface Minerals
- Texas BIA Tribal Jurisdictional Boundaries
- Texas Critical Habitat and Level III Ecoregions

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**ADDRESSES:** Comments may be submitted to the Bureau of Land Management, Southeastern States Field Office, 411 Briarwood Drive, Suite 404, Jackson, MS 39206 or via email: [gtaylor@blm.gov](mailto:gtaylor@blm.gov) or via fax: 918-621-4130.

**FOR FURTHER INFORMATION CONTACT:** Gary Taylor or Randall Mills, Southeastern States Field Office at 601-977-5400 or by email at [gtaylor@blm.gov](mailto:gtaylor@blm.gov) or [ramills@blm.gov](mailto:ramills@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The coal lease application, filed by Best Coal, Inc., is located in Jefferson County, Alabama. The lease application area is approximately 5 miles north of Mt. Olive, Alabama, on Glovers Bend Road. The proposed lease area, totaling 160 acres, is described as follows: Township 15 South, Range 4 West, Huntsville Meridian Section 24, SW1/4NW1/4, N1/2SW1/4, SE1/2SW1/4.

The applicant proposes to mine the Federal coal in the lease application area by surface methods. The surface estate overlying the lease application area is privately owned. The BLM has the responsibility to address coal lease applications on Federal mineral estate under the Mineral Leasing Act of 1920, as amended. The Office of Surface Mining, in coordination with the State of Alabama, has responsibility to issue Mine Permits under the Surface Mining Control and Reclamation Act.

An interdisciplinary team will prepare the RMP Amendment and associated EA for the lease application. Preliminary issues, subject to change as a result of public input, are (1) Potential impacts of coal development on the surface and subsurface resources; and (2) Consideration of restrictions on lease rights to protect surface resources.

Preliminary planning criteria developed to guide the preparation of the planning analysis, subject to change as a result of public input, are as follows:

1. Land use planning and environmental analysis will be conducted in accordance with laws, regulations, executive orders and manuals. Planning will be conducted for the Federal coal mineral estate (Federal leasable mineral estates such as coal are under the administration of the BLM).

2. A mine plan scenario will be prepared for the Federal coal resource as an analytical tool to inform the National Environmental Policy Act (NEPA) analysis.

3. Resource data needed to evaluate the impacts of coal mining will be collected.

4. The planning team will work cooperatively with (a) Federal, State, county, and local governments and agencies; (b) Tribal governments; (c) Groups and organizations; and (d) **Individuals. Comments relating to the preliminary issues and planning criteria should be submitted in writing to the address provided above.**

An individual, business entity, or public body may participate in this process by providing information regarding coal or other resource information to assist in determining conflicts that may result from issuance of the coal lease. For other resource information, participants are asked to identify the particular resource value, to provide the reason that the resource would conflict with coal development and provide a map (minimal scale 1:24,000) showing the location of the resource.

The information available to the interdisciplinary team will be considered in addressing the specific resources and uses identified in the 20 Unsuitability Criteria listed at 43 CFR subpart 3461. Screening of the Federal coal lands in the application area through the Unsuitable Criteria will result in a determination as to which lands are (1) Acceptable for further leasing consideration with standard stipulations; (2) Acceptable for further leasing consideration with special stipulations; or (3) Unacceptable for further consideration for leasing.

Written comments should address one or more of the following: (1) Issues to be considered; (2) Whether the preliminary planning criteria are adequate for the issues; (3) Feasible and reasonable alternatives to examine; or (4) Relevant coal or other resource information.

The BLM will utilize and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). Native American tribal consultations were conducted in accordance with policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this project, are invited to participate in the scoping process and, if eligible, may

request or be requested by the BLM to participate as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 43 CFR 1610.2(c).

**John Lyon,**

*State Director.*

[FR Doc. 2013-17977 Filed 7-25-13; 8:45 am]

**BILLING CODE 4310-GJ-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNM004410.L1610000.DO000.LXSSG0690000]

### Notice of Intent To Prepare a Resource Management Plan for the Oklahoma, Kansas, and Texas Planning Area and an Associated Environmental Impact Statement

**AGENCIES:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Oklahoma Field Office, Tulsa, Oklahoma, intends to prepare a Resource Management Plan (RMP) with an associated Environmental Impact Statement (EIS) for the Oklahoma, Kansas, and Texas planning area. This notice announces the beginning of the scoping process to solicit public comments and identify issues. The RMP will replace the existing Oklahoma RMP (1994), the Kansas RMP (1991), and the Texas RMP (1996), and the associated EIS for the RMP will also analyze Bureau of Indian Affairs (BIA) management decisions for lands and minerals managed by the BIA in the three states.

**DATES:** This notice initiates the public scoping process for the RMP with an associated EIS. Comments on issues may be submitted in writing until August 26, 2013]. The dates and locations of any scoping meetings will be announced at least 15 days in advance through local media,

newspapers, and the BLM Web site at <http://www.blm.gov/nm/oktrmp>. In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

**ADDRESSES:** You may submit comments on issues and planning criteria related to the Oklahoma/Kansas/Texas RMP by any of the following methods:

- *Web site:* <http://www.blm.gov/nm/oktrmp>.

- *Email:*

*BLM\_NM\_OKTRMP@blm.gov.*

- *Fax:* 918-621-4130; Attention: Laurence Levesque.

- *Mail:* Oklahoma Field Office, BLM, 7906 East 33rd Street, Suite 101, Tulsa, OK 74145; Attention: RMP Comments. Documents pertinent to this proposal may be examined at the Oklahoma Field Office.

**FOR FURTHER INFORMATION CONTACT:**

Laurence Levesque, Planning and Environmental Specialist; telephone 918-621-4136; address 7906 East 33rd Street, Suite 101, Tulsa, OK 74145; email [BLM\\_NM\\_OKTRMP@blm.gov](mailto:BLM_NM_OKTRMP@blm.gov). Contact Mr. Levesque to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This document provides notice that the BLM Oklahoma Field Office, Tulsa, Oklahoma, intends to prepare an RMP with an associated EIS for the Oklahoma, Kansas, and Texas planning area RMP; announces the beginning of the scoping process; and seeks public input on issues and planning criteria. The EIS for the RMP will also analyze decisions for Indian mineral interests administered by the BIA Eastern Oklahoma and Southern Plains Regional Offices. The BLM will be the lead agency in the RMP development effort, and the BIA will participate as a cooperating agency and sign a separate Record of Decision for management decisions for Indian mineral interests administered by the BIA Eastern Oklahoma and Southern Plains Regional Offices.

The planning area encompasses about 100,000 acres of public land; 5,863,000

acres of Federal mineral interests; and 670,000 acres of Indian mineral interests. The BLM and the BIA will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process.

Preliminary issues for the planning area have been identified by the BLM and BIA personnel; Federal, State, and local agencies; and other stakeholders. The issues include:

1. How should the BLM and the BIA facilitate energy development, both renewable and non-renewable, while allowing for multiple uses and appropriate protection of public lands and resources?
2. What management actions, best management practices, and mitigation measures are necessary to protect or enhance resources, such as, visual, air quality, groundwater, watersheds and riparian areas, recreational areas, vegetation, soils, cultural sites, special designations, wildlife and special status species habitat, and rangeland health?
3. Where are helium resources located and how can these reserves, as well as the Federal Helium Plant, be best managed for the public?
4. How should the BLM address long-term grassland pasture facilities for wild horses and burros transferred from western rangelands?
5. Which public lands should be identified for retention, proposed for withdrawal, disposal, or acquisition to facilitate more efficient land management?
6. Which public lands should be identified as open, limited, or closed to motorized vehicle travel to meet resource and recreational demands?

*Preliminary planning criteria include:*

1. The RMP will be in compliance with FLPMA, NEPA, and all other applicable laws and regulations.
2. Land use decisions in the RMP will apply to the surface and subsurface estate managed by the BLM and the BIA. The BLM will not make any recommendations or decisions that affect Federal mineral estate beyond its explicit authority under applicable laws and regulations.
3. Public participation and collaboration will be an integral part of the planning process.
4. The BLM and the BIA will work cooperatively and collaboratively with cooperating agencies and all other

interested groups, agencies, and individuals.

5. The RMP will incorporate, where applicable, management decisions brought forward from existing planning documents.

6. Identification of any lands for further consideration for coal leasing will be limited to any areas with development potential.

7. Final title analysis has not yet been conducted for all Federal mineral ownership. Although the BLM will plan for these tracts, it will not lease, transfer or otherwise authorize any action(s) prior to verification of title for the properties.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or by using one of the methods listed in the "ADDRESSES" section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The BLM will evaluate identified issues and will place them into one of three categories:

1. Issues to be resolved in the plan;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan.

The BLM will provide an explanation in the Draft RMP/EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such

resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will use an interdisciplinary approach to develop the plan in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: minerals and geology, archaeology, wildlife and fisheries, lands and realty, hydrology, soils, livestock grazing, recreation, sociology, and economics.

**Authority:** 40 CFR 1501.7; 43 CFR 1610.2

Jesse J. Juen,  
State Director.

[FR Doc. 2013-17981 Filed 7-25-13; 8:45 am]

BILLING CODE 4310-FB-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCAD07000,  
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#### Notice of Availability of the San Diego Gas & Electric Ocotillo Sol Solar Project Final Environmental Impact Statement and Proposed California Desert Conservation Area Plan Amendment, CA

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Proposed California Desert Conservation Area (CDCA) Plan Amendment and Final Environmental Impact Statement (EIS) for the San Diego Gas & Electric (SDG&E) Ocotillo Sol Solar Project in Imperial County, California, and by this notice is announcing its availability.

**DATES:** BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the Proposed CDCA Plan Amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its notice of availability for the EIS in the **Federal Register**.

**ADDRESSES:** Copies of the Ocotillo Sol Solar Project Final EIS/Proposed CDCA Plan Amendment have been sent to affected Federal, State, and local government agencies and to other stakeholders, including tribal governments. Copies are also available in the BLM California Desert District Office at 22835 Calle San Juan de los Lagos, Moreno Valley, CA 92553 and at the El Centro Field Office, 1661 S. 4th Street, El Centro, CA 92243.

Interested persons may also review the Final EIS/Proposed CDCA Plan Amendment on the Internet at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/ocotillosol.html>. All protests must be in writing and mailed to one of the following addresses:

**Regular Mail:** BLM Director (210), Attention: Brenda Williams, P.O. Box 71383, Washington, DC 20024-1383.

**Overnight Mail:** BLM Director (210), Attention: Brenda Williams, 20 M Street SE., Room 2134LM, Washington, DC 20003.

**FOR FURTHER INFORMATION CONTACT:** Noel Ludwig, Project Manager, telephone 951-697-5368; address 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553; or email [CA\\_BLM\\_Ocotillo\\_Sol\\_Comments@blm.gov](mailto:CA_BLM_Ocotillo_Sol_Comments@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM has received a right-of-way (ROW) application from SDG&E to construct, operate, maintain, and decommission the Ocotillo Sol Solar Project, a solar photovoltaic (PV) power plant facility, on approximately 115 acres of BLM-administered public lands in Imperial County, California. The site for the solar facility would be adjacent to the existing Imperial Valley Substation (IVS), 4 miles south of Interstate 8, approximately 5 miles north of the United States-Mexico border, 5 miles south of Seeley, 9 miles southwest of El Centro, and 82 miles east of San Diego.

The proposed project site is located within the BLM's CDCA, the BLM's Yuha Basin Area of Critical Environmental Concern, and the Yuha Desert Management Area for flat-tailed horned lizard. A portion of the north-south running Juan Bautista de Anza National Historic Trail lies approximately 5 miles southwest of the project site at its closest point. The Jacumba Mountains Wilderness lies 11.7 miles to the west of the project site.

All proposed project components, including a temporary 15-acre construction laydown area, would be located on BLM-administered lands. The proposed Ocotillo Sol project components would include the PV modules and mounting structures, a maintenance building with an associated parking area, internal roads, inverters, transformers, and the combining switchgear. An existing road to the IVS would provide access to the proposed project site. New minor internal roads would be constructed between the module rows. The interconnection to the IVS would be via underground trench. Once approved and operational, the proposed Ocotillo Sol project is expected to have an average generating capacity of 15 to 18 megawatts (MW), depending on the specific technology chosen, with a peak output of up to 20 MW.

In connection with its decision on the proposed Ocotillo Sol project, the BLM will also include potential amendments to the CDCA Plan, as analyzed in the Final EIS. The CDCA Plan, while recognizing the potential compatibility of solar energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in the Plan be considered through the land use plan amendment process. The BLM is deciding whether to amend the CDCA Plan to identify the Ocotillo Sol project site as suitable or unsuitable for solar energy development.

The Final EIS describes the following three alternatives: (1) A No Action/No CDCA Plan Amendment; (2) The Applicant's Proposed Project to construct, operate, maintain, and decommission a 100-acre solar PV facility on BLM-managed lands under an authorized ROW, plus utilization of a 15-acre temporary ROW for construction laydown; and (3) A Reduced Footprint Alternative which would retain the 100-acre facility but reduce the laydown area from 15 acres to 2 acres. All of the alternatives except the No Action/No CDCA Plan Amendment would include an amendment to the CDCA Plan.



**Release Date:** 11/14/13

**Contacts:** Laurence Levesque, (918) 621-4136.

**News Release No.** 001-2014

### **BLM Seeks Public Comment on the Oklahoma Field Office Resource Management Plan Revision and Environmental Impact Statement**

Tulsa, Okla.--The Bureau of Land Management (BLM) Oklahoma Field Office is seeking public comments to identify issues and concerns that should be analyzed in the Oklahoma Field Office Resource Management Plan (RMP) and Environmental Impact Statement (EIS). A Notice of Intent to prepare the RMP and conduct an EIS was published in the Federal Register on July 26, 2013, formally opening a 190-day public scoping period which will end **January 31, 2014**.

Seventeen public scoping meetings will be held across Oklahoma, Kansas, and Texas. The BLM will announce meeting dates and locations in local newspapers at least 15 days prior to each meeting. Meeting details are also available in the project newsletter and on the project website: <http://www.blm.gov/nm/oktrmp>.

Comments are welcomed, reviewed, and considered throughout the planning process. Comments may be submitted by e-mail to [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov). Alternatively, comments can be made by printing and filling out the mail-in (or fax-in) comment form, available from the project website. Comment forms may be delivered to the BLM at 7906 East 33rd Street, Ste 101, Tulsa, OK 74145, Attn: Laurence Levesque; or faxed to (918) 621-4130, Attn: Laurence Levesque.

For more information regarding the public meetings or the proposed project, call Laurence Levesque at (918) 621-4136.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In Fiscal Year 2013, the BLM generated \$4.7 billion in receipts from public lands.

--BLM--

Last updated: 11-14-2013

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US Department of the Interior  
Bureau of Land Management  
Bureau of Indian Affairs

# The Oklahoma Field Office RMP Newsletter

Issue 1, November 2013

## Introduction

The Bureau of Land Management (BLM) Oklahoma Field Office (OFO) in cooperation with the Bureau of Indian Affairs (BIA) Eastern Oklahoma and Southern Plains Regional Offices, is preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA), to guide the management of BLM administered public resources (BLM-administered surface lands and federal minerals) and restricted, trust, and tribal minerals and lands under the jurisdiction of the BIA within the states of Oklahoma, Kansas, and Texas.

The EIS will result in a BLM Resource Management Plan (RMP), which creates the management framework for the OFO. The RMP/EIS will be prepared as a dynamic and flexible plan to allow management to reflect the changed needs of the planning area. The RMP will replace the existing 1991 Kansas RMP, 1994 Oklahoma RMP, as amended, and 1996 Texas RMP, as amended.

The need for the OFO RMP is to respond to new policies including but not limited to energy, demand for limited resources, appropriate protection of sensitive resources, increases in conflict between competing resource values and land uses, and other issues that have surfaced since approval of the existing RMPs. The overall objective of the OFO RMP planning effort is to provide a collaborative planning approach that assists the BLM in updating the management decisions of the current RMPs. As such, early public involvement is crucial to identify various RMP-level issues that should be addressed through the process. The scoping period provides the public with an opportunity to learn about the OFO RMP, to help identify issues and concerns to be addressed in the EIS, and to provide input used in developing alternatives.

The final RMP will identify desired outcomes, future conditions to be maintained or achieved, and specify uses or resource allocations that are allowable, restricted, or prohibited, including any restrictions needed to meet desired outcomes. Public input on issues related to these decisions is essential and encouraged.

## OFO Planning Area

The planning area encompasses 411,585 square miles (263 million acres) across the states of Oklahoma, Kansas, and Texas, and contains a population of over 32 million people. The planning area comprises federal, state, and

private lands, as well as Native American reservations, hundreds of counties, and thousands of municipalities. The decision area is only the surface land and subsurface mineral estate within the planning area for which the BLM or BIA have authority to make land use and management decisions. The BLM decision area is comprised of 104,000 acres of BLM-administered surface lands, 593,000 acres of split-estate land (private land with federal mineral interests), and an additional 5,270,000 acres of federal mineral estate on lands managed by other federal agencies. The BIA decision areas include 621,696 acres and 479,015 acres for BIA Eastern Oklahoma and BIA Southern Plains, respectively.



The Oklahoma Field Office planning area encompasses Oklahoma, Kansas, and Texas.

## What is a Resource Management Plan?

An RMP, similar to a county master plan, is a land use plan that describes broad multiple-use guidance for managing public lands administered by the BLM. The Federal Land Policy and Management Act directs the BLM to develop such land use plans and to provide for appropriate uses of public lands. Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions.

The BLM land use (or RMP) planning process, explained in 43 Code of Federal Regulations (CFR) 1600, BLM 1601 Manual, and BLM Land Use Planning Handbook (H-1601-1), falls within the framework of the NEPA environmental analysis and decision making process described in the Council of Environmental Quality regulations of 40 CFR 1500-1508, the Department of the Interior NEPA Manual (516 DM 17), and BLM NEPA Handbook H-1790-1.

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## How Can You Participate?

Public involvement is an integral part of preparing the OFO RMP/EIS and BIA EIS. This public scoping period gives the public and other interested agencies and organizations the opportunity to provide comments on issues to be addressed and methods to be used in the EIS before the BLM and BIA begin drafting it. The official scoping period began with the publication of the Notice of Intent (NOI) in the Federal Register on July 26, 2013, and will continue for 190 days (ending on January 31, 2014). During the scoping period, the BLM and BIA will host 17 public open houses across the planning area. Notices directing the public to the RMP/EIS website, which has information on these meetings, will be published in local newspapers.

The public is formally invited and encouraged to participate in the planning process for the RMP/EIS during the public scoping period. Some ways you can participate are:

- ✓ Attending one or more of the open house meetings to learn about the project and planning process and to meet BLM and BIA representatives;
- ✓ Reviewing the progress of the RMP/EIS on-line at the OFO RMP/EIS website at: <http://www.blm.gov/nm/oktrmp>. The website will be updated with information, documents, and announcements throughout the RMP/EIS preparation;
- ✓ Completing an online comment form on the website;
- ✓ Mailing or emailing a comment to the RMP/EIS address or email address (see below); and
- ✓ Joining the OFO RMP mailing list in order to receive future mailings and information, by:
  - E-mailing us at [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov); or
  - Contacting Laurence Levesque at (918) 621-4136.

## Mark Your Calendar! Upcoming Open Houses



Each meeting will start with an open house at 6 pm that will be followed by a presentation from 6:15 to 6:45. A brief discussion session will follow. The remainder of the meeting time will be for submission of oral comments, browsing the information stations that will be set up, having conversations with BLM and BIA staff, and for preparing written comments for those who seek to do so at the meeting.

### **Monday, November 18, 2013**

Holiday Inn Express  
3333 Williams Ave., Woodward, OK

### **Tuesday, November 19, 2013**

Holiday Inn Express  
3825 E Main St., Weatherford, OK

### **Wednesday, November 20, 2013**

Best Western PLUS - Saddlebrook Inn and  
Conference Center  
4300 SW 3rd St., Oklahoma City, OK

### **Monday, December 2, 2013**

Buckley Public Library  
408 Dewey Ave., Poteau, OK

### **Tuesday, December 3, 2013**

Holiday Inn Express  
701 Holiday Dr., Tahlequah, OK

### **Wednesday, December 4, 2013**

Holiday Inn Express  
1811 Peaceable Rd., McAlester, OK

### **Tuesday, December 10, 2013**

Holiday Inn Express  
209 SE 8th St., Lawton, OK

### **Wednesday, December 11, 2013**

Courtyard Wichita Falls  
3800 Tarry Street, Wichita Falls, TX

### **Thursday, December 12, 2013**

Fort Worth Public Library  
4001 Library Ln., Fort Worth, TX

### **Tuesday, December 17, 2013**

Looscan Neighborhood Library  
2510 Willowick Rd, Houston, TX

### **Wednesday, December 18, 2013**

Holiday Inn Express  
120 Southpoint Dr., Livingston, TX

### **Thursday, December 19, 2013**

Holiday Inn Express  
4404 S 1st St., Lufkin, TX

### **Tuesday, January 7, 2014**

Courtyard Marriott Salina  
3020 Riffel Dr., Salina, KS

### **Wednesday, January 8, 2014**

Liberal Memorial Library  
519 N. Kansas Ave., Liberal, KS

### **Thursday, January 9, 2014**

Amarillo Public Library  
413 SE 4th Ave., Amarillo, TX

### **Tuesday, January 14, 2014**

Doubletree Downtown  
616 W. 7th St., Tulsa, OK

### **Wednesday, January 15, 2014**

Pawhuska City Library  
1801 Lynn Ave., Pawhuska, OK

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## Preliminary Planning Issues

Planning issues are conflicts or concerns over a resource management topic that is well defined and entails alternative actions or decisions. Based on the lands and resources that we manage, the BLM and BIA have identified categories of issues, or issue statements (see box below). We expect most public issues and concerns to fall within one of these statements; however, we do not presume that they are all-encompassing. The issue statements may be revised based on the comments we receive, and new issue statements may be added. The BLM requests your comments on these or other issues on BLM-administered lands, split-estate lands, and federal mineral estate within the planning area. The BIA requests your comments on issues relating to Native American-allotted or tribal minerals, lands, and other resources within the planning area.

- Issue 1.** Restoring Ecological Health
- Issue 2.** Air
- Issue 3.** Water
- Issue 4.** Cultural Resources, Native American Concerns and Paleontology Resources
- Issue 5.** Visual Resource Management
- Issue 6.** Special Status Species
- Issue 7.** Fish and Wildlife
- Issue 8.** Wild Horses and Burros
- Issue 9.** Fire Management
- Issue 10.** Livestock Grazing
- Issue 11.** Recreation and Visitor Services
- Issue 12.** Lands and Realty
- Issue 13.** Mineral Resources (includes Oil, Gas, Geothermal, Coal, Saleable, and Solid Leasable except coal), and Locatable
- Issue 14.** Hazardous Materials
- Issue 15.** Special Designations (such as ACECs)
- Issue 16.** Renewable Resources
- Issue 17.** Socio-Economics
- Issue 18.** Environmental Justice
- Issue 19.** Comprehensive Travel and Transportation Management

## Preliminary Planning Criteria

Planning criteria guide development of the RMP/EIS by helping define the decision space; they are generally based on applicable laws, BLM Director and New Mexico State Director guidance, BIA Eastern Oklahoma and Southern Plains Regional Directors guidance, and the results of public and governmental participation (43 CFR 1610.4-2). The BLM and BIA developed preliminary planning criteria to set the sideboards for focused planning of the OFO RMP/EIS and to guide decision making by topic. A selection of the planning criteria developed by OFO are listed below:

- Existing laws, regulations, and BLM and BIA policies
- Valid existing rights
- Plans, programs, and policies of other federal, state, and local governments, and Native American Tribes
- Public input
- Quantity and quality of non-commodity resource values
- Future needs and demands for existing or potential resource commodities and values
- Past and present use of public and adjacent lands
- Environmental effects, including effects on wildlife, cultural resources, and paleontology
- Social and economic values
- Environmental justice
- Public welfare and safety



The Red River is a popular recreation area for Oklahomans and Texans alike. Portions of these lands are managed by the BLM and also have values as critical habitat for threatened and endangered species.

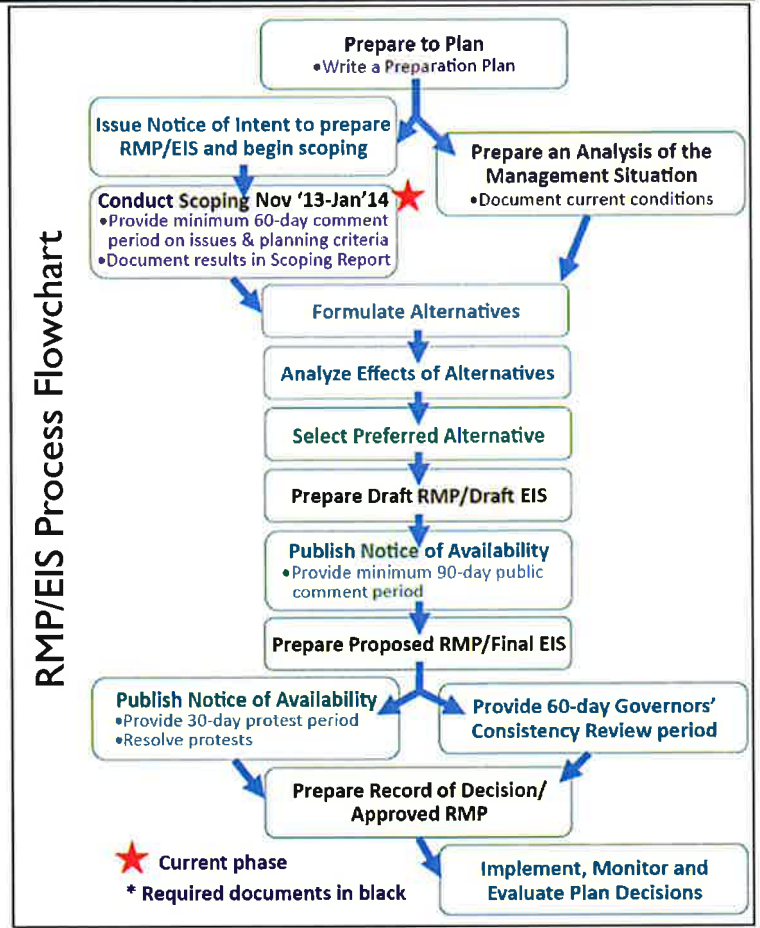
July 2013	November 2013— January 2014	Summer 2014	Fall 2016	Summer 2017	Fall 2017
NOI Published in Federal Register	Public Scoping	Formulate Alternatives and Prepare Draft RMP/ Draft EIS	Draft RMP/Draft EIS Available for 90-day Public Review & Comment	Proposed RMP/Final EIS Available for 30-day Public Review & Protest	Record of Decision & Approved RMP


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## Commonly Used Acronyms

- ACEC Area of Critical Environmental Concern
- BIA Bureau of Indian Affairs
- BLM Bureau of Land Management
- CFR Code of Federal Regulations
- EIS Environmental Impact Statement
- NEPA National Environmental Policy Act
- NOI Notice of Intent
- OFO Oklahoma Field Office
- RMP Resource Management Plan



Printed on Recycled Paper 

**How to contact us**

If you have questions about the RMP, please contact:

Mr. Laurence Levesque  
 Bureau of Land Management  
 7906 East 33rd Street, Ste 101  
 Tulsa, OK 74145  
 (918) 621-4136



US Department of the Interior  
 Bureau of Land Management  
 c/o EMPS\*  
 26 O'Farrell Street 7th Floor  
 San Francisco, CA 94108

\*Acting as contracted agent for the Bureau of Land Management

methods, including public notices in local newspapers and a notice in the **Federal Register** (77 FR 26569, May 4, 2012). We held a public meeting to solicit comments on the Draft EIS/EIR on May 30, 2012. We identified and analyzed four alternatives in the Draft EIS/EIR.

Following public review of the Draft EIS/EIR, the Service and CDFW, in coordination with PCGID-PID, River Partners, and the design engineers, identified the preferred alternative, which includes installation of traditional riprap on the northwest bank of the Riparian Sanctuary, including a low berm along the gravel bar and a toe trench just off the gravel bar; removal of upstream rock; and site-specific plantings on the Riparian Sanctuary. A notice of availability of the Final EIS/EIR was published in the **Federal Register** on March 15, 2013. The record of decision documents our decision to support the implementation of the preferred alternative described in the Final EIS/EIR.

We provide this notice under regulations in the Code of Federal Regulations for implementing the National Environmental Policy Act (40 CFR 1506.6).

**Alexandra Pitts,**

*Acting Regional Director, Pacific Southwest Region.*

[FR Doc. 2013-30016 Filed 12-16-13; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AA-10555, AA-10575, AA-10601; LLAK-944000-L14100000-HY0000-P]

#### Alaska Native Claims Selections

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of decision approving lands for conveyance.

**SUMMARY:** As required by 43 CFR 2650.7(d), notice is hereby given that the Bureau of Land Management (BLM) will issue an appealable decision to Koniag, Inc. The decision will approve conveyance of only the surface estate in certain lands pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The lands are located on Kodiak Island, Alaska, and aggregate 45.57 acres. Notice of the decision will also be published once a week for four consecutive weeks in the *Anchorage Daily News*.

**DATES:** Any party claiming a property interest in the lands affected by the

decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until January 16, 2014 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

**ADDRESSES:** A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513-7504.

**FOR FURTHER INFORMATION CONTACT:** The BLM by phone at 907-271-5960 or by email at [blm\\_ak\\_akso\\_public\\_room@blm.gov](mailto:blm_ak_akso_public_room@blm.gov). Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

**Dina L. Torres,**

*Land Transfer Resolution Specialist, Division of Lands and Cadastral.*

[FR Doc. 2013-29982 Filed 12-16-13; 8:45 am]

BILLING CODE 4310-JA-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNM004410.L16100000. DO0000.LXSSG0690000]

#### Notice of Intent To Extend the Public Scoping Period for the Oklahoma, Kansas, and Texas Resource Management Plan and Call for Coal Information

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the

Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) is extending the scoping period for the Oklahoma, Kansas, and Texas planning area, which was originally initiated on July 26, 2013 (78 FR 45266). The purpose of the ongoing scoping process is to solicit public comments and identify issues. The BLM is also soliciting resource information for coal and other resources in the planning area.

**DATES:** This notice extends the scoping period for the Resource Management Plan (RMP) with an associated Environmental Impact Statement (EIS). Comments on issues may be submitted in writing until January 24, 2014. The date(s) and location(s) of scoping meetings will be announced at least 15 days advance through the local media, newspapers and the BLM Web site at: <http://www.blm.gov/nm/oktrmp>. In order to be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

**ADDRESSES:** You may submit comments on issues and planning criteria related to the Oklahoma/Kansas/Texas RMP by any of the following methods:

- **Web site:** <http://www.blm.gov/nm/oktrmp>.

- **Email:** [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov).

- **Fax:** 918-621-4130; Attention: Laurence Levesque.

- **Mail:** Oklahoma Field Office, BLM, 7906 East 33rd Street, Suite 101, Tulsa, Oklahoma 74145; Attention: Laurence Levesque.

Documents pertinent to this proposal may be examined at the Oklahoma Field Office at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Laurence Levesque, Planning and Environmental Specialist; telephone 918-621-4136; address 7906 East 33rd Street, Suite 101, Tulsa, OK 74145; email [laurence\\_levesque@blm.gov](mailto:laurence_levesque@blm.gov). Contact Mr. Levesque if you wish to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This document provides notice that the BLM

Oklahoma Field Office, Tulsa, Oklahoma, is extending the scoping period for an RMP with an associated EIS for the Oklahoma, Kansas, and Texas planning area. The EIS will also analyze decisions for Indian lands and mineral interests administered by the BIA Eastern Oklahoma and Southern Plans Regional Offices. The BLM will be the lead agency in the RMP/EIS development effort, and the BIA will participate as a cooperating agency and sign a separate Record of Decision for management decisions for Indian lands and mineral interests. For additional information regarding the planning area, issues, and planning criteria, please refer to the original Notice of Intent published on July 26, 2013 (78 FR 45266).

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30 day scoping period or within 15 days after the last public meeting, whichever is later.

Parties interested in leasing and development of Federal coal in the planning area should provide coal resource data for their area(s) of interest. Specifically, information is requested on the location, quality, and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determination (43 CFR 3420.1-4) in the Decision Area and in the environmental analysis for the RMP. In addition to coal resource data, the BLM seeks resource information and data for other public land values (e.g., air quality, cultural and historic resources, fire/fuels, fisheries, forestry, lands and realty, non-energy minerals and geology, oil and gas, paleontology, rangeland management, recreation, soil, water, and wildlife) in the planning area. The purpose of this request is to assure that the planning effort has sufficient information and data to consider a reasonable range of resource uses, management options, and alternatives for the public lands.

The BLM will use an interdisciplinary approach to develop the plan in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Minerals and geology, archaeology, wildlife and fisheries, lands and realty, hydrology, soils,

livestock grazing, recreation, sociology, and economics.

**Authority:** 40 CFR 1501.7, 43 CFR 1610.2

**Sheila K. Mallory,**

*Acting State Director, Minerals.*

[FR Doc. 2013-29964 Filed 12-16-13; 8:45 am]

**BILLING CODE 4310-FB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLMT921000-12-L13200000-EL0000-P; MTM 106757]

#### Notice of Invitation—Coal Exploration License Application MTM 106757, Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Members of the public are hereby invited to participate with Signal Peak Energy, LLC on a pro rata cost sharing basis in a program for the exploration of coal deposits owned by the United States of America in lands located in Yellowstone and Musselshell Counties, Montana, encompassing 2,039.64 acres.

**DATES:** Any party seeking to participate in this exploration program must send written notice to both the Bureau of Land Management (BLM) and Signal Peak Energy, LLC as provided in the **ADDRESSES** section below no later than January 16, 2014 or 10 calendar days after the last publication of this Notice in the *Roundup Record Tribune* and *Winnett Times* newspaper, whichever is later. This Notice will be published once a week for 2 consecutive weeks in the *Roundup Record Tribune* and *Winnett Times*, Roundup, Montana. Such written notice must refer to serial number MTM 106757.

**ADDRESSES:** The proposed exploration license and plan are available for review from 9 a.m. to 4 p.m., Monday through Friday, in the public room at the BLM Montana State Office, 5001 Southgate Drive, Billings, MT. The exploration license application and exploration plan are also available for viewing on the Montana State Office coal Web site at <http://www.blm.gov/mt/st/en/prog/energy/coal.html>.

A written notice to participate in the exploration licenses should be sent to the State Director, BLM Montana State Office, 5001 Southgate Drive, Billings, MT 59101-4669 and Signal Peak Energy, LLC, 100 Portal Drive, Roundup, MT 59072.

**FOR FURTHER INFORMATION CONTACT:** Craig Drake by telephone at 406-896-

5349 or by email at [cdrake@blm.gov](mailto:cdrake@blm.gov); or Connie Schaff by telephone at 406-896-5060 or by email at [cschaff@blm.gov](mailto:cschaff@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The exploration activities will be performed pursuant to the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 201(b), and to the regulations at 43 CFR part 3410. The purpose of the exploration program is to gain additional geologic knowledge of the coal underlying the exploration area for the purpose of assessing the coal resources. The exploration program is fully described and will be conducted pursuant to an exploration license and plan approved by the BLM. The exploration plan may be modified to accommodate the legitimate exploration needs of persons seeking to participate. The lands to be explored for coal deposits in exploration license MTM 106757 are described as follows:

#### Principal Meridian, Montana

T. 5 N., R. 27 E.,

Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;

T. 6 N., R. 27 E.,

Sec. 24, NE $\frac{1}{4}$ , W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 32, SW $\frac{1}{4}$ ;

Sec. 34, SE $\frac{1}{4}$ ;

T. 6 N., R. 28 E.,

Sec. 18, lots 1 thru 4, inclusive, E $\frac{1}{2}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ .

Containing 2,039.64 acres.

The Federal coal within the lands described for exploration license MTM 106757 is currently unleased for development of Federal coal reserves.

**Phillip C. Perlewitz,**

*Chief, Branch of Solid Minerals.*

[FR Doc. 2013-29965 Filed 12-16-13; 8:45 am]

**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCA942000 L57000000.BX0000]

#### Filing of Plats of Survey: California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land

## **Notice of Public Scoping**

The U.S. Bureau of Land Management is soliciting comments as it begins the public scoping process for the Oklahoma, Kansas, and Texas Resource Management Plan (RMP) revisions. Comments will be accepted through January 31, 2014 and may be submitted by email to [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov) or by mail to the address below.

Scoping is a collaborative public involvement process to identify planning issues to be addressed in the planning process. Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include resource use, development, and protection opportunities for consideration in the preparation of the RMPs.

17 public scoping meetings will be held across the tri-state region. For further information on the public scoping meetings, RMP process, or to have your name added to the project mailing list, visit the project website at: <http://www.blm.gov/nm/oktrmp>. You may also contact Laurence Levesque, Planning and Environmental Specialist; telephone 918-621-4136; address 7906 East 33rd Street, Suite 101, Tulsa, OK 74145.

