



Branch of Enforcement
and Lease Compliance

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Osage Agency
P. O. Box 1539
Pawhuska, OK 74056

UNITED STATES DEPARTMENT OF THE INTERIOR

AGENCY: BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY

ACTION: NOTICE

SUMMARY: This Notice advises the public that a final Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) are available to the public and concern the approval of the following (1) drilling permit application(s) for the applicant, CapturePoint, LLC, located in Osage County, Oklahoma.

Well Name(s)	Quarter, Section, Township, Range	Lease #
02A	NE/4 Sec. 24, Township 27 North, Range 05 East	IND-25667-0

Based on the EA issued and approved by the Agency, it has been determined that the proposed action(s) will not result in significant impacts to the quality of the human environment; therefore, an Environmental Impact Statement is not required. This Notice is furnished as required by the U.S. Department of Interior's National Environmental Policy Act (NEPA) regulations, Title 43, Code of Federal Regulations (CFR), §46.305 (c), to notify the public of the availability of the EA and FONSI. The FONSI is a finding on environmental effects and not a decision to proceed with an action; therefore, it cannot be appealed. 25 CFR 2.203 requires a 30-day appeal period, after the decision to proceed with the action is made, before the action may be implemented. Appeal information will be made publicly available when the decision to proceed is made. Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere

to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Indian Affairs verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The Bureau of Indian Affairs has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

DATES: The Notice will be posted for 30 days from the approval date of this notice. Individuals wishing copies of this EA should contact the BIA at (918) 287-5700.

ADDRESS: Written requests for copies of the EA should be addressed to: Superintendent, Bureau of Indian Affairs, Osage Agency, P.O. Box 1539, Pawhuska, Oklahoma 74056, Telephone Number: (918) 287-5700.

FOR FURTHER INFORMATION CONTACT: Laura Palmer, Environmental Protection Specialist, at BIA Eastern Oklahoma Regional Office, Muskogee, Oklahoma, 74402, Telephone Number: (918) 320-7922.

SUPPLEMENTAL INFORMATION: This Notice is furnished as required by the U.S. Department of Interior's National Environmental Policy Act (NEPA) regulations, 43 CFR §46.305 (c), to notify the public of the availability of the EA and FONSI. Approval of the proposed project constitutes a Federal action under the governing regulations for compliance with Section 102(2) of NEPA and requires a concise public document to be prepared that analyzes environmental impacts to the human environment. The EA has been prepared in accordance with the requirements of NEPA, as amended, (Title 42 U.S.C. 4321), the U.S. Department of the Interior Manual, (516 DM 10), and other applicable environmental statutes and regulations.



Superintendent, Osage Agency
Eastern Oklahoma Region
Bureau of Indian Affairs
U.S. Department of the Interior



Date



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FINDING OF NO SIGNIFICANT IMPACT
Osage Nation, Osage County, Oklahoma
CapturePoint, LLC
Environmental Assessment
For One Permit to Drill Application

Well Name	Quarter, Section, Township, Range	Lease #
02A	NE/4 Sec. 24, Township 27 North, Range 05 East	IND-25667-0

SUMMARY:

Request to approve the above-listed permit to drill application for the applicant, CapturePoint, LLC, Osage County.

FINDING OF NO SIGNIFICANT IMPACT:

On the basis of the information contained in the Environmental Assessment (EA) and all other information available to me, it is my determination that (1) implementation of the Proposed Action Alternative, Alternative B, will not have significant environmental impacts beyond those already addressed in the EA. Alternative B will have no significant impact on the quality of the human environment. Therefore, in accordance with Section 102 (2) (c) of the National Environmental Policy Act of 1969, as amended, an environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the U.S. Department of Interior's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The Bureau of Indian Affairs has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154., both with regard to the context and to the intensity of the impacts described in the EA.

Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with

such Orders is a legal impossibility. The Bureau of Indian Affairs verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The Bureau of Indian Affairs has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

CONTEXT:

Mineral development (i.e., oil and gas) is a long-standing and common land use within Osage County. The United States holds the Osage Mineral Estate in trust for the benefit of the Osage Nation and is responsible for administering the development of mineral resources, including permit approvals that are needed for the BIA to fulfill a portion of its trust responsibility to the Osage Nation and facilitate the development of the mineral estate. The EA evaluated potential impacts to the human environment, for both the No Action Alternative, Alternative A, and the Proposed Action Alternative, Alternative B. Under Alternative A, the proposed approval of drilling permits would not occur, and the resulting lack of potential development of the minerals estate would lead to negative socio-economic impacts to the Osage Nation. The Department of the Interior's authority to implement a "no action" alternative that precludes development is limited. An oil and gas lease grants the lessee the "right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits" in the leased lands, "subject to the terms and conditions incorporated in the lease." Alternative B would allow for the approval of drilling permits and would likely result in positive economic impacts to the Osage. Under both the No Action and the Proposed Action Alternatives, there would be no significant impacts to the environment. Therefore, the decision was made to select the Proposed Action Alternative and to not select the No Action Alternative.

INTENSITY:

The implementation of Alternative B will result in beneficial effects in the form of energy and revenue production for the Osage Nation; however, there will be adverse effects to the environment. Mitigation measures have been included with Alternative B to prevent significant adverse environmental effects.

Alternative B does not pose a significant risk to public health and safety. Relevant scientific literature and professional expertise were used in preparing the EA. The scientific community is reasonably consistent with their conclusions on environmental effects relative to oil and gas development. Research findings on the nature of the environmental effects are not highly controversial, highly uncertain, or involve unique or unknown risks. No environmental issues related to the proposed action were identified and the EA discloses the environmental consequences of the proposed action. Protective measures will be taken to protect air and water quality as outlined in the Environmental Consequences section of the EA.

There are no cultural or historical resources present that will be adversely affected by the selected alternative. No species listed under the Endangered Species Act or their designated critical habitat will adversely be affected. The selected alternative will not have any anticipated effects that would threaten a violation of Federal law or requirements imposed for the protection of the environment.



Superintendent
Osage Agency
Eastern Oklahoma Region
Bureau of Indian Affairs
U.S. Department of the Interior



Date