

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[212D0102DR/DS5A300000/
DR.5A311.1A000118]

**Osage County Oil and Gas Final
Environmental Impact Statement,
Osage County, Oklahoma**

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Indian Affairs (BIA) has prepared the Osage County Oil and Gas Final Environmental Impact Statement (FEIS) and, by this notice, is announcing its publication. The FEIS is a programmatic analysis of the potential impacts that future oil and gas development may have on the surface estate and subsurface mineral estate (Osage Mineral Estate) in Osage County, Oklahoma.

DATES: The BIA will issue a Record of Decision (ROD) for the proposed action no earlier than 30 days from the date this Notice of Availability is published in the **Federal Register**.

ADDRESSES: The FEIS is available on the Osage Agency's website at: <https://www.bia.gov/regional-offices/eastern-oklahoma/osage-agency/osage-oil-and-gas-eis>. A paper copy of the FEIS is also available for examination at the BIA Osage Agency, 813 Grandview Avenue, Pawhuska, OK 74056.

FOR FURTHER INFORMATION CONTACT: Mr. Mosby Halterman, Regional Environmental Scientist, telephone: 918-781-4660; email: mosby.halterman@bia.gov; address: BIA Eastern Oklahoma Regional Office, PO Box 8002, Muskogee, OK 74402.

SUPPLEMENTARY INFORMATION: The Osage Allotment Act of 1906 (1906 Act), as amended, reserved all rights to the subsurface mineral estate underlying Osage County, Oklahoma (Osage Mineral Estate) to the Osage Nation. In accordance with the 1906 Act, the Osage Mineral Estate is held in trust by the United States for the benefit of the Osage Nation. All oil and gas leases, applications for permits to drill, and other site-specific permit applications in Osage County are approved under the authority of the 1906 Act, as amended, and 25 Code of Federal Regulations (CFR), part 226, Leasing of Osage Reservation Lands for Oil and Gas Mining.

The purpose of the BIA's action is to administer leasing and development of

the Osage Mineral Estate in the best interest of the Osage Nation, in accordance with the 1906 Act, as amended, balancing resource conservation and maximization of oil and gas production in the long term. The BIA is required, under more generally applicable statutes, to include in the best interest calculation the protection of the environment in Osage County to enhance conservation of resources and protection of the health and safety of the Osage people. Based on these considerations, the BIA's action promotes the maximization of oil and gas production from the Osage Mineral Estate in a manner that is economic, efficient, and safe; prevents pollution; and is consistent with the mandates of Federal law.

The FEIS analyzes the following four alternatives for managing oil and gas development in Osage County:

- Alternative 1, No Action Alternative.
- Alternative 2, Emphasize Oil and Gas Development. Minimize the number of permit Conditions of Approval (COAs) to allow producers wider latitude in determining the methods by which they will comply with applicable laws and regulations, such as the Endangered Species Act of 1973 and Clean Water Act of 1972.
- Alternative 3, Hybrid Development. A hybrid approach, by applying additional protective COAs in sections with low levels of historical oil and gas development minimizing the number of COAs in sections with high levels of historical oil and gas development. The BIA would not approve permits for new ground-disturbing oil and gas development activities in certain sensitive areas.

- Alternative 4, Enhanced Resource Protection. Apply additional protective COAs in all areas and implement well-spacing requirements. The BIA would not approve permits for new ground-disturbing oil and gas development activities in certain sensitive areas.

The alternatives represent the range of reasonable actions that could be taken to satisfy the purpose of and need for the BIA's action. All alternatives incorporate measures necessary to address impacts on air quality, water resources, cultural resources, public health and safety, threatened and endangered species, and socioeconomics among other things. The Osage Draft EIS (DEIS), published on November 22, 2019, did not identify a preferred alternative because the BIA did not have one at that time. The BIA identified Alternative 3, Hybrid Development, as the preferred alternative in the FEIS.

Under all alternatives, the FEIS would serve as the NEPA review for the approval of leases and workover permits that do not require new ground disturbance. Site-specific environmental assessments (EAs) would be required for drilling and workover permits involving new ground disturbance but would be tied to the analysis in the FEIS. Additional site-specific terms and conditions could be required prior to authorization of future oil and gas development activities.