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## COMMON BLM ACRONYMS AND ABBREVIATIONS

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Full Phrase

ACEC	area of critical environmental concern
ACOE	Army Corps of Engineers
AUM	Animal Unit Month
BIA	United States Department of the Interior, Bureau of Indian Affairs
BLM	United States Department of the Interior, Bureau of Land Management
BMP	best management practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSU	controlled surface use
CTTM	comprehensive trails and travel management
decision area	public lands and mineral estate managed by BLM
DOI	United States Department of the Interior
EIS	environmental impact statement
EPA	United States Environmental Protection Agency
ERMA	extensive recreation management area
ESA	Endangered Species Act
FLPMA	Federal Land Policy and Management Act of 1976
FMP	Fire Management Plan
FWS	US Fish and Wildlife Service
GIS	Geographic Information System
HA	Herd Area
HMA	Herd Management Area
LHA	land health assessment
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NOA	Notice of Availability
NPS	United States Department of the Interior, National Park Service
NSO	no surface occupancy
OFO	Oklahoma Field Office
OHV	off-highway vehicle
PFC	proper functioning condition
planning area	OFO boundary, including all lands, regardless of land ownership
RECLAMATION	US Bureau of Reclamation

RMP	resource management plan
ROD	record of decision
ROW	right-of-way
SRMA	special recreation management area
SRP	special recreation permit
TCP	Traditional Cultural Property
TL	timing limitation
US	United States
USC	United States Code
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
US Forest Service	United States Department of Agriculture, Forest Service
USFWS	United States Department of the Interior, Fish and Wildlife Service
VI	visual inventory
VRM	visual resource management
WH&B	Wild Horse and Burros
WSA	Wilderness Study Area
WSR	Wild and Scenic River
WUI	wildland-urban interface

## Types of Requirements Applied to Oil and Gas Leases to Protect Resources in the Oklahoma Field Office Decision Area

The Bureau of Land Management (BLM) currently manages oil and gas development in the Oklahoma Field Office (OFO) under three existing Resource Management Plans. Each of these plans places requirements and stipulations on oil and gas development on federal mineral estate. Some of these requirements, stipulations, or notices apply to all federal mineral estate in the OFO, while others apply only where a certain resource (e.g. wetlands, floodplains) or use conflict (e.g. recreation, coal mining) exists.

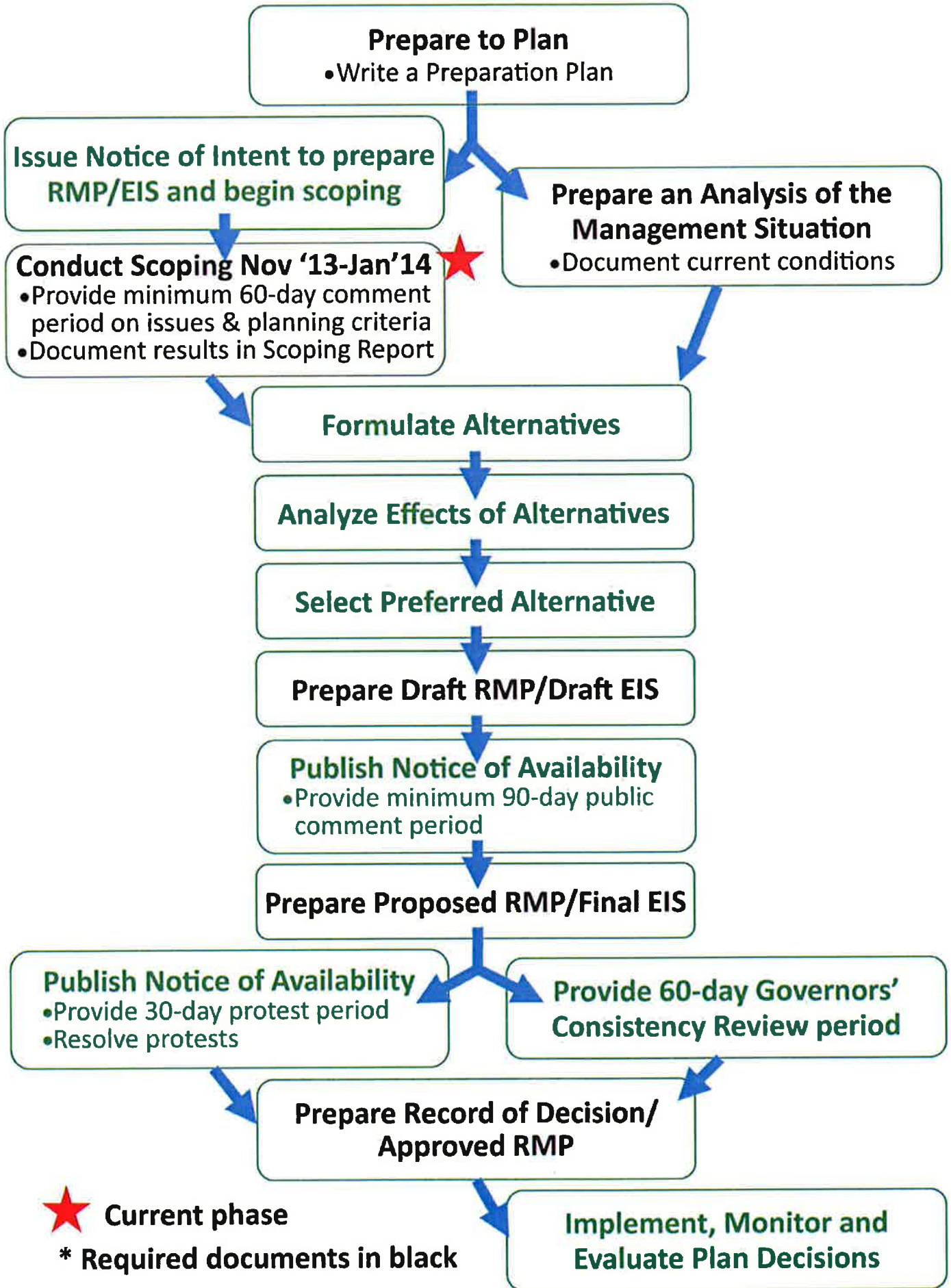
In many cases, the BLM does not manage the surface overlying federal mineral estate. Other federal agencies, such as the US Army Corps of Engineers may manage surface lands, but the federal minerals beneath those lands are still managed by the BLM. Federal minerals can also lie beneath state- or privately-owned surface lands. Lands where the surface is owned by the state or a private individual and the minerals are federally owned are called *split-estate* lands.

Wherever the surface lands overlying federal mineral estate are managed or owned by someone other than the BLM, the surface management agency may apply additional restrictions on the development of federal oil and gas resources beneath their lands. The table below describes some of the restrictions that are applied to oil and gas development in the OFO by the BLM and other surface owners or management agencies.

<b>Resource(s) or Interest Protected</b>	<b>Surface Owner/Management Agency</b>	<b>Requirement</b>	<b>Where it applies</b>
Floodplains	BLM	Controlled Surface Use stipulation: BLM approval required for surface occupancy	Lands subject to periodic flooding that are in or adjacent to a major watercourse
Wetland/riparian areas	BLM	Controlled Surface Use stipulation: BLM approval required for surface occupancy; avoid or mitigate impacts through site-specific measures identified during the Application for Permit to Drill (APD) process	Wetland and riparian areas
Wildlife and recreation	BLM	Controlled Surface Use stipulation: No surface occupancy from February 15 to May 15 or during hunting seasons without BLM approval (exception for except operation and maintenance of production facilities)	Could be applied in wildlife habitat and areas used for recreation
Threatened and endangered species	BLM	Consultation requirement: Surveys and consultation with the US Fish and Wildlife Service are required if any federal and/or state-listed threatened or endangered species or their habitat is found on the lease. Restrictions or prohibitions on development could result.	All federal mineral estate



<b>Resource(s) or Interest Protected</b>	<b>Surface Owner/Management Agency</b>	<b>Requirement</b>	<b>Where it applies</b>
Birds and bats	BLM	Construction standards: Facilities must be constructed to prevent or discourage birds and bats from perching or entering. Use netting or other covering over open pits and open top tanks.	All federal mineral estate
Coal	BLM	Lease is subject to alteration in order to prevent conflict with coal development	Federal mineral estate with coal resources
Cultural resources	BLM	Consultation requirement: Consultation with the State Historic Preservation Office and Tribes is required if tribal historic properties or other cultural resources are found on the lease. Restrictions or prohibitions on development could result.	All federal mineral estate
Water resources	US Army Corps of Engineers	No Surface Occupancy stipulation: No surface occupancy below the elevation of 2,764 feet. All drilling sites and production facilities must be at least 200 meters from the high water line of the lake (waiver, exception, or modification of these requirements may be allowed)	Within the normal flood pool of Optima Reservoir
Dams, spillways, levees, etc.	US Army Corps of Engineers (COE)	No Surface Occupancy stipulation: No surface occupancy stipulation within 3,000 horizontal feet of these facilities	Federal surface lands managed by the COE within 3,000 feet of a prime facility critical to the operation of a project
Use not compatible with oil and gas development	BLM	No Surface Occupancy stipulation	Could be applied wherever conflicting uses exist
Surface Management Agency (SMA) interests	Sabine River Authority	Sabine River Authority/COE notification of drilling prior to application approval	Minerals under the Toledo Bend/Sabine River Reservoir
Toledo Bend Lakeshore	Sabine River Authority	Controlled Surface Use between 172 feet and 175 feet above mean sea level (MSL) and within 200 meters of the 175-foot MSL contour	Toledo Bend Lakeshore protection
General resource protection	Texas Military Facilities Commission (TMFC)	All drilling on the lease must occur from a single well pad	Texas State lands managed by the TMFC
SMA interests	Agricultural Research Service	No directional drilling without prior approval	Southern Plains Range Research Station lands protection
SMA interests and general resource protection	Oklahoma State University (OSU)	Any site-specific stipulations necessary to assure reasonable protection of Lake Carl Blackwell and associated OSU facilities	Oklahoma State lands managed by OSU



**BLM OKLAHOMA FIELD OFFICE**  
*Providing Comments  
During Public Scoping*

Steve Tryon, OFO Manager  
7906 E. 33rd Street, Suite 101  
Tulsa, OK 74145 1352  
Office hours are 7:30 am to 4:30 pm  
Phone: (918) 621-4100  
FAX: (918) 621-4130

The BLM Oklahoma Field Office (OFO) is developing the Resource Management Plan (RMP) for the OFO planning area. The OFO RMP will provide detailed information about the current state of resources on public lands within the planning area, and set forth a plan of action for managing those resources for the next twenty or so years under the BLM's multiple use mandate.

**PROVIDE EFFECTIVE COMMENTS**

Many public land users, organizations, and individuals want to provide comments to help in the OFO RMP planning effort. The best and most useful comments are substantive comments; that is, those that have substance. Try not to provide comments that offer opinion only.

Substantive comments during scoping do one or more of the following:

- Raise issues BLM has not considered; reinforce issues BLM has already identified
- Identify additional planning criteria
- Present information that can be used when developing alternatives
- Present reasonable alternatives
- Present information that can be used when BLM considers impacts of alternatives
- Raise concerns, with reasoning, regarding public land resources within the planning area
- Raise concerns, with reasoning, regarding uses of public lands within the planning area
- Recommend specific changes to the landscape or management actions
- Question, with reasonable basis, the accuracy of information in a report already created

Comments that are not substantive include:

- Comments in favor of or against an action without any reasoning (such as "I don't like" without providing any rationale)
- Comments that only agree or disagree with BLM policy
- Comments without justification or supporting data (such as "allow more grazing")
- Comments that don't pertain to the planning area (such as "the government should eliminate all dams throughout the west")
- Comments that take the form of vague, open-ended questions.

Please provide substantive comments, which will be the most useful kind during this planning effort. Thank you for your interest in the OFO RMP.



BLM  
Providing Comments During Public Scoping

**OFO RMP Webpage:**  
<http://www.blm.gov/nm/oktrmp>


Comments can also be mailed  
to:  
**Larry Levesque**  
**RMP Project Manager**  
**7906 E. 33rd Street, Suite 101**  
**Tulsa, OK 74145**

Email address for public  
comments:  
**BLM\_NM\_OKT\_RMP@blm.gov**

## Development of an Environmental Impact Statement for Federal and American Indian Resource Management in Oklahoma, Kansas, & Texas

November 2013 – January 2014




BLM Oklahoma Field Office  
BIA Eastern Oklahoma Region  
BIA Southern Plains Region



BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## BLM Mission

- The BLM is a small agency with a big mission: management for multiple uses of nearly 250 million acres of public land and 700 million acres of mineral estate.
- These multiple uses are diverse, including energy development, livestock grazing, recreational activities, and conservation.
- BLM's overall budget vs. revenue (FY 2011): \$1.8 billion vs. \$4.1 billion







November 2013 – January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## BLM Oklahoma Field Office Mission

- Multiple Use Management Under FLPMA
- Part of the NM BLM Organization
- Covers OK-KS-TX
- Management responsibility for Federal mineral estate, and surface management on public domain tracts in OK
- Permitting responsibility for BIA-issued oil and gas leases



November 2013 – January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## BLM Oklahoma Field Office Mission – Oil & Gas Management

The OFO's three-state jurisdiction overlaps three of the nation's top natural gas producing states: Texas, Oklahoma, and Kansas.

- Leasing of Federal Minerals and Pre-Leasing Review of Indian Minerals
- Permitting of Federal and Indian Minerals
- Revenue-Sharing Agreements
- Inspections and Enforcement on ~15,000 O&G wells, incl. production on ~\$324 million in royalties (2010 estimate)





November 2013 – January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## Current Federal and Indian Oil & Gas Production (FY 2012)

	State	Number of Counties	Number of Wells	Production (MMbbl)	Production Average	Oil Value (\$MM)	Gas Value (\$MM)
Federal	KS	483	125,103	440	110,112	266,363	4,811,287
Federal	OK	1,304	326,295	919	136,106	272,602	11,862,969
Federal	TX	705	423,037	274	165,669	382,904	48,400,577
<b>TOTAL:</b>		<b>2,492</b>	<b>874,435</b>	<b>1,633</b>	<b>411,887</b>	<b>921,869</b>	<b>65,074,833</b>
Indian	KS	0	0	0	0	N/A	N/A
Indian	OK	6,480	1,216,463	2,260	265,848	N/A	N/A
Indian	TX	0	0	0	0	N/A	N/A
<b>TOTAL:</b>		<b>6,480</b>	<b>1,216,463</b>	<b>2,260</b>	<b>265,848</b>		





November 2013 – January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## BLM Oklahoma Field Office Mission – Coal Management


- 2 Active Coal Mines Produced 451,000 tons of Federal Coal in FY 2012
- 5 Inactive Mines
- 4 Mines Currently Seeking Approval
- Other Mines Pursuing Exploration

November 2013 – January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### BLM Oklahoma Field Office Mission – Other Solid Minerals



- Federal and Indian Sand and Gravel, Limestone, Asphalt Operations in Oklahoma.
- Potential for Salt Development in Kansas.

November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### BLM Oklahoma Field Office Mission – Surface Management


- Management of 116 miles of the Red River.
- Recreation and Public Purposes Act Requests.
- Rights-of-Way
- Livestock Grazing



November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### BLM Oklahoma Field Office Mission – Wild Horse and Burro Management



- 20 percent of BLM's national adoption program.
- Adoption compliance.
- Partnership with Hutchinson Correctional Facility & U.S. Border Patrol.
- Youth Education
- 1 short-term and 25 long-term holding facilities in OK & KS.

November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### BIA Mission

- The Bureau of Indian Affairs' mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives

November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### What is an Environmental Impact Statement (EIS)?

- A detailed report identifying effects on the human environment resulting from decisions and actions of the Federal government.
- A requirement under the National Environmental Policy Act (NEPA)
- The purpose of NEPA is to help make informed decisions while concurrently protecting the environment.

November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

### Why Are BLM and BIA Conducting an EIS?

- The EIS will enable BLM and BIA to better manage resource use decisions within the planning area.
- BLM and BIA work collectively on permitting of Indian & Tribal mineral development.

<ul style="list-style-type: none"> <li>■ Resources include:</li> <li>■ Oil &amp; Gas</li> <li>■ Solid Minerals</li> <li>■ Lands</li> </ul>	<ul style="list-style-type: none"> <li>■ Resource Uses Include:</li> <li>■ Recreation</li> <li>■ Livestock grazing</li> <li>■ Other uses</li> </ul>
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November 2013 - January 2014

BUREAU OF INDIAN AFFAIRS  
BUREAU OF LAND MANAGEMENT

## BLM RMP/EIS & BIA EIS Decision Area

### BLM

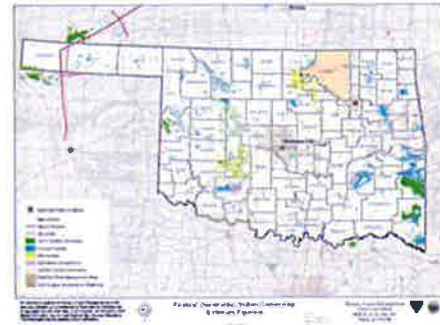
- 104,000 acres of BLM administered surface lands
- 593,000 acres of split estate land (private land with Federal mineral interests)
- 5,270,000 acres of Federal mineral estate on lands managed by other Federal agencies

### BIA

- Eastern Oklahoma
  - 20 Tribes
  - 621,696 acres
  - Eastern OK
- Southern Plains
  - 24 Tribes
  - 479,015 acres
  - Western OK, KS, & TX

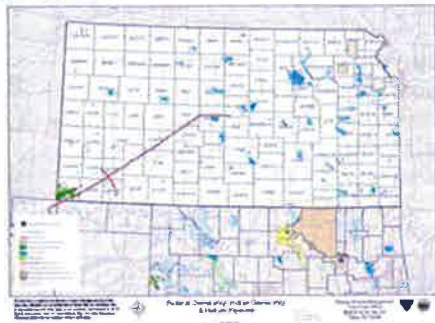
November 2013 - January 2014

## Oklahoma



November 2013 - January 2014

## Kansas



November 2013 - January 2014

## Texas



November 2013 - January 2014

## What is a BLM Resource Management Plan?

- Is the primary tool guiding BLM management activities in support of the dual mandate of multiple use and sustained yield.
- Establishes goals and objectives for resource management and the measures needed to achieve them.

November 2013 - January 2014

## What is a Resource Management Plan? (continued)

- Identifies lands that are open and available for certain uses, including any restrictions, and lands that are closed to certain uses.
- Provides comprehensive management direction for and/or allocates use of resources.

November 2013 - January 2014

## EIS and RMP

### Purpose and Need

**BLM**

- To revise outdated plans:
  - Kansas 1991 RMP
  - Oklahoma 1994 RMP
  - Texas 1996 RMP
- To support future leasing and permitting decisions
- To include/update resource uses and incorporate new data
- To allocate other resources not included in original RMPs

**BIA**

- Leasing and development of Indian mineral interests will be strengthened when addressed in an EIS-level analysis
- BIA EO & SP would sign separate Indian EIS and Record of Decisions
- Strengthens future leasing by BIA or individual Tribes
- Through tiering, strengthens permitting by BLM for Indian and Tribal mineral development

November 2013 - January 2014

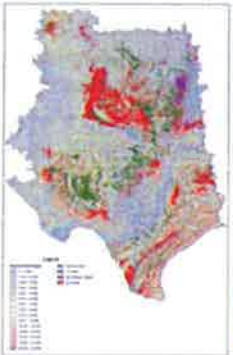
## Issues to be Addressed

- Air Resources
- Fluid Minerals
- Wildlife and Threatened and Endangered Species
- Cultural Resources and Native American Religious Concerns
- Lands with Wilderness Characteristics
- National Historic Trails
- Solid Minerals
- Recreation/Visitor Services
- Riparian/Wetlands/Floodplains
- Groundwater Resources
- Land Tenure
- Livestock Grazing
- Vegetation
- Visual Resources
- Socio-Economics and Environmental Justice
- Wild and Scenic Rivers
- Wild Horse and Burro
- Helium Resources
- Potential for Rights of Way, Realty Actions, Business Leases

November 2013 - January 2014


## Planning Support: Reasonably Foreseeable Development

- Historical well and production data have been collected, compiled, and assimilated for GIS analysis
- Will delineate areas of potential mineral/energy development (high, medium, low, none), including O&G, solid minerals, wind energy.
- Will describe Federal and Indian development potential v. all energy resources.
- Will assist in identifying multiple use management areas.
- Will serve as basis for impact analysis in the EIS



November 2013 - January 2014

## Planning Support: Southern Great Plains Rapid Ecoregional Assessment



- Projected to be completed in 2015
- Will add information about the effect of change agents on conservation elements at a landscape scale.

November 2013 - January 2014

## Planning Support At a Landscape Level


The Southern Great Plains REA may be used to:

- Help project siting (e.g., oil and gas well pads)
- **Prepare land use plans and cumulative impacts analyses**
- Develop off-site mitigation strategies
- Identify policy and program development needs
- Facilitate interagency discussions about critical ecosystem processes and thresholds and about research and data needs

November 2013 - January 2014

## What is Scoping?

- The early and open process for identifying actions, impacts, and issues that will be addressed in a NEPA document.
- Engages public, federal, state, and local agencies, organizations, and other stakeholder groups in the collaborative planning process.



November 2013 - January 2014

## What is Scoping? (continued)

- Helps the BLM & BIA identify planning issues through input received from you.
- Identifies related plans, documents, and studies.

November 2013 – January 2014



## Who is Helping the BLM and BIA with the EIS and BLM RMP revision?

- **Public/Stakeholder Groups**
  - Participate in scoping
  - Review draft and final documents
- **Cooperating Agencies & Entities**
  - Federal and State Agencies, Counties
  - Indian Tribes
- **Contractors**

November 2013 – January 2014



## Next Steps

- Public comments due to BLM (January 2014)
- Scoping summary available (Spring 2014)
- Develop draft alternatives (Spring – Autumn 2014)



November 2013 – January 2014



## How to Get Involved

(see handouts for contact information)

- Submit comments during scoping (November 2013 – January 2014)
  - E-mail: [BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov)
  - Mail to: Laurence Levesque  
RMP Project Manager  
BLM, Oklahoma Office  
7906 E. 33rd Street, Suite 101  
Tulsa, OK 74145-1352
  - Project Web site:  
<http://www.blm.gov/nm/oktrmp>

November 2013 – January 2014



## Questions?

**Project Web site:**  
<http://www.blm.gov/nm/oktrmp>

**Project E-mail Address:**  
[BLM\\_NM\\_OKT\\_RMP@blm.gov](mailto:BLM_NM_OKT_RMP@blm.gov)

**Laurence Levesque, RMP Project Manager**  
BLM, Oklahoma Field Office  
7906 E. 33<sup>rd</sup>, Suite 101  
Tulsa, OK 74145  
918-621-4136

November 2013 – January 2014







For the BLM to formally consider your comments regarding the Notice of Intent for the Oklahoma Field Office to prepare a Resource Management Plan, written comments are required. To assure consideration you should provide your comments by January 31, 2014. Please fax this completed form to (918) 621-4130 or mail it to the following address:

Oklahoma Field Office RMP Comments
c/o Larry Levesque
Bureau of Land Management
Oklahoma Field Office
7906 E. 33rd Street, Suite 101
Tulsa, OK 74145-1352

You may e-mail comments to BLM\_NM\_OKT\_RMP@blm.gov or complete an online comment form at http://www.blm.gov/nm/oktrmp. In order to continue receiving information and future mailings about the Oklahoma Field Office RMP, you must ask to be added to the official RMP mailing list by submitting this form by January 31, 2014.

\* Denotes required fields.

Your Name\* \_\_\_\_\_ Today's Date\* \_\_\_\_\_

Please indicate your affiliation by checking one of the following boxes:

[ ] Individual (no affiliation)

Confidentiality Request:

Please indicate if you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act. This request does not preclude the need to complete the required information below.

A request for confidentiality will be honored to the extent allowed by law. Anonymity is not allowable for submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

No selection indicates you do not wish to withhold your information.

[ ] Please withhold my name only

[ ] Please withhold my address only

[ ] Please withhold my name and address

[ ] Private Industry

[ ] Citizen's Group

[ ] Elected Representative

[ ] Federal, state, tribal, or local government

[ ] Regulatory Agency

Name of company, group, government, agency or organization (if applicable) \_\_\_\_\_

Mailing Address\* \_\_\_\_\_

City\* \_\_\_\_\_ State\* \_\_\_\_\_ Zip Code\* \_\_\_\_\_

Telephone (optional) \_\_\_\_\_ E-mail Address (optional) \_\_\_\_\_

Would you like to be added to or remain on the OFO RMP/EIS mailing list to receive future project-related information?

Yes [ ]

No [ ]

Continued on next page >>>



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# Appendix B

Oral Comments Made during Scoping Meetings

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## **APPENDIX B**

# **ORAL COMMENTS MADE DURING SCOPING MEETINGS**

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The following are the verbal comments made during the OFO RMP scoping meetings in November 2013, December 2013, and January 2014.

### ***Woodward, Oklahoma – November 18, 2013***

No comments or questions were received in Woodward because there were no attendees.

### ***Weatherford, Oklahoma – November 19, 2013***

The single attendee expressed concern that public did not understand what scoping was and did not respond to the newspaper advertisement because of it.

### ***Oklahoma City, Oklahoma – November 20, 2013***

Attendees wondered if the US Environmental Protection Agency would be asked to be a cooperating agency.

Attendees asked if Osage County would be included in the EIS.

Attendees expressed interest in how environmental justice issues would be considered.

Attendees expressed concern about considerations for various species, particularly the American burying beetle.

Attendees asked if meeting materials would be posted on the project website.

Attendees asked when the Rapid Ecoregional Assessment would be ready, and whether recommendations from the Rapid Ecoregional Assessment would be incorporated into the RMP, and if the Rapid Ecoregional Assessment would be done with Oklahoma Department of Wildlife Conservation.

Attendees asked who will be doing the EIS.

Attendees expressed concerns about the ongoing litigation between the state and federal agencies, specifically regarding the issues around air permitting in Osage County.

Attendees wondered whether a consultant will do the invasive species analysis.

Attendees asked about surface rights in Osage County.

Attendees asked about whether Fort Reno is available for oil and gas development.

Attendees asked about whether scoping comments submitted in August 2013 are already available on the project website.

Attendees asked about if US Department of the Interior, Fish and Wildlife Service is involved in the scoping meetings.

Attendees expressed concerns about how climate change will be analyzed.

***Poteau, Oklahoma – December 2, 2013***

Attendees expressed concerns about the BLM's ability to fund the project the entire way through.

Attendees expressed concerns about how coal will be evaluated and whether the evaluation will be more comprehensive than the evaluation done in the 1994 RMP.

Attendees asked if federal lands currently allocated will be carried forward in the next RMP.

Attendees asked about whether the new plan will recognize the deficiencies of the 1994 RMP.

Attendees asked about whether the public can get access to US Department of the Interior, Fish and Wildlife Service American burying beetle maps.

***Tahlequah, Oklahoma – December 3, 2013***

Attendees expressed satisfaction with the way the BLM is currently operating.

Attendees expressed concern over the interpretation of the Stigler Act and desire that the ambiguity surrounding BLM's role under Section 11 of the Stigler Act be clarified.

Attendees expressed concern that materials distributed by the BLM to the Cherokee Nation may not be reaching the Cherokee Nation due to issues with mail flow in the Cherokee Nation.

Attendees expressed concerns about a lock being installed on the Arkansas River and a port being put in at Chickasaw and Choctaw tribal lands.

Attendees expressed concern about the Cherokee Nation struggling to find funding to finish land surveys for the Cherokee, Chickasaw, and Choctaw tribal lands.

Attendees asked questions about the Cherokee Nation and their ability to put in a power plant.

Attendees expressed concerns about the interstate transmission line crossing the Arkansas River.

Attendees expressed concerns about the limestone lease in eastern Oklahoma.

Attendees asked about forest leases and about the need for a forestry management plan within the Cherokee Nation.

***McAlester, Oklahoma – December 4, 2013***

Attendees asked about wild pigs by the Red River.

Attendees asked about whether the RMP would include coal that is currently leased, but the lease would be expiring.

Attendees expressed concerns about international interest in local coal.

Attendees expressed concern about whether the public will be able to understand the RMP/EIS when it is completed.

***Lawton, Oklahoma – December 10, 2013***

Attendees asked questions about whether the public can get copies of maps shown at the scoping meetings.

Attendees expressed concerns about how the public will be notified about upcoming opportunities to comment, and whether the notification will come via US Mail.

Attendees asked questions about access points in Texas to the Red River, and whether people accessing the Red River through Texas are doing so legally.

Attendees expressed concerns about the legality and presence of hunting leases along the Red River.

Attendees asked questions about how the BLM is going to determine what is BLM-administered property versus what is private property along the Red River.

Attendees asked questions about the status of the Red River land survey.

Attendees asked questions about the BLM partnering with other organizations, specifically whether they have talked to the Oklahoma Audubon Society about a partnership.

Attendees asked questions about the future potential of more organized/managed recreational activities in the Red River area.

Attendees asked questions about the availability of the geographic information system files used to create the maps displayed at scoping.

Attendees asked questions about where commercial hunting is allowed in the area.

Attendees asked questions about when the RMP would go into effect and when the public would be allowed to participate in various uses of the Red River.

Attendees asked questions about who is responsible for keeping the public off private land.

Attendees asked questions about how the public would reach public land without crossing private land.

***Wichita Falls, Texas – December 11, 2013***

Attendees expressed concerns about landowners along the Red River losing their land during the RMP process.

Attendees asked whether the border compact between Texas and Oklahoma clarifies the confusion the BLM has over which lands are private and which lands are administered by the BLM.

Attendees asked questions about how the BLM expects the public to comment on the land around the Red River if the BLM does not know what land around the Red River is actually administered by the BLM.

Attendees expressed concerns about the lack of a survey of the land along the Red River.

Attendees questioned the reason this RMP and survey of the Red River is necessary when the current management seems to be adequate.

Attendees asked how the BLM can tell private land owners that, despite earlier court rulings, their land actually is administered by the BLM.

Attendees asked questions about who would be held responsible in the event of an out-of-control BLM-prescribed fire.

Attendees asked questions about how the BLM plans to manage the Red River.

Attendees commented on the BLM's current sub-par land management and questioned why the BLM would be allowed to administer more land when the BLM is not doing a good job managing the land they already administer.

Attendees expressed concerns that the public will litter and abuse land along the Red River.

Commenters expressed that it felt unfair that if the land along the Red River were opened to public use, the land owners that have properties that abut the river would experience a loss (e.g., abuse from the public, a decrease in solitude, and an increased risk of trespassing) and the public would experience only the benefit of free use of that land.

Attendees asked questions about how trespassing on private land would be prevented and whether signs would be put up by the BLM to discourage trespassing.



Attendees questioned whether the BLM would sell to a private company those parcels of land that are too small for BLM to efficiently administer.

Attendees were concerned about losing their land that backs to Red River access points.

Attendees asked questions about where to submit scoping comments.

Attendees questioned the logistics of the land survey along the Red River and whether the government would need access to the land in order to survey it.

Attendees asked who would police such a land closure.

Attendees asked if allowable uses would apply to the entire Red River or if different segments would be designated for different allowable uses.

Attendees expressed a desire for property owners along the Red River to have sole access rights to the BLM-administered lands along the river, and asked whether there was a mechanism to achieve that goal.

***Fort Worth, Texas – December 12, 2013***

Attendees asked if any of the Recreation and Public Purposes Act leases were close to a potential trail on BLM-administered lands and expressed a desire to build up any such land for equestrian access along the Red River.

***Houston, Texas – December 17, 2013***

Attendees primarily expressed interest in (1) environmental issues, (2) preservation of natural areas, and (3) areas to ride horses.

Attendees expressed concern about designating the Red River area as an official recreation area, which would attract recreationalists and would increase trespassing on private property.

Attendees asked about the presence of Native American lands along the Red River and if any Tribes want recreation areas along the Red River to be made official.

Attendees asked about how much the BLM compensates private land owners for taking care of wild horses.

Attendees asked if wind is the only renewable energy resource being considered and encouraged the examination of solar energy as well.

***Livingston, Texas – December 18, 2013***

Attendees expressed a desire for BLM-administered lands on which they can ride their horses.

***Lufkin, Texas – December 19, 2013***

Attendees asked about the management of playas and whether the BLM would have any jurisdiction over their management.

Attendees asked whether the BLM would have any jurisdiction over private coal.

Attendees asked if this project would affect cultural resources legislation and implementation.

***Salina, Kansas – January 7, 2014***

Attendees suggested that ranchers should get credit for water banking (i.e., allowing rainwater to percolate into the ground on one part of their land) to allow them to withdraw and use more on another part of their land.

Attendees expressed desire for more multiple-use recreational areas at Kanopolis Lake.

***Liberal, Kansas – January 8, 2014***

Attendees asked about the wild horse hosting program and where to get more information.

Attendees asked about a candidate conservation agreement in relation to lesser prairie chicken and how it affects oil and gas leases.

Attendees asked about what happens if the lesser prairie chicken is added to the Endangered Species list in March 2014.

***Amarillo, Texas – January 9, 2014***

Attendees asked several questions about Cross Bar Ranch related to access, funding, permits, how different groups or clubs can assist the BLM in its development, and policing versus self-policing of off-road vehicle users.

Attendees talked about policing versus self-policing issues at the Red River.

Attendees expressed interest in access to both the Red River and Crossbar Ranch for equestrian use.

***Tulsa, Oklahoma – January 14, 2014***

Attendees asked about the division of responsibility between BIA and BLM on oil and gas leases.

Attendees asked if the BLM has any authority over district court leases.

Attendees asked if there was a possibility of BLM and BIA standardizing lease stipulations.

Attendees asked about the future of the BLM wild horse and burro program.

Attendees asked if this RMP revision would affect current permitting.

Attendees asked if the BLM has the expertise to conduct an economic analysis of the resources and resource uses being considered.

Attendees asked if the BLM has a trust responsibility to Tribes.

***Pawhuska, Oklahoma – January 15, 2014***

Attendees asked if there is any uranium in the planning area and whether it would be addressed in the EIS.

Attendees asked if the EIS would consider impacts on tribal lifeways and animals, plants, and other resources.

Attendees asked if the BLM has a stewardship program to help individuals acquire lands for stewardship purposes.

Attendees asked if the BLM is doing anything related to the Zone 5 Choctaw Nation economic development zone announced by President Obama.

Attendees asked if Pitcher and Tar Creeks minerals would ever become viable, and, if so, if the BLM would be involved.

Attendees asked a variety of questions about the wild horse and burro program.

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# Appendix C

## List of Commenters

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## APPENDIX C

### LIST OF COMMENTERS

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The formal public comment period as required by NEPA began on July 26, 2013, with the publication of a Notice of Intent in the Federal Register (78 *Federal Register* 45266-45628, July 26, 2013), and ended on January 31, 2014. **Table C-1**, Commenters, lists the commenters who submitted written submissions to the BLM for the OFO RMP/EIS as part of the public scoping process. All comments received on or before February 28, 2014, are included in this scoping report. The commenters within each affiliation are listed in chronological order based on when their comments were received. Form letters submissions are not included in **Table C-1**, Commenters. **Table C-2**, Form Letter Submissions, includes a brief description of the form letters received, including number of form letters received.

