



OSAGE NATION  
RESTRICTED LAND PROGRAM  
POLICIES AND PROCEDURES

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## **INTRODUCTION**

**ONCA 23-87** authorized an appropriation for the purpose of restricted land maintenance for restricted land owners and those with lifetime use of restricted land. This appropriation was made in tribal funds to the Executive Branch in care of the Osage Nation Real Estate Services Department (ONRES). ONRES will be the point-of-contact for the use of these funds by/for restricted land owners. The money available for this program is limited and a restricted landowner/lifetime user may apply for one, two, or all available services rendered within the scope of services. Since this is the case completed applications will be processed on a first-come-first-serve basis.

## **CONTACTS**

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Status update for an application regarding Fencing, Noxious Weeds, Boundary Surveys or Ponds, please contact ONRES at 918-287-5257.

Status update for an application regarding a Critical Access Road, please contact Osage Nation Roads Department at 918-287-5204 or by email at [jjcarr@osagenation-nsn.gov](mailto:jjcarr@osagenation-nsn.gov) and [tburd@osagenation-nsn.gov](mailto:tburd@osagenation-nsn.gov).

Status update for an application regarding Controlled Burns or Cedar Removal, please contact Osage Nation Wildland Fire at 918-287-9767 or by email at [cmalone@osagenation-nsn.gov](mailto:cmalone@osagenation-nsn.gov), [walkerr@osagenation-nsn.gov](mailto:walkerr@osagenation-nsn.gov), and [jessie.stotts@osagenation-nsn.gov](mailto:jessie.stotts@osagenation-nsn.gov).

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## **SECTION 1: GENERAL APPLICATION/PROCEDURES**

The Restricted Land Program is specifically crafted to provide support to landowners, addressing fundamental land-related issues and facilitating maintenance activities. The Osage Nation will supply one mile of fencing material. In case of safety concerns or property line disputes, the adjacent landowner will be engaged in a discussion about potential cost-sharing for both labor and materials if required. Each family is entitled to one boundary survey and pond, limiting the allocation to a single instance per application.

### **Who is Eligible:**

1. 100% Owner/Operator
2. Undivided Interest Owner/Operator
3. 100% Owned Leased out
4. Undivided Interest Leased Out

### **Tier Classifications**

#### **FENCING**

1. Highway/Roadway/Safety Issue
2. Boundary/Property Line Issues
3. Mending/Repair
4. New fencing (no existing fence) will require both a Boundary Survey and an Archaeological Survey

#### **BOUNDARY SURVEY**

1. Property Line Disputes/Boundary Issues
2. No Existing fence
3. Case by Case

## **NOXIOUS WEED**

1. Overrun with Noxious Weeds
2. Minimum 40, Maximum 400 acres eligible for herbicide spray
3. Majority signatures (25 CFR § 162.012) will be required on a Release of Liability for all chemical application for the Noxious Weed Program

## **PONDS**

1. No water access
2. Pond Dam Issues
3. Maintenance/Dredging
4. New Pond Builds (Archaeological Surveys will be required before new builds)

## **CRITICAL ROAD ACCESS**

1. Living on original allotment,
2. Family cemeteries on restricted property,
3. Native American Churches OR
4. Driveways for lot holders in the Pawhuska, Hominy, or Grayhorse Indian Villages
5. \$3000 maximum amount awarded
6. Must provide a utility bill verifying the address of residence on restricted property.

### **Application Procedures:**

1. Applications will be accepted yearly between October 15<sup>th</sup> and December 15<sup>th</sup>, when funding is available, for the Fencing, Boundary Surveys, Noxious Weed, and Pond Program. There is no deadline for the Critical Access Road and Prescribed Burn/Cedar Removal Program
2. Landowner requests/submits application
3. No applications for Fencing, Boundary Surveys, Noxious Weeds, and Ponds will be considered after the application process has closed for the year. Applications for Roads, Prescribed Burns, and Cedar Removal will still be sent to the respective departments throughout