Authority: This notice of availability is published in accordance with Section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 *et seq.*) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of NEPA (42 U.S.C. 4321 *et seq.*), and in accordance with the authority delegated to the Assistant Secretary, Indian Affairs, in Part 209 of the Departmental Manual.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0030991;
PPWOCRADN0-PCU00RP14.R50000]

**Notice of Intent To Repatriate Cultural
Items: University of California
Berkeley, Berkeley, CA**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California Berkeley, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Office of the Vice Chancellor for Research, University of California Berkeley. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with

information in support of the claim to the Office of the Vice Chancellor for Research, University of California Berkeley at the address in this notice by November 16, 2020.

ADDRESSES: Dr. Thomas Torma, NAGPRA Liaison, Office of the Vice Chancellor for Research, University of California Berkeley, 119 California Hall, Berkeley, CA 94720–1500, telephone (510) 672–5388, email t.torma@berkeley.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the University of California Berkeley, Berkeley, CA, that meet the definition of sacred objects and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1906, seven cultural items were removed from the home of Ms. Julia Gates, which was located near Salmon Creek in Humboldt County, CA. The items are one feather head ornament, two pipes, two scabbards, one belt, and one fawn skin casing. They were “picked up” by Alfred Kroeber from Ms. Gates' home when she was an “old, blind woman.” Julia Gates was a well-known healer and a leader in the Wiyot community. The items are part of a set of doctoring regalia used in the practice of traditional healing and in tribal ceremonies. Based on consultation with the Wiyot Tribe, California, these seven sacred objects items are also objects of cultural patrimony.

Sometime before 1907, six cultural items were removed from the home of Julia Gates, which was located near Salmon Creek in Humboldt County, CA. The items are one set of condor feather hair ties, two condor feathers, one pipe, one pipe scabbard, and one belt. They were donated to the University of California Berkeley by Cornelius E. Rumsey. How Rumsey came into possession of the items unclear, but most likely, the items are part of the set of doctoring regalia that Kroeber picked up from Julia Gates in 1906. Based on consultation with the Wiyot Tribe,

California, these six sacred objects items are also objects of cultural patrimony.

In 1929, eight cultural items were removed from a location near Humboldt Bay, in Humboldt County, CA. The items are one bluebird and yellow hammer headdress, three condor feathers, one pipe, one pipe scabbard, one belt, and one deerskin. Their transfer to UC Berkeley was arranged by Ms. Martha Herricks. These items comprise a set of doctoring regalia. Most likely, this set was created by Julia Gates and subsequently was passed on to Winnie Buckley, who was a Wiyot “sucking doctor.” According to oral tradition and cultural practice, such a transfer would have been considered a loan. Based on consultation with the Wiyot Tribe, California, these eight sacred objects items are also objects of cultural patrimony.

The cultural affiliation of the 21 cultural items listed above is to the Wiyot Tribe, California. This affiliation is supported by museum records, ethnographic sources, historical sources and newspapers, oral tradition, and other information provided through consultation with tribal representatives.

Determinations Made by the University of California Berkeley

Officials of the University of California Berkeley have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 21 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

- Pursuant to 25 U.S.C. 3001(3)(D), the 21 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and objects of cultural patrimony and the Wiyot Tribe, California (previously listed as Table Bluff Reservation—Wiyot Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Thomas Torma, NAGPRA Liaison, Office of the Vice Chancellor for Research, University of California Berkeley, 119 California Hall, Berkeley,

CA 94720–1500, telephone (510) 672–5388, email t.torma@berkeley.edu, by November 16, 2020. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Wiyot Tribe, California (previously listed as Table Bluff Reservation—Wiyot Tribe) may proceed.

The University of California, Berkeley is responsible for notifying the Wiyot Tribe, California (previously listed as Table Bluff Reservation—Wiyot Tribe) that this notice has been published.

Dated: September 28, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

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DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030989; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California Berkeley has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of California Berkeley. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of California Berkeley at the address in this notice by November 16, 2020.

ADDRESSES: Dr. Thomas Torma, NAGPRA Liaison, Office of the Vice Chancellor for Research, University of