**Table C-1**  
**Commenters**

Commenter Name <sup>1</sup>	Affiliation	Date Received (Month/Day/Year)
<b>Federal Government Agency</b>		
1. Lawrence Emmons	US DOI Office of Surface Mining	1/31/2014
<b>State Government Agency</b>		
1. Dawn R. Sullivan	Oklahoma Department of Transportation	1/30/2014
2. Richard Hatcher	Oklahoma Department of Wildlife Conservation	2/03/2014
3. Steve Sowers	Oklahoma Energy Resources Board	2/03/2014
<b>Elected Official</b>		
1. Mac Thornberry	House of Representatives	1/30/2014
<b>Business/Commercial Sector (if applicable)</b>		
1. Randy Bolles	Devon Energy Production Company	8/26/2013 & 1/31/2014
2. Robert P. Cooper	Farrell-Cooper Mining Co.	1/23/2014
3. Daniel J. Redetzke	Independent Salt Company	1/29/2014
4. Donny Worthington	XTO Energy Inc.	1/29/2014

**Table C-1  
Commenters**

	<b>Commenter Name<sup>1</sup></b>	<b>Affiliation</b>	<b>Date Received (Month/Day/Year)</b>
5.	Monica Griffin	Reagan Smith Energy Solutions	1/30/2014
6.	Martin Schardt	American Association of Professional Landmen	1/31/2014
7.	Joe Icenogle	Apache	1/31/2014
8.	Linda McDonald	SandRidge Energy	1/31/2014
9.	Brian Woodard	Oklahoma Independent Petroleum Association	1/31/2014
10.	Francis B. Barron	Cimarex Energy Co.	1/31/2014
11.	Nina Hutton	XTO Energy Inc.	1/31/2014
<b>Organization (non-profit, citizen's group)</b>			
1.	J. Keith Shelton	De Kalb (TX) Industrial Foundation	12/17/2013
2.	Tina Taylor	Arkansas Trail Riding Association	1/14/2014
3.	Steven E. Lindsey	Back Country Horsemen of Kansas	1/27/2014
4.	Linda Moore	Cross Timbers	1/30/2014
5.	Michelle Ellis	Lake Ray Roberts Equestrian Trail Association	1/30/2014
6.	Marla R. Peek	Oklahoma Farm Bureau	1/31/2014
7.	Josh Marks	Osage County Cattlemen's Association	1/31/2014
8.	Gene Richardson	Texas Farm Bureau	1/31/2014
9.	Laurie Williams	The Sierra Club	1/31/2014
10.	Dan Taylor	Bat Conservation International	2/1/2014
<b>Individual</b>			
1.	Eleanor Crow		12/9/2013
2.	Information Withheld		12/10/2013
3.	Darren Meeks		12/11/2013
4.	Dee Murphy		12/11/2013
5.	Rose Marie Molsbee		12/11/2013
6.	Freddie Paul		12/12/2013
7.	Jean Green		12/12/2013
8.	Misty Valdez		12/12/2013
9.	Peggie Kimberlin		12/12/2013
10.	Cindy Kerl		12/13/2013
11.	Scott E. Nelson		12/13/2013
12.	Bill Lockwood		12/14/2013
13.	Jackie Smith		12/16/2013
14.	Information Withheld		12/16/2013 & 1/19/2014
15.	Information Withheld		12/20/2013 & 1/30/2014
16.	Information Withheld		12/20/2013
17.	Tommy Henderson		12/20/2013



**Table C-1  
Commenters**

	<b>Commenter Name<sup>1</sup></b>	<b>Affiliation</b>	<b>Date Received (Month/Day/Year)</b>
18.	Information Withheld		12/26/2013
19.	Information Withheld		12/26/2013
20.	J.B. Riley	Riley Property Co., Ltd	12/27/2013
21.	Information Withheld		12/28/2013
22.	Fred Vinson		12/29/2013
23.	Kevin and Elizabeth Hunter		12/29/2013 & 1/15/2014
24.	Information Withheld		1/2/2014
25.	James R. Bell		1/5/2014
26.	Information Withheld		1/8/2014
27.	Information Withheld		1/11/2014
28.	Jonelle McCoy	McCoy's Gaited Horse Artworks	1/11/2014
29.	Information Withheld		1/13/2014
30.	Information Withheld		1/14/2014
31.	Charlotte Spragus		1/15/2014
32.	Information Withheld		1/15/2014
33.	Lance Spragins		1/15/2014
34.	Information Withheld		1/15/2014
35.	Phil Blackmore		1/15/2014
36.	Bing D. Miller		1/16/2014
37.	Carole Brown		1/16/2014
38.	Delby and Suzanne Darr		1/17/2014
39.	Donald Schoppa		1/17/2014
40.	Information Withheld		1/17/2014
41.	Information Withheld		1/17/2014
42.	Information Withheld		1/17/2014
43.	Randy Aaron		1/17/2014
44.	Information Withheld		1/17/2014
45.	Carole G. Smith		1/18/2014
46.	Doyle R. Smith Jr.		1/18/2014
47.	Information Withheld		1/18/2014
48.	Information Withheld		1/18/2014
49.	Information Withheld		1/20/2014
50.	Information Withheld		1/20/2014
51.	Information Withheld		1/20/2014
52.	Michelle		1/20/2014
53.	Muskogee Farmers		1/20/2014
54.	Peggy Sasser	PNS Farms	1/20/2014
55.	Information Withheld		1/20/2014
56.	Rodney R. Kee		1/21/2014

**Table C-1  
Commenters**

	<b>Commenter Name<sup>1</sup></b>	<b>Affiliation</b>	<b>Date Received (Month/Day/Year)</b>
57.	Glenn Payton		1/22/2014
58.	Information Withheld		1/22/2014
59.	Information Withheld		1/22/2014
60.	Information Withheld		1/22/2014
61.	Information Withheld		1/22/2014
62.	Catharine Wood	Oklahoma Historical Society	1/23/2014
63.	Kyle Wells		1/23/2014
64.	Marleen Parker		1/23/2014
65.	Information Withheld		1/23/2014
66.	Carolyn Lalk		1/24/2014
67.	Donna Condry		1/24/2014
68.	Information Withheld		1/24/2014
69.	Information Withheld		1/24/2014
70.	Information Withheld		1/24/2014
71.	Kenneth T. Scott		1/24/2014
72.	Information Withheld		1/24/2014
73.	William Lalk		1/24/2014
74.	Deborah Alley		1/25/2014
75.	Karen Slagle		1/25/2014
76.	Mike Slagle		1/25/2014
77.	Mary J. Edwards		1/26/2014
78.	Information Withheld		1/26/2014
79.	Amy Jo Love	Mekusukey Oil Company, LLC	1/27/2014
80.	Barbara Knudsen		1/27/2014
81.	Clay Stewart		1/27/2014
82.	Karen Budd-Falen		1/27/2014
83.	Laci Lawrence		1/27/2014
84.	Laura Burt		1/27/2014
85.	Information Withheld		1/27/2014
86.	Nancy Farmer		1/27/2014
87.	Phyllis Petronella	Trail Gaiters and Friends Riding Club	1/27/2014
88.	Information Withheld		1/28/2014
89.	Information Withheld		1/28/2014
90.	Information Withheld		1/28/2014
91.	Jimmy Smith		1/28/2014
92.	Joe Parker		1/28/2014
93.	Information Withheld		1/28/2014
94.	LeeAnna Covington		1/28/2014
95.	Michael L. Carnes	RPL	1/28/2014
96.	Nancy Angell		1/28/2014

**Table C-1  
Commenters**

<b>Commenter Name<sup>1</sup></b>	<b>Affiliation</b>	<b>Date Received (Month/Day/Year)</b>
97. Nathan Widener		1/28/2014
98. Sylvia Sazama		1/28/2014
99. Trevor Lulk		1/28/2014
100. Information Withheld		1/28/2014
101. Dave Lilley	The Lilley Land and Livestock Co.	1/29/2014
102. Jillian Lalk		1/29/2014
103. Information Withheld		1/29/2014
104. John Wright		1/29/2014
105. Melissa Monson		1/29/2014
106. Information Withheld		1/29/2014 & 1/31/2014
107. Bert L. and Marion Jo Williamson	Deep Creek Enterprises Inc.	1/30/2014
108. Billy T. Elder	Elder, Bickings & Spurgers	1/30/2014
109. Bob and Kim Arnold		1/30/2014
110. Information Withheld		1/30/2014
111. David Matlock		1/30/2014
112. Information Withheld		1/30/2014
113. Information Withheld		1/30/2014
114. Information Withheld		1/30/2014
115. Kathy Williamson		1/30/2014
116. Information Withheld		1/30/2014
117. Mark and Karla Monson		1/30/2014
118. Marvin Carr		1/30/2014
119. Information Withheld		1/30/2014
120. Information Withheld		1/30/2014
121. Information Withheld		1/30/2014 & 2/3/2014
122. Aaron Kim Ludeke		1/31/2014
123. Alyssa Irlbeck		1/31/2014
124. Information Withheld		1/31/2014
125. Charles W. Manning		1/31/2014
126. Charlie Miller	Wolfe Place Ranch LLC	1/31/2014
127. Chris James		1/31/2014
128. Christian Marlin		1/31/2014
129. Daniel Field		1/31/2014
130. Information Withheld		1/31/2014
131. David Dickerson		1/31/2014
132. David Doughty		1/31/2014
133. Delby and Suzanne Darr		1/31/2014

**Table C-1  
Commenters**

<b>Commenter Name<sup>1</sup></b>	<b>Affiliation</b>	<b>Date Received (Month/Day/Year)</b>
134. Donna Dow		1/31/2014
135. Donnie McGill		1/31/2014
136. Information Withheld		1/31/2014
137. Information Withheld		1/31/2014
138. Janet Tregallas		1/31/2014
139. Jerry Pennartz		1/31/2014
140. Information Withheld		1/31/2014
141. Joy Cowan		1/31/2014
142. Information Withheld		1/31/2014
143. Marlene Oxford		1/31/2014
144. Michael Kelsey	Oklahoma Cattlemen's Association	1/31/2014
145. Information Withheld		1/31/2014
146. Richard M. Foshee		1/31/2014
147. Steven McCullough		1/31/2014
148. Danny Clack		2/3/2014
149. David McCarley		2/3/2014
150. Jimmy Ray Lalk		2/3/2014
151. Kenneth Davis		2/3/2014
152. Randall O. Lovelady		2/3/2014
153. Rex Lalk		2/3/2014
154. Wilma Lalk		2/3/2014
155. Marie Wells and family		2/28/2014

**Table C-2  
Form Letter Submissions**

<b>Organization Identified (if any)</b>	<b>Number of Form Letters Received</b>	<b>Description of Form Letter Contents</b>
(none identified)	50	Comments related to land ownership along the Red River
(none identified)	5	Comments related to land ownership along the Red River

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# Appendix D

Comments by Process Category and Planning Issue

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# APPENDIX D

## COMMENTS BY PROCESS CATEGORY AND PLANNING ISSUE

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The BLM received 683 discrete comments during the OFO RMP scoping period. These comments were classified by RMP process category and by planning issue. Comments for each the RMP process categories and for planning issue categories are included in this appendix. Comments are included verbatim from the comment letters; however, information in letters that was not considered a comment is not included here. Comments are included for the following groups:

### *Comments by Process Category*

Table D-1 Issues Not Related to the Scope of This Project (page D-3)

Table D-2 Issues Resolved through Policy or Administrative Action (page D-3)

Table D-3 Oklahoma-Texas Boundary Issues (page D-4)

### *Comments by Planning Issue Category*

Table D-4 General Comments Related to the Project (page D-7)

Table D-5 Access and Transportation (page D-12)

Table D-6 Issues Not Addressed in Previous RMPs (page D-13)

Table D-7 Climate Change and Future Water Needs (page D-13)

Table D-8 Cultural and Historic Resources (page D-17)

Table D-9 Energy Development (page D-17)

Table D-10 Fences and Trespassing (page D-31)

Table D-11 Fish and Wildlife (page D-35)

Table D-12 Lands and Realty (page D-38)

Table D-13 Minerals and Mining (page D-40)

Table D-14 Public Health and Safety (page D-41)

Table D-15 Recreation and Other Uses along the Red River (page D-46)

Table D-16 Socioeconomics (page D-55)

Table D-17 Tribal Interests (page D-58)



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**Table D-1**  
**Issues Not Related to the Scope of This Project**

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In SE Oklahoma we had the Honobia Creek WMA. This WMA was 275,000 acres and open to the public. 90% of this land was sold to others outside the state and is now under a timber company. The land is stripped and sprayed. The Little River is filling w/ debris. We have less fish. The economy has dropped. Some of the land is leased then sub-leased for hunting but fewer and fewer locals can afford the cost. There is less money coming in the area because the only thing tourist can do is drive thru. Camp areas have closed. Cabin rental is down. I have tried to talk w/our State reps in the past, but they do not want to hear from our area. Not enough folks live out here to make a difference. This area would have been a great addition to the Ouachita NF. OK has a lost a gem. We use to have hunter, hikers, horseback riders and campers year around. Now a few during hunting season. Deer population will be suffering soon.

---

If you do not want us to drill on BLM land then here's a suggestion: STOP HOLDING LEASE SALES! You cannot have your cake (accepting lease bonus and annual rentals) and eat it to (never approving a APD).

---

Comment 7 - Migratory Bird. Please clarify the policy on Migratory Bird Treaty Act in regards to Oil and Gas operations. This has been a source of confusion for many years.

---

All the while, we currently have an agency who identified an issue over a decade ago and subsequently identified effective strategies to minimize permitting delays to meet federal statutory guidelines, yet who have not implemented such guidance, who continue to slip further away from meeting their targeted permitting timelines, who continue to push for additional regulations which further complicate and slow the process. Along with this, these same agencies are now requesting additional actions, Best Management Practices and impositions further delaying the prudent development of this nation's national resources which may offset our nation's growing debt and enhance our nation's national security by reducing our reliance on imported fuels from politically unstable countries while creating more jobs and lowering our trade deficit. OIPA struggles to understand why the federal government expects so much from this industry, yet can't meet their own statutory obligations for permit issuance established by EPACT' 05.

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**Table D-2**  
**Issues Resolved through Policy or Administrative Action**

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If the BLM owns land that they have sold or let be sold, and recorded on public record, taxes be paid on, land allowed to be used for years with no legal notification of wrong doing, how will the deed owner be compensated.

---

Please use federal money where it is really needed. Why neglect our wonderful National Parks that we already have?

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For these and other reasons, I believe that the Red River BLM land should not be surveyed and opened to the public.

---

I hope you will consider the land owners who have paid thousands of dollars for the land.

---

The law has been established (see the Red River Compact finalized in Washington, D.C. in the year 2000) that the vegetation line should be respected which nullifies the number of "90,000" acres being involved. As hard as it seems sometimes, as law-abiding citizens, we really do expect our U.S. government would also follow the rules. Isn't the BLM part of our government? Why would it override decisions that have already been made? Why would it take land that we have been paying taxes on and preserving all these years?

---

In his letter, Mr. Wyrick describes his concerns related to the BIA's authorization of the unpermitted use of surface water in Osage County and notes that the BIA seemingly attempts to preempt the State of Oklahoma's regulatory authority, and it does so with no basis in law. We believe this issue may be overcome through the joint agencies recognition that the use of water resources shall be in accordance with the laws of the State of Oklahoma.

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Furthermore, we recommend that the agency evaluate past strategies contemplated to expedite the APD process, including: processing and conducting environmental analyses on multiple permit applications with similar characteristics; implementing geographic area development planning for an oil and gas field or an area within a field; establishing a standard operating practice agreement that identifies surface and drilling practices by oil and gas operators; allowing for a block survey of cultural resources; promoting consistent procedures; revising relevant BLM manuals; and dropping their proposed hydraulic fracturing rules for federal and tribal lands in an effort to meet their federally codified requirements of issuing APD's within 30 days.

---

Individuals who purchased land adjacent to the red river basin did so under the right of personal property ownership and while landowners in North Texas and Southern Oklahoma have been disputing the actual state/land border for 100+ years, the ever changing path of the red river has essentially had the final determination in the actual definition of the property. I would like clarification on how the BLM expects to define the public area in the red river basin given the ever changing path of the actual river. Even in my 42 years I have seen the actual river substantially north or south (almost 1 mile) and have witnessed the major changes in the rivers path that occurred after the flooding in the 1980's.

**Table D-3**  
**Oklahoma-Texas Boundary Issues**

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Again, we ask, What is the motive here? The law has been established (see the Red River Compact finalized in Washington, D.C. in the year 2000) that the vegetation line should be respected which nullifies the number of "90,000" acres being involved. As hard as it seems sometimes, as law-abiding citizens, we really do expect our U.S. government would also follow the rules. Isn't the BLM part of our government? Why would it override decisions that have already been made? Why would it take land that we have been paying taxes on and preserving all these years?

---

In essence, the BLM has already represented to the general public and thus agreed that it would be bound by the Compact, as shown on its own RMP. The Compact established the vegetation line as the northern boundary of Texas and as represented by its prior RMP, this would prevent the BLM from now claiming any land with vegetation on it as Public Domain. Any other interpretation by the BLM would be in direct contradiction to its own prior RMP. It would also be inconsistent with either the Supreme Court decision or the intent of the Compact. Additionally, this would open the door for extensive litigation, which the Compact was intended to prevent.

---

It is our understanding that the BLM is or may be taking the position that much of the vegetated land along the Red River is within the public domain and that the BLM is taking action with the intent to manage the land within the public domain. It is also my understanding that the BLM might take the position that the south geologic high bank or bluffs is the boundary line between the public domain and the State of Texas. I would point out to you that such a position is contrary to the established state of the law as set forth in the Supreme Court decision of *Oklahoma vs. Texas*, 260 U.S. 606 (1923) and the subsequent survey ordered by the Court and performed by Arthur D. Kidder and Arthur A. Stiles from 1924 to 1927. We also believe that such a position would be contrary to the recent Red River Boundary Compact, which established the constant vegetation line as the Texas-Oklahoma Boundary line.

---

The report of the Boundary Commissioners that were appointed to conduct the survey pursuant to the 1923 U.S. Supreme Court Case described the boundary between Oklahoma and Texas as being: The boundary line is a gradient of the flowing water in the river. It is located midway between the lower level of it that just reaches the cut bank, and the higher level of it that just does not overtop the cut bank. The physical top of the cut bank being very uneven in profile, cannot be a datum for locating the boundary line; but a gradient along the bank must be used for the purpose. The highest point on this gradient must not be higher than the lowest acceptable point on the bank in that vicinity. The boundary line has been determined accordingly. This is consistent with the Supreme Court decision when it stated that: This survey of the physical situation demonstrates that the banks of the river are neither the ranges of bluffs which mark the exterior limits of the valley, nor the low shifting elevations within the sand bed (emphasis added). And that this is the natural and reasonable view of the situation is illustrated by a long course of public and private action. The valley land always has been dealt with as upland. Our conclusion is that the cut bank along the southerly side of the sand bed constitutes the south bank of the river, and that the boundary is on and along that bank at the mean level of the water, when it washes the bank without overflowing it.

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As you know, since that Supreme Court decision which set the Texas-Oklahoma boundary, the state of Oklahoma and the State of Texas have entered into the Red River Boundary Compact ("Compact") which was confirmed by Congress in Joint Resolution 72. We believe that the Compact as ratified by Congress clearly establishes the boundary line between the State of Oklahoma and Texas as the constant vegetation line of the South Bank. This would clearly place all of the lands south of the vegetation line within the State of Texas regardless of ownership. As a result, none of the lands with constant vegetation thereon would be within the Bureau's planning area and thus would not be within the public domain. In other words, if the constant vegetation line is the boundary line between the State of Oklahoma and Texas, the Bureau would own no public lands South of that vegetation line and as such, that land would not be included in the public domain.

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It is my understanding that the Bureau of Land Management ("Bureau") has or may take the position that much of the land along the Red River is within the public domain and that the Bureau is taking action with the intent to manage the land within the public domain. It is also my understanding that the Bureau intends to use the south geologic high cut bank as the boundary between the public domain and the State of Texas. This would be in direct contradiction of both the Supreme Court Case and the recent Red River Boundary Compact. As I am sure you are aware, a survey was conducted pursuant to a 1923 U.S. Supreme Court Case which described the boundary between Oklahoma and Texas as being the gradient boundary line along the south bank. This Supreme Court decision determined that the boundary is on and along the bank at the average or mean level attained by the waters in the periods when they reach and wash the bank without overflowing it (gradient line). It is arguable that the gradient line remains the actual boundary as between Texas and Oklahoma, and not the vegetation line. However, it is our position that the Red River Boundary Compact ("Compact") was signed for the specific purpose of re-establishing a new Oklahoma/Texas boundary line as the vegetation line. In either case, gradient line or vegetation line, the boundary line for the State of Texas would be far to the north of the south geologic cut bank. This same case described the bed of the river as that area which is kept practically bare of vegetation by the wash of the waters of the river from year to year. This distinction is extremely relevant in light of the Texas-Oklahoma Boundary Compact, when ascertaining the river bed, which is claimed to be public domain.

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**Table D-3**  
**Oklahoma-Texas Boundary Issues**

In April of 1993, the Tulsa District of the Bureau of Land Management published a Draft of the Oklahoma Resource Management Plan and Environmental Impact Statement ("RMP"). In that RMP, the BLM acknowledged the existence of the Texas and Oklahoma Commissions and how the final outcome of any Compact would affect the Bureau's actions. The RMP stated that the BLM's actions would be dependent on the outcome of the Commissions (See Page S-2 thereof) The BLM recognized the existence of 3 different fact scenarios. (1) One being tied to legislation resulting from an agreement of the Commissions, (2) One being tied to the expiration of the Boundary Commissions with no consensus and no agreement and (3) One being tied to Legislation establishing the south geologic cut bank as the boundary between the States of Oklahoma and Texas. By its use of the south geologic cut bank as the boundary line, the BLM is ignoring the 1923 Supreme Court decision and the fact that the Boundary Commissions were successful in making an agreement; and with the Congress's ratification, legislated the boundary line to be the vegetation line of the south bank. In that same RMP, the BLM contemplated a certain action in the event the Boundary Commission was able to reach an agreement, wherein stated on page 1-7 under Issue 4 that: PD (Public Domain) lands occur along the Red River in Oklahoma from the 98th Meridian of the West Longitude to the mouth of the North Fork of the Red River, between the medial line of the river and the northern border of Texas (emphasis added). The lack of a permanent fixed boundary between these two states has resulted in a history of dispute and conflict over this area. The Red River Management Area (RRMA) will include those PD lands identified by the survey method agreed to by both Oklahoma and Texas as a resolution to the Red River boundary issue (emphasis added).

In other words, the Supreme Court ruled that the boundary for the state of Oklahoma and the state of Texas is a gradient line that is determined by the mean water level along the south cut bank and not the geologic cut bank or bluffs. This same Supreme Court decision described the bed of a river as that area which is kept practically bare of vegetation by the wash of the waters of the river from year to year. Using this as the status of the law prior to the Red River Compact, the public domain area would be limited to the gradient line which represents the Texas boundary and the medial line of the river, which consists primarily of bare ground. It is our position that the Red river Boundary Compact ("Compact") was signed and ratified for the specific purpose of the re-establishing a new Oklahoma/Texas boundary line. This Compact set the vegetation line and not the gradient line as the boundary line. In either case, gradient line or vegetation line, the boundary line for the State of Texas would still be far to the north of the south geologic cut bank. Since the 1923 Supreme Court decision, the state of Oklahoma and the State of Texas have entered into the Red River Boundary Compact ("Compact") which was confirmed by Congress in Joint Resolution 72. We believe that the Compact as ratified by Congress clearly establishes the boundary line between the State of Oklahoma and Texas as the constant vegetation line of the South Bank. Thereby legislatively changing the boundary line. This would clearly place all of the lands south of the vegetation line within the State of Texas and not part of any public domain. As a result, none of the lands with constant vegetation thereon would be within the BLM's planning area and thus would not be within the public domain. In other words, if the constant vegetation line is the boundary line between the State of Oklahoma and Texas, the BLM would have no jurisdiction to manage lands South of that vegetation line and as such, that land would not be included in the public domain.

Texas and Oklahoma agreed that the "survey method" to be used would be that no survey would be needed, since the constant vegetation line is readily identifiable. The States also agreed that accretion or erosion may cause a change in the boundary between the states if it caused a change in the vegetation line. We believe the only property within the public domain would be limited to that area from the constant vegetation line along the South Bank of the Red River north to the Meridian Line of the River. The same area that is kept virtually bare of vegetation by the wash of the waters of the river from year to year. The same land as identified in the 1923 decision as the river bed itself. Therefore, any land South of the vegetation line along the South Bank should not be included within any of the Bureau's planning area and any ownership therefore would be determined by Texas law.

In April of 1993, the Tulsa District of the Bureau of Land Management published a Draft Oklahoma Resource Management Plan and Environmental Impact Statement ("RMP"). In that RMP, the Bureau acknowledged the existence of the Texas and Oklahoma Commissions and how the final outcome of any Compact would affect the Bureau's actions. The RMP stated that the Bureau's actions would be dependent on the outcome of the Commissions (See Page S-2 thereof). The Bureau recognized the existence of 3 different fact scenarios. (1) One being tied to legislation resulting from an agreement of the Commissions, (2) one being tied to the expiration of the Boundary Commissions with no consensus and no agreement and (3) One being tied to Legislation establishing the south geologic cut bank as the boundary between the States of Oklahoma and Texas. By your use of the south geologic cut bank as the boundary line, you are ignoring the 1923 Survey and the fact that the Boundary Commissions were successful in making an agreement and by the Congress's ratification, legislated the boundary line to be the vegetation line of the south bank. In that same RMP, the Bureau contemplated a certain action in the event the Boundary Commission was able to reach an agreement, wherein it stated on page 1-7 under Issue 4 that: PD (Public Domain) lands occur along the Red River in Oklahoma from the 98th Meridian of West Longitude to the mouth of the North Fork of the Red River, between the medial line of the river and the northern border of Texas (emphasis added). The lack of a permanent fixed boundary between these two states has resulted in a history of dispute and conflict over this area. The Red River Management Area (RRMA) will include those PD lands identified by the survey method agreed to by both Oklahoma and Texas as a resolution to the Red River boundary issue (emphasis added). In essence, the Bureau has already agreed that it would be bound by the Compact, as shown on its own RMP and that the Compact establishes the vegetation line as the northern boundary of Texas. By your own RMP, this would prevent

**Table D-3**  
**Oklahoma-Texas Boundary Issues**

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the Bureau from now claiming it as Public Domain. Any other interpretation by the Bureau would be in direct contraction to its prior RMP and would be inconsistent with the intent of the Compact. Additionally, this would open the door for extensive litigation, which the Compact was intended to prevent.

---

The border between Oklahoma and Texas is a constantly moving boundary line found to exist along the water's edge on the south side of the Red River. This belief is based upon the 1923 U.S. Supreme Court Case, as well as the Red River Boundary Compact ("Compact") which was ratified by both the states of Texas and Oklahoma along with the US Congress in Joint Resolution 72. It is my understanding that the BLM will attempt to survey and establish a permanent boundary and mark property that it feels should be under BLM supervision. In my opinion as a lifelong resident of this region, trying to mark a permanent boundary in conjunction with two moving ones is fraught with difficulties. Knowing the rugged environment that exists along the Red, I feel these attempts will be futile and without logic resulting in costs that will far exceed the benefit.

---

The decisions of the US Supreme Court Case Oklahoma v. Texas, 260 U.S. 606 (1923) and the Red River Boundary Compact should stand as sufficient boundary guidelines for properties located along the Red river. Any changes to this by BLM would be interfering with privately owned land and a violation of the landowners Constitutional rights.

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Most, if not all, of the current landowners, the county governments, and I are opposed to any expansion of control or management from BLM over lands on the Texas side of the border. Although BLM currently manages public and tribal lands in Oklahoma, we believe that BLM has no federal claim to land on the Texas side of the border along the 116 mile stretch of the Red River, especially any that are further south of the southern bank of the river.

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I would think that better judgment and common sense would prevail before the above had to be asserted and that the Executive branch would not want to go down that road. Efficiency is but one measurement of effective government. A democracy is by its very nature less efficient than a dictatorship. Our forefathers designed a system that protects the individual from authoritarian use of power. Ultimately, it is as classic conflict involving the separation of powers and the members of Congress and the Supreme Court, regardless of their office or source of their appointment, would not take kindly to the Executive Branch intentionally ignoring the Supreme Court's clear mandate resolving the boundary issue dating back to 1923 or Congress' ratification of the Boundary Compact.

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On behalf of the landowners, county governments, and constituents in Texas, I ask that the BLM take no action that would expand the management or control of any land south of the Texas-Oklahoma border.

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Both of these items reinforce that the BLM has not and should not have any legitimate claim to private land on the Texas side of the border that extends any further than the gradient boundary and/or the vegetation line on the south bank of the river. It is also evident that if BLM already has on file recently completed cadastral surveys, that there would be no reason to believe that the boundary should be extended any further south into private lands in Texas.

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I have studied the Supreme Court decision of Oklahoma vs. Texas, 260 U.S. 606 (1923) and the accompanying reports from the Surveyors and I believe that the border is well settled law and not subject to further interpretation, except as amended by the recent Boundary Compact adopted to by the State of Oklahoma and Texas and ratified by Congress. In either event, the boundary line is either the vegetation line along the south bank or the gradient line along the south bank (which according to all of the surveyors that I have spoken with is very close to the vegetation line). It is my opinion that the Texas land owners should be in prime position for a summary judgment ruling on all fact issues as having already been resolved as a matter of law. If the land is in the State of Texas it is not federal land. The cases in Clay County, Texas mentioned in the public hearings will be of no assistance to you since they were exceptions to the general rule, because they dealt specifically with an avulsion and not gradual accretion and erosion of the river.

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What y'all are considering is why there is so much bitterness toward government. You know where the boundry is, but now trying to claim the hard tree line as the boundry, which is usually the bluff. We have deeds that go well north of the Bluffs, but that doesn't matter to y'all.

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As you are aware, the BLM currently has on file numerous cadastral surveys, some completed as recently as 2008, from the adjacent counties on the Oklahoma side of the river that delineates the Oklahoma-Texas border pursuant to the 1924 Supreme Court decision. Several of these cadastral surveys completed in 2008 echo the same language verbatim that "the gradient boundary monumented and described within has not been changed since it was established and declared to be the true boundary by the Supreme Court on June 9, 1924." Additionally, H.J. Res. 72, which was signed into federal law on October 10, 2000, ratified the Red River Boundary Compact agreed upon by the states that sets the Red River boundary at the vegetation line on the south bank.

---

I am against the Texas, Oklahoma Land grab for the following reasons. The intention is to re-establish the boundary line between the state of Oklahoma and Texas. This disregards the land owner's deeds and the boundary established and ratified by Congress in joint resolution 72. We believe the compact as ratified by Congress clearly establishes the boundary line between the State of

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**Table D-3**  
**Oklahoma-Texas Boundary Issues**

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Oklahoma and Texas as the constant vegetation line of the South bank. This would clearly put all land south of the vegetation line within the state of Texas regardless of ownership. This affects thousands of acres owned by Texans.

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The Supreme Court of the USA has ruled about the Red River area in the OFO RMP. In 1923, USA Supreme Court Case Oklahoma vs Texas, 260 US 606 (1923) and the Red River Boundary guidelines for Properties located along the Red River. Any changes to this by the BLM would be interfering with privately owned land and any BLM action would appear to be a violation of the landowners constitutional rights.

---

Existing law has determined ownership of this property and project OFO and RMP. The Supreme Court of the USA has ruled about the Red River area in the OFO RMP. In 1923 USA Supreme Court case Oklahoma v. Texas, 260 US 606 (1923) and the Red River Boundary guidelines for Properties located along the Red River. Any changes to this by the BLM would be interfering with privately owned land (in this area which is developed farm land, mineral production, ranch land, etc.) and any BLM action would appear to be a violation of the landowners constitutional rights.

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Doesn't this say WHO owns that land? The Red River area in dispute is an unnavigatable stream so the US has no ownership whatsoever. Excerpts from the Supreme Court ruling in 1922 copied below.

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U.S. Supreme Court; Oklahoma v. Texas, 258 U.S. 574 (1922); Oklahoma v. Texas; No. 20, Original; Argued December 13, 14, 1921; Decided May 1, 1922; 258 U.S. 574; Syllabus; When this Court, in an original suit involving title to land claimed by two states against each other and by the United States against both, has appointed a receiver who has possession of the land and of funds derived therefrom, its control over such subject matter is exclusive and it has ancillary jurisdiction to determine particular claims thereto irrespective of whether, considered apart, they would lie within its original jurisdiction. P. 258 U. S. 581.; The former decree ( 252 U. S. 252 U.S. 372) having determined the boundary between Oklahoma and Texas to be along the south bank of the Red River, Texas and its grantees and licensees have no proprietary interests in the riverbed or in the proceeds of oil and gas taken therefrom. P. 258 U. S. 582 .

---

Property Ownership: Has the BLM considered that the decisions of the US Supreme Court Case, Oklahoma v. Texas, 260 U.S. 606 (1923) and the Red River Boundary Compact (1999) stand as sufficient boundary guidelines and further the understanding of private ownership of the entire area along the Red River considered by the BLM NM OKT RMP? Any changes to this current legal standing would be interfering with privately owned land and a violation of the land-owners constitutional rights that protect private property in this specific RMP.

---

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Land survey used in establishing boundaries was and is incorrect, the wrong north bank was used.

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**Table D-4**  
**General Comments Related to the Project**

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Further, the BLM should not expend unnecessary resources attempting to analyze the potential impacts of oil and gas development on a site-specific basis. Individual development projects will be analyzed on a case-by-case basis if and when operations are actually proposed. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific conditions of approval ("COAs") or unreasonably limit future management actions when revising the Oklahoma/Kansas/Texas RMP.

---

Given its nature and purpose, the BLM should consider what decisions need to be made in the Oklahoma/Kansas/Texas RMP. When preparing the Oklahoma/Kansas/Texas RMP, the BLM should not attempt to make site-specific decisions, but should develop only broad management goals and objectives.

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Further, given the fact the public lands must be managed for multiple uses, including oil and gas development, and given the fact that lands managed by the Oklahoma Field Office are currently leased for oil and gas development, alternatives that prohibit or eliminate all oil and gas development within the area are neither practical nor reasonable and need not be studied in detail by the agency.

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**Table D-4**  
**General Comments Related to the Project**

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In the process of drafting the Oklahoma/Kansas/Texas RMP, the BLM will prepare a Reasonably Foreseeable Development Scenario ("RFD Scenario") in order to estimate the potential future environmental impacts of oil and gas operations within the Oklahoma Field Office. When discussing the RFD Scenario, the BLM must be aware, and carefully describe to the public, that the RFD Scenario is not a limit or threshold on future development. Rather, the RFD Scenario is a tool utilized by the BLM to estimate the potential impacts of oil and gas development.

---

The BLM should explain to the public during scoping meetings and in the EIS for the Oklahoma/Kansas/Texas RMP that oil and gas development activities are not prohibited during the RMP process. The position that the BLM must suspend all management decisions while a RMP is being revised has been rejected by numerous federal courts and the IBLA. See *ORNC Action v. Bureau of Land Management*, 150 F. 3d 1132, 1139 41 (9th Cir. 1998) (holding that neither FLPMA nor the applicable regulations require the BLM to institute a moratorium on activities pending completion of an EIS for an updated or revised RMP); *Western Land Energy Project v. Dombeck*, 47 F.Supp.2d 1196, 1213 (D. Ore. 1999) (same); *Southern Utah Wilderness Alliance*, 163 IBLA 14, 28 (2004); *Wyoming Outdoor Council, et al.*, 156 IBLA 377, 384 (2002); *Sierra Club Legal Defense Fund, Inc.*, 124 IBLA 130, 140 (1992). The Washington Office of the BLM has issued a specific guidance noting that the BLM is authorized to approve and analyze oil and gas projects on a site-specific basis while a RMP amendment is underway.

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Please keep me informed of what I can do to help in this area of Clay, Montague, and Cook counties in Texas.

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Equestrian trail riding. As the stages of development of the Red River BLM trails progresses, I'd enjoy being part of designing the trails.

---

The BLM did not contact land owner along the Red River, most all people at the meeting were called by a neighbor that day. All landowners are on public record in county court houses, they can be identified on a computer. If this lack of effort is how the BLM works how can we have any confidence in anything they do, or tell us.

---

I would be willing to help clear and cut trails.

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You need to check mailing addresses on web-site, as they are the same for 2 different cities.

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You have the same address: 7906 E. 33rd Street Suite 101 listed on the web-site but in two different cities: Tulsa, OK and Battle Mountain, NV.

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In these times of financial instability of the US when all nonessential spending should be halted, it would seem the cost making a strip of unstable sand available to the public is an extreme error in judgement.

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If a camp (or several) could be built, there would be no shortage of willing equestrian people to build and maintain the trails.

---

We would also like to know if the Attorney General of the State of Texas has been informed of the Bureau's intentions, that would affect Texas land and Texas landowners.

---

Every opportunity for volunteers to work on the trails should be pursued, as volunteer labor maximizes return on investment and "invests" the volunteers with a sense of ownership and purpose in maintaining the trails. The trails I ride today were built by someone else- we as riders need to "pay it forward" and build trails for our children and grandchildren to enjoy.

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Prior to the survey the BLM should issue news releases to notify the public of the proposed survey. They should also post notices of the survey at the four public access points (US 183, I-44, OK 79 and US 81). This will inform the public of what is going to happen and give them a chance to comment.

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We can certainly assist the BLM in developing trails, trail heads and camp sites in the Red River Proposal.

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Back Country Horsemen will certainly cooperate and assist with the BLM in any planning effort that would allow horsemen to utilize this and other BLM surface rights.

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there are groups of people that would work with you to develop it after careful planning. I do not know how big this piece of land is but I know we'd be game to sit down and talk to you about its use for equestrians.

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[Comment made in reference to the BLM putting horse trails in along the Red River] We just want you to know we need these trails and would be willing to put in volunteer hours to make it happen.

---

I believe that combining the agencies of the Indian Affairs and the Bureau of Land Management would be a total injustice to the oil and gas industry and to the entire citizens of the United States.

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As an agency the BLM should work to preserve and protect our resources. Not go backwards.

---

On the subject of contacting people Steve asked how they could do better and I gave him my suggestion. His response was: That would be impossible, It would be to expensive, to time consuming, and to many man hours involved, we do not have that in our

**Table D-4**  
**General Comments Related to the Project**

budget. But your telling us as landowners you want to possibly impose your boundaries overriding our deeded boundaries according to the State of Texas, that we bought in good faith with a certified survey, that we pay property taxes on, That we develop and maintain.

At your meeting in Wichita falls TX A meeting that was not announced or publicized adequately or properly. The location changed after 4:30 pm. I had been informed by a neighbor about the meeting time and Place around 2:00 PM that day. When I got home at 4:45 PM I called the Wichita Falls Library to confirm the room and time, and was given the information by the lady at the library. So I proceeded to contact other neighbors for the next 45'-1hr. I left my house and traveled only 1 mile when I got a phone call that the location had changed. So I started calling neighbors again to inform them. This is not fair or right to us landowners. You as an agency that is proposing to impose your boundary's across our Deeded property should legally send us a notice in the mail to our legal mailing residence address. Not everyone reads the paper, or watches the news, or have the Internet, but we all go to our mailbox.

And why couldn't you have sent a postcard to these rural post offices to deliver to us small landowners on the river to let us know about your meetings?

We look forward to reviewing the scoping project when it is completed and are ready to assist in an equestrian trail project.

The Oklahoma DOT has mission critical interests and infrastructure overlaying areas covered by the RMP to be developed. The ODOT is interested in continuing to coordinate with BLM to achieve both agencies goals and objectives.

I also would like more information on exactly what public domain is and how it affects an individual land owner.

OIPA seeks reassurance from the BLM that they will uphold the policy and true intent of the Federal Land Policy and Management Act of 1976, ensuring the continuation of a multiple-use strategy which mandates: management on the basis of multiple use and sustained yield..in addition to a continuation of the policy that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals. We also hope that BIA will remain consistent in upholding an integral component of their mission statement which is the promotion of economic opportunity.

