

Proposed Wind Farm Development May Interfere with Osage Nation Mineral Estate

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EXECUTIVE

PAWHUSKA, Okla. (August 16, 2011) – Proposed wind farm development in Osage County may interfere with the Osage Nation’s mineral estate, according to the Bureau of Indian Affairs.



In a letter sent to Osage County Commissioners and Osage Nation representatives, the BIA stated the mineral rights in Osage County were retained by the Osage Nation in 1906 and that “the oil and gas estate is the dominant estate and the surface is the subservient estate.”

“Thus, the mineral estate cannot be denied reasonable access to the surface, and may, indeed, use so much of the surface estate as may be necessary to develop and produce the minerals.”

Osage Nation Principal Chief John D. Red Eagle was pleased with the action taken by the BIA.

“This is something we’ve fully expected, and it’s a position we’ve taken all along,” Red Eagle said. “We have always been confident that the Bureau of Indian Affairs would uphold its fiduciary responsibility, and we’re pleased with their actions.”

Also, the letter points out that the Osage County Commission did not receive approval from the BIA prior to enacting a wind ordinance at a public meeting on August 11.

“The County Commission has enacted wind ordinances regulating the non-trust portions of the surface estate within Osage County,” the letter states. “This letter is to notify you that said regulations were not approved by the Bureau of Indian Affairs and are not binding on the mineral estate.”

While Red Eagle is satisfied with the actions of the BIA, he is disappointed the Osage Nation and the County Commission couldn’t find common ground on this issue.

“We’re taking measured steps toward appropriate court action to protect the property rights of the Osage Nation and the ecosystem of the Tallgrass Prairie,” Red Eagle said.