OIPA and its member companies were also troubled that this scoping period may not adequately account for the extensive technological advancements and innovation our industry has achieved over the past decade and are fearful that the lack of advanced consultation with our industry as it relates to the historical well and production data used in supporting the joint agency's foreseeable development assessment may be significantly underestimated and ill-informed in serving as the foundation for planning purposes over the next twenty years.

FLPMA does not mandate that every use be accommodated on every piece of land; rather, delicate balancing is required. See *Norton v. S. Utah Wilderness Alliance*, 542 U.S. 55, 58 (2004). "'Multiple use' requires management of the public lands and their numerous natural resources so that they can be used for economic, recreational, and scientific purposes without the infliction of permanent damage." *Public Lands Council v. Babbitt*, 167 F.3d 1287, 1290 (10th Cir. 1999) (citing 43 U.S.C. 1702 (c)). As held by the Tenth Circuit, "[i]f all the competing demands reflected in FLPMA were focused on one particular piece of public land, in many instances only one set of demands could be satisfied. A parcel of land cannot both be preserved in its natural character and mined." *Rocky Mtn. Oil & Gas Ass'n v. Watt*, 696 F.2d 734, 738 n. 4 (10th Cir. 1982)(quoting *Utah v. Andrus*, 486 F. Supp. 995, 1003 (D. Utah 1979)); see also 43 U.S.C. 1701(a)(8) (stating, as a goal of FLPMA, the necessity to "preserve and protect certain public lands in their natural condition"); *Pub. Lands Council*, 167 F.3d at 1299 (citing 1701(a)(8)).

Kindly maintain the current accessibility status. No changes.

Devon reiterates that when preparing the Oklahoma/Kansas/Texas RMP, the BLM should not attempt to make site-specific decisions and should develop only broad management goals and objectives. The BLM's Land Use Planning Handbook specifies that RMPs are not normally used to make site-specific implementation decisions. See BLM Handbook H-1601-1, II.B.2.a., pg. 13 (Rel. 1-1693 3/11/05). Further, the BLM should not expend unnecessary resources attempting to analyze the potential impacts of oil and gas development on a site-specific basis. Individual development projects will be analyzed on a case-by-case basis if and when operations are actually proposed. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific conditions of approval ("COAs") or unreasonable limit future management actions.

To initiate, service, and oversee increased Federal Land will take more money and man-power than the BLM or any other federal entity has right now due to our current economic condition. Most constituents would be unhappy to know that while Farm Bill issues, Healthcare Reform, Unemployment Rates, and Inflation stand at the forefront of their concerns, those in elected offices are more concerned with re-drawing governmental boundaries of land already being taken care of by property owners who paid for and were given Insured Title Policies for their land.

### Table D-4 General Comments Related to the Project

When considering potential mitigation measures, the BLM must consider whether the requirements materially restrain valid and existing rights to develop its leases through COAs, or other means. See *Colorado Environmental Coal, et al.*, 165 IBLA 221, 228 (2005) (citing *Colorado Environmental Coal.*, 135 IBLA 356, 360 (1996) *aff'd*, *Colorado Environmental Coal. v. Bureau of Land Management*, 932 F.Supp. 1246 (D.Colo. 1996). Further, the Secretary of the Interior and the federal courts have interpreted the phrase "valid existing rights" to mean that BLM cannot impose stipulations or conditions of approval that make development on existing leases either uneconomic or unprofitable. See *Utah v. Andrus*, 486 F.Supp. 995, 1011 (D. Utah 1979).

Cimarex believes the BLM should recognize and implement multiple-use goals of developing Federal lands.

The RMP should discuss the potential for new technology to provide cleaner use of resources and how that will impact the decision to lease.

The RMP should detail what considerations could determine whether some or all of the available resources can be used or extracted. What are the reasons that a resource would not be made available for lease or sale?

The RMP should outline the priority given to each of multiple resources when there is more than one resource value available (coal, gas, recreational, special habitat).

We would first like to note that both the BLM and BIA failed to meet the requisite noticing requirements mandated under the Administrative Procedures Act, requirements for which were identified within the original NOI Published in the Federal Register on July 26, 2013 (78 Fed. Reg. 45266.) Although OIPA sent multiple emails to the Oklahoma Field Office requesting advance notice of scoping, we were ultimately contacted about the meeting via a phone call received on November 20 from Mr. Larry Levesque, the morning of the meeting. While it was unclear if there as a court reporter present taking an account of comments made, we certainly hope alternatives offered during the meeting were accounted for within the official docket record. Furthermore, we've yet to identify the announcement of such meeting 15 days prior to November 20 within any local media, newspapers or date-stamped on BLM's website devoted to this Plan development.

It was also OIPA's expectation that the BLM would provide an engaging and informative forum in which to actively discuss the scope of the proposed action, as is typical of other scoping meetings (in accordance with DOI policy) and as the White House Council on Environmental Quality ("CEQ") prescribes. See FWS NEPA Manual, Part 550, Ch. 2, 2.3(B) (Draft Revisions); 40 C.F.R. 1501.7. OIPA and representatives of its member companies were surprised and disappointed by the lack of information available at this stage in the process concerning the proposed action. This was especially troubling given that industry members comprise a significant portion of the applicants to whom this action is directed.

Texas Farm Bureau represents more than 500,000 member families in Texas, many of whom are landowners. Some of these members actively farm and ranch along the Red River. It would seem that the proposed monumental undertaking by the Bureau of Land Management to conduct a cadastral survey along a 116-mile stretch of the Red River affecting private land would generate a legal public notice sent to agriculture organizations such as ours.. We only learned of this undertaking on January 29, 2014. Whenever any federal or state agency embarks on such a large undertaking, Texas Farm Bureau is called. The lack of knowledge of this issue in the landowner community lends credence to the fact that the Bureau of Land Management did not properly advertise the meetings. Had it not been for Oklahoma Farm Bureau's notification, this comment would not have met the deadline.

On behalf of the members of the Oklahoma Cattlemen's Association, we appreciate the opportunity to submit comments on the proposed plan. We regret that we were not aware of this comment period until this week however. As well, our members along the north side of the river have not been adequately notified and thus have not had time to study the plan. Therefore we request that BLM extend the comment period for an additional 90 days. Further we request that BLM host a series of public input sessions specific to this proposal in immediate locations along the north and south side of the river. The sessions held earlier were bit adequately publicized, were not specific to this proposal and several were held quite far from the citizens that will be most affected. We would like to publicize the comment period and input sessions to our members in our newsletter media which will not cost the agency any funds.

The information provided at the seeping meetings was lacking much detail in providing information on the proposed action. We would therefore request an additional comment period be made available as soon as you have more substantive information available to the public.

The terms "held by production" and "paying quantities," if used, needs to be specific in the relevant amount and not left as a vague statement for questionable interpretation.

We requested information about whether the BLM pays in lieu of ad valorem taxes in Tillman, Cotton and Jefferson Counties, however, at the time of this writing that information was not available. Ad valorem taxes are important to support local schools and county government. OKFB supports government-owned land paying in lieu of ad valorem taxes to counties.



### Table D-4 General Comments Related to the Project

Finally, we would like to see BLM and BIA discuss the possible delegation of the enforcement/environmental protection role to BLM, as BIA simply lacks the capacity to fulfill this duty. Specifically, the BIA in Osage County does not presently have competent personnel to review permit plans, well casing designs, or NEPA and EIS documents. The office also lacks normal well record and regulatory management software tools utilized by all other oil and gas regulatory bodies. Without the expertise of geologists, petroleum engineers and properly trained inspection staff along with technological management tools, even if adequate rules are finally adopted it is questionable if sufficient improvements will be made. Conversely, BLM has more technical and financial resources to more effectively protect the natural and human environment from the impacts of oil and gas development, and it appears that an effective transition of the enforcement role to this sister federal agency, which already oversees oil and gas development on Indian Lands throughout the rest of Oklahoma, could occur relatively seamlessly.

Furthermore, due to the aforementioned issues, OIPA requests that the BLM/BIA's scoping process and opportunity for comment is extended to more adequately support its intended purpose of allowing affected stakeholder to make informed decisions and raise alternatives for the agency's consideration. With this, OIPA requests that this public comment period remain open for an additional 90 days thereby allowing the joint agencies to provide additional information as it relates to the proposed action so that our industry can make informed comments and provide thoughtful and meaningful alternatives to such proposed actions. Currently, however, it is difficult to offer insightful comments with such a limited overview of the proposed RMP and actions evaluated under the EIS. OIPA looks forward to contributing and commenting further as the EIS for the RMP continues.

OIPA has been part of past discussions where novel ideas were mentioned, including the BLM offering opportunities to develop the Red River Management Area under a limited lease rate and acting under a NEPA Categorical Exclusion in exchange for accepting certain restoration liabilities of historical impacts to the surface. Novel ideas such as this that may help facilitate the exploration of an undeveloped area for oil and gas should persist throughout this RMP.

OIPA would like to acknowledge our historical concern, dissatisfaction and general unrest as it relates to tribal allotments administered by the BIA's Eastern Oklahoma Regional Office. Obtaining a map identifying tribal allotments throughout Eastern Oklahoma has historically proven to be an insurmountable hurdle, thereby requiring extensive land title analysis resulting in limited benefit. While the Southern Plains Regional office has operated in a transparent and balanced manner, the Eastern Oklahoma Regional Office cannot ascertain a similar standard. Furthermore, they've struggled to ensure compliance and adequately enforce their existing regulations for multiple decades. OIPA would like to see this RMP evaluate combining these two agencies or allowing the BLM to administer the Eastern Regional Office's duties going forward.

Certain lands in the planning area should be permanently protected and removed from further oil and gas leasing and development through the RMP. BLM is uniquely empowered to make this determination and, as codified in the agency's organic act, the Federal Land and Policy Management Act ("FLPMA") of 1976, 43 U.S.C. 1701 et. seq., taking such action is part of BLM's mandate. FLPMA's congressional declaration states: It is the policy of the United States that...the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use. 43 U.S.C. 1701(a)(8).

As discussed below, to ensure compliance with the mandates of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq, and the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq, the RMP and EIS must thoroughly analyze and weigh the direct, indirect, and cumulative impacts associated with fossil fuel development on the lands at issue, including but not limited to impacts to air quality, climate, water, and seismic activity. Moreover, in light of these impacts, the RMP should prioritize development of renewable energy resources and related transmission needs, and ensure robust preservation of land for wildlife and recreational purposes in keeping with the BLM's multi-use mandate.

The RMP revision process, undertaken pursuant to FLPMA, requires BLM to engage in the type of foundational land use planning that is intended to give context to the agency's multiple use mandate. 43 U.S.C. 1712(c)(1). Accordingly, FLPMA provides specific criteria for land use plan revisions, requiring consideration of things such as: observation of the principles of multiple use and sustained yield; integrated consideration of physical, biological, economic, and other sciences; reliance on public lands resources and other values; consideration of present and future uses of the public lands; consideration of the relative scarcity of resource values; and weighing the long-term benefits to the public against the short-term benefits. See 43 U.S.C. 1712(c)(1)-(9). Consideration of these criteria must drive BLM's RMP revision.

BLM needs to consider an alternative that includes improved preservation of land for wildlife and recreation. Failing to consider an alternative leaves BLM without the legally required range of reasonable alternatives in violation of NEPA. See *California v. Block*, 690 F.2d 753, 768-69 (9th Cir. 1982)(Forest Service violated NEPA in failing to address more environmentally protective alternatives in programmatic EIS); *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 812-24 (9th Cir. 1999) (rejecting a Forest Service EIS which failed to "even consider[]more protective land use options").

### **Table D-4 General Comments Related to the Project**

Accordingly, the RMP must consider, on equal footing, the value of permanent protection and preservation of public lands in the planning area, along with industry pressure to lease and develop these lands. The RMP revision process is the perfect opportunity for BLM to re-evaluate these competing resources and give suitable weight to FLPMA's mandate to, where appropriate, preserve and protect public lands in their natural condition. See 43 U.S.C. 1701(a)(8).

Please let me encourage the Dept of the Interior, the BLM, and the BIA to make every effort to notify and include all landowners on both the Oklahoma and Texas sides of the river in the planning area. It was random happenstance that I learned of the meeting and my family owns land in Clay County north of Charlie, Texas, along the Red River. Please use the resources, such as county tax offices, etc. to gather names and addresses of stakeholders and impacted landowners in the planning area and notify them as the planning process moves forward.

Finally, ODWC reiterates our willingness to serve as a partner agency with BLM as the RMP revision process moves forward. We look forward to continuing our good working relationship with BLM to help in any way we can to ensure that the RMP adequately and thoroughly addresses conservation of wildlife and other natural resources in Oklahoma.

We will work closely with BLM to help with management planning efforts to ensure responsible management of the fish, wildlife and other natural resources, as well as assist with enforcement of regulations set forth for this area, as well as any other areas under management authority of BLM in Oklahoma.

### **Table D-5 Access and Transportation**

A "linear" equestrian trail would be a unique feature for OK/TX area and a great way to show off this beautiful area of the Red River.

Are you aware of the 132 mile Northeast Texas Trail that is a coalition of 7 contiguous rail-banked corridors that runs from Farmersville (TX) to Paris (TX) to New Boston (TX)? We understand that the BLM is seeking to develop a trail system that will roughly parallel the Red River on the north. Is this information accurate? If so, is there anyway that we can have BLM help south of the Red River, and also develop some type of tie-in to the NETT with the BLM trail from the Oklahoma side of the river? Here is the website for the NETT: [www.northeasttexastrail.org](http://www.northeasttexastrail.org), and the FB supporters page is "NE TEXAS TRAIL". There has just been an explosion of interest in our trail in the past year. We even had the Best of America By Horseback TV Show (RFD-TV) come and do a full feature show on our section of the trail at De Kalb.

I-44 bridge south of Randlett, OK - there is a paved road, about 0.15 mile long, east of the northbound lane of I-44 dead-ending at the "south cut bank" of the Red River that could be used/developed for parking. Depending on where the southern boundary of Oklahoma is determined to be access could be from that parking area. Or, if the boundary is to the north of the parking area an easement might be obtained from the private landowner.

US 183 bridge south of Davidson, OK- A closed but intact 2-lane bridge is a few yards west of the US 183 bridge. There is a 0.2 mile section of paved road that leads from the Texas side of the bridge to a barrier on the bridge and about a 0.1 mile section on the north side of the river that also leads to a barrier. Those areas could be used/developed for parking. Depending on where the southern boundary of Oklahoma is determined to be, access could be from the south "parking" area. Or, if the boundary is to the north of the parking area, a stairway could be constructed from the bridge down to the river bed, at an appropriate point.

Concern 3- Develop access points and erect entrance kiosks at each. Develop parking areas for several vehicles at each of the four points where public roads cross the Red River (US 183, I-44, OK 79 and US 81) and erect entrance kiosks. Identify and develop new access points from the Oklahoma side that are between the access points on the Texas side. This will aid in distributing users and provide access to a larger portion of the area.

US 81 bridge south of Terral, OK - No obvious access points to the riverbed.

OK 79 bridge southwest of Waurika, OK - The obvious access is through a locked gate just south of the Red River on the east side of the highway. Numerous ORV/ATV trails are evident beyond the gate. An easement would have to be obtained from the private landowner.

I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 8. Access from hwy. 87/287 would seem the most feasible to me. The Amarillo area presents very few places for public access for outdoor use. The Cross Bar area would be a real treasure that could be enjoyed by many. Obviously, access is paramount.

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**Table D-5**  
**Access and Transportation**

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To make it user friendly, I would like to see a road to drive in on, a parking lot, working windmills for watering the horses and wildlife, and lots of trails.

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I own some land near Garfield, Oklahoma on the Red River. It is remote. I am land locked. Part of my land is adjacent to BLM land. Access for the public would be difficult.

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I am concerned as a river frontage landowner in Texas, about the detrimental effect of open public access across land I own.

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Proposed Recommended changes include the following options: - Option 2 Enforce the no motorized vehicles policy. 99% of the traffic comes off of Highway 79 bridge. With a simple guard rail placed at the end of the bridge and the state of Texas enforcing a no parking zone at the end of the bridge in the right of way would eliminate most traffic onto BLM lands.

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**Table D-6**  
**Issues Not Addressed in Previous RMPs**

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The management and protection of subterranean resources, primarily caves and mines were not addressed in the current RMP's. In the revised RMP, where karst, volcanic, or sedimentary geology provides cavernicolous habitat for bats, Best Management Practices (BMP's) should be included to minimize impacts from land management activities, recreation, and other human disturbances, including steps to prevent the spread of WNS.

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Since the current Kansas, Oklahoma, and Texas RMP's were published in 1991, 1994, and 1996, respectively, our knowledge of bat ecology and natural history- while still lagging behind that of game and more visible nongame species - has increased considerably. More importantly, the two greatest threats to bats at this time in the U.S. and Canada, White-nose Syndrome (WNS), and the expansion of wind power, were either non-existent (WNS), or insignificant (Wind Power) when the current plans were written.

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**Table D-7**  
**Climate Change and Future Water Needs**

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Comment 12- Carbon Sequestration Permits Pending. There are currently permits pending, this operation needs to be addressed and contemplated in the RMP.

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There are dead trees, tall grasses and dried weeds. If a fire occurred, moving fire fighting equipment in or near the sandy area would be nearly impossible. These conditions plus water shortage would mean devastating losses for the land owners.

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There are dead trees, tall grasses and dried weeds. If a fire occurred, moving fire fighting equipment in or near the sandy area would be nearly impossible. These conditions plus water shortage would mean devastating losses for the land owners.

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Given BLM's mandate under NEPA, FLPMA, and MLA to weigh the impacts from GHG pollution and to prevent waste, where the OFO allows oil and gas development in the RMP, there are numerous measures to reduce or eliminate emissions that BLM should require as stipulations to BLM leases. Consequently, it is critical that the OFO take a hard look in the RMP at methods to reduce GHG emissions and at how authorizations and management activities will ensure implementation of feasible GHG emission reduction strategies. The agency has ample means, including binding commitments in the Draft RMP, lease stipulations, and conditions on approval to drill, that would ensure that such authorizations and management activities implement feasible GHG emission reduction strategies and prevent waste.

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Preventing GHG pollution and waste is particularly important in the natural gas context, where there is an absence of meaningful lifecycle analysis of the GHG pollution emitted by the production, processing, transmission, distribution, and combustion of natural gas. Although natural gas is often touted as a "cleaner" alternative to dirty coal, recent evidence indicates that this may not, in fact be the case- and, at the least, indicates that we must first take immediate, common sense action to reduce GHG pollution from natural gas before it can be safely relied on as an effective tool to transition to a clean energy economy (a noted priority of this Administration). A recent report by Climate Central addresses the leak rates estimated by various sources and the impacts of this new information on assertions that natural gas is a cleaner fuel than coal, ultimately concluding that given the losses from oil and gas sources it would be decades before switching electricity generation from coal to natural gas could bring about significant reductions in emissions. Considering alternatives to prevent or abate these emissions, in particular through enforceable stipulations required in the RMP to attach to subsequent oil and gas leases and through prioritization of renewable energy development, as detailed below, is therefore reasonable and prudent.

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### Table D-7 Climate Change and Future Water Needs

Moreover, the federal working group addressing the social cost of carbon ("SCC") has released new estimates that revise significantly upward the costs associated with GHG pollution, with median impacts pegged at \$43 and \$65 per ton. Accordingly, the RMP should also contemplate a transition to renewable energy generation, not only as an alternative which may eventually suppress demand for oil and gas resources, but also as a pathway toward mitigating climate change as it relates to agency decision making on federal lands. Specifically, the practical applications of BLM's GHG pollution mandate are manifest through the GHG emissions and methane waste that will result from any oil and gas development authorized by the RMP and EIS. To this end, BLM must consider the relationship between GHG emissions and the RMP decision made, and must identify alternatives or mitigation of GHG emissions from oil and gas development in the RMP.

We own land on the Red River and because we are in the 5th year of an unprecedented drought, there is a huge danger for fire on the river (lots of dead trees and dried underbrush). Those of us who live and own land on the river understand the danger and how devastating a wild fire could be, so we take extraordinary precautions.. It has rained less than 2 inches here in the last six months, and there is also a shortage of water to fight fires. We have had problems with people visiting the river using fireworks, dumping trash and unwanted junk, shooting livestock, hunting at night, and drinking and hunting. For the above reasons, I wish there was limited access to the river bottom. I love and appreciate the Red River, it is still a wonderful, mysterious place, but I fear what others may do, especially with fire the fire danger.

Increases in ground-level ozone not only impact regional haze and visibility, but can also result in dramatic impacts to human health. According to the EPA: Breathing ground-level ozone can result in a number of health effects that are observed in broad segments of the population. Some of these effects include: - Induction of respiratory symptoms; - Decrements in lung function; - Inflammation of airways. Respiratory symptoms can include: - Coughing; - Throat irritation; - Pain, burning or discomfort in the chest when taking a deep breath; - Chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily ozone concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that ozone can make asthma symptoms worse and can increase sensitivity to asthma triggers.

As explained above, BLM is empowered and obligated pursuant to the Federal Land Policy and Management Act ("FLPMA") and the Mineral Leasing Act ("MLA") to ensure that its management decisions conserve natural resources and do not degrade public lands. Pursuant to FLPMA, BLM must "take any action necessary to prevent unnecessary to undue degradation of the [public] lands." 43 U.S.C. 1732(b). This protective mandate applies to BLM's planning and management decisions. See *Utah Shared Access Alliance v. Carpenter*, 463 F.3d 1125, 1136 (10th Cir. 2006). GHG pollution may cause "undue" degradation, even if the activity causing the degradation is "necessary." Where GHG pollution is avoidable, it is "unnecessary" degradation. 43 U.S.C. 1732(b). At minimum, BLM must analyze GHG pollution as a cumulative impact, although much evidence demonstrates that development activities directly contribute to GHG pollution, such as methane waste associated with fracking.

Secretarial Order 3226 (January 19, 2001) (reinstated and expanded upon in Secretarial Order 3289 (Feb. 22, 2010) ("SO 3226")) commits the Department of the Interior to address climate change through its planning and decision making processes. SO 3226 provides that "climate change is impacting natural resources that the Department of the Interior ("Department") has the responsibility to manage and protect." Sec. Or. 3226, 1. SO 3226 also "ensures that climate change impacts are taken into account in connection with Department planning and decision making." Id. SO 3226 obligates BLM to "consider and analyze potential climate change impacts" in four situations: (1) "when undertaking long-range planning exercises"; (2) "when setting priorities for scientific research and investigations"; (3) "when developing multi-year management plans, and/or" (4) "when making major decisions regarding the potential utilization of resources under the Department's purview." Id. 3. SO 3226 specifically provides that "Departmental activities covered by this Order" include "management plans and activities developed for public lands" and "planning and management activities associated with oil, gas and mineral development on public lands." Id. (emphasis added). The analysis and decision making at the RMP level are thus contemplated by and subject to section 3 of the Order, and, accordingly, must be considered in BLM's NEPA analysis for the RMP.

As a prime contributor to short-term climate change over the next few decades, methane is a prime target for near-term GHG reductions. In fact, there are many proven technologies and practices already available to reduce significantly the methane emissions from oil and gas operations. These technologies also offer opportunities for significant cost-savings from recovered methane gas. Moreover, new research indicates that tropospheric ozone and black carbon ("BC") contribute to both degraded air quality and global warming, and that emission control measures can reduce these pollutants using current technology and experience. Employment of these strategies will annually avoid a substantial number of premature deaths from outdoor air pollution, as well as increase annual crop yields by millions of metric tons due to ozone reductions. Indeed, reducing methane emissions is important not only to better protect the climate, but also to prevent waste of the oil and gas resource itself and the potential loss of economic value, including royalties. BLM should evaluate these technologies, analyzing the benefits of technological implementation versus current agency requirements.

### Table D-7 Climate Change and Future Water Needs

Property Adjacent to Water - We are opposed to any state or federal agency proposal to use property adjacent to streams or rivers for public and government use.

BLM must also consider an alternative that includes leasing a lesser amount of land for fossil fuel development, and increased development of renewable energy resources wherever feasible. See *California v. Block*, 690 F.2d 753, 768-69; *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 812-24. This includes development of federal lands for sources such as wind, solar, and geothermal electricity generation, as well as development of transmission lines to bring that power to the electric grid.

Oklahoma is experiencing an unprecedented boom in wind energy development, and this development shows no sign of slowing. The National Renewable Energy Laboratory (NREL) has noted that for most of Kansas, Oklahoma, and northwestern Texas, "a large fraction of the land area is well exposed to power-producing winds." Oklahoma's tremendous wind capacity is evidenced by the fact that Oklahoma has more than 3,000 MW of installed wind capacity as of 2013, ranking it 6th in the nation. Wind power in Oklahoma has been demonstrated a least-cost resource. For example, AEP-PSO recently signed agreement to purchase nearly 600 MW of wind energy from facilities under development in northwestern Oklahoma and the panhandle, citing "extraordinary pricing opportunities" that will lower utility costs by an estimated \$53 million in the first year and more thereafter. According to PSO, "prices under these contracts are at historically low levels and are expected to remain far lower than the forecast price of natural gas." Given the significant wind potential in Oklahoma, and the fact that wind resources avoid the impacts to air quality, climate change, and water associated with fossil fuel development, renewable energy resource development should be prioritized in the RMP and EIS wherever feasible.

The alternatives analysis of renewables should also account for the historic drought that much of Oklahoma and Texas have been under since 2011, and the forecasts by U.S. federal scientists that climate change is likely to reduce rainfall amounts in these states in coming decades. Renewable power sources require essentially zero additional water resources, unlike typical fossil fuel fired plants that require large amounts of water for cooling, scrubbing, and other uses. The ability to produce electric power without further stressing our diminishing water resources is a tremendous benefit to renewable sources and further supports the BLM prioritizing renewable development.

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Renowned NASA climatologist, Dr. James Hansen, analogizes climate change to loaded dice: while variability remains, climate change is making these extreme events ever more common. In turn, climatic change and GHG emissions are having dramatic impacts on plant and animal species and habitat, threatening both human and species resiliency and the ability to adapt to these changes. According to experts at the Government Accountability Office ("GAO"), federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others, "(1) physical effects, such as droughts, floods, glacial melting, and sea level rise; (2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and (3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses." As discussed below, BLM not only has the authority, but an obligation to address GHG emissions and methane waste. Furthermore, the OFO must consider not only the cumulative impact of the GHG emissions authorized by the revised RMP, it must also consider those emissions combined with other activity in the area. As noted above, "[t]he impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct." *Ctr. For Biological Diversity*, 538 F.3d 1172, 1217.

Moreover, with GHG pollution and climate change, it is not only the contribution to climate change that must be considered, but also the combined impact of the authorized activity and climate change to specific resources, such as water resources, vegetation, farmlands, wildlife and endangered species.

The recent drought/unpredictable precipitation in North Central Texas and Southern Oklahoma has increased the fire danger to levels that have never been witnessed in my or my parents lifetime. Historically, public access has been proven to increase the danger of wildfire in a given area. Under the right conditions, an accidental wildfire could destroy immense amounts of wildlife, grassland, livestock and potentially human lives. I urge the BLM to maintain the red river basin as limited access, to allow farmers/ranchers to still be able to drive cattle using the river basin.

On January 15, 2014, the US Department of Agriculture designated 20 counties in Oklahoma as primary natural disaster areas due to drought, qualifying ranchers and farmers to financial assistance. From northern Texas to central Oklahoma, 90-day precipitation has totaled 50% of normal or less, and topsoil and subsoil moisture remain limited. Indeed, as the Department of Energy has recognized, "[a]vailable surface water supplies have not increased in 20 years, and groundwater tables and supplies

**Table D-7**  
**Climate Change and Future Water Needs**

are dropping at an alarming rate." Because of the chemicals that are added to fracking water, the water may not be reused. Removing water for fracking can stress existing water supplies by lower water tables and dewatering aquifers, decreasing stream flows, and reducing water in surface reservoirs. This can result in changes to water quality, and it can also alter the hydrology of water systems, and it can increase concentrations of pollutants in the water.

The RMP and EIS must also analyze cumulative and incremental effects of coal, oil and gas development on climate change. EPA has determined that human emissions of greenhouse gases are causing global warming that is harmful to human health and welfare. The D.C. Circuit has upheld this decision as supported by the vast body of scientific evidence on the subject. See *Coal for Responsible Regulation, Inc. v. E.P.A.*, 684 F. 3d 102, 120-22 (D.C. Cir. 2012). Indeed, EPA could not have found otherwise, as virtually every climatologist in the world accepts the legitimacy of global warming and the fact that human activity has resulted in atmospheric warming and planetary climate change. The world's leading minds and most respected institutions-guided by increasingly clear science and statistical evidence - agree that dramatic action is necessary to avoid planetary disaster. GHG concentrations have been steadily increasing over the past century, and our insatiable consumption of fossil fuels is pushing the world to a tipping point where, once reached, catastrophic change will be unavoidable. In fact, the impacts from climate change are already being experienced, with drought and extreme weather events becoming increasingly common.

To comply with its legal mandates, OFO must include mandatory requirements to control GHG emissions resulting from development authorized in the planning area, including methane waste. Oil and natural gas systems are the biggest contributor to methane emissions in the United States, accounting for over one quarter of all methane emissions.

Section 303 of the Clean Water Act ("CWA"), 33 U.S.C. 1313, requires each State to institute comprehensive standards established water quality goals for all intrastate waters, and requires that such standards "consists of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." 33 U.S.C. 1313(c)(2)(A). A 1987 amendment to the CWA makes clear that section 303 also contains an "antidegradation policy" - that is, a policy requiring that state standards be sufficient to maintain existing beneficial uses of navigable waters, preventing their further degradation. 33 U.S.C 1313 (d)(4)(B); see also *PUD No. 1 of Jefferson County v. Washington Dept. of Ecology*, 511 U.S. 700, 705 (1994). Accordingly, EPA's regulations implementing the CWA require that state water quality standards include "a statewide antidegradation policy" to ensure that "[e]xisting instream water uses and the level of water quality necessary to protect [those] uses [are] maintained and protected." 40 C.F.R. 131.12(a)(1). At a minimum, state water quality standards must satisfy these conditions. The CWA also allows States to impose more stringent water quality controls. See 33 U.S.C. 1311(b)(1)©, 1370; see also 40 CFR 131.4(a) ("As recognized by section 510 of the Clean Water Act [33 U.S.C. 1370], States may develop water quality standards more stringent than required by this regulation"). BLM also holds independent authority to protect water quality above and beyond what the CWA may require or authorize. 43 U.S.C. 1701(a)(8), 1702©, 1732(b).

OFO thus must consider the potential sources of water in the planning area that would be used for oil and gas development, and the impacts of these water withdrawals on water availability for drinking, ranching, agriculture, wildlife, and recreation. The analysis must further address the impacts to water quantity at different annual, seasonal, monthly, and daily time scales because the impacts of such water withdrawals could be more acute during times, months, and seasons of scarcity. For example, increased withdrawal and irretrievable contamination of waters will be particularly harmful during times- like the present- when much of Oklahoma is experiencing drought conditions.

OFO thus must consider the potential sources of water in the planning area that would be used for oil and gas development, and the impacts of these water withdrawals on water availability for drinking, ranching, agriculture, wildlife, and recreation. The analysis must further address the impacts to water quantity at different annual, seasonal, monthly, and daily time scales because the impacts of such water withdrawals could be more acute during times, months, and seasons of scarcity. For example, increased withdrawal and irretrievable contamination of waters will be particularly harmful during times- like the present- when much of Oklahoma is experiencing drought conditions.

In light of serious controversy and uncertainties regarding GHG pollution from oil and gas development, BLM's quantitative assessment should account for methane's long-term (100-year) global warming impact and, also, methane's short-term (20-year) warming impact using the latest peer-reviewed science to ensure that potentially significant impacts are not underestimated or ignored. See 40 C.F.R. 1508.27(a)(requiring consideration of "[b]oth short- and long-term effects").

EPA's GHG inventory assumes that methane is 21 times as potent as carbon dioxide ("CO<sub>2</sub>") over a 100-year time horizon, a global warming potential ("GWP") based on the Intergovernmental Panel on Climate Change's ("IPCC") Second Assessment Report from 1996. However, recent peer-reviewed science demonstrates that gas-aerosol interactions amplify methane's impact such that methane is actually 33 times as potent as carbon dioxide over a 100-year time period, and 105 times as potent over a twenty year time period. This information suggests that EPA has significantly underestimated near-term impacts of methane emissions. See 40 C.F.R. 1508.27(a) Further, by extension, it has significantly underestimated the near-term benefits of keeping methane emissions out of the atmosphere. 40 C.F.R. 1502.16(e), (f); id. At 1508.27. These estimates are important given the noted importance of near term action to ameliorate climate change- near term action that scientists say should focus, inter alia, on

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**Table D-7**  
**Climate Change and Future Water Needs**

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preventing the emission of short-lived but potent GHGs like methane, while, at the same time, stemming the ongoing increase in the concentration of carbon dioxide. These uncertainties necessitate analysis in the RMP and EIS. 40 C.F.R. 1508.27(a), (b)(4)-(5).

On January 15, 2014, the US Department of Agriculture designated 20 counties in Oklahoma as primary natural disaster areas due to drought, qualifying ranchers and farmers to financial assistance. From northern Texas to central Oklahoma, 90-day precipitation has totaled 50% of normal or less, and topsoil and subsoil moisture remain limited. Indeed, as the Department of Energy has recognized, "[a]vailable surface water supplies have not increased in 20 years, and groundwater tables and supplies are dropping at an alarming rate." Because of the chemicals that are added to fracking water, the water may not be reused. Removing water for fracking can stress existing water supplies by lower water tables and dewatering aquifers, decreasing stream flows, and reducing water in surface reservoirs. This can result in changes to water quality, and it can also alter the hydrology of water systems, and it can increase concentrations of pollutants in the water.

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**Table D-8**  
**Cultural and Historic Resources**

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My husband and I like to camp, trail ride our horses. The closest place to do that right now is LBJ Grasslands in Wise County. The area of the Red River interests me due to the fact it has a lot of history that comes with it. The Red River Station is not far from our home, within a hour's ride by horseback. We have been part of the celebrations to acknowledge the Station and what it stood for in our history of our area. I would love to be a small part of sharing some of this with fellow equestrians.

Cultural resource management of historic resources, which includes buildings, structures, archaeological sites, objects and districts, should be considered carefully and be constructed in a way that follows the National Historic Preservation Act (NHPA) and the Oklahoma Statewide Preservation Plan (<http://www.okhistory.org/shpo/stateplan.htm?full>).

This area is rich and abundant with wildlife, history of both Native Americans and Pioneers, and loved and stewarded by generations of farmers and ranchers. The current management of this stretch of the River has preserved all these attributes, even as dams, droughts, and floods have impacted the landscape.

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**Table D-9**  
**Energy Development**

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The BLM recognized the nature of existing oil and gas lease rights in the Pinedale RMP issued by the BLM in November of 2000. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease..Surface use and timing restrictions from this RMP cannot be applied to existing leases." Pinedale RMP, 2-19. Similar language exists in the December 2008 Rawlins RMP. Rawlins RMP, pg. 20. Devon encourages the Oklahoma Field Office to include similar language in its RMP.

Devon recognizes the difficult task the BLM faces to manage public lands in the Oklahoma Field Office for multiple use, but encourages the BLM to remember that oil and gas development is a crucial part of the BLM's multiple use mandate. The BLM must ensure that oil and gas development is not unreasonably limited in the Oklahoma/Kansas/Texas RMP.

When drafting the Oklahoma/Kansas/Texas RMP, the BLM must also acknowledge existing rights, including oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without "no surface occupancy" stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. See e.g. National Wildlife Federation, et al., 150 IBLA 385, 403 (1999). Only Congress has the right to completely prohibit development once a lease has been issued. Western Colorado Congress, 130 IBLA 244, 248 (1994). Further, the BLM cannot take Devon's valid and existing lease rights.

The Oklahoma/Kansas/Texas RMP cannot defeat or materially restrain Devon's valid and existing rights to develop its leases through COAs or other means. See Colorado Environmental Coal, et al., 165 IBLA 221, 228 (2005) (citing Colorado Environmental Coal., 135 IBLA 356, 360 (1996) aff'd, Colorado Environmental Coal. V. Bureau of Land Management, 932 F. Supp. 1247 (D. Colo. 1996).

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### Table D-9 Energy Development

The BLM must management the Oklahoma Field Office for multiple use- including oil and gas development. The development of oil and gas resources from public lands is a critical part of the BLM's responsibilities. See, e.g., 43 U.S.C. 1702(l) (defining mineral exploration and development as a principal or major use of public lands).

In the Oklahoma/Kansas/Texas RMP and accompanying environmental impact statement ("EIS") the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder.

The BLM should not limit or restrict oil and gas development during the amendment process. This is particularly important in the Oklahoma Field Office where several oil and gas projects are ongoing.

When drafting the Oklahoma/Kansas/Texas RMP the BLM should ensure that stipulations developed for future oil and gas leasing are the least restrictive necessary to adequately protect other resource values.

When revising the Oklahoma/Kansas/Texas RMP, the BLM should keep the vast majority of the Planning Area open to rights-of-way for both pipelines and roads.

Devon encourages the BLM not to adopt rights-of-way avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

The BLM does not have the authority to regulate emissions. When drafting the Oklahoma/Kansas/Texas RMP, the BLM must be cognizant of its limited authority to regulate air quality. The BLM does not have direct authority over air quality or air emissions under the Clean Air Act ("CAA"). 42 U.S.C. 7401 et seq. Under the express terms of the CAA, the Environmental Protection Agency ("EPA") has the authority to regulate air emissions. With respect to potential visibility impacts, the BLM's authority is also limited by existing federal law. Under the CAA, a federal land manager's authority is strictly limited to considering whether a "proposed major emitting facility will have an adverse impact" on visibility within designated Class 1 areas. 42 U.S.C. 7475(d)(2)(B). Oil and gas operations do not meet the definition of a major emitting facility. Further, under the CAA, the regulation of potential impacts to visibility and authority over air quality in general, rests with the states of Texas, Oklahoma, and Kansas. 42 U.S.C. 7407(a). The goal of preventing impairment of visibility in Class 1 areas will be achieved through the regional haze state implementation plans ("SIPs") that are being developed. 42 U.S.C. 7410(a)(2)(J). Rather than attempting to regulate air quality in the Oklahoma/Kansas/Texas RMP, Devon encourages the BLM to participate in and abide by the regulatory processes currently underway in those states. Any attempt by the BLM to regulate air quality could lead to inconsistent, confusing, and possibly illegal standards if imposed by the BLM.

Fracking should be limited and regulated. This process is putting the water supply at risk and possibly causing earthquakes.

In short using the red river as a revenue source at the cost of the inherit animals and people would be dangerous. There have been over 1,000 documented cases of water contamination next to areas of gas drilling. The drilling contaminates cause sensory, respiratory and nuerological damage. Lead, mercury, ethylene glycol, methanol, hydrochloric acid, formaldehyde, radium, uranium are just the short list of dangerous chemicals used in the fracking process.

I am in favor of open with limitations. To adjacent land owners and surrounding communities the effects of mining the minerals from the red river would be devastating. The fracking fluids and its toxins would not only hurt fish and wildlife but the family's with water wells for livestock and themselves. Gravel mining if any would affect the flow of the river causing an unnatural course.

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Weigh the surface usage specific to each area with the amount of oil and gas production. For instance, when considering changing rules for the surface due to hiking, ATV use, fishing, etc., make note of where a rule might most be effective and how much production is presently occurring instead of applying a blanket rule to all lands.

2. Consider actual scientific facts in regard to hydraulic fracturing..

Mineral management should be the prime directive of the BLM. Restriction to these valuable resources is a disservice to the American people who are provided a better way of life through their development. With today's drilling technology of horizontal drilling and hydraulic fracturing, more oil and gas can be produced with minimal impact to the surface estate. The Oil and Gas Industry has displayed, from Alaska to Louisiana, that it is a responsible and capable industry. It has brought industry and wealth to those areas where it is allowed to operate and can enhance the prosperity of all people if allowed to develop State and Federal lands.



### Table D-9 Energy Development

We are just now beginning to show signs of becoming self sufficient in the production of oil and gas. With the limitations that this would impose, it would prove to be a hardship on the entire country. There is no need for our country to be dependent on foreign countries when we can improve our own standards.

How will the BLM and BIA assess the increased energy potential of unconventional reservoirs and the application of new technology such as horizontal drilling?

How will the plans ensure oil and gas producers have reasonable access to conduct operations that are required to protect new or existing leases from drainage by operators that are subject to different requirements in the plan?

How will the plans ensure oil and gas owners, lessees and operators have the ability, without unreasonable burdens or delays, to determine the potential of their properties and to exercise their rights to develop those properties?

How will the plans, including the associated species management plans, provide for reasonable access to develop, produce, and transport oil and gas resources within all areas being managed?

Comment 6 - Drilling Under Great Salt Plains Wildlife Refuge. Currently, the BLM does not allow drilling under the Great Salt Plains. These minerals could be developed without surface occupancy within Great Salt Plains. We request that Great Salt Plains Wildlife Refuge be opened for leasing with stipulations from the Surface Managing Agency.

Comment 5 - Drilling in City Limits. Currently, the BLM does not allow drilling within city limits. This prevents private minerals from being developed that may be near the BLM minerals. It also prevents revenue for the cities that allow drilling within city limits. The current policy does not take into account that long laterals would be drilled under the city from well pads located outside the city limits. We request that BLM minerals within city limits be opened for leasing and treat the City as a Surface Managing Agency to place stipulations on the lease or in the alternative place No Surface Occupancy stipulations on the lease.

Comment 4- Surface Managing Agency Response Time. Currently, there is no set time frame that a Surface Managing Agency must respond to BLM with stipulations to include in the lease once a tract has been nominated. This often delays the sale that the tract is placed on. We request BLM set up a time frame that the Surface Managing Agency must respond with stipulations or state on the lease that the lessee must comply with the Surface Managing Agency Conditions of Approval.

Comment 3 - ORA-3 Season of Use. The current ORA-3 restricts season of use on the surface of the lease in Page 12 of the current Resource Management Plan. This restriction does not make sense regarding split estate situations with private surface owner.

Comment 1 - Visual Resources. Please clarify if Visual Resource Policies are applicable to oil and gas operations located on private lands. Often times the private landowner requests are counter to the BLM visual resource policies. On split estates, deference should be given to the private landowner regarding visual resources and conservation and erosion mitigation.

Comment 15- Lease Sale Time Frames. The new rotational lease sale policy will cause delays in drilling and development of BLM minerals. It also makes it very difficult to develop private minerals in sections with BLM minerals. We request that the Texas, Kansas and Oklahoma tracts be allowed to be nominated on a quarterly basis.

Comment 8- COE Stipulations. The COE needs to clarify the rule regarding the restriction on drilling near dams. Is it 2,000 feet in all directions (spherically)? Or 2,000 feet in all directions on the surface and to the center of the earth under the structure as to prevent any directional drilling under that protected structure.

Comment 14 - Water Use. Federal Surface Water and stream water within BIA and BLM drilling units shall be made available for all oil and gas activities within that unit with conditions: fair market value is paid to the surface managing agency based on local prices. There is enough water available for the oil gas activity as well as the current everyday use. Federal Surface water and stream water outside of BIA and BLM drilling units shall also be made available under the same conditions as above.

Comment 13 - Fracking Procedures and Proposed Rule. The RMP should address **fracking** in so far as it related to any federal rule that has been proposed or may be proposed. The RMP should follow the BLM rule, otherwise, the RMP should follow the state rules regarding all aspects of fracking.

Comment 10 - Overhead Power Lines. Installing underground power lines is not always feasible as it is costly and can reduce the amount of electricity that actually reaches the well over long distance. We request clarification on the installation of overhead power lines for use in oil and gas operations. We request that a broader more reasonable approach be taken in regards to power line stipulations. In areas where a power company would most likely install a power line above ground, for example next to a county road, then above ground power lines should be permitted. Especially in areas where there are no listed species that would be negatively by above ground power lines.

**Table D-9**  
**Energy Development**

Comment 9 - Drilling under Military Installations. Currently, oil and gas development under military installations such as Fort Reno and McAlester Ammo Plant are prohibited. There are large amounts of BLM minerals that could be developed safely. It is possible to develop these minerals without surface occupancy within the military installation. We request that BLM minerals located under military installments be opened for leasing.

The content of the Bureau of Indian Affairs' Fluid Mineral Estate Procedural Handbook, dated August 14, 2012 and the Procedural Handbook, Grants of Easement for Right-of-Way on Indian Lands, dated March 6, 2006 should be included as a stipulation in the content of stipulations for oil and gas leases.

The visibility protection program under sections 169A, 169B, and 110(a)(2)(J) of the CAA is designed to protect Class 1 areas from impairment due to manmade air pollution. The current regulatory program addresses visibility impairment in these areas that is "reasonably attributable" to a specific source or small group of sources, such as, here, air pollution resulting from coal, oil and gas development and operations that may be authorized by the RMP. Moreover, EPA finds the visibility protection provisions of the CAA to be quite broad. Although EPA is addressing visibility protection in phases, the national visibility goal in section 169A calls for addressing visibility impairment generally, including regional haze. See e.g., *State of Maine v. Thomas*, 874 F.2d 883, 885 (1st Cir. 1989) ("EPA's mandate to control the vexing problems of regional haze emanates directly from the CAA, which 'declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in Class 1 areas which impairment results from manmade air pollution.'")(internal citation omitted).

Oklahoma's Wichita Mountains National Wildlife Refuge is a federal Class 1 area, as is the Caney Creek Wilderness Area in Arkansas, which lies in the pattern of the predominant wind direction across Oklahoma. The agency must take meaningful steps in the RMP to stem direct and indirect impacts to these areas from the burning of fossil fuels, including coal, obtained from federal lands in Oklahoma. This must include the application of air quality modeling tools to assess the impacts on air quality of the alternatives considered in the EIS.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 3. Contamination and sterilization of soil and rangeland from oil, gas and saltwater leaks and spills and associated reduction in range fertility and livestock raising/production.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 4. Impacts from all phases of oil and gas development and operations to game and non-game wildlife, migratory birds and threatened and endangered species of wildlife.

Until such agencies are able to unilaterally meet the requirements and expectations for which Congress delegated to them nearly a decade ago, there should be no additional requirements placed on this industry further burdening the process.

In particular, the EIS must assess the impacts to air quality associated with oil, gas, and coal development. Oil and gas development is one of the largest sources of VOCs, ozone, and sulfur dioxide emissions in the United States.

Research indicates a strong correlation between oil and gas development and increased ozone concentrations -particularly in the summer when warm, stagnant conditions yield an increase in ozone formation from oil and gas emissions.

OIPA is indifferent to the joint agencies' management of motorized vehicles on federal and tribal lands so long as they allow continued access for members of our industry who have paid to develop federal and tribal leasehold and have invested significantly in an area in their pursuit of developing its hydrocarbon resources. These companies should be entitled to adequate access allowing them to continue development and sustain production from such leases.

The OFO must consider foreseeable impacts to visibility and air quality degradation that will result from any development authorized by the RMP and EIS within the planning area. 40 C.F.R. 1508.8. In particular, the OFO must consider the air quality impacts from coal, oil and gas development in the planning area. Such impacts include contribution to regional haze, ozone pollution, and fugitive dust emissions, among others. Moreover, this analysis must account for emissions outside the planning area that may affect air quality in the planning area. These emissions include, but are not limited to, emissions from nearby coal-fired power plants, as well as oil and gas development activities, including exploration, production, and processing.

An electronic well completion report or recompletion report and log must be submitted to the pertinent tribal office for wells drilled on Trust or restricted Indian land.

**Table D-9**  
**Energy Development**

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That the pertinent Tribe shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the lease premises, or for damages to the property of the lessee, or for injuries to the person of the lessee's officers, agents, or employees, or others who may be on the lease premises for any reason.

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Lessee shall be liable for royalty payments on all oil and gas lost or wasted from a lease site when such loss or waste was due to negligence on part of the operator for all leases on Trust or Restricted Indian land.

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Lessor reserves the right to ensure the production is sold at reasonable prices and to prevent monopoly.

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Lessee shall commence drilling and production activities necessary to protect leased lands from mineral drainage or pay compensatory royalties for mineral drainage in amounts determined by the tribe or SMA for leases on Trust or Restricted Indian land.

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Drilling diligence must be exercised within 90 days and production must commence within 120 days of granting of the lease for those located on Trust or Restricted Indian land.

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The pertinent tribe shall have the right to enter onto the lease premises, at any time, to inspect both the installation and operation activities of the lessee for leases on Trust or Restricted Indian land.

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An "Explosives-Use" plan must be submitted with the operation plan.

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The pertinent tribal office for wells located on Trust or Restricted Indian land reserves the right to shut down any operation being performed on such land. This includes term violations of the lease.

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The Operator and SMA will immediately report undesirable events to the pertinent tribal office for wells located on Trust or Restricted Indian land.

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When the SMA conducts an annual compliance inspection, a tribal representative will also be present.

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For wells on Trust or Restricted Indian land, the operator will electronically submit a monthly Report of Operation. Report content items will be determined by the pertinent tribal office.

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Upon granting the operator permission to plug or abandon a well, the SMA will electronically inform the pertinent tribal office for wells located on Trust or Restricted Indian land.

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The operator must submit daily electronic drilling reports, while drilling and completing the well, to the pertinent Indian office or person, for wells located on Trust or Restricted Indian land.

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The approval of an Application for Permit to Drill (APD) extension must be approved by the mineral owner for leases on Trust or Restricted Indian land. This is in addition to the Surface Management Agency (SMA) approval.

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During the EA process, a base-line water quality assessment needs to be conducted for all residential water delivery systems within a three mile radius of a proposed drill site in which hydraulic fracturing will be performed in the drilling process.

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During the Environmental Assessment (EA) process of an oil and gas lease procedure, a tribal representative needs to be member of the EA team for all leases on Trust or Restricted Indian land. The "on-foot" location inventory needs to include a cultural preservation representative for the tribe which has territorial jurisdiction of the lease area. This requirement is for all lease-types on federal property.

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Gathering pipelines need to be addressed in regards to their installation and operation on Trust or Restricted Indian land.

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All oil and gas leases need to include a requirement that all daily production or storage measurements be recorded and transmitted over digital devices in order to gain more accurate daily measurements.

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The content of the Muscogee (Creek) Nation Law, Title 43, Oil and Gas, should be included as a stipulation in the content of stipulations for oil and gas leases within the Territorial Boundaries of the Muscogee (Creek) Nation.

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Given that this RMP considers multiple uses over a twenty year period, OIPA is opposed to limiting development under a multiple use scenario across lands given due consideration for extensive technological advances and a minimized surface footprint associated with our operations.

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A five day start up notice must also be electronically sent to the pertinent tribal office for wells planned to be drilled on Trust or Restricted Indian land.

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### Table D-9 Energy Development

The OFO thus must consider the current and potential impacts of authorizing oil and gas and coal development through this RMP process. Not only is BLM OFO mandated to follow antidegradation and water quality standards under the CWA and state law, but it must also take a NEPA "hard look" at any impacts that may be related to these water quality standards as well.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 6. Damage to visual and aesthetic resources of the landscape from temporary and permanent oil and gas infrastructure, most notably above-ground pumping units and overhead power lines.

Rights-of-Way: The BLM must analyze the significant extent that limitations on future rights-of-way ("ROW") will have upon oil and gas operations. The BLM must be willing to work with oil and gas lessees and operators to design access routes for proposed oil and gas development projects. Future limitations on road construction could impact Devon's valid and existing lease rights or its rights as the operator of a federal exploratory unit. While the issuance of an oil and gas lease does not guarantee access to the leasehold, a federal lessee is entitled to sue such part of the surface as may be necessary to produce the leased substance. 43 C.F.R. 3101.1-2.

As it revises the Oklahoma/Kansas/Texas RMP, the BLM must not unreasonably limit motorized travel to existing roads and trails. Devon and other oil and gas operators routinely are required to travel off existing roads and trails when evaluating and selecting potential new locations for oil and gas development. In the past, this type of use has been considered casual use and has not required BLM approval or been subject to timing limitations. Devon also opposes seasonal road closures. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. See 43 C.F.R. 3162.3-2 (subsequent well operations). In certain circumstances, the inability to quickly conduct repairs and other operations on producing wells may even lead to loss of a well or permanent damage to a reservoir. The ability to conduct repair and maintenance operations is also a significant safety and environmental issue because as issues arise, operators need to be able to quickly respond to the situation. Forcing operators to comply with seasonal limitations for these otherwise routine issues may create or exacerbate significant safety and environmental issues.

Finally, any fossil fuel development must include stipulations that will minimize the impacts discussed above.

The EIS and RMP must also take a hard look at potential seismic impacts associated with oil and gas development. The U.S. Geological Survey ("USGS") recently released a report that links a series of earthquakes in Oklahoma, in January 2011, to a fracking operation underway there. The USGS determined after analyzing earthquake data that "the character of seismic recordings indicate that they are both shallow and unique." The report continues, providing: "Our analysis showed that shortly after hydraulic fracturing began small earthquakes started occurring, and more than 50 were identified, or which 43 were large enough to be located. Most of these earthquakes occurred within a 24-hour period after hydraulic fracturing operations had ceased." According to USGS, "the analysis suggests that a contributing factor to the increase in earthquakes triggers may be from activities such as wastewater disposal- a phenomenon known as injection-induced seismicity."

Existing lease rights. Devon reiterates that when preparing Oklahoma/Kansas/Texas RMP, the BLM must acknowledge existing rights, including oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without no surface occupancy ("NSO") stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. The BLM must ensure that it does not limit, constrain, or deprive Devon of its existing lease rights.

The EIS and RMP must also take a hard look at potential seismic impacts associated with oil and gas development. The U.S. Geological Survey ("USGS") recently released a report that links a series of earthquakes in Oklahoma, in January 2011, to a fracking operation underway there. The USGS determined after analyzing earthquake data that "the character of seismic recordings indicate that they are both shallow and unique." The report continues, providing: "Our analysis showed that shortly after hydraulic fracturing began small earthquakes started occurring, and more than 50 were identified, or which 43 were large enough to be located. Most of these earthquakes occurred within a 24-hour period after hydraulic fracturing operations had ceased." According to USGS, "the analysis suggests that a contributing factor to the increase in earthquakes triggers may be from activities such as wastewater disposal- a phenomenon known as injection-induced seismicity."

FLPMA also requires the Secretary of the Interior to comply with specified procedural requirements before making a management decision that totally eliminates a principal or major use of the public lands for a period of two or more years on a tract of land more than 100,000 acres in size. 43 U.S.C. 1712(e). Oil and gas development is defined as a principal or major use of the public lands. 43 C.F.R. 1702(l).

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Cimarex believes that the benefit of mineral development, especially as it applies to our national security, energy independence, and economic development, should be considered in developing and implementing the EIS.

Proven science should be the determining factor as to the use of hydraulic fracturing on Federal lands, and full consideration should be given to mineral development where it may be done responsibly. In particular, we urge you to consider the advances made in the oil and gas industry to reduce the impacts of exploration and development activities through, among other things, drilling multiple wells from one drill site and using centralized facilities to reduce surface disturbance and the use of green completions and enhanced vapor recovery units and other technologies to reduce air emissions. These and other techniques allow the responsible development of all our resources while preserving lands for multiple uses.

The oil and gas industry is the cornerstone of the state's economy and is an important component of the U.S. energy industry. Oklahoma is the third largest producer of natural gas in the U.S. and remains a significant producer of crude oil.

In addition to impacts on water quality, mineral development processes, and particularly fracking, may result in significant impacts on water quantity. To frack a single well one time requires 2-4 million gallons. Annually, the EPA estimates that 70-140 billion gallons of water are used to frack wells in the United States- enough to supply drinking water to 40-80 cities of 50,000. This massive use of water is of particular concern in states like Oklahoma, where water supplies are scarce and already stretched.

In addition to those impacts to groundwater from hydraulic fracturing, as discussed above, such contamination may result during the following processes: (1) the state of the chemical mixing due to spills, leaks, and transportation accidents; (2) during the fracking process due to well malfunctions, migration of fracking fluids or fluids from the fractured formation to aquifers, and mobilization of subsurface materials to aquifers; (3) during flowback due to releases, leakage of on-site storage, and spills from pits (caused by improper construction, maintenance, or closure); and (4) during wastewater disposal due to discharges of wastewater into groundwater, incomplete treatment, and transportation accidents.

It is understood, that tribal use of any Trust or Restricted Indian land, under lease, is superior to any other use.

Federal lands offered for lease have decreased since 2008. Moreover, approved permits to drill on Federal lands have decreased as well. The BLM should recognize the importance of developing domestic energy in an environmentally responsible manner and the benefit to the nation, including jobs for American citizens and revenues paid to the Federal Treasury by the energy industry.

Air quality: The BLM does not have direct authority to regulate air quality or air emissions under the Clean Air Act ("CAA"). 42 U.S.C. 7401 et seq. Under the express terms of the CAA, the Environmental Protection Agency ("EPA") has the authority to regulate air emissions. The BLM's authority to regulate potential visibility impacts is also limited by federal law. Air quality matters should be regulated by the appropriate entity with authority to carry out the terms of the CAA [and applicable state air quality statutes.

Accordingly, the RMP revision must consider, on equal footing, the value of permanent protection and preservation of public lands in the planning area, and resist industry pressure to lease and develop these lands. The RMP revision process is the perfect opportunity for BLM to re-evaluate these competing resources and give suitable weight to FLPMA's mandate to, where appropriate, preserve and protect public lands in their natural condition. See 43 U.S.C. 1701(a)(8).

Oil and gas development also threatens the area's abundant wildlife, would fragment and destroy increasingly scarce habitat and wildlife corridors. Oil and gas development would also threaten tourism based on wildlife viewing, fishing, and hunting.

While certain lands may indeed be appropriate for responsible oil and gas leasing and development, it is equally evident that there are lands where other resource values should prevail. FLPMA affords BLM great authority to appropriately balance these competing interests, which expressly includes the responsibility to "preserve and protect certain public lands in their natural condition." 43 U.S.C. 1701(a)(8). Moreover, FLPMA further delegates BLM authority to permanently withdraw lands from consideration. See 43 U.S.C. 1714. This ability authorizes the Secretary to "make, modify, extend, or revoke withdrawals." *Id.* In either event, BLM OFO cannot prioritize oil and gas leasing and development above with other resource values at stake. The RMP revision process should be used to provide a framework where BLM can more fully realize its multiple use mandate now and into the future.

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When preparing the Oklahoma/Kansas/Texas RMP, the BLM must ensure that it has sufficient flexibility. The IBLA has recognized that a federal oil and gas lease does not limit development to one particular formation or type of development, but instead allows lessees to develop any hydrocarbons within the leased premises. Nat'l Wildlife Fed'n, et al., 169 IBLA 146, 152-153 (2006) (holding that federal lease applies to all fluid minerals unless specifically excepted). The IBLA has further recognized that the BLM appropriately develops programmatic-level EISs analyzing the general impacts of hydrocarbon development allowing specific decisions to a later date when site-specific authorizations are filed. Biodiversity Conservation Alliance, 174 IBLA 1, 16 (2008) (quoting 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d 1083, 1095-96 (9th Cir. 2006)). The BLM must allow itself sufficient flexibility to tier to and utilize the analyses in the EIS regardless of whether the operators pursue the development of natural gas or oil. See 40 C.F.R. 1502.20 (encouraging the use of tiering in NEPA documents); 43 C.F.R. 46.140 (same).

Throughout the RMP process, the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM cannot modify Devon's valid and existing lease rights through later project-level documents. In fact, the BLM has recognized that it cannot modify existing lease rights. BLM Instruction Memorandum 92-67 states that "[t]he lease contract conveys certain rights which must be honored through its term, regardless of the age of the lease, a change in surface management conditions, or the availability of new data or information. The contract was validly entered based upon the environmental standards and information current at the time of the lease issuance." As noted in the BLM's Instruction Memorandum, the lease constitutes a contract between the federal government and the lessee which cannot be unilaterally altered or modified by the BLM.

Further, BLM must recall that it cannot impose new, unreasonable mitigation requirements on existing leases. Courts have recognized that once the BLM has issued an oil and gas lease conveying the right to access and develop the leasehold, the BLM cannot later impose unreasonable mitigation measures that take away those rights. See *Conner v. Burford*, 84 F.2d 1441, 1449-50 (9th Cir. 1988); 43 C.F.R. 3101.1-2 (BLM can impose only "reasonable mitigation measures..to minimize adverse impacts..to the extent consistent with lease rights granted").

The exploration and production of oil and gas is a highly regulated activity that requires compliance with numerous federal, state, and local regulations, and permits issued pursuant to those regulations. These regulations, along with the oil and gas industry's commitment to environmental stewardship, ensure that the land and water are protected; that wastes, emissions, and surface disturbances are minimized; and that land is returned to a natural state as soon as possible after development activity.

Water quality: As the BLM is well aware, multiple federal and state statutes and regulations such as the Clean Water Act and Safe Drinking Water Act govern water quality. In addition, operators must adhere to strict water standards to ensure that oil and gas development does not adversely impact underground drinking water. See, e.g., Onshore Oil and Gas Order No. 1, 72 Fed. Reg. 10308 (Mar. 7, 2007); 43 C.F.R. 3162.1, 3162.3-1, 3162.4-2, 3162.5-1, 3162.5-2(d).

Mitigation measures: When revising the Oklahoma/Kansas/Texas RMP, the BLM must ensure that stipulations developed for future oil and gas leasing are the least restrictive as necessary to adequately protect other resource values. Section 363 of the Energy Policy Act of 2005 required the Secretary of the Interior and the Secretary of Agriculture to enter into a Memorandum of Understanding ("MOU") regarding oil and gas leasing and to ensure that lease stipulations are applied consistently, coordinated between agencies, and "only as restrictive as necessary to protect the resources for which the stipulations are applied." Energy Policy Act of 2005, Pub. L. No. 109-58, 363(b)(3), 119 Stat. 594, 722 (2005). The MOU required by 363 of the Energy Policy Act of 2005 was finalized in April of 2006 as BLM MOU WO300-2006-07.

The BLM must consider the Energy Policy Act MOU when revising the Oklahoma/Kansas/Texas RMP.

Special Designations Species Habitat Protection: When revising the Oklahoma/Kansas/Texas RMP, BLM should minimize the use of buffer zones around special designations. Devon sees no justification for the BLM to expand the boundaries of existing special designations.

Closing an area to fluid mineral leasing constitutes a withdrawal under FLPMA. Because closing areas to oil and gas leasing constitutes a withdrawal, the Department of the Interior must comply with the procedural provisions of section 204 of FLPMA. 43 U.S.C. 1714. Further, the BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not "closed" to development, but merely "administratively unavailable" to leasing for several reasons. First, the BLM's Land Use Planning Handbook does not recognize or authorize the BLM to make lands administratively unavailable. Rather, the Handbook only recognized closed or open with varying levels of constraint. BLM Land Use Planning Handbook H-1601, Appd. C.II.H., pgs. 23-24 (Rel. 1-1693 03/11/05).

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The BLM often cites a relatively recent decision from the IBLA for the proposition that the agency can impose COAs on existing leases. Yates Petroleum Corp., 176 IBLA 144 (2008). The Yates decision does not stand for the proposition that BLM can impose COAs whenever it deems necessary or in broad programmatic documents such as the Buffalo RMP. Rather, in Yates, the IBLA merely affirmed the imposition of an additional COA based on site-specific information, including recent and directly applicable scientific research. Yates, 176 IBLA at 157; William P. Maycock, 177 IBLA 1, 16-17 (2009). The Yates decision does not authorize the BLM to ignore relevant lease terms or the BLM regulations at 43 C.F.R. 3101.1-2.

In addition to the land and water contamination issues, at each stage of production and delivery tons of toxic volatile compounds, including benzene, toluene, ethylbenzene, xylene, etc., and fugitive natural gas (methane), escape and mix with nitrogen oxides from the exhaust of diesel-driven, mobile and stationary equipment to produce ground-level ozone. Ozone combined with particulate matter less than 2.5 microns produces smog (haze). Gas field produced ozone has created a serious air pollution problem similar to that found in large urban areas, and can spread up to 200 miles beyond the immediate region where gas is being produced. Ozone not only causes irreversible damage to the lungs, it is equally damaging to conifers, aspen, forage, alfalfa, and other crops commonly grown in the West. Adding to this is the dust created by fleets of diesel-driven water trucks working around the clock hauling the constantly accumulating condensate water from well pads to central evaporation pits.

"the regulatory changes being proposed by the BIA do not adequately consider the concerns of any major constituencies that will be future affected by the changes, nor do they provide any additional protection to the BIA against litigation over the same issue." Furthermore, Oklahoma's congressional delegation goes on to state, "the best way to do this is to ensure that the new regulations encourage the maximum possible oil and gas development in the Nation, with royalty rates being paid to the Nation that are commensurate and competitive with those found in the region and in similar plays around the country" and they duly note that, "these issues will never be adequately addressed by simply adding more regulations to the volumes that already exist. The quality of regulation governing surface use is not the primary issue; the quality of management and enforcement is."

In developing a 20-year Resource Management Plan, the joint agencies should consult with our industry to adequately assess any existing shortcomings pertaining to regulatory, administrative or enforcement matters which currently exist within the region and engage in a proactive discussion to achieve a balanced approach to alleviate these issues.

Additionally, a twenty-year plan must account for regulatory flexibility to ensure fair and equitable treatment of correlative rights given due consideration for industry's increased utilization of horizontal drilling and ever-increasing lateral lengths from horizontal and directional wellbores which may likely result in the need for broader spacing units and refined communization agreements that will conform with evolving state spacing standards.

Additionally, the federal government has continued to miss their federally mandated requirement of permit issuance within a 30-day period due to restrictive permit reviews coupled with excessive regulatory burdens. It seems feasible that this RMP and its associated EIS may seek to alleviate some of the historical "red tape" for permitting within this region by comprehensively addressing certain NEPA criteria up front and streamlining the permit process so as to allow producers to forego certain actions in the future.

the existing regulatory structure under the various environmental acts is sufficient, if not overly cumbersome, at protecting and/or enhancing the natural resources within the region that are managed by the joint agencies. Our member companies must already comply with a checkerboard of regulations required under the Federal Clean Air Act (CAA), the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA), the Federal Land Policy and Management Act (FLMPA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), among dozens of additional acts and state and local requirements, each of which impose a plethora of restrictive and burdensome compliance requirements for which our industry must comply with on a daily basis.

Despite the energy industry's explanation that a thick layer of bedrock safely separates the gas-containing rock layer being fractured from ground-water used for drinking and surface water sources, evidence that contaminants from gas wells are making their way into groundwater is mounting. The EIS must thoroughly evaluate and weigh these impacts in its EIS.

OIPA is greatly concerned about additional rulemaking further slowing the issuance of APD's on federal and tribal lands, which seem to be contributing to a great irony about the need to further regulate without the identification of a problem (e.g. Hydraulic fracturing and groundwater contamination).

Performing a historical "snapshot" review of past oil and gas development and attempting to extrapolate and project those impacts in the future will not adequately provide the joint agencies with an ample assessment of future surface implications. This is especially true given consideration of a twenty year planning period for which to analyze future impacts of surface lands within

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the RMP's range. Due to this, the joint agencies must engage in collaborative manner with industry throughout the region to gain a better understanding of development moving forward.

Furthermore, we respectfully request that the joint agencies support a consultation with the U.S. FWS under Section 7 of the ESA to support development of the nation's oil and gas resources and help operators overcome any permitting delays that may be associated with the process.

OIPA would also respectfully request that the joint agencies consider the recent Petition for Review of a Final Rule by the U.S. Court of Appeals D.C. Circuit who ruled in favor of the state in *ODEQ v. EPA and Navajo Nation, et al.* which was decided on January 17, 2014, as it relates to the Clean Air Act. It is OIPA's belief that this same decision may be reached upon contemplation of similar merits and findings within the realm of other federal environmental acts, including, but not limited to the CWA. In its conclusion, the court made the following statement: "We hold a state has regulatory jurisdiction under the Clean Air Act over all land within its territory and outside the boundaries of an Indian reservation except insofar as an Indian tribe or the EPA has demonstrated a tribe has jurisdiction. Until such a demonstration has been made, neither a tribe nor the EPA standing in the shoes of a tribe may displace a state's implementation plan with respect to a non-reservation area of the state."

In addition, a recent study indicates a "clear potential for oil and gas development to negatively affect regional ozone concentrations in the western United States, including several treasured national parks and wilderness areas in the Four Corners region. It is likely that accelerated energy development in this part of the country will worsen the existing problem." *Id.* Although these findings are based on a case study in the Four Corners region in the neighboring state of New Mexico, the applicability of this research is far broader and should be considered by the OFO here.

OIPA would like to make our position very clear that we do not believe Environmental Justice (EJ) correlates in any way, shape or form with the pursuit of hydrocarbons in subsurface geological reservoirs. We do not believe the joint agencies should waste taxpayers hard-earned dollars evaluating whether or not our industry creates an EJ "imbalance" as our industry targets subsurface reservoirs and is indifferent as to the socioeconomic status of those who reside above such resources.

The oil and natural gas industry includes a wide range of operations and equipment, from wells to natural gas gathering lines and processing facilities, to storage tanks, and transmission and distribution pipelines. The industry is the largest industrial source of emissions of volatile organic compounds (VOCs), a group of chemicals that contribute to the formation of ground-level ozone (smog). Exposure to ozone is linked to a wide range of health effects, including aggravated asthma, increased emergency room visits and hospital admissions, and premature death. EPA estimates VOC emission from the oil & natural gas industry at 2.2 million tons a year in 2008. The oil and natural gas industry also is a significant source of emissions of methane, a greenhouse gas that is more than 20 times as potent as carbon dioxide. Emissions of air toxics such as benzene, ethylbenzene, and n-hexane, also come from this industry. Air toxics are pollutants known, or suspected of causing cancer and other serious health effects.

While OIPA does not have a specified position directing the BLM's use of long-term grassland pasture facilities for wild horses, we do believe that the exploration and production of oil and gas resources on the lands in question may coexist and can be mutually beneficial. Revenues generated from federal royalties may assist the BLM in their endeavors to sustain a healthy and viable population of these wild species.

The imposition of additional measures on these federal, tribal, or split estate lands will only further delay economic development and the implementation of BLM's multiple use strategy. As noted within a recent report published by the Congressional Research Service entitled, "U.S. Crude Oil and Natural Gas Production in Federal and Non-Federal Areas," the report asserts that a major issue the current Congress may wish to address is streamlining the processing of applications for permits to drill (APDs). Some members contend that this would be one way to help boost energy production on federal lands. After a lease has been obtained, either competitively or non-competitively, an application for a permit to drill (APD) must be approved for each oil and gas well. Despite the new timeline for review (under the Energy Policy Act of 2005, P.L. 109-58), it took an average of 307 days for all parties to process (approve or deny) an APD in 2011, up from an average of 218 days in 2006. The difference, however, is that in 2006 it took the BLM an average of 127 days to process an APD, while in 2011 it took BLM 71 days. In 2006, the industry took an average of 91 days to complete an APD, but in 2011, industry took 236 days. The BLM stated in its FY2012 and FY2013 budget justifications that overall processing times per APD have increased because of the complexity of the process. OIPA might add that the BLM and BIA are currently missing their required APD issuance deadlines, and this is prior to the finalization of BLM's proposed rulemaking for Hydraulic Fracturing on Federal and Indian Lands, which is certain to further complicate the process and lead to additional delay!

We do believe that eliminating federal stipulations for no-drill areas may support BLM's charge of multiple-use in addition to enhancing BIA's mission promoting economic opportunities. There are numerous federal land holdings throughout the state of Oklahoma, among others, that are currently denoted as Surface Management Agency Stipulations which carry "off limits" or "No Surface Occupancy/No Drilling "NSO/ND" stipulation for oil and gas development. These lands include those held by the U.S. Corps of Engineers, the Bureau of Reclamation, the United States Department of Agriculture (Ft. Reno), in addition to many more.



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Fracking fluid is a conglomeration of many highly toxic chemicals and compounds. The Endocrine Disruption Exchange ("TEDX") has documented nearly 1,000 products energy companies inject into the ground in the process of extracting natural gas. Many of these products contain chemicals that are harmful to human health. According to TEDX: In the 980 products identified [for use during natural gas operations], there were a total of 649 chemicals. Specific chemical names and CAS numbers could not be determined for 286 (44%) of the chemicals, therefore, the health effects summary is based on the remaining 362 chemicals with CAS numbers..Over 78% of the chemicals are associated with skin, eye or sensory organ effects, respiratory effects, and gastrointestinal or liver effects. The brain and nervous system can be harmed by 55% of the chemicals. These four health effect categories..are likely to appear immediately or soon after exposure. They include symptoms such as burning eyes, rashes, coughs, sore throats, asthma-like effects, nausea, vomiting, headaches, dizziness, tremors, and convulsions. Other effects, including cancer, organ damage, and harm to the endocrine system, may not appear for months or years later. Between 22% and 47% of the chemicals were associated with these possibly longer-term health effects. Forty-eight percent of the chemicals have health effects in the category labeled 'Other.' The 'Other' category includes such effects as changes in weight, or effects on teeth or bones, for example, but the most often cited effect in this category is the ability of the chemical to cause death.

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The EIS and the RMP must account for impacts to water associated with hydraulic fracturing (fracking). Sobering new research shows that chemically concentrated fracking fluids can migrate into groundwater aquifers within a matter of years- directly refuting industry claims that rock layers separating aquifers are impervious to these pollutants. The dangers and impacts of fracking are not only limited to extraction, but can be found at every stage of the production cycle. For example, fracking's waste stream can result in dramatic impacts- requiring onsite waste injection, trucking frack fluids offsite, and in some cases even the direct release of fracking waste into watercourses- the impacts of which can be compounded by ineffective or nonexistent regulation. As detailed herein, natural gas production itself can be inefficient and wasteful- with practices such as the venting of methane (discussed above) and the use of vast quantities of water in the fracking process.

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In addition to air and climate impacts, the EIS and RMP must also address direct, indirect, and cumulative impacts to water associated with any fossil fuel development authorized in the planning area, including groundwater and surface water contamination and overuse.

Both the BLM and BIA should take note of the success demonstrated on behalf of state oil and gas regulatory agencies such as the Oklahoma Corporation Commission and the Texas Railroad Commission. These agencies have demonstrated their unique ability to provide information, permitting, investigation, and compliance services to the oil and gas industry, mineral interests, landowners, and the general public so together we can develop the oil and gas resources of the states in a fair and orderly manner while protecting the environment and ensuring public safety.

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Research conducted by the National Research Council has confirmed the fact that the negative impacts of energy generation from fossil fuels are not represented in the market price for such generation. In other words, failing to internalize the externalities of energy generation from fossil fuels - such as the impacts to climate change and human health - has resulted in market failure that requires government intervention. BLM should be mindful of this cost failure as it evaluates our nation's dependence on dirty energy from oil and gas- particularly as it relates to other incompatible resource values deserving protection in the RMP.

Increases in ground-level ozone not only impact regional haze and visibility, but can also result in dramatic impacts to human health. According to the EPA: Breathing ground-level ozone can result in a number of health effects that are observed in broad segments of the population. Some of these effects include: - Induction of respiratory symptoms; - Decrements in lung function; - Inflammation of airways. Respiratory symptoms can include: - Coughing; - Throat irritation; - Pain, burning or discomfort in the chest when taking a deep breath; - Chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily ozone concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that ozone can make asthma symptoms worse and can increase sensitivity to asthma triggers.

To assist with the analysis of the aforementioned impacts, operational improvements and best management practices, we would strongly suggest that both BL and BIA engage STRONGER, a non-profit organization specializing in the review and improvement of existing oil and gas regulatory regimes throughout the U.S. We believe STRONGER has the technical and regulatory depth, breadth, expertise and experience to ensure no stone is left unturned in this collective effort to vastly reduce the environmental impacts of oil and gas drilling in Osage County.

We also request that operation improvements and best management practices be evaluated for implementation across the entirety of the oil and gas program in Osage County, including without limitation: 1. Proper casing and cementing of all wellbores. 2. Baseline testing of proximate groundwater wells. 3. Installation of plastic liners at all existing and new drilling pits and tank battery pits holding hydrocarbons, produced water, and saltwater. 4. Installation of French drains along perimeters of existing unlined tank batteries to intercept and properly dispose of subsurface seepage of pit fluids until such time as plastic liners are installed. 5. Installation of netting over all pits and tanks to prevent landing and deaths of migratory and other birds. 6. Closed loop system installation to capture and reuse or re-inject all fugitive gases from oil and gas wells so that no such gases need be combusted. 7. Reuse and reduction of all frac and produced water to reduce virgin surface and ground water needed for drilling and frac-ing of wells. 8. Where feasible, use of submersible pumping units for all production wells. 9. Where feasible, burial of power lines. 10. Remediation of all historic and ongoing brine scarring and removal of all unused/abandoned drilling equipment and infrastructure. 11. Regular monitoring and inspection of drilling and production activities.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 7. Noise, dust, erosion and light pollution from roads, vehicular traffic and drilling and operational activities.

Moreover, potential impacts from oil and gas operations continue to be further mitigated by technological developments and innovation by industry leaders. The footprints of drilling operations are decreasing due to innovative advancements in the industry such as horizontal and directional drilling that allow multiple wells to be drilled in numerous directions from a single pad. Siting multiple wells from a single pad significantly reduces both the number of well pads as well the amount of supporting infrastructure needed to support those well pads. The ability to reduce the number of drill pads also minimizes vehicle traffic to field locations. Based on these measures in addition to continued innovation within our industry, the exploitation of fossil fuel reserves can coexist with multiple land uses, without infringing on additional, non-extractive beneficial uses of these lands.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 2. Impacts to ground and surface water, including riparian and other areas of concern, from spills, leaks and migration of oil, gas, saltwater and other contaminants from wells, faulty casing, tank batteries and other infrastructure; this should include a comprehensive evaluation of groundwater contamination from all existing wells, whether active, temporarily abandoned or permanently plugged.

### Table D-9 Energy Development

Even setting aside the issue of climate change, every ton of methane emitted to the atmosphere from oil and gas development is a ton of natural gas lost. Every ton of methane lost to the atmosphere is therefore a ton of natural gas that cannot be used by consumers. Methane lost from federal leases may also not yield royalties otherwise shared between federal, state, and local governments. This lost gas reflects serious inefficiencies in how BLM oil and gas leases are developed. Energy lost from oil and gas production- whether avoidable or unavoidable- reduces the ability of a lease to supply energy, increasing the pressure to drill other lands to supply energy to satisfy demand. 40 C.F.R. 1502.16(e)-(f). In so doing, inefficiencies create indirect and cumulative environmental impacts by increasing the pressure to satisfy demand with new drilling. 40 C.F.R. 1508.7, 1508.8(b).

BLM should support the Western Association of Fish and Wildlife Agencies Lesser Prairie Chicken, Range-wide Conservation Plan that was endorsed by the United States Fish and Wildlife Service on October 23, 2013. Considering the amount of research, collaboration, and commitment made by Oklahoma, Texas, Kansas and several entities (including the oil and gas industry), BLM should respect this effort by not adding any additional stipulations or burdens concerning the Lesser Prairie Chicken and its' habitat.

AAPL believes the BLM should recognize and implement multiple-use goals of developing Federal lands. Federal lands offered for lease have decreased since 2008. Moreover, approved permits to drill on Federal lands have decreased as well. The BLM should recognize the importance of developing domestic energy and the benefit to the nation, including jobs for American citizens and revenues paid to the Federal Treasury by the energy industry.

Water Use Related to Energy Development -It is a recognized and economic practice to use surface and/or subsurface water from the drillsite or pooled lands in conjunction with drilling and completion activities in exploring for and producing oil and natural gas. This prevents unneeded acquisition of useable water from offsite sources, as well as wasted extra expense, manpower time, road/bridge damages, and air pollution because of a perceived need to import water from off-lease areas when plentiful water exists on-lease.

Hydraulic Fracturing- Many oil and gas resource plays are only economical if hydraulic fracturing is utilized. This country is beyond almost all of the easy-to-access liquid or gaseous hydrocarbons. In many cases this already-expensive process is scrutinized and regulated by state regulatory agencies. The federal government should not add another layer of bureaucracy and expense to completion of vital subsurface energy resources.

Question- Why does the BLM already require so much paperwork regarding wells where federal minerals are put into production with no surface activities, constructions, traffic, or any other expression of surface use is conducted? Will the federal government compensate a lessee for the loss of abutting private leases which expire due to bureaucratic demands placed on operators in such a manner as to cause the private leasehold to expire?

Lease of Federal Lands- My comment is restricted to oil and gas leases. This process needs to be streamlined. I personally have nominated several tracts in the Sabine National Forest with the longest amount of time between my nomination letter and the Offer to lease" being five plus years. From experience, assembling a lease block that contains both federal and private lands has become impractical due to the uncertainty of delays in both the lease acquisition and development of the federal land/minerals.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 1. Air quality and odor impacts from illegal/improper venting, open flaring/combustion and emissions of hydrogen sulfide, methane, sulfur dioxide, carbon monoxide, carbon dioxide and other gaseous emissions from wells, tank batteries, vehicles and other oil and gas infrastructure, and associated threats to public and wildlife health from such impacts.

Apache is pleased to see that BLM has prepared a Reasonably Foreseeable Development Scenario (RFD) covering the RMP area and has advised the public the RFD is for impact analysis. Apache recommends the RMP EIS clearly states that the RFD does not establish a cap or maximum amount of wells that can be drilled within the RMP area.

Apache respectfully reminds BLM that a new or revised RMP cannot amend existing BLM oil and gas leasehold rights as stated in BLM Instruction Memorandum No. 92-67. BLM is limited to the 200 meter/60 day rule if current lease stipulations don't adequately protect subsequently unidentified resource values.

Prior to commencement of any surface disturbing work, a surface use and operation plan must be filed with the pertinent tribal office for leases on Trust or Restricted Indian land. This includes any seismographic work.

Any new stipulations that adversely affect access to BLM administered minerals must have a scientific basis. Any scientific research that BLM relies upon should be peer-reviewed and published. In this regard, a qualified scientist in a special field (e.g. biology) should be able to replicate the same findings as the original scientist using the same methodology employed in the applicable research paper.

**Table D-9**  
**Energy Development**

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Will existing federal leases be subject to a new battery of rules, regulations, and dictates imposed by this new RMP/EIS? If so, what has happened to the sanctity of a contractual relationship between the federal government and private industry?

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Additionally, regardless of how much effort is put into a plan up front, there must be opportunity for regulatory flexibility to allow for the progress that we all know will take place but can't adequately identify 20 years in the future.

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For nearly 100 years, these surface estates have been impacted by oil and gas development pursuant to leases of the mineral estate by the Osage Nation to third party oil and gas companies. The range of impacts from this development includes physical impacts to land caused by drilling pads, roads, power lines and pipelines; pollution of surface and subsurface land as well as surface and ground water from oil, gas and saltwater leaks and spills; pollution of air from hydrogen sulfide, methane, sulfur dioxide and other gaseous emissions, with hydrogen sulfide emissions in recent years damaging the health of the surface landowners and their employees; damage to wildlife, both game and non-game; damage to livestock; and reduction of property values. The reason for the breadth and depth of these impacts are threefold; first, the rules governing the oil and gas development, contained in Section 226 of Title 25 of the Code of Federal Regulations ("CFR"), are woefully inadequate and outdated; second, the enforcement of the CFR by the Bureau of Indian Affairs ("BIA") has been severely lacking; and third, the BIA has failed to adequately assess and mitigate the environmental impacts, on both a site specific and programmatic level, of the oil and gas development.

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Overall, AAPL believes that the benefits of mineral development, especially as it applies to our national security, energy independence, and economic development, should be considered in developing and implementing the EIS. As is the case with many of these public comment periods, submissions tend to deal primarily with surface issues and the perceived negative effects that mineral development will have on surface and water resources, rather than presenting the entire picture. Proven science should be the determining factor as to the use of hydraulic fracturing on Federal lands, and full consideration should be given to mineral development where research findings have deemed it prudent.

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First, we would like to encourage the BLM to recognize the importance of their multiple use mandate for public lands and ensure that it protects the continued development of oil and gas natural resources in three of the nation's top producing states of Texas, Oklahoma and Kansas.

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One of the important aspects of this planning is accurately identifying the foreseeable development assessment and we encourage the BLM to seek input from the industry prior to trying to move forward with that key element of the assessment. An inadequate assessment could put thousands of jobs and economic development in the states at substantial risk.

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Another issue identified in the Notice cites the Bureau of Indian Affairs for Eastern Oklahoma and their management decisions for Indian mineral interests. Indian mineral interests affect landowners in Osage County who own their land in fee simple. It is our understanding the price paid to landowners for surface damages is well below the rates being paid in other counties. Additionally our members have complained of a lack of compliance with environmental standards relating to energy production. Please see OKFB's policy on the Osage issue below. Osage County. In light of the 2011 U.S. Supreme Court decision which upheld that Osage County is not a reservation, all oversight and enforcement of regulations pertaining to the exploration and production of all minerals, including oil and gas, shall be subject to the Oklahoma Corporation Commission (OCC), except in cases where the activity is upon allotments or other tribal restricted lands. All lands owned "in fee simple" whether the owner is an Osage Nation member or not, shall be regulated by the OCC. Furthermore, the federal government shall not be able to document or in any other manner set prices for surface damages. Damages between landowners and mineral producers shall be set by the open market. The federal government (Bureau of Indian Affairs) has for decades proven its inability to manage the Osage Nation mineral estate and enforce production regulations, many of which are decades out-of-date with current OCC laws, as well as other federal agencies such as the Bureau of Land Management.

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The current RMP for Kansas addresses wetland habitats, and the OK and TX RMP's addresses wetlands and reference the BLM's National Riparian Management Policy. These issues are also addressed in lease operations and stipulations. The revised RMP should provide additional detail and focus on wetland and riparian area conservation relative to energy development, grazing management, drought, and climate change. Protecting and maintaining riparian values will be dependent on the proper (seasonal) timing and duration of use as well as the stocking rate.

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### Table D-10 Fences and Trespassing

The BLM said they wanted to take over land that they claim to protect it for best use. The gov't cannot take care of land along the Rio Grande and protect it from illegal intruders, the interest of the whole nation.

The problem was that many of the people had no respect for the land owners near the river and the Federal property. There were many fires that got out of control that burned fences, pasture land and put livestock in danger and caused land owners many problems. We continually had people trespass on our property and had our fences cut. People hunted and fished on our property with no regard for the law. Some of my neighbors had their cattle shot and their homes broken into. Drinking was always a big problem and the bottles and cans were everywhere.

Public access to BLM land on the river would endanger our land from fires and trespassers.

We have been bothered by trespassers on occasion and have had our fences cut by ATV riders. Our river-bottom land is leased for hunting and these people keep motion-sensing cameras aimed at their deer feeders. Numerous times they have gotten pictures of armed trespassers. With only two access points, (Interstate 44 and State Hiway 79) we shouldn't have that much activity along the river. Our only allie has been the danger of quick sand. If open public access is ever allowed, our problem will increase ten-fold. At present, as pointed out that the public meeting on Dec. 11th in Wichita Falls, as low as the river has been in recent years, ATV's have access from Oklahoma or anywhere else they can get to the river. It was never addressed in the meeting and some have questioned if the BLM plans to fence this property when it is identified. Obviously some of the boundaries will be in the river which will prevent this, but if land-owners are to maintain their private land fences, we would hope this wasn't the only barrier to trespassers.

Every land-owner whose land lies adjacent to land which is deemed BLM land has a fear of what open access will mean to us in regard to keeping trespassers off our private land and the danger of fires set which can destroy our pastures and livelihood.

There would little if any protection for our land if public access is allowed all along the river bottom.

One thing that needs to be in BLM's future plans is to survey out what is actually BLM land. There is no visible boundary between private property and BLM property in most cases. This invites violation or trespass laws if the BLM ever decides to allow public use of the BLM lands. Not having a clear boundary presents problems to private landowners if tracts of land are bought or sold.

The new BLM lands need to have a limited entry system and no ATV's or vehicle use inside the acreage. Since there is a combination of land, BLM, Indian and private, a distinctive, visible boundary system must be in place to avoid trespass issues.

Where we have fenced, fences get washed out or bikers and others cut the fences. There were 4 Texas lawmen at the meeting BLM held in Wichita Falls. They also asked WHO has jurisdiction? We asked WHO is going to protect the landowner when the recreational "users" come to our homes demanding help or access to the river? Who pays for our cut fences or lost cattle when there is disrespect for any boundaries?

The use of dogs, ATVs and air boats are on the rise and causing problems due to accesibility and no enforcement.

There are many issues that arise out of the BLM seizing this land. Due to the hazardous terrain and the flow of the River I view it IMPOSSIBLE for the land to be properly marked and fenced to insure that those operating in the region can clearly distinguish BLM property from private ownership. There have been issues in the past with law enforcement along the River and those issues have been resolved when the Compact was put into place. It seems that the BLM coming in will only revive those problems and bring new fuel to the fire.

When land is designated "Public", it holds to certain inherent values or truths. I realize there are issues on both sides of the fence as to detrimental affects by allowing the public access but I believe as the title given to this land says, it is "Public Land" and therefore I believe the "Public"are entitled to its rights and privileges as those who are in care of it at the present time. Fences are designed for a specific purpose. If a landowner actually owns the land he/she fences it off. I believe this to be an easy way to achieve balance on both sides. If it is "Public land", it should be fenced off. Boundary markers would also be helpful.

It is recommended that public access to the BLM land east of highway 79 be closed. There is no management by BLM to protect damage to the land by unlimited use of ATM vehicles. This creates hazards to the public due to accidents which have occurred and required air evacuation. There are no signs to differentiate between BLM land and private land. This promotes trespassing on the private land.

Concern 2- Identify and post the boundary, and develop a map. The most immediate concern for on the ground management is to survey and post the boundary. This is needed so a map can be developed that shows public users where they are allowed. Posting will aid in conveying the message that the southern part of the Red River floodplain is public land and that the Bureau of Land Management will be starting active management.

### Table D-10 Fences and Trespassing

Mention was made that a single ranger could manage the site from horseback. I doubt that would be possible, though a start. The 160 miles would require several rangers to patrol. Most trail development could be done with volunteers after a master plan was developed. There would be a cost to development. Often gravel is needed to support boggy terrain. Bridges are rarely used but sometimes necessary. Camping sites though often primitive do require all weather roads and toilet facilities. Often potable water is required. The history of the area would require survey and documentation, and likely fencing to avoid trespass to private property.

Remember as a parent or guardian you should only allow you children to handle what they handle responsibly. Some people say "Give them enough rope and they will hang themselves". totally WRONG. You should use a chain and give only one link at a time. and if they do not handle the next link responsibly then take it back. You are the guardian and the public is your child "Do the right thing". Our lives are full of rules, and everyday we have rules broken by the public. Citations, fines, penalties are the punishment. You have the option here. And the evidence is clear from the Byers TX Land. The public does not exercise responsible behavior with what they already have.

Sometimes when you catch someone at the fence. They say I just want to get to the river and ride to Byres Tx. Now it's roughly 25-40 miles from here by river. They don't care if they cross your property to access the river. And I explain to them that I do not even go out on the river from my property. The reason is that if I was to make a trail down my river bank for one, It leads to eroision and as a land owner I can not afford to loose any more land to the river. 2) If I make a trail on my river bank, People who ride the river say "Hey there's a trail lets follow it. They don't ever stop and think, Is this wrong? Is this someones land? Could I get in trouble? Nope crosses their mind. I know this to be true cuz when they access my property from the river it becomes a problem. Sometimes I put fencing up, sometimes I pile dirt up. But whatever I do it has to be done. If not like cancer it grows. Can you imagine not being able to access the alleyway behind your home, For the worry of if I go out here someone else will come back in.

That nite after the meeting in Wichita Falls, I watched the newstory on the meeting. I told my wife afterwards it won't be long till the idiots who watched the news start coming. And low and behold around 2:00 PM the next day my wife had an encounter with 6 young men in their 20's. She caught them at the fence with 6 - 4 wheelers and fence cutting pliers about to cut our fence. When she confronted them they told her. "We saw it on the news the river is public land and we are going riding. She explained "Do you see those No Trespassing signs? This is private property That when the argument started 4 of the young men got angry and cussed my wife explicitly. F\_\_ You Why don't you quite being a bitch lady and so forth. They told her she did have a right to keep them out. Once she started dialing the police the 2 other guys convinced them it was time to leave. But my wife said she was afraid and fearful for the way things were going she was definetly outnumbered. Would you want your spouse or children to be in her shoes in your own yard that you have a deed for?

Another day I came across a married couple digging up trees to take home to plant in thier yard. I called the police and they asked them Did they know They had Trespassed and was stealing. They answered yes to Trespassing but No to stealing cuz the river bottom was Public. I agreed to resititution charges of 125.00 for the damaged trees and not to prosecute, for the fact that I did not feel they could afford 2 trespassing fines. Now why should a landowner have to bend to help someone who knowingly Trespassed. The fact is we have to police our land along the river and we have to use good and wise judgement. Remain calm and clearheaded in all situations. We have to deal with people along this river who do not have any regard for us as landowners. Every day we face a new challenge with these people. And the majority of these people don't have any respect for the river and the land around it.

As I made a pass a young man with a back pack and a rifle and a dog came out. I stopped and asked what he was doing in those trees. (The ones where I had just shot a coyote) He told me "It was none of my buisness." I explained he was trespassing He told me "No he wasn't" I questioned him more and found out he was hiking along the river and Hunting and had spent the nite in those same trees. I asked if he heard my shots? He said "yes" I asked if he was worried I might had shot him He said "nope".

Still I had problem. Numbers of times at the bridge people would be shooting the bridge colums or shooting bottles with no regard where their bullets went. And when you hear a bang and then your hear beside you or above you a buzzing (tumbling bullet in air) sound your life is in danger. When I would confront everyone of these people they all said the same thing "Go to Hell old man you don't own this land it's all public." and when I would ask "Did you see the signs?" Answer: Yeah so what f\_k \_\_u. I have been threatened so many times over my land. Countless time I have had to seek cover for me, my wife, children, and grandchildren. After another couple hundred idiots I finally started prosecuting anybody and everybody.

But like always people don't respect landowners. When I moved to this property 8 yrs ago Vandalism, Poachers, Crystal Meth cookers, Trash dumpers and trespassers were a daily problem I faced.

**Table D-10**  
**Fences and Trespassing**

Al ot of people I confronted were armed either a gun, knife, or a machete. I was armed also with a pistol, camera, cellphone. This is a shame that a landowner should have to dress like his life depends on it. In the beginning I just ran people off. (The first 200-300 peple) Then in time I started having the police come out and ban the people from the property. If they are banned and caught for a second time they would go to jail for trespassing.

TX and OK have done an excellent job preventing poaching and trespassing.

Cadastral Survey in Wilbaqev, Wichita and Clay Counties. I completely oppose the proposed survey.

What recourse do land-owners have when the public trespasses? What about damages? Can we have a guarentee that there will be none of the above? What rights do we have? Can we call you and will you come right then to help when problems arise?

We already have people that trespass on our land. They leave gates open letting our stock out, leave their trash, even camp and COOK in OUR pastures (regardless of the burn ban), etc. If landowners could control who and what the public did, it might be different..but I doubt we will have any voice or recourse and there certainly is not enough security or wardens to enforce any Use Rules. In fact, if we needed the Sheriff, it would take them 25 minutes to get here. And we've never seen a warden.

Reasons for opposition to opening the Red River to the public. Currently as it is I don't have to worry about fences being cut as before by poachers

Reasons for opposition to opening the Red River to the public. Currently as it is the crime rate has dropped off ie; DUI's, assaults, trespassing and stolen vehicles. Currently as it is now land owners along the Red River don't have to worry about poaching and taking of wildlife resources without land owners consent.

They make campfires and shoot deer or cattle for their camp meat. YES, this has happened. The public also destroy our fences that are there to corral our cattle.

Several of my neighbors and myself had fences cut so trespassers could gain access to our land and destroy our property. We had cattle shot and homes were broken into. Our privacy was invaded as people came and went as they pleased. Most of the time these people were drunk and obnoxious.

Comment 11- River Surveys and Communitization Agreements. We request that BLM issue a policy regarding when a new river survey is needed and how those will be approved.

I would NOT like to see the land OPEN to THE PUBLIC. My family has ran cattle on that river bottom since the late 1800's. Poachers and rustlers have trespassed on this land ALWAYS and with the price of cattle and the low level of the river this activity has WORSENEDED. The OPENING of this land to the PUBLIC would be a nightmare to our cattle operation.

I also feel that it would IMPOSSIBLE to keep said PUBLIC OUT of MY ownership boundaries.

A land owner should have the right to control who goes in and out of there property that is fenced by them. No one person should enter the property without the permission of the land owners. Land under fence is for the use of the land owner only.

Invasion of privacy/property rights/safety concerns. Many of the land owners along the red river basin purchased that land and built their homestead for the scenic tranquility that area provides. Allowing public access to the river basin will only result in more trespassing, potential loss of livestock due to fence damage, and safety/security concerns for those who live in that fairly remote area including increasing land owners potential liabilities from trespassing individuals.

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Fences separating private property cut and livestock shot. - Lack of clearly defined boundaries

The BLM cannot establish any survey that will rightfully establish the federal and private property owners land rights due to the ever-changing flow of the river and other water ways. To try to establish a concrete boundary on a changing landscape is impossible and results in unreasonable expenses to governmental agencies.

Entrance Opposed - We oppose the entrance of private property by government agencies or individuals without permission or warrants, except for emergency responses.

**Table D-10**  
**Fences and Trespassing**

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I also wonder if the BLM has well-documented maps of the lands in their holdings or will expensive surveys be required to determine the boundaries separating BLM lands from the private lands of ranchers in the Red River floodplain. Once demarcated who will fence and then maintain the fences of the property boundaries in these flood-prone lands? Will the BLM be trying to purchase additional access? I assume that will only be from willing sellers. Is there any likelihood that Congress will allocate funds for such purchases?

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The BLM land that is in our area [along the Red River in Tillman County, OK] has little to no access without trespassing.

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Under "Recreation Resources", "Public parking and trailheads for equestrian and foot access could be provided at each of the 3 highway bridges which cross PD along the river. Acquisition of private land adjacent to PD could be pursued as needed to reduce user conflicts and enhance recreational opportunities." The problem with public access at highway bridges is that persons can veer from the PD property and onto private property claiming they are unaware of private property boundaries.

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Where we have fenced, the fences get washed out or bikers and others cut the fences.

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WHO has jurisdiction? We ask WHO is going to protect the landowner when the recreational "users" come to our homes demanding help or access to the river? Who pays for our cut fences or lost cattle when there is disrespect for any boundaries?

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Anyone entering stream or river property without written permission from the landowner that borders that area will be considered as trespassing.

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I feel that the land should be closed to the general public due to the fact that trespassing is already an issue on private land. By opening it up to the public will almost certainly increase trespassing along with theft and the making of illegal drugs. By allowing the land to be opened it would ultimately put a burden on local agencies that are already under staffed and over budget to police these areas.

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Under "Recreation Resources", "Public parking and trailheads for equestrian and foot access could be provided at each of the 3 highway bridges which cross PD along the river. Acquisition of private land adjacent to PD could be pursued as needed to reduce user conflicts and enhance recreational opportunities." The problem with public access at highway bridges is that persons can veer from the PD property and onto private property claiming they are unaware of private property boundaries.

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First, concerning the BLM tract along the Red River, the boundary of that tract must be accurately determined, and clearly and delineated in such manner that there is no confusion on the part of any stakeholder as to what and where the boundary is. Once the boundary has been determined and has been marked or delineated in such a way that any user can know with certainty whether they are on BLM or private property, ODWC is willing, and desires to work with the BLM as a partner agency, to help determine feasible uses of that property.

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We need less people squatting and making false claims on our property.

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These are three families all from the State of Texas where by the documentation of boundary's is the south vegetation of the Red River. If this is true and you are developing issues in and on the border then the legal issues of boundaries should be foremost in your decision making.

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In 1951 R.M. Wells Sr. purchased land on the Red River that was annotated as Texas land in 1891 Federal Land Grants. This land has been in our family all these years and the warranty deed stated the land was to the vegetation on the south side of the river the taxes were paid and the land was utilized by our family, until 2005 when my husband died and an unscrupulous Oklahoma attorney and his father-in-law we discovered claimed this land and the river as Oklahoma land with an Oklahoma warranty deed and sold 1700 plus acres of our land and two other neighbors with a quit claim deed. This has been happening up and down the river in Hardeman/Childress county's. This land dispute is in 7th Circuit Court of Appeals and has been in litigation for almost 10 years and has cost more than half a million dollars in court costs. I can provide any documentation attachments of our land, and now we face the federal government, when and where does this stop.

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### Table D-11 Fish and Wildlife

Animals such as bobcats, deer and duck are presently being poached as more and more people hunt along the river out of season.

Working with private land owners to restore and preserve the red river would prevent further damage to sensitive species of fish and wildlife and restore the Red River and its natural habitats.

open with limitations- The hunting and fishing is a major concern for the red river area. If the proposed area is opened to all public the sensitive species would be reduced drastically and the crucial unaltered wading ground for waterfowl and other migratory birds will be disturbed.

Working with private land owners to restore and preserve the red river would prevent further damage to sensitive species of fish and wildlife and restore the Red River and its natural habitats.

Are there any endangered or threatened plant or animal species on the area?

6-4. All shotgun hunting should be restricted to federally approved nontoxic shot. Waterfowl and wading birds feed along the river and may ingest lead pellets.

I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 5. Wildlife - management and restoration and protection

It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
5. Wild life

This stretch of the Red River was abused by oilfield exploration in the past. Now with better regulations the land has recovered. And with more time this landscape can prosper. And also the wildlife can continue to multiply. Along my small stretch you can find Raccoons, Opposum, White-Tail Deer, Feral Hogs, Fox, Coyote, Bobcats, Quail Migratory Birds such as Ducks of all kinds, Dove, Black Tipped Pelican, Sand Hill Cranes, Bald Eagles. I fish for Sand Bass, Catfish, stripers, needlenose gar, carp, Buffalo, Asian Carp, Crappie, Perch, Drum and more. Birds who live here round year Red Tail Hawks, Crows, Horned Owls, Barn Owls, Screech Owls, Falcon, and many more. When you go to the Byers Land you're limited on numbers of these species. The land there is just flat out over used.

Wildlife pays the price also. Animals cross this river back and forth, for feeding, for bedding areas. Sometimes younger animals get separated by the 4 wheelers I've watched does and fawns be crossing or just getting water. When the riders come zooming up and spooks the deer. The does go south to Texas and the fawns goes north or vice versa. And if they stay visible the riders chase after them. The same for wild pigs except if the riders have guns they start shooting with no regard that a landowner my been in the background.

Wildlife would be subject to HUNTERS. My land has never been hunted by me or ANY of our family. Our land is a safe sanctuary for ALL wildlife.

Reasons for opposition to opening the Red River to the public: 1. Environmental. Disturbing the natural peace of the wildlife

Quail were once plentiful on the Red River. There are a few left and land owners in this area are working to help them come back We feed deer, turkey and trap the hogs. Song birds come to these feeding stations. The public would destroy the good that has been accomplished.

As an MLD participant, I am concerned about managing the wildlife and the resources/habitat that supports a variety of species.

Comment 2 - Proposed, Threatened and Endangered Species. Due to the changes in policies regarding the species habitat, season of use and mitigation requirements, we request that any statements or requirements regarding T&E Species be flexible to account for the ongoing changes in policy and mitigation requirements. Strict season of use, as stated in the current policy, does not account for new science and new information that may come about after the Resource Management Plan is issued. Please avoid blanket stipulations for the entire county based on current survey protocols or data. We request a statement that operator must follow current USFWS protocol regarding listed species.

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Disruption of Amphibian and shore bird breeding grounds. Critical nesting habitat gets destroyed as vehicles travel the bars and shallow waters. The amount of overall wildlife has decreased in recent year all due to the access of motor vehicles to critical wildlife sensitive areas.

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are

### Table D-11 Fish and Wildlife

causing the following. - Wildlife harassment and destruction, the number of southern bald eagles wintering along the red river has been decreased dramatically, a critical habitat to these birds has now been removed by all of the vehicular traffic. In years past before the eagles would arrive the sandhill crane would be found resting and feeding along the banks and bars of the red river but no more.

The impact of visitors on the wilderness and wildlife should be given a high priority when decisions are made with regard to where public access is permitted. Our grandchildren and their children deserve to see this river as it exists, intact and unspoiled!

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 5. Illegal taking of endangered American Burying Beetles by combustion of H<sub>2</sub>S gas as well as from drilling pads, roads, power lines and pipelines.

It is our understanding the BLM is not currently conducting control measures for feral hogs in the Red River Valley. Feral hogs are flourishing in that area of the state. Feral hogs are harmful to pastures and cropland. They can only be managed through systematic control.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 4. Impacts from all phases of oil and gas development and operations to game and non-game wildlife, migratory birds and threatened and endangered species of wildlife.

Wild game and animals are always our concerns. We don't allow poaching on this land and if its opened up that will happen. Most land owners are the best conservationists and letting them maintain control is the only way it will work. Please don't destroy our work.

Proposed Recommended changes include the following options: - Make Red River Management area into a wildlife protected area No motorized vehicles and limited hunting, remove the firearms from the land by making the area a Bow and Arrow only managed area allowing both Texas and Oklahoma to enforce.

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Fish kills have been occurring in the red river unexplainably for the last 3 years, scientists have yet to find an explanation. The vehicular travel tough the shallow waters of the red river is changing the ecosystem of the water by adding contaminants and increasing the turbidity of the water aiding in the creation of toxic algae.

There is also potential for the reductions in water quantity to impact aquatic and riverine species and habitat by affecting water flows and natural river processes: this, in turn, could lead to fish declines, changes to riparian plant communities, and alternations to sediment.

I am concerned of the impact of opening the BLM lands to increased public access. I am most concerned about the impact on endangered species such as the piping plover. Increased hunting and four-wheeler activity can only negatively impact the long-term survival of this species.

Endangered Species - We are opposed to the use of government funds and eminent domain to acquire land believed to be the habitat of endangered species.

OIPA would like to confirm that BLM and BIA are working with our state wildlife agency, the Oklahoma Department of Wildlife Conservation, in their analysis and development of the Southern Great Plains Rapid Ecoregional Assessment effort?

One item OIPA respectfully requests the joint agencies to consider is the approval or acceptance of any wildlife conservation plan that receives approval from the U.S. Fish and Wildlife Service. Although certain plans may not contain an accompanying Candidate Conservation Agreement (CCA), we would ask the joint agencies to support and embrace these plans and to use them to meet overarching species conservation goals across the region.

Guidelines and stipulations such as netting and covers that prevent access to produced water and other fluids from oil and gas production should also prevent bat access.

Bats are particularly prone to water loss, and are therefore especially dependent on surface water for drinking. Range water developments have become an important water source for bats, but bats, birds, and other wildlife can drown in livestock troughs if they fall in while drinking or attempting to bathe and an adequate escape structure is not installed. Because they drink while in

### Table D-11 Fish and Wildlife

flight, fencing, bracing, and other obstructions can make these water sources difficult to access for bats as well as swallows, swifts, and nighthawks. Wildlife escape structures (ramps) are inexpensive, easy to install, and long-lasting. All steep-sided livestock troughs and open-topped storage tanks on BLM-administered lands should have wildlife escape structures installed. Fencing and bracing can be configured to facilitate access while still meeting livestock management objectives. Information on increasing access and safety for bats and other wildlife at livestock water developments is available online at <http://www.batcon.org/pdfs/water/bciwaterforwildlife.pdf>

In addition, since the publication of the current RMP's, there have been changes to the list of federal and state endangered, threatened, and sensitive species or Species of Greater Conservation Need (SGCN), including bats. Of the 28 bat species known or expected to occur in Texas, 18 are considered SGCN, and one is federally listed. One of Kansas' 14 bat species is listed as Endangered, and two are SGCN. Three of Oklahoma's 20 bat species are listed as Endangered, two are proposed for listing, and six are SGCN.

Other essential habitats for bats in the KS, OK, TX, RMP planning area include cave and abandoned mine roosting habitat, riparian foraging habitat, and pooled surface water for drinking.

Since the current Kansas, Oklahoma, and Texas RMP's were published in 1991, 1994, and 1996, respectively, our knowledge of bat ecology and natural history- while still lagging behind that of game and more visible nongame species - has increased considerably. More importantly, the two greatest threats to bats at this time in the U.S. and Canada, White-nose Syndrome (WNS), and the expansion of wind power, were either non-existent (WNS), or insignificant (Wind Power) when the current plans were written.

The average cumulative wind power capacity in megawatts in 2001 was 4,137, and had increased to 60,007 in 2012, a 1,400% increase. All three of these states, Oklahoma, Kansas, and Texas have seen an expansion in wind power, with Texas leading the nation. During that same time period, estimates of bat fatalities at wind farms across the U.S. and Canada range from 500,000 to 1.6 million. While these fatalities have included at least 21 bat species, more than 78% of the mortalities are comprised by three species, hoary, red, and silver-haired bats, all three species occurring in Kansas, Oklahoma, and Texas.

WNS is a fatal disease caused by an invasive and introduced fungus found in caves and abandoned mines where bats hibernate, first detected in New York State in 2006. Since that time, the disease has spread, primarily by bats, but likely by humans as well, to 22 states and 5 Canadian Provinces, killing more than 5.7 million bats in the Midwest and eastern U.S. WNS is suspected from Oklahoma, and known from the adjacent states of Arkansas and Missouri. The states of Oklahoma and Kansas could potentially link infected eastern and Midwestern bat populations with currently uninfected populations to the west.

BCI strongly encourages the Oklahoma Field Office to consider the potential impacts to bats from wind power and WNS in the KS, OK, TX RMP revision process, both through Program Activities and energy lease operations and stipulation guidelines. Information on strategies for minimizing the impact of wind turbines on bat populations, including wind power siting guidelines and mitigation measures can be found at the Bats and Wind Energy Cooperative (BWEC) page, [www.batsandwind.org](http://www.batsandwind.org). Comprehensive guidelines can also be found at [http://nationalwind.org/wp-content/uploads/assets/publications/Comprehensive\\_Guide\\_to\\_Studying\\_Wind\\_Energy\\_Wildlife\\_Interactions\\_2011\\_Updated.pdf](http://nationalwind.org/wp-content/uploads/assets/publications/Comprehensive_Guide_to_Studying_Wind_Energy_Wildlife_Interactions_2011_Updated.pdf) and in the USFWS' Land-Based Wind Energy Guidelines, [http://www.fws.gov/windenergy/docs/WEG\\_final.pdf](http://www.fws.gov/windenergy/docs/WEG_final.pdf)

Information on the USFWS' national protocols for slowing the spread of WNS, including guidelines for cave and abandoned mine management and decontamination procedures can be found at <http://www.whitenosesyndrome.org/>.

A second issue that we ask BLM to consider is the management of the Lesser Prairie-chicken (LEPC) on lands for which the BLM holds management authority. The LEPC is a candidate for listing as threatened under the Endangered Species Act of 1973 (ESA), and is an indicator species for overall grassland health. Recently, members of the 5 states in which LEPC occurs (CO, KS, NM, OK, and TX), working with the Western Governors Association and other interested stakeholders, prepared a Range-wide Conservation Plan (RWP) for LEPC. The conservation strategy put forth in the RWP is designed to ensure that LEPC survive and thrive, and addresses a wide range of conservation issues and concerns pertinent to LEPC. We ask that BLM consider and include the RWP in the Resource Management Plan for Oklahoma, and that BLM, through the RMP, requires all developers whose activities have potential to impact LEPC and their habitat to abide by the avoidance, minimization and mitigation strategies identified in the RWP.

**Table D-12**  
**Lands and Realty**

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One news report said the "Landowners along the Red River are upset over the fact that a federal agency could possibly make a portion of their land public domain." My question is: How is this to be "made" public domain? I take it that it is not currently 'public domain' but possibly could be. How does that occur? In other words, from what level of BLM is this designation made? Or, has this been made already?

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I feel that the land along Red River should be returned to private ownership. 1st choice should go to people who have a deed to the acreage. 2nd should go to adjacent land owners. 3rd if any is left it should be sold at auction.

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The land should be returned to private ownership along Red River.

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I own a Texas ranch in Wichita County; therefore I want the current policy of adjacent landowners controlling the river bottom land to stand as is, without additional policies or laws from the Federal Government.

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I am concerned BLM and BIA keep public lands public.

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Please find attached hereto a copy of our client's survey which describes his land, part of which is below the bluffs, but well south of the vegetation line of the south bank. We believe it clearly shows that none of the surveyed land lies north of either the gradient line or the vegetation line and is thus not within any public domain area. [this comment came with a map attached which can be found under cfc0034\_raaron\_20140117]

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Texas and Oklahoma agreed that the "survey method" to be used would be that no survey would be needed, since the constant vegetation line is readily identifiable, much more so than the gradient boundary line. The States also agreed that accretion or erosion may cause a change in the boundary between the states if it caused a change in the vegetation line, which is consistent with the Supreme Court decision. We believe the only property within the public domain would be limited to that area from the constant vegetation line along the South Bank of the Red River north to the Median Line of the River. The same area that is kept virtually bare of vegetation by the wash of the waters of the river from year to year. The same land as identified in the 1923 Supreme Court decision as the river bed itself. Therefore, any land South of the vegetation line along the South Bank should not be included within any of the BLM's planning area and any ownership of such land with vegetation would be determined by Texas law. We would also like to know if the Attorney General of the State of Texas has been notified of the BLM's intentions, since any decision of the BLM would affect Texas land and Texas landowners.

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Do not take the lands that belong to the ranchers and farmers that own land along both sides of the Red River that forms the boundary between Texas and Oklahoma.

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Do not take the lands that belong to the ranchers and farmers that own land along both sides of the Red River that forms the boundary between Texas and Oklahoma.

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This great nation was founded on a principle of private property ownership. Thus, it behooves the BLM to work tirelessly to return ALL lands possible to private ownership, with first priority being to those individuals who possess deeds or have contributed in some way to the property through improvements or taxes paid. Other properties should be placed at public auction and the ownership returned to private taxpaying citizens, including the Crossbar Ranch.

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If the BLM persists in its quest to take over this land then I feel strongly that those individuals who most recently controlled the property should be given first priority for use through leasing.

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Permanent solution to the BLM land would be to survey the land and offered for sale to the adjoining landowners. -> Permanent Solution<-

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We as landowners have all invested our money, heart, and soul into what we have. This land of ours is our life. I know that the BLM does not understand our passion. The difference is this is your job. You do it and go home. We live here we work here, we sweat here. We freeze here, we laugh here and we cry here. This is our home. We also understand the river moves, and we accept that. Some of us understand this better than others. When some of us bought our property's some of our deeded land was on the other side of river. Survey crews won't cross the river. My parcel's title (deed) originally had 100 more acres. I knew the prior land owners and had been on that 100 acres before but the river change course in time.

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I bought this land in good faith with a deed from the state. I pay my taxes on my land. I respect and protect the wildlife here and only take what I eat. I am fortunate to have a Bald Eagle that comes in late winter to nest along the river. A symbol of freedom that reminds me how lucky I am. If you open this river this beautiful bird will move on. His or Her freedom will be in danger as well as mine and my family and my neighbors.

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My 10 yr old grandson asked me how is this fair? Do you feel sort like the Indians. I responded I don't think it's fair son, and Yeah. I worked my whole life to have the opportunity to own land on the river.

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### Table D-12 Lands and Realty

We as landowners are in fear that we could become the next Tommy Henderson of Texas. The name should ring a bell. Tommy used to own land where this Byers land is. He lost his legal battle to the BLM. But yet he did the right thing and paid his bank note for the land he bought. The land that the State of Texas gave him a deed for. The land that the State of Texas gave him a deed for. The land he paid taxes on. And no his warranty deed did not cover this. I too have these same things, and I loose sleep everyday as I look out across my land. The unknowing, the uncertain. People ask me all the time. What's going to happen? What are you gonna do? How do you handle this?

In closing I hope that I have helped you understand. What we as landowners along the Red River face day to day. I could not give you and account of every single incident that I have had. But stop and think. That what I have gave you. Is only in a 1 mile section of the Red River and since Sept 2006 when we moved here. There are nieghbors of mine in their 80's who were born here on the river (literally). They have had more situations than I have. Your decision about your study will affect numbers of familys from Texas and Oklahoma for years to come. It may also break some familys dreams.

Tommy Henderson deserves his **rightful** land back. I hope you will do whats best for all.

Reasons for opposition to opening the Red River to the public: Taking of this land will be an unlawful act.

Reasons for opposition to opening the Red River to the public: We hold deed to this land. This is a land grab by this office. This boundary has been agreed to by both states, Texas and Oklahoma. Agreed to by the BLM and ratified by Congress.

I am concerned about maintaining ownership and usage rights.

The fact that a government agency believes it knows best how to control and protect farm and ranch lands bordering a river does not mean that it has unfettered ability to usurp the property rights of lawful landowners along its course. An attempt to take those rights in direct violation of well established law should be deemed an intentional violation of the civil rights of those citizens affected and should generate potential individual civil liability for officials who attempt to unlawfully assert the power of their office to impose their will. You took an oath of office to uphold and defend the Constitution and laws of the United States and seem to be intentionally ignoring such precedent in order pursue a primarily political agenda and inflict injury upon innocent and peaceable citizens who own such properties. This appears to many of my clients just another part of the way on Texas by the Administration.

Red River - We are opposed to any state and federal government agency proposals for potential wildlife habitats, parks, "wetlands" preserves, hiking/biking recreational areas, wilderness designations, game preserves and Wild and Scenic River designation on the Red River. All land should remain in private ownership.

I also wonder if the BLM has well-documented maps of the lands in their holdings or will expensive surveys be required to determine the boundaries separating BLM lands from the private lands of ranchers in the Red River floodplain. Once demarcated who will fence and then maintain the fences of the property boundaries in these flood-prone lands? Will the BLM be trying to purchase additional access? I assume that will only be from willing sellers. Is there any likelihood that Congress will allocate funds for such purchases?

Private Property Rights a Priority - We recommend that the Oklahoma Farm Bureau continue to make private property rights a priority issue. We further support a position that strongly encourages the Oklahoma Farm Bureau to consider the impact any legislation would have on the rights of the private property owner. Landowners in the vicinity of government-owned or operated properties should not be limited to uses of their own lands or be forced to adapt land uses or practices enforced on government properties.

I believe that land that is owned by private citizens should remain as such.

For the Federal Government to take away Deeded and Accredited acres from private property owners is to fear the government rather than revere it.

Withdrawal of lands: BLM must comply with the formal withdrawal requirements imposed by the Federal Land Policy and Management Act of 1976 ("FLPMA").

Preservation and Recreation - Farm Bureau should vigorously oppose any more land being confiscated for federal parks, heritage sites, wild and scenic rivers, species preservation or wildlife preserves. Landowners should be paid a premium market price for any land taken, over our protests, for these schemes. Landowners, whose land is not confiscated but regulated, should be paid for their compliance according to damage done to their operation. We oppose the use of eminent domain for the acquisition of lands for parks and recreation.

Land Acquisition by Government - We oppose any net increase in government ownership of real estate.

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**Table D-12**  
**Lands and Realty**

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No one cares more for the land than those who make a living off of it. To take away private property owners' rights and try to establish a plan on land the BLM is in actuality removed from is a contentious proposition. When people depend on land to make their living and want to pass that land down to their children and grandchildren so they, too, can remain in the agricultural industry, these people will take care of the land and do their best to be good stewards of it. It's not that the federal government does not want to take care of the land; it's simply that the federal government is further removed from this area than the gentleman who has been on it as a 3rd generation farmer or rancher.

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America is founded on some instrumental principles- private property rights being one of them. To take away these rights is to challenge and indeed, deny those rights set forth in the Constitution of the United States.

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Private Use - We oppose the use of eminent domain for obtaining private property to be sold or given to another entity.

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OKFB has concerns about the issues listed in the 1994 Oklahoma Resource Management Plan Record of Decision and Plan (Plan)1 and how they affect private property rights, government ownership or transfer of land, and trespassing. In the 1994 Plan's Scenario 4c, "Lands" the Plan anticipates a land acquisition program might be initialized in order to gain ingress and egress in support of other BLM resource specific activities. Under "Wildlife", the Plan states a BLM wildlife program would recommend acquiring most of the north bank lands.

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Proposed Recommended changes include the following options: - Option 1 deem the Red River Management Area unmanageable due lack of gov. resources and 1st offer land for sale to adjacent land owners at market value. Or place land for auction.

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One issue the Notice asks for comments on is: "Which public lands should be identified for retention, proposed for withdrawal, disposal, or acquisition to facilitate more efficient land management?" OKFB's position is that the estimated 45,000 to 90,000 acres of public domain (PD) land along the Red River should be sold into private ownership. The land would be better managed by private owners who could potentially raise livestock and/or lease the land for recreational activity. Private landowners are most often the best stewards of property. The disposal of this property into private ownership would serve the national interest. The 45,000 to 90,000 acres along the Red River are difficult and uneconomical to manage as part of public lands. Further, the property is not suitable for management by another federal department or agency.

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Transfer of Federal Lands - We are committed to disposition of federal lands into private ownership, including subsurface rights, at fair market value. We support the following guidelines: due regard must be given to traditional rights of use; dominant economic users should have right of first refusal; after a refusal, the land under permit, as well as nonpermitted federal lands, should be sold to the highest bidder, or disposed into private ownership by an alternate method.

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The land owners have purchased the land and invested resources and time into this land - it should stay with the land owner.

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Wetland Ownership - Wetlands under private ownership should retain all private property rights and we strongly oppose unauthorized access to privately owned wetlands.

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These are three families all from the State of Texas where by the documentation of boundary's is the south vegetation of the Red River. If this is true and you are developing issues in and on the border then the legal issues of boundaries should be foremost in your decision making.

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**Table D-13**  
**Minerals and Mining**

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Also, would like to know more about the exploration of minerals that would possibly be done on tribal allotted land.

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Our water should be protected from coal cleaning chemical spills, like what has happened in West Virginia.

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Mineral resource extraction should follow the least environmentally damaging practice possible, with any precedes to the public treasury. Coal extraction should not involve massive blowing of mountain tops.

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We understand the RMP will take approximately 5 years to complete. We would still like to pursue acquiring rights to lease and mine at least some parts of the property described above with some sort of interim agreement. We also understand that halite is currently not allocated as a leasable mineral in the state of Kansas at this time and will not be allocated until the completion of this RMP.

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**Table D-13**  
**Minerals and Mining**

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BLM must also consider the impacts on human health and the environment of fugitive coal dust and diesel emissions from trains and trucks that are used to develop or transport fossil fuels from federal lands. The fugitive dust emission can contribute to visibility impairment and harmful airborne particulate in nearby communities, and also result in dust deposition along rail and truck transit corridors. BNSF Railways has estimated that coal rail cars can lose 500 pounds of coal just from each uncovered rail car during transit from mines to power plants or terminals. Coal dust causes a number of well-known respiratory diseases, including pneumoconiosis (commonly known as Black Lung Disease), bronchitis and emphysema, and transportation of coal is identified by the Occupational Health and Safety Administration as one of the methods for human exposure to coal dust. Airborne coal dust can also exacerbate asthma and chronic obstructive pulmonary disease, and respirable coal dust is responsible for the deaths of as many as 700 miners and ex-miners in the United States each year. Although much of available information relates to health threats for underground coal miners, there may also be severe risks of exposures to lower levels of coal dust based on what is known about how coal dust impacts the human respiratory system. Coal dust in all size fractions also contains varying amounts of heavy metals, including lead, mercury, chromium and uranium. Fugitive emissions of coal dust from transportation can also cause increases in levels of fine particulate matter (PM10), which also presents significant threats to human health.

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**Table D-14**  
**Public Health and Safety**

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The problem was that many of the people had no respect for the land owners near the river and the Federal property. There were many fires that got out of control that burned fences, pasture land and put livestock in danger and caused land owners many problems. We continually had people trespass on our property and had our fences cut. People hunted and fished on our property with no regard for the law. Some of my neighbors had their cattle shot and their homes broken into. Drinking was always a big problem and the bottles and cans were everywhere.

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Public access to BLM land on the river would endanger our land from fires and trespassers.

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In order to manage this property on both sides of the river, BLM will need to have some type of presence on these lands 24/7. Just opening these lands up to the public will result in a repeat of what is going on now on BLM lands off Hwy 79.

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Fire control will be critical.

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This land has been well preserved and watched after by the private land owners who border it in both Texas and Oklahoma. Do not allow it to be abused and desecrated as you have on the other identified BLM lands at Hwy 79.

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My concerns are based on how BLM has managed the existing BLM acreage off Hwy 79 in Clay County. This area has been abused by off road vehicle traffic, junk and litter are everywhere, trees have been cut down, meth cook trash and hazardous waste dumped. In other words- not managed at all. This area is over hunted by unlimited access by the public and most of the deer killed now are fawns or young deer.

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The use of firearms would be catastrophic.

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Also with more activity there is much more chance of wildfire. With the inaccessibility of much of the river bottom a fire would be hard to control.

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Please read the following comment made on TexomasHompge for Channel 3 in Wichita Falls: "Make it public. All the landowners have it blocked anyway. Would be a good place to ride 4 wheelers and dirt bikes. Free the river." This person doesn't know about the quicksand and that is not completely true about the landowners blocking it. The statement sends shivers down our spines thinking of the consequences of unsupervised use of this area. WHO is going to pull out their RV's when they get stuck? WHO is going to fight a fire on federal land?

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There are reasons the Red River (particularly the 116 miles that you are studying) has NOT been a recreational river. 2. When it doesn't rain, the river has stretches that go completely DRY. The current fire danger has kept us on edge. If a fire gets started next to the river, where would it stop? Landowners constantly watch to protect the area.

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There are reasons the Red River (particularly the 116 miles that you are studying) has NOT been a recreational river. 3. QUICKSAND IS A PROBLEM! Horses and cattle have had to be pulled out or were lost. Recently, RV's have been stuck.

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Also the risk of illegal dumping and drug activity rises when these [illegible] are opened to the public.

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### Table D-14 Public Health and Safety

If, however, the Bureau of Land Management ignores the prior Supreme Court decision and its prior determinations and persists in, what we perceive to be the confiscation of Texas land, we would hope that the Bureau would classify this land as being partially open and therefore not available to the general public. To completely open the river bed to the public would result in numerous problems with adjoining land owners caused by trespass with ATV vehicles traversing not only public land but private land along the River, trash, poaching, hunting, fishing, fires, meth labs, and other criminal activity over which the Federal Government would have little or no way to control due to limited access to the river.

Also due to the closeness of neighbors on either side of river if a third area is thrown into the mix with people hunting, you are asking and inviting for hunting accidents. The gov't would be creating a very unsafe situation where no control of who comes and goes into the third area. There is no way to communicate with every hunter up and down the river every day as to where everyone is and likelihood of those people staying in a certain place is minimal at best.

Concern 4 - Develop a management agreement with the Oklahoma Department of Wildlife Conservation (ODWC). The ODWC manages more than 65 WMAs (comprising more than 1.6 million acres), some as the lead managing agency and others as a cooperators. Their expertise/cooperation would be valuable on this area, might reduce cost to the BLM and would add a law enforcement presence to the area.

It is recommended that public access to the BLM land east of highway 79 be closed. There is no management by BLM to protect damage to the land by unlimited use of ATM vehicles. This creates hazards to the public due to accidents which have occurred and required air evacuation. There are no signs to differentiate between BLM land and private land. This promotes trespassing on the private land.

6-5. Prohibit discharge of firearms for purposes other than hunting. Discharge of firearms should be allowed only during open hunting seasons and only at legal game. A notice on the kiosk and in the brochure would make the public aware of when discharge of firearms is allowed. They could make their own decision as to whether or not to enter the area during those times. At other times of the year they would know that discharge of firearms is prohibited.

Due to the high fire danger, the land along the Red River should be open with restrictions that allow adjacent land owners grazing rights. This is currently being done with few instances of fire and low criminal activity.

Opening the Red River to the public would only increase the chance of fire and criminal activity, such as drug making, theft, and crimes against wildlife. Due to the ever changing terrain and deep sands patrolling and fire fighting are impossible by ground.

Still I had problem. Numbers of times at the bridge people would be shooting the bridge columns or shooting bottles with no regard where their bullets went. And when you hear a bang and then your hear beside you or above you a buzzing (tumbling bullet in air) sound your life is in danger. When I would confront everyone of these people they all said the same thing "Go to Hell old man you don't own this land it's all public." and when I would ask "Did you see the signs?" Answer: Yeah so what f\_\_k \_\_u.

I have been threatened so many times over my land. Countless time I have had to seek cover for me, my wife, children, and grandchildren. After another couple hundred idiots I finally started prosecuting anybody and everybody.

And then other times they come in the nite to retaliate. I have a campground area along the river. Picnic tables awnings, smokers, fire pit, our own Porte Johns, a very nice area. Sometime it my be chairs, sometimes picnic tables. But mysteriously they find their way in to the river. Sometimes I find as many as 50 shell casing ranging from 22 caliber to 7 mm to 40 cal just depending.

When these riders are traveling the river they do have breakdowns and they have accidents. Most of the time there is no cellphone reception in the river bottom. So they leave the river and come onto someones land. Looking for help or reception. In doing so they can put themselves in danger. If a landowner is target practicing or teaching their children or grandchildren to shoot a gun or bow. They rider can easily walk into the line of fire. The landowner has no idea that someone needs help. And the rider is not walking and announceing their pressence. This is an accident waiting to happen. There a very few access points on the river. If medical help is needed most of time it is care flight that has to be called. Most UFD 1st responders do not have 4 wheelers to respond.

If the BLM cannot police, control, or manage 6 miles [this 6 miles refers to Byers] how can you suggest to landowners this idea, this concept, this proposal or study.

One last topic at the meeting was about the BLM land at the Highway 79 Bridge near Byers TX. There are about 6 miles of river front land there. And there you can ride 4 wheelers, hung, camp, fish, hike, ride horses, birdwatch or just hang out in the outdoors. I too used to go there. And I quit going. Basically for most of the reasons I have talked about. Littering, respect, dangerous environment, disrespect to the land, and lack of law upheld. The thought of having access was nice. But the reality of what happens there, was not. Even with the access point there response time is as slow as slow can be. The only means for emergency rescue was careflight. I can't count how many times I have witnessed or have heard of these instances.



### Table D-14 Public Health and Safety

One last topic at the meeting was about the BLM land at the Highway 79 Bridge near Byers TX. There are about 6 miles of river front land there. And there you can ride 4 wheelers, hung, camp, fish, hike, ride horses, birdwatch or just hang out in the outdoors. I too used to go there. And I quit going. Basically for most of the reasons I have talked about. Littering, respect, dangerous environment, disrespect to the land, and lack of law upheld. The thought of having access was nice. But the reality of what happens there, was not. Even with the access point there response time is as slow as slow can be. The only means for emergency rescue was careflight. I can't count how many times I have witnessed or have heard of these instances.

Another option was public hunting. This idea is the most absurd of all. I have discussed just a few instances. Not every instance that I have encountered but just a few. The sky is the limit with this option. Alcohol, 4 wheelers, Guns, Trespassing, Poaching, livestock mistaken identity, boundaries, law enforcement, poor judgement, the list could go endless. This option is a recipe for disaster and maybe death to someone innocent of the fact. That a Federal Agency had a brain fart. Oh lets open 116 miles of river up to the public to exercise poor judgement. And lets create more budget woes to a deficit. Because you (BLM) would have to police this area. And remember I was told at the meeting, about contacting us by mail. We don't have the RESOURCES OR BUDGET.

Also silt boggs, some people call it quicksand. These are holes that are created during high water situations. The current hits something solid which could be a tree, gravel bed, vegetation block, or whatever. Thus diverting the flow into a concentration point. And it dig until current change or hits bottom. This hole can vary in size and depth. When the high water starts receding sediment settles in. Creating a false look of solidness. As the wind blows the loose beachy type sand. It covers the slimy silt. If you get into this it is very difficult to get out. I've witnessed this countless times thru my 51 year of life. But some greenhorn that has never encountered this can find themselves and their horse in a tragic situation. Once again there are not access points available for such recues. And to remove a horse is virtually impossible.

Most of the people we encounter think that there a no boundaries no laws that they have to obey. And most of the time they are drinking, and drinking to get drunk cuz its fun. They put ice chest on their 4 wheelers. Fill them to the top with beer and liquor. And then drive and operate a motorized vehicle with no regard to safety No Glove, No boots, No Helmet, No Orange Flag. On the water and hiways you are held accountable for this type of behavior. But not along this river. They apparently must not have ever been a Boy or Girl Scout because "Leave no Trace" means nothing to them. There are beer cans and Red Solo cups left behind all the time. Very seldom do you find a soda can or water bottle. On a weekend in the morning when I make my rounds on the property. The morning east sun always lites up those aluminum stars along the river. We clean up as many as we can because this is Mother Nature and this is my backyard. It's a shame.

People take wilderness to lightly there are dangers all along the river, from sinkholes to silt boggs, to swirling whirlpools, snakes, unforeseen things in the sand that flip up when drove over. I see 2-4 people at a time riding on a 4 wheeler. The most I ever seen was 6. All in shorts, tennis shoes, no shirt. People let children ride 4 wheelers most to young and unsupervised. I see parents with young children on their 4 wheelers with dad will be 2 or 3 kids and mom with 1 or 2, both parents will be drinking. This is a problem and a danger to these kids. Judgement, respect, accountability, and common sense seem to be lost when it comes to the mentality of riders.

That nite after the meeting in Wichita Falls, I watched the newstory on the meeting. I told my wife afterwards it won't be long till the idiots who watched the news start coming. And low and behold around 2:00 PM the next day my wife had an encounter with 6 young men in their 20's. She caught them at the fence with 6 - 4 wheelers and fence cutting pliers about to cut our fence. When she confronted them they told her. "We saw it on the news the river is public land and we are going riding. She explained "Do you see those No Trespassing signs? This is private property That when the argument started 4 of the young men got angry and cussed my wife explicitly. F\_\_\_ You Why don't you quite being a bitch lady and so forth. They told her she did have a right to keep them out. Once she started dialing the police the 2 other guys convinced them it was time to leave. But my wife said she was afraid and fearful for the way things were going she was definetly outnumbered. Would you want your spouse or children to be in her shoes in your own yard that you have a deed for?

Some hikers and riders sometimes set cans or bottles along the river for target practice. They bullet travels thru the can or bottle on to water. Ricochets off to wear ever. This to has happened to my grandson and I several time. When you report this it involves game wardens, county sheriffs, city and state troopers. They usually set up near the bridge on I-44. This is a danger to everyone. The law enforcement for having to be on the side of the hiway. The people in cars because of slowing down to onlook. And the person who was shooting because when he comes into contact with the law he is carrying a weapon. Anything can happen, depending on the choices made. Not counting the financial resources. Then jurisdiction comes into play who will have the responsibility of prosecution or not. We as landowners know that at any time. There could be someone on that river. We practice safety and take precautions. We do not want anything to happen to anyone. We teach our children and grandchildren the do's and don'ts of gun safety and public safety.

**Table D-14**  
**Public Health and Safety**

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Some of these people ride in pack as many as 30-40 riders some on 4 wheels, some side by sides, some jeeps or other all terrain vehicles. Now when they ride they may ride single file or abreast 5-15 wide. The path of destruction is horrible. Not on when they are going by but they always come back by and sometimes back and forth. They cut donuts, they jump over humps. The Red River in this area is very delicate to erosion. Not counting the litter they leave behind.

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Other forms of retaliation and just plain vandalism is fence, deer stand, feeders, my cabin. When you call a game warden most of the time he'll ask Did you see it happen? And of course not We were asleep. Then you tell him "I followed the tracks of 4 wheeler and side by sides back to the river. And he says well there's not much I can do now, but if you see them doing don't confront them call me immediately. It will take on average 30- 2 hrs for them to show up. It just depends on their location, when they receive your call. By then it's too late.

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Numerous drug labs were discovered along the banks of the river and law enforcement could do little about it.

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I live and have property about 2 miles east of Hwy. 183 along the river. 7-8 years ago people could gain access to the river from the bridge a few miles south of Davidson, OK. People had almost no respect for private property or for the BLM land. There were numerous fires started that burned many acres. Private property was burned, fences, buildings, grazing pastures, and fire fighters could do little.

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Reasons for opposition to opening the Red River to the public: Currently as it is I don't have to worry about fires being set by party goers

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I would also be scared of more theft and the risk of fires if the public was allowed to use it.

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I would also be scared of more theft and the risk of fires if the public was allowed to use it.

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Reasons for opposition to opening the Red River to the public: Currently as it is I can freely drive through our pasture and not be shot by automatic weapons as before.

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Reasons for opposition to opening the Red River to the public: 1. Environmental. Fires

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Reasons for opposition to opening the Red River to the public: 1. Environmental. Burning tires for all night parties. Littering ic; (beer cans, bottles, etc.)

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Campers could cause WILDFIRES which COULD NOT BE contained by volunteer fire depts in those DEEP BRUSHY river bottoms.

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The public does not recognize danger. There is quicksand on the Red River! There is quicksand on our land. We have watched some calves disappear in the quicksand. We know where it is and how to avoid it. ATV driving everywhere to hunt hogs makes roads across our bottom land pastures, then others use their trails.

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Fires on the Red River are especially hazardous for farmers/ranchers. Our barns, homes and cattle are at risk. Whether from vehicle sparks or camp fires, all we have is risked. IF this happens, can we depend on the BLM pay for our losses?

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The hunters could cause DEATH to my cattle, myself and family via a stray bullet.

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People roaming the river, playing with ATV's, etc. believe it is their right to find a good place and build a fire. Signs do not deter them.

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We own land on the Red River and because we are in the 5th year of an unprecedented drought, there is a huge danger for fire on the river (lots of dead trees and dried underbrush). Those of us who live and own land on the river understand the danger and how devastating a wild fire could be, so we take extraordinary precautions.. It has rained less than 2 inches here in the last six months, and there is also a shortage of water to fight fires. We have had problems with people visiting the river using fireworks, dumping trash and unwanted junk, shooting livestock, hunting at night, and drinking and hunting. For the above reasons, I wish there was limited access to the river bottom. I love and appreciate the Red River, it is still a wonderful, mysterious place, but I fear what others may do, especially with fire the fire danger.

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I see no purpose in spending taxpayer money in these times to try to develop a public access area that will only increase the danger of catastrophic fire, increase criminal behavior, and cause the loss of personal property for many individuals. Please do not that area to public access -maintain as limited access, or at worst no access.

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**Table D-14**  
**Public Health and Safety**

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In summary, The Red River Management area currently has no management. People by the hundreds flock to the river on warm days with atvs, guns, and trash they drive anywhere and everywhere. They shoot their guns at all times of day and night. There are wild parties, fights, drugs, abandoned vehicles and overall lawlessness in this no mans land between the states. The wildlife is suffering, the land is hurting, local landowners are frustrated, this land needs to be managed by BLM the states or private landowners.

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Having other people this close would be risky for us if they can hunt + fish and cook and what ever, we would feel threatened. Over the years our land has burned several times by some one elses mistakes so more and larger fires are possible.

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We work with all the rural fire departments all over the area. We don't need a bunch of people out camping, building fires, and smoking cigarettes. As if we haven't had enough wildfires already.

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Southern Oklahoma has been battling the war on illegal methamphetamine production for years- offering access to the remote areas of the red river basin only increases the opportunity for criminal behavior in areas with public access but little law enforcement.

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Referring back to economic strain on the government mentioned in Item #1, there are numerous issues concerning the river that may lead to costly litigation on behalf of the government when someone gets hurt on the proposed "Federal Land." Additionally, there will undoubtedly and rightfully be numerous court cases challenging the attempt of increasing Federal ownership of what is currently private property.

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This land has belonged to my family for four generations. Plus, there are hundreds of acres of hunting land. If you send the general public in there, someone is liable to get seriously injured, or worse, because there are weapons (guns, bow and arrow, etc.) being discharged on a daily basis, which poses as a safety hazard for the general public.

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Also, there are dangerous animals all across the land, such as mountain lions and wild bulls.

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The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Trash and pollutants entering the river by abandon vehicles left in the river, and trash piled and burned and left behind.

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All in all, the land that is trying to be made public is dangerous to the general public who venture in and out of there.

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Not to mention, there are dangerous animals running loose, out there. Such as mountain lions and wild hogs.

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WHO is going to pull out their RV's when they get stuck? WHO is going to fight a fire on federal land?

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Access should be restricted by both time and location to areas that can be reached by "First Responders" in a reasonable amount of time (30 minutes or less). I have personally rescued numerous individuals on foot, boat and motor vehicle. I have witnessed how difficult it is for first responders to locate and access individuals that have been seriously injured on the river.

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At this time, there are several wild animals running loose on this land, such as mountain lions and wild hogs. There is also hunting going on year-round, meaning it is a very dangerous place for the general public to be, not only because there are high-powered rifles being discharged every day, but they run the risk of being mauled by one of these dangerous animals running loose.

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Also, this land has been leased for oil, although no drilling has been started. But, when it does, it will be a dangerous place to be, especially for little kids, when these huge oil drilling rigs are out.

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When it doesn't rain, the river has stretches that go completely DRY. The current fire danger has kept us on edge. If a fire gets started next to the river, where would it stop? Landowners constantly watch to protect the area.

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QUICKSAND IS A PROBLEM! Horses and cattle have had to be pulled out or were lost. Recently, RV's have been stuck.

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Unless there is robust and prompt access to visitors by first responder's public access should be restricted to specific areas at specific times to areas where accidents, emergencies, and extractions can be made within a reasonable time and with efficient cost to surrounding communities.

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This has been hunting land for at least four generations. And with it being hunting land, you have the danger of discharged weapons. Which is a safety hazard to the general public, who just venture in and out of the area.

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

I am in favor of allowing as much original natural habitat to exist as possible. Horse enthusiasts are far less invasive than oil rigs or open pit mines, so I encourage and support any project related to allowing natural systems to function with as little human impact as possible.

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I am interested in the trails for riding my horses.

Most horse owners have thousands of dollars invested in their horses, trucks and trailers. We normally have friends who also ride horses and we are in groups of horse enthusiasts like me. I have friends who will travel from other states across the nation to ride on this new trail. Please decide to go ahead with this trail and allow us to ride and visit Texas and Oklahoma.

I believe an Equestrian Trail along the Red River would be supported by a large number of Equestrian in TX and OK.

I am a member of the Oklahoma Equestrian Trailriders Assoc. "OETRA". I would enthusiastically support an Equestrian Trail along the Red River.

Please consider an equestrian trail as part of the plans for this land.

As a horse and trailriding enthusiast, I am interested in an equestrian trail along the river.

Suggest equestrian trail NOT be shared with motorcycles and preferably not with bicyclists. Motorcycles that are off road scare the horses and tear up the trail. Bicyclists are less of a problem with horses. Very little landscape change is needed for equestrian trail as long as there is a path bordering river that has height clearance of 10' and no fallen timber over 2' tall on trail. Path should be at least 6' wide on firm soil (not in river bottom area). A gravel horse trailer parking area, 300' x 500' adjacent to trail and accessible from improved roadway would need to be developed. Proper signage would need to be installed explaining what uses are designated for the trail (ie equestrian).

Suggest equestrian trail along Red River in Oklahoma. Suggest contacting Oklahoma Equestrian Trail Riders Association, a 501(c) 4 not for profit formed in 1974 for promoting equestrian trails. Their website is: [www.oetra.com](http://www.oetra.com) and the president is Teri Wyatt, [tnwalkinghorsegirl@yahoo.com](mailto:tnwalkinghorsegirl@yahoo.com) (405) 250-5558. OETRA has a Trail Ambassador Program at Cedar lake, Robbers Cave, Hayburn Lake, Kaw Lake and Sportsman's Lake in which Ambassadors manage initial clean up and development of trails and ongoing maintenance of trails.

This equestrian trail could draw users from Oklahoma as well as Texas. In the future, an expanded parking area with primitive camping (perhaps a portable rest room, hitching rails, and a water spigot) would be an improvement that would allow overnight users. Most horse owners who overnight camp have self-contained, living quarters trailers and would use a primitive campground. Horses could be contained using electric pens brought by the owners or tied to the trailers. Manure collection could be accomplished by asking each owner to dump their manure in a 10' x 15' 3 walled blocked wall, concrete floored manure collection bin. The appropriate agency could routinely collect the manure and use it for composting purposes.

Finally, enough property owners along the river, on the Oklahoma side, convinced the Governor to shut down public access from the bridge. That is the way it stands today and we have had no more problems. I truly hope it stays this way and I hope y'all take this into consideration while making your decision.

I would love to see the trail along the Red River be approved for equestrian trails. I believe this would be a huge draw to Oklahoma from all over the USA.

For equestrian use. An increasing number of people drive their horses. Horse is in harness, pulling a 2 or 4 wheeled recreational cart. The trails need to be consistently 8-10 ft wide in order to accommodate the carts. There can't be barriers at the entrance to the trails for access. Depending on the size of the horse, a 2 wheeled cart can weigh up to 250 lbs, and being asked to hand lead the horse thru a barrier of poles, and LIFT the cart over the barrier of poles is not a reality. I realize an objective might be to keep motorized traffic off the trail, so a solution to access for driven horses should be considered. In North TX area, there are 2 very large clubs for driving horses, and our membership numbers continue to grow.

The group of riders that are growing older but still want to be able to enjoy their horses, have very few places to take a horse and cart four wheeled wagon to have fun. In planning this trail, please keep in mind this growing group of horsemen that have very few places to go to and have fun. A two-wheeled cart weighs approx 250 lb and will be 60" inches wide at the axle. A four-wheeled wagon weighs approx 800 lb and will be approx. 72" wide. They cannot be lifted across a barrier.

We would like to have access to BLM land for use by adjacent land owners.

**Table D-15**  
**Recreation and Other Uses Along the Red River**

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We understand "city people" want places to get out and commune with nature in various ways, but this should not come at the expense of land-owners who have paid for their land with years of hard labor.

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We favor open status on BLM land with restrictions.

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For myself I would like to be placed on the side of favoring open use of the BLM land with restrictions. The restriction would be that only adjacent land-owners could use or lease the land.

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After inspecting the public area at the Hwy 79 river bridge, I was disgusted to see how public use is destroying the once pristine environment. Areas such as these reinforce my belief- that to better protect the environment, landowners should be the caretakers of the river bottom land. The current policy should be left alone!

---

As an avid horse trail rider I would recommend the BLM include in their plan free access to horse riders. The area with very little effort could service a growing population of recreation horse riders.

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Having a 116 miles of continuous trail would attract riders from all the surrounding states that could take the opportunity to ride all or part of trails. Trails can be shared with hikers, but motorized vehicles (ATVs) and bicycles create hazards for horsersiders as some horses will bolt, rear or run away when approached these vehicles.

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The Red River bottomland areas are best suited to livestock grazing by private land owners who have adjacent property. This use would also be of the least cost to BLM. Private land owners would look after the BLM land since they would have a vested interest in keeping the land in good condition (vegetative condition and wildlife habitat). BLM could work with private ind. on stocking.

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This land has been well preserved and watched after by the private land owners who border it in both Texas and Oklahoma. Do not allow it to be abused and desecrated as you have on the other identified BLM lands at Hwy 79.

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This boundary must be able to withstand flooding from the river. Cleared ROW's will not work as this will cause erosional features if vegetation is removed.

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My concerns are based on how BLM has managed the existing BLM acreage off Hwy 79 in Clay County. This area has been abused by off road vehicle traffic, junk and litter are everywhere, trees have been cut down, meth cook trash and hazardous waste dumped. In other words- not managed at all. This area is over hunted by unlimited access by the public and most of the deer killed now are fawns or young deer.

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Development of the trail project along the Red River would be greatly enjoyed by the large number of horse enthusiasts who are looking for more opportunities with their horses and can give our younger generation the chance to appreciate our natural resources.

---

I have heard of the proposed equine trail system development possibilities near the OK/TX Red River area, and I am fully for this project to be implemented. I think it would be a fantastic project that would benefit not only each states tourism and employment, but be a benefit to equestrians such as myself for having access to interesting and enjoyable places to enjoy my horses, my friends and other visitors, and the scenery.

---

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---

I would be very interested in seeing the BLM develop trails along the Red River as another avenue to enjoy time on my horse. I believe this would also be beneficial to the economies along the river and would give local residents incentive to vacation locally and bring in others to enjoy the river corridor and the wildlife which resides there.

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I would love to see the Red River Trails Corridor happen. Whenever horse trails have been added to an area it helps the areas economy. This would also be a beautiful area for trails and all of the horse people always appreciate any new trails we can get. Our group will also come from Arkansas to ride them and will be planning to ride different sections at different times.

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It does not lend itself to heavy use. It is highly erodible and the native vegetation is necessary to its stability.

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Motorized vehicles, even as small as ATV's destroy the surface and in some cases cannot successfully navigate the terrains.

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I recommend that the camp at TADRA (LBJ Grasslands, Decatur, TX) be looked at for a model for a horse camping area. The trails there (75 miles) are well maintained by the Texan Arabian Distance Riders Assoc.

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

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There are reasons the Red River (particularly the 116 miles that you are studying) has NOT been a recreational river. 1. This is a HIGHLY ERODABLE area. Very Sandy. Subject to flooding (when it does rain). Since the Red River is an "old river", it meanders, thus the difficulty and argument over the location of boundaries.

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The Red River is really already "open", but there should be restrictions to avoid the DAMAGING ENVIRONMENTAL IMPACT that could occur.

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For many years, there was a trail for the Boy Scouts along the river bottom that went on for several miles. The landowners were cooperative for that kind of activity.

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The land along the river in Wichita County, Texas over which the BLM would have jurisdiction is primarily sand bars and water with no vegetation. It seems a waist to spend any federal funds for such a venture.

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I believe that the BLM land along the Red River should be left as limited use. If it is opened to the public it would cause all kinds of problems. In the area we live and own land the riverbed is extremely fragile and more ATV or four wheeler traffic will cause it to erode faster.

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It is also hard for game wardens to patrol such a narrow, limited access area. There would be much illegal hunting activity in such an area.

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Also due to the closeness of neighbors on either side of river if a third area is thrown into the mix with people hunting, you are asking and inviting for hunting accidents. The gov't would be creating a very unsafe situation where no control of who comes and goes into the third area. There is no way to communicate with every hunter up and down the river every day as to where everyone is and likelihood of those people staying in a certain place is minimal at best.

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open with limitations- The hunting and fishing is a major concern for the red river area. If the proposed area is opened to all public the sensitive species would be reduced drastically and the crucial unaltered wading ground for waterfowl and other migratory birds will be disturbed.

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The use of dogs, ATVs and air boats are on the rise and causing problems due to accesibility and no enforcement.

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I am in favor of open with limitations. To adjacent land owners and surrounding communities the effects of mining the minerals from the red river would be devastating. The fracking fluids and its toxins would not only hurt fish and wildlife but the family's with water wells for livestock and themselves. Gravel mining if any would affect the flow of the river causing an unnatural course.

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I am an Equestrian trail rider. I am very interested in the possibility of using the federal lands that run along the Red River as equestrian trails.

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I strongly support this idea, would be a great asset to the equestrian community as well as helping to preserve the beauty along the river and I believe it would benefit any communities along the trails.

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Also, public access should definitely be limited only to those that are adjacent property owners or those that might rent such property.

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As far as any offenses committed from the public that use these lands, strict penalties should be enforced, and rewards offered to those helping maintain integrity. You will always have those that want to do wrong but do not exclude those that do right because of someone else wrong doing.

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Separation of motorized (ATV) activities would both be a safety measure and protect erodible lands, as both foot traffic and horse traffic are much less likely to damage fragile ecology.

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A well thought out plan for the Red River Corridor is essential, and I hope to be able to ride there someday. It could be a wonderful asset to the trail system in this area.

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Using Kanopolis State Park (located in Central Kansas) as an example, hikers, bird watching, bikers and horses all share a multi use trail system. (There is a separate area reserved for ATV use) For horses, a separate campground designated for horse camping offers corrals, hitching posts, and manure disposal bunkers. Users are required to clean up manure and place it in designated bunkers. Centrally located, riders can choose several trails to follow, and the trails intersect and return to campground.

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

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Having attended the BLM meeting at Salina, KS, I am excited about the recreational potential for the Red River Corridor, as it presents many possibilities for multi-use trails and camping opportunities. While I am primarily interested in equestrian trails and camping, there are many other activities that blend well with horses and horse camping/trails.

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As many user groups (activities) as possible should be allowed. However, protection of the resources must be the overriding concern, so some activities might need to be prohibited or limited in use (in terms of dates and/or areas of use).

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6-1. Allow public access 24 hours-a-day, 365 days-a-year. Because the area is 116 miles long, with only four potential access points, users need to be allowed on the area around-the-clock to explore its entire length.

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6-5. Prohibit discharge of firearms for purposes other than hunting. Discharge of firearms should be allowed only during open hunting seasons and only at legal game. A notice on the kiosk and in the brochure would make the public aware of when discharge of firearms is allowed. They could make their own decision as to whether or not to enter the area during those times. At other times of the year they would know that discharge of firearms is prohibited.

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Concern 1 - All public land must be managed, and with few exceptions, open for specific public uses. Although not commonly thought of, even wilderness areas and military installations (which might prohibit public access) are managed by posting of boundaries, identifying management activities (prescribed burning, timber harvesting, road maintenance etc.) and developing regulations for prohibited and allowable uses.

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6-2. Allow hiking, birding, and nature study. All these activities have essentially no impact on the environment (other than possible littering). Although developed trails and maps of those trails are desirable they are not mandatory.

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6-3. Allow all legal hunting and trapping. On the entrance kiosk, and in the brochure, have a statement that says hunting is allowed during open hunting seasons, and access is allowed by anyone. This allows non-hunters to make their own decisions as to whether or not to enter the area during hunting seasons.

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6-3. Allow all legal hunting and trapping. On the entrance kiosk, and in the brochure, have a statement that says hunting is allowed during open hunting seasons, and access is allowed by anyone. This allows non-hunters to make their own decisions as to whether or not to enter the area during hunting seasons.

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6-9. Prohibit all structures. Only portable type deer stands, that do not require the use of any fastening device that has the potential of damaging a tree, should be allowed. Use of the area must be on a first-come-first-serve basis; permanent structures could give a sense of ownership to the person who constructed the stand.

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6-8. Require that all pets must be kept on a leash, not longer than six feet.

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Concern 6- Identify allowable and prohibited activities. Develop a brochure that includes a list of allowable and prohibited activities, and a map, and post on the BLM website and on the four entrance kiosks. The introductory section of the brochure should explain how the land was obtained and for what purpose.

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6-7. Allow primitive tent camping at any location but only for a maximum of 14 days. Some users might want to hike from one access point to another and that could easily take more than one day.

---

I am a horse rider and camper. I have ridden on private property along the Red River. It would be great if we could use these public land areas for riding and camping.

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6-6. Allow all legal fishing. A special use permit should be required for commercial activities.

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BLM land could only be effectively used by only landowners because of the configuration of the BLM land. This would only apply to landowners that have possibly been using the land with assumed Texas deeds.

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It is recommended that public access to the BLM land east of highway 79 be closed. There is no management by BLM to protect damage to the land by unlimited use of ATM vehicles. This creates hazards to the public due to accidents which have occurred and required air evacuation. There are no signs to differentiate between BLM land and private land. This promotes trespassing on the private land.

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I with the land on the Red River between Texas and Oklahoma be considered for access by trail riding equestriennes for recreational purposes.

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 1. Access to the public - ASAP

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It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
1. Access to the public- ASAP

**Table D-15**  
**Recreation and Other Uses Along the Red River**

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It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
2. Horse back trails

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It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
4. Hiking

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It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
6. Restoration to short grass prairies

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It has come to my attention that the Cross Bar north of Amarillo, TX belongs to the BLM. My wants and desires are listed below:  
7. Camping

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. If I and others of like mind were allowed in a group to view the area we would be better able to enlist doners to help the BLM develop a plan that would benefit citizens and also preserve the land and habitat.

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 2. Horseback trails and available water - working wells

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 3. Photography-viewing stands or areas

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 4. Hiking trails to allow maximum views of the area.

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 6. Restoration of the short grass prairie - eliminate noxious weeds and plants/trees

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I would like very much to obtain access to the Cross Bar area north of Amarillo that is managed by the BLM. 7. Camping-marked areas perhaps with outdoor toilets and water

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The people of Amarillo and surrounding areas are in dire need of public lands and access to enjoy the solitude and beauty of open country and quiet spaces. Please give us access ASAP.

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Would love to see land opened up for equine trails and horse camping.

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I am a member of the equestrian community. I would like for you to remember those who trailride and camp with their horses, especially as you develop a Land Management Plan for Red River. Any lands that you can open up for horse people would be appreciated.

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An area like the Red River proposal will draw horsemen from several states. This is verified by such sites as Kanopolis Lake in Kansas; Custer State Park in South Dakota; Fort Robinson reserve in Nebraska, and the National Scenic Riverways in Missouri; and the Katie Abandon Railway in Missouri. The precedent is set and verifiable.

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If the recreational development of the Red River were in the Resource Management Plan and funding was generated, horsemen from several state would frequent. However, please do not use terminology of "Limited to Existing Routes," as this definition is often ill-defined and maintains the unsustainable status.

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Below is some information that I gleaned from a 2010 survey which may serve useful: - There are 9.2 million horses in the US. - 4.6 million Americans are directly involved in the horse industry with an additional tens of million as spectators. - 2 Million people actually own horses - The industry has an annual impact of over \$120 Billion on the US economy. - The industry pays in excess of \$1.9 billion in taxes. - 34% of horse owners have an annual income less than \$50,000 with 46% having income \$50,000 to \$75,000. - 70% of horse owners live in communities 50,000 or less. - Horse riding activities across the nation, 1999-2003, involved 9.6% of the total population over age 16 - Hiking, Biking, and Horse involved some 88.3% of the population over age 16. - Canoeing and Kayaking involved 13.3% of the population over age 16.

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Mention was made that a single ranger could manage the site from horseback. I doubt that would be possible, though a start. The 160 miles would require several rangers to patrol. Most trail development could be done with volunteers after a master plan was developed. There would be a cost to development. Often gravel is needed to support boggy terrain. Bridges are rarely used but sometimes necessary. Camping sites though often primitive do require all weather roads and toilet facilities. Often potable water is required. The history of the area would require survey and documentation, and likely fencing to avoid trespass to private property.

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BLM land would be used best in a grazing lease at it is used now.

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

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Please consider horseback riding as an importance use of the BLM/Red River land.

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I am very interested in the strip of BLM land along the Red River and if at all suitable would really like to see all or part of it in equestriane trails. I know there are many equestrians in Oklahoma & Texas that would be estatic to have another place to ride

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Equestrian Trail Riding. There is a strip of BLM land along the Red River which is being considered for future use. We, as equestriennes, would like for the land to be used for trail riding.

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I prefer the land to be available for use by horses/burros.

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I understand there is BLM land along the Red River that they planning out ideas for this area. I along with all the Texas equestrians, and I know a lot, would like to see this developed for equestrain use. This would include trails throughout that area. We are losing areas to ride at an astounding rate, in Texas and want to see this land set aside for horse trails.

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In your resource management plan please include equestrian activities such as trail riding, camping with horses and facilities to provide horse water. There are a number of trail riders who would appreciate shared access to this area that specifically includes horses.

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I would pay to ride horseback out there. Thanks for considering it.

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Due to the high fire danger, the land along the Red River should be open with restrictions that allow adjacent land owners grazing rights. This is currently being done with few instances of fire and low criminal activity.

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Opening the Red River to the public would only increase the chance of fire and criminal activity, such as drug making, theft, and crimes against wildlife. Due to the ever changing terrain and deep sands patrolling and fire fighting are impossible by ground.

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Remember as a parent or guardian you should only allow you children to handle what they handle responsibly. Some people say "Give them enough rope and they will hang themselves". totally WRONG. You should use a chain and give only one link at a time. and if they do not handle the next link responsibly then take it back. You are the guardian and the public is your child "Do the right thing". Our lives are full of rules, and everyday we have rules broken by the public. Citations, fines, penalties are the punishment. You have the option here. And the evidence is clear from the Byers TX Land. The public does not exercise responsible behavior with what they already have.

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I have always wanted the river to be off limits to 4 wheelers. I see the destruction and eroision they create. I don't even want landowners to access the river bed with (unreadable) to ride on your own land is your own business, but the river is too delicate.

---

I carry my camera or camcorder most of the time. And if I can catch the perp. littering on camera I do, but this has lead to retaliation. Once they realize they are being photographed, hostility comes out. Most of the time they flip me off and run away on their 4 wheeler. And if getting away means heading north into the brush they have no regard for new trees that have sprouted up or a erosion area that needs time to heal.

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Again I say to you I would to see (unreadable) in the river bed, no public hunting, access only to landowners. Boat would be the only way to travel and Boaters remain with their boat. Of course this option is only fisible when we have adequate water. Closed but with Restrictions No Public Access. And for the Byers, TX hand. You should close that Area off completely. Maybe foot travel only. You owe that to Mother Nature not me.

---

I would like to see the proposed land deal along the Red River. Be closed off with limitations.

---

We should all do our part to preserve our natural resources. As a scout leader visiting some of our parks and public recreation areas is sometimes dishearting. Even closely managed the impact is hard. When you google an area you can see so much more of the footprint the public leave. When you visit it in person you can see up close the impact and unfortunately some of the litter and abuse.

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Sometimes when you catch someone at the fence. They say I just want to get to the river and ride to Byres Tx. Now it's roughly 25-40 miles from here by river. They don't care if they cross your property to access the river. And I explain to them that I do not even go out on the river from my property. The reason is that if I was to make a trail down my river bank for one, It leads to eroision and as a land owner I can not afford to loose any more land to the river. 2) If I make a trail on my river bank, People who ride the river say "Hey there's a trail lets follow it. They don't ever stop and think, Is this wrong? Is this someones land? Could I get in trouble? Nope crosses their mind. I know this to be true cuz when they access my property from the river it becomes a problem. Sometimes I put fencing up, sometimes I pile dirt up. But whatever I do it has to be done. If not like cancer it grows. Can you imagine not being able to access the alleyway behind your home, For the worry of if I go out here someone else will come back in.

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

Some of these people ride in pack as many as 30-40 riders some on 4 wheels, some side by sides, some jeeps or other all terrain vehicles. Now when they ride they may ride single file or abreast 5-15 wide. The path of destruction is horrible. Not on when they are going by but they always come back by and sometimes back and forth. They cut donuts, they jump over humps. The Red River in this area is very delicate to erosion. Not counting the litter they leave behind.

At the meeting in Wichita Falls, TX. Different avenues of what the BLM had in mind were discussed. The possibility of Horse trails were discussed. There are numbers of issues here also, moles and gophers are very prevalent here. Their holes and tunnels are dangerous to livestock. When one of these critters starts a tunnel he will tunnel 5-100 yds long, zig zagging, back and forth for whatever reason. Creating a void up to 18" deep. Most landowners don't ride horses in the river for this very reason.

Some people who hunt hogs along the river use mules. And they will tell you also they are always cautions of these hazards [commenter is referring to quicksand]. Most use 4 wheelers, but then again theres the impact on the environment of a fragile landscape of sand. A sandy soil that has very little clay to hold it together. The wind alone can cause eroision here, and it takes a long time to recover back.

Another option discussed was possible grazing. The landowners here along the river understand there are challenges and dangers with this option. Most who graze use hot wires versus barb wire. For the reason of vandalism and high water. The cost to repair or replace barbed wire is just to much. When high water comes, it chews trees and vegetation out by the roots. These things just rip fences down. They act like a wrecking ball on steroids. The further back from the rivers highwater path is when barbed wire is used. The other thing is when the water starts rising, if you haven't already moved your livestock it will be to late. Your animals can be cut off from dry ground. This is where experience comes in to the play. We ranchers and farmers have learned to respect and be thankful of how the river works. From Childress TX to Teral OK. We have learned how rainfall from upstream affects the timetable of response. Someone who lives in lets just say Kansas leases grazeing rights. How do they understand this? By loosing their herd. I have helped neighbors retrieve calves who got separated. With a small flat bottom or small aluminum u-hull boat. This is not an easy task. When weather upstream starts building, we start planning and preparing. We move our livestock back to high ground. Now where would leasee's move their livestock? The idea of leaseing grazing rights would be wreckless - careless of the BLM. Most of us have suffered from this situation of high water or vandalism before. No one else should have to.

Steve from Tulsa OK with the BLM and his crew toured this area at Byres. And the feedback he gave us at the meeting, reflected the feelings and the sentiment of us landowners. In one visit he could see the impact on the land and environment. When I spoke with Steve after the meeting one on one. He expressed his concerns, and it was a mutual agreement that the Byers thing was not working. And the eroision of all the traffic is not good to Mother Nature. Nor the littering, and hunting. The Texas Game Wardens expressed their concerns also to Steve and with us also. What Steve took away from his visit was of GREAT MAGNITUDE. But yet only a particle of sand of what all landowners face on a daily basis 365-24-7 year after year X 116 mile x Both sides = 332 miles

What kind of rules will you have? What kind of uses? Who will enforce the rules?

If the public doesn't have skin in the game or every day responsibilities toward its care, most have no respect for the land or for us. Yes there are some that do, but for the most part, they will use and sometimes abuse the land and our property rights too..and then walk away.

Grazing guidelines may have to be established along with management of introduction of undesired plant species (weed free hay).

Equestrians would like to preserve the Red River Corridor for future equestrian use. This north Texas area could become a national equestrian destination with proper management, and have a positive impact on the area especially when you consider that the LBJ Grasslands and Caprock Canyon State Park are with 3 hours driving distance as well.

Although trail riders enjoy sharing the trails, consideration must be given if these are determined to be "multi" use trails. Trail riders have safety concerns when trail are open to bikes and off-road vehicles. Hikers and horses seem to compatible, but not horses and bicyclers and ATVs are safety concerns. Separate trails need to be considered for these different populations of users.

Guidelines for disposal of manure need to be formulated. Training on "leave no trace" would be advised. Fire rings at the sites help prevent possible forest fires. Equestrian campsites could be modeled after TADRA at the LBJ Grasslands which is a popular equestrain destination.

Trail riders, with proper training and education, try to be good managers of the land since they enjoy the outdoors with an equine partner. The scoping study should consider cutting "loop" trails with access at various trail heads along the linear stretch of land since in many areas t is a mile wide. Loop trails allow trail riders to establish a campsite at the trail head and ride multiple trails without moving rigs. Loop trails also provide a positive environment impact since users are using the same trail all the time which decreases erosion. Multiple trail heads would also allow for linear trail rides in which rigs are moved daily to the next trail

**Table D-15**  
**Recreation and Other Uses Along the Red River**

head. Trail heads need to have a minimum of water for animals and at least a dug latrine for rider use. "Pull through" campsites allow for ease of parking big rigs. Tie poles or pens for horses prevent damage to trees, which is an environmental concern.

As trail riders, we would like consideration given to day use, overnight camping, and establishment of adequate miles of equestrian trails. Most avid trail riders ride 10-20 miles per day and enjoy riding different trails each day, rather than backtracking. Trails do not have to be precisely manicured, horse are expected to step over logs and up and down ravines, with reason.

CTETA, as well as many other equestrian trail associations in Texas, are very supportive of this land being used for equestrian trails.

Equestrian and equine safety issues need to be addressed. The trailheads will need easy access by emergency vehicles along with any bridges that may need to be installed. According to the AHC survey, 70% of the equine participant population is female and this should be considered in the scoping project. Each trailhead campsite should have handicapped accessible mounting blocks. Any unsafe areas (quick sand, rock formations, bogs, etc.) need to be identified and labeled, as well as emergency plan for exiting in the area during flooding. Adequate trail marking signage is needed. Regulations regarding safe entry/non-entry into the Red River would need to be established.

Reasons for opposition to opening the Red River to the public: 1. Environmental. Oil and gas spills from 4 wheelers.

Reasons for opposition to opening the Red River to the public: 1. Environmental. Driving over plants. Cutting down trees for firewood.

Reasons for opposition to opening the Red River to the public: 1. Environmental. Pollution of the water

Reasons for opposition to opening the Red River to the public: 1. Environmental. Erosion of the volatile soil by 4 wheelers

I am concerned about maintaining control of recreation use- I have been a MLD participant with TXP and WL for over 5 years.

I live and have property about 2 miles east of Hwy. 183 along the river. 7-8 years ago people could gain access to the river from the bridge a few miles south of Davidson, OK. People had almost no respect for private property or for the BLM land. There were numerous fires started that burned many acres. Private property was burned, fences, buildings, grazing pastures, and fire fighters could do little.

I'm not really sure which Category I fall into. I am a land owner on the river and we do graze cattle and grow forage crops on some of the acreage. I know nothing about this public domain proposal. I have been told that there are three choices to commend and/or vote on. I would be in favor of the landowner being able to control who comes onto or thru my acreage.

I believe there are opportunities to develop a trail or network of trails for use by equestrian users and for multiple uses/users in the BLM Red River Corridor comprising a 116 mile stretching from the 98th Meridian to the north fork of the Red River. There is real potential for active management for wildlife, hunting, fishing, recreation and other uses by the citation of the United States.

I am concerned about maintaining grazing and mineral rights as well as managing and protecting soil/water/air/visual resources.

Land owners already deal with these things. Inviting the public in is asking for the troubles to escalate. Please do not open the Red River to the public.

Please close the Red River to the public.

I would hope you would consider keeping the land open with limitations. I would hope adjacent land owners could have the first option to lease the property from the BLM.

It disturbs me EVERYtime that I cross the Red River bridge on 79 north, west of Waurika, to see the DESTRUCTION/EROSION caused by ATVs and motorcycle. I am usually LOADED with cattle that I am taking to or from the Waurika Livestock Market. When loaded and traveling at the legal speed limit, I have OFTEN had to unexpectedly BRAKE to avoid collision with UNDERAGED or OFTEN INEBRATED adults crossing the highway on a SPEEDING recreational vehicle. HUNDREDS of people and vehicles line the sides of this bridge area. I have often felt thankful that THAT MESS wasn't allowed further down the river to my family's operation.

I would NOT like to see the land OPEN to THE PUBLIC. My family has ran cattle on that river bottom since the late 1800's. Poachers and rustlers have trespassed on this land ALWAYS and with the price of cattle and the low level of the river this activity has WORSENEDED. The OPENING of this land to the PUBLIC would be a nightmare to our cattle operation.

**Table D-15**  
**Recreation and Other Uses Along the Red River**

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Unauthorized camping, people are sometimes staying for weeks at a time having to be removed by local sheriff depts.

In summary, The Red River Management area currently has no management. People by the hundreds flock to the river on warm days with atvs, guns, and trash they drive anywhere and everywhere. They shoot their guns at all times of day and night. There are wild parties, fights, drugs, abandoned vehicles and overall lawlessness in this no mans land between the states. The wildlife is suffering, the land is hurting, local landowners are frustrated, this land needs to be managed by BLM the states or private landowners.

The Red River Area has seen a 99% increase in motorized vehicular travel since lands were acquired by BLM due in part to the high availability of off road vehicles, ease of access, and the lack of enforcement of current posting by BLM, Texas law enforcement, wildlife and sheriff, Okla. Law enforcement wildlife and sheriff. The motorized vehicles have led to and are causing the following. - Erosion of riparian areas which are critical in preserving soil in the river banks causing great damage to the land in times of floods. Also allowing more silt to break loose and flow into the river impacting water quality and causing issues downstream.

There are several equestrian trail associations in Texas that are willing and able to develop and maintain trails and camping areas in this BLM area. These groups have proven there ability to provide labor and funds for these types of projects. The trails are used for hiking as well as equestrian. The Federal land in the Red River corridor is well suited for these types of recreation.

It would be wonderful to have areas to be used as recreation. In particular horse back riding and personal hiking. The facilities would need to include the option to camp and have the option to put up portable fencing to store horses overnight. One would need access to water.

Having traveled to multiple states with school groups visiting various BLM locations it would be a great spot to take and educate middle school and high school students.

The recent drought/unpredictable precipitation in North Central Texas and Southern Oklahoma has increased the fire danger to levels that have never been witnessed in my or my parents lifetime. Historically, public access has been proven to increase the danger of wildfire in a given area. Under the right conditions, an accidental wildfire could destroy immense amounts of wildlife, grassland, livestock and potentially human lives. I urge the BLM to maintain the red river basin as limited access, to allow farmers/ranchers to still be able to drive cattle using the river basin.

I would suggest leasing the land to adjacent land owners for grazing or preservation of wildlife.

Further, under "Recreation Resources" the Plan states "Studies of public land segments of the Red River would be conducted to determine suitability for designation as a Wild and Scenic River."

Red River - We are opposed to any state and federal government agency proposals for potential wildlife habitats, parks, "wetlands" preserves, hiking/biking recreational areas, wilderness designations, game preserves and Wild and Scenic River designation on the Red River. All land should remain in private ownership.

Preservation and Recreation - Farm Bureau should vigorously oppose any more land being confiscated for federal parks, heritage sites, wild and scenic rivers, species preservation or wildlife preserves. Landowners should be paid a premium market price for any land taken, over our protests, for these schemes. Landowners, whose land is not confiscated but regulated, should be paid for their compliance according to damage done to their operation. We oppose the use of eminent domain for the acquisition of lands for parks and recreation.

We support: - managing wild horse and burro populations in compliance with agency resource management plans and maintaining a thriving natural ecological balance on the range for all multiple uses; - utilizing any humane method of removing excess wild horses and burros from the range including, but not limited to, the use of helicopters, bait and traps and lethal control; and - Wild horses and burros that have been held in government captivity for more than six months and are deemed unsuitable for adoption be humanely euthanized. We oppose: - Any new or expanded wild horse and burro territories being established on public land or imposed on private land.

We own land on the Red River and because we are in the 5th year of an unprecedented drought, there is a huge danger for fire on the river (lots of dead trees and dried underbrush). Those of us who live and own land on the river understand the danger and how devastating a wild fire could be, so we take extraordinary precautions.. It has rained less than 2 inches here in the last six months, and there is also a shortage of water to fight fires. We have had problems with people visiting the river using fireworks, dumping trash and unwanted junk, shooting livestock, hunting at night, and drinking and hunting. For the above reasons, I wish there was

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**Table D-15**  
**Recreation and Other Uses Along the Red River**

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limited access to the river bottom. I love and appreciate the Red River, it is still a wonderful, mysterious place, but I fear what others may do, especially with fire the fire danger.

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the BLM should not take any action that would expand the management or control of any land along the Texas-Oklahoma Border or any other area.

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The Red River is really already "open", but there should be restrictions to avoid the DAMAGING ENVIRONMENTAL IMPACT that could occur.

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I see no purpose in spending taxpayer money in these times to try to develop a public access area that will only increase the danger of catastrophic fire, increase criminal behavior, and cause the loss of personal property for many individuals. Please do not that area to public access -maintain as limited access, or at worst no access.

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Motor vehicle, OHV use should be prohibited or restricted to small areas. This will help preserve the habitat, environment, beauty and ecosystems that many species of birds, fish and mammals rely on. It will also reduce the need for emergency responder's access and cost because vehicle use is the major cause of serious injury.

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the clean up is a big problem it would be in the best interest of everyone to leave well enough ALONE.

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Access to land on Red River will interfere with farming and ranching as well as being destructive to the land due to erosion.

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We have so much going on on this land that opening it up for recreation and hunting, fishing, etc. would cause land damage, senseless slaughter of animals, including cattle. There would be trash and possibly theft. We have income from this land and can't afford to lose it.

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There are reasons that the Red River (particularly the 116 miles that you are studying) has NOT been a recreational river. 1) This is a HIGHLY ERODABLE area. Very Sandy - Subject to flooding (when it does rain) Since the Red River is an "old river", it meanders, thus the difficulty and argument over the location of boundaries.

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We recommend maximizing the potential and availability for outdoor recreation, including, but not limited to hunting, fishing, wildlife viewing, off-road vehicle (ORV) use, and other forms of outdoor recreation.

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**Table D-16**  
**Socioeconomics**

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In sum, the oil and gas industry has a considerable economic impact in these states. As the BLM drafts the Oklahoma/Kansas/Texas RMP, Devon encourages the agency to avoid actions that could impair oil and gas development and could subsequently harm local economies.

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Natural gas and oil production from the Oklahoma/Kansas/Texas Resource Area will benefit the national, state, and local economies. Development of one oil or gas well can yield hundreds of thousands of dollars that are paid to governments and reinvested in the local community. Production of natural gas and oil provides revenue to county, state, and federal governments through royalties and taxes. Furthermore, development of the natural gas and oil resources will require increased employment, and the Operators will make substantial economic investments in the local economies. In these difficult economic times, the BLM must make every effort to protect good paying local jobs, not restrict them.

---

Most horse owners have thousands of dollars invested in their horses, trucks and trailers. We normally have friends who also ride horses and we are in groups of horse enthusiasts like me. I have friends who will travel from other states across the nation to ride on this new trail. Please decide to go ahead with this trail and allow us to ride and visit Texas and Oklahoma.

---

Another asset to this plan [the BLM plan to put in a 116 mile horse trail along the Red River] is the money that people just like me..retired and on a pension will be able to visit these areas and support small businesses to include feed stores, farriers for my horse, groceries, fuel and hotels for overnight accommodations.

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This could be big for Tourism. November through April a trail like this could bring the north country to ride. The Black Hills in SD have a trail that draws people all summer. California has the Tevis trail. The possibilities are endless for a Red River Trail.

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I believe equestrian trails along to Red River would benefit towns around the trails. Many people love to go camping with their horses, but there are not a lot of areas that can/will accommodate horses. Surrounding towns will receive added revenue from fuel and grocery purchases alone.

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**Table D-16**  
**Socioeconomics**

Hunting leases are a big part of our income base and it would be severely threatened if lessees feel their rights to exclusive use of the acreage could not be guaranteed.

I have heard of the proposed equine trail system development possibilities near the OK/TX Red River area, and I am fully for this project to be implemented. I think it would be a fantastic project that would benefit not only each states tourism and employment, but be a benefit to equestrians such as myself for having access to interesting and enjoyable places to enjoy my horses, my friends and other visitors, and the scenery.

I would be very interested in seeing the BLM develop trails along the Red River as another avenue to enjoy time on my horse. I believe this would also be beneficial to the economies along the river and would give local residents incentive to vacation locally and bring in others to enjoy the river corridor and the wildlife which resides there.

I would love to see the Red River Trails Corridor happen. Whenever horse trails have been added to an area it helps the areas economy. This would also be a beautiful area for trails and all of the horse people always appreciate any new trails we can get. Our group will also come from Arkansas to ride them and will be planning to ride different sections at different times.

Adjoining landowners would hopefully realize such a project would increase their land values, bring tourist dollars into their areas, and give opportunity to build a private camp business on their own property.

It was brought to my attention that the BLM, partnered with the Bureau of Indian Affairs, is conducting a EIS on multiple areas of the oil and gas industry. I ask that you keep the following concepts in mind as you prepare and execute your mission: 1. Consider the amount of jobs the oil and gas industry supports and the improvement of the economy as a result of the industry

Mineral management should be the prime directive of the BLM. Restriction to these valuable resources is a disservice to the American people who are provided a better way of life through their development. With today's drilling technology of horizontal drilling and hydraulic fracturing, more oil and gas can be produced with minimal impact to the surface estate. The Oil and Gas Industry has displayed, from Alaska to Louisiana, that it is a responsible and capable industry. It has brought industry and wealth to those areas where it is allowed to operate and can enhance the prosperity of all people if allowed to develop State and Federal lands.

Social/Economic- not sure of what land the BLM is wanting to control. The deeded land owner will loose economic value if this land is controlled by BLM.

I am concerned of negative impact on the value of my property.

Our Farm alone has been under deed over 100 years. Not only would we lose our source of income and livelihood for our family, but many other land owners on each side of the Red River will be affected by this administration's Land Grab!

Reasons for opposition to opening the Red River to the public: This farm land has been in our family for over 100 years. This is our only form of income.

Trail riders buy fuel, food, camping supplies, horse equipment, vet services, vehicle repair, etc. each time we travel. This can have a significant impact on the local economy. Given the positive economic impact of equestrian pleasure/trail riding, consideration of the land management is needed.

- U.S. has 9.5 million horses (2006 Global Horse Population report) and Texas ranks 1st with 978,822 and Oklahoma ranks 4th with 326,134 horses; - The horse industry has a direct impact of \$39 billion on US economy and overall impact of \$102 billion with indirect and induced spending; - Horse industry supports 1.4 million jobs

The oil and natural gas industry is the cornerstone of Oklahoma's economy and is an important component of the U.S. energy industry. Oklahoma is the third largest producer of natural gas in the U.S. and remains a significant producer of crude oil. As recently confirmed by a May 2012 study commissioned by the Oklahoma Energy Resources Board (OERB) and prepared by Oklahoma City University, the industry generates significant jobs, income growth, and state revenue. Between 2009 and 2011, the industry added an estimated 12,000 jobs to the marketplace. By 2011, labor income in the industry grew to levels close to their pre-recession peak, bringing the statewide average annual income in the industry to more than \$113,000. Income growth was particularly strong in field-related positions, such as drilling, and the average income from drilling jobs grew to about \$65,000 per job. The study estimates that industry activity in 2011 generated \$52 billion, or one third, of gross state product as well as \$28 billion, or one fifth, of personal income in Oklahoma. In addition to direct economic impacts, the sector drives important spillover activity in manufacturing and business services. In the long run, the industry is expected to support 344,503 jobs (one out of every six in Oklahoma) and generate more than \$61 billion in output. This economic "boom" experienced throughout the state based on the growth and ingenuity of our industry is further evidenced by a recent report released earlier this month, entitled: Economic Assessment of Oil and Gas Tax Policy in Oklahoma. This report confirms that Oklahoma is home to the second largest concentration of oil and gas industry activity in the nation. Other than Texas, Oklahoma has the highest

**Table D-16**  
**Socioeconomics**

number of oil and gas wage and salary workers and proprietors and highest total earnings from the industry. In short, the oil and gas industry is a major driver of the state's economic success, and the industry's ability to continue conducting its operations is critical to the state's well-being, regardless of federal, tribal, or fee mineral development.

The development of non-renewable fossil fuels, or oil and gas exploration and production, can clearly be demonstrated as an economically beneficial industry for the state and its residents, in addition to the federal government from a royalty and national security standpoint.

Federal lands offered for lease have decreased since 2008. Moreover, approved permits to drill on Federal lands have decreased as well. The BLM should recognize the importance of developing domestic energy in an environmentally responsible manner and the benefit to the nation, including jobs for American citizens and revenues paid to the Federal Treasury by the energy industry.

The BLM's socioeconomic analysis for the Oklahoma/Kansas/Texas RMP must be reasonable and justified. The BLM must take into account how limiting oil and gas production will reduce federal, state, and local revenue.

With respect to approved oil and gas units, the IBLA has noted that "when a federal unit has been approved and the unitized area is producing, rights-of-way are generally not required for production facilities and access roads within the units." Southern Utah Wilderness Society, et. al., 127 IBLA 331, 372 (1993). The BLM must recognize the lessee's right to use the lands included within its leasehold or units in order to develop oil and gas resources. Obviously, if lessees are not allowed access to their leased parcels, or are prohibited from installing pipelines necessary to transport the produced resource, they are deprived of the economic benefit of the lease. In such situations, the lessee, the public, the states, and the federal government will be deprived of economic benefit.

Further, the BLM should quantify the economic impact to a region caused by the restrictions placed on certain activities in special management areas such as timber harvesting, grazing and mining, and others.

One of the important aspects of this planning is accurately identifying the foreseeable development assessment and we encourage the BLM to seek input from the industry prior to trying to move forward with that key element of the assessment. An inadequate assessment could put thousands of jobs and economic development in the states at substantial risk.

I have several reasons, which I feel are valid, to recommend limited access or at worst, no access for the public to the red river basin. 1. Ranchers in the area they depend upon the land that they legally purchased to provide grassland for grazing cattle. Any potential damage to the land would adversely affect their livelihood.

Texas has a history of privately owned property, managed by stewards of the land. Texas farmers and ranchers are producers of commodities that allow farms and ranches to be sustainable while providing for their families and supporting their communities. Texas and Texans believe this system to be working properly. When state and federal agencies take over private lands, local communities bear the burden for the loss of revenue generated by private lands. Texas Farm Bureau policy opposes the control and restrictions brought about on private property by government agencies. We are concerned that this proposal may negatively affect private property owners in Texas.

As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: As part of the RMP and EIS process that BLM and BIA, respectively, will be conducting, (which also needs to involve the active participation of other federal agencies such as U.S. Fish and Wildlife and the U.S. Geological Survey), the OCCA would like to see that impacts to the following resources, and measures to mitigate or eliminate such impacts, be thoroughly evaluated: 8. Reduction in property values.

Any new restriction or stipulation should have an accompanying cost/benefit analysis in order to understand the economic impact it may have on the public.

To initiate, service, and oversee increased Federal Land will take more money and man-power than the BLM or any other federal entity has right now due to our current economic condition. Most constituents would be unhappy to know that while Farm Bill issues, Healthcare Reform, Unemployment Rates, and Inflation stand at the forefront of their concerns, those in elected offices are more concerned with re-drawing governmental boundaries of land already being taken care of by property owners who paid for and were given Insured Title Policies for their land.

When people are denied access and/or not guaranteed ownership of their land, they can no longer make projections on income from this land. This decreases their profitability and borrowing and repayment power. Agriculture and Rural Economies are what have kept our country going in the Recessions throughout our history.

**Table D-16**  
**Socioeconomics**

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It is imperative that the Federal Government understand the huge effect Agriculture has on the overall economy. There is nothing the government can do along this corridor, or any land that will result in more return to the economy than that already provided through working agricultural operations. Through the form of property taxes, income taxes, and the huge agricultural industry at large (fertilizer, seed, pharmaceutical, merchandising, lending, and chemical companies), agricultural operations provide a monumental amount of revenue to the local and national economies. While the number of citizens directly involved in agriculture may seem small, the number of citizens affected by the agricultural industry through the form of related jobs and the taxes locally and nationally received from the agricultural sector is quite massive.

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No one cares more for the land than those who make a living off of it. To take away private property owners' rights and try to establish a plan on land the BLM is in actuality removed from is a contentious proposition. When people depend on land to make their living and want to pass that land down to their children and grandchildren so they, too, can remain in the agricultural industry, these people will take care of the land and do their best to be good stewards of it. It's not that the federal government does not want to take care of the land; it's simply that the federal government is further removed from this area than the gentleman who has been on it as a 3rd generation farmer or rancher.

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Please, take heed of all the public comments and recognize the detrimental effects increasing the federal ownership of land will have on the local and national economies as well as the detrimental effects it will have on local, public morale

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**Table D-17**  
**Tribal Interests**

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On tribal lands, there is a lot of trespassing more prevalent during hunting season. Need to have more patrolling done by BIA Enforcement. I do know there is a limited budget, but this needs to be addressed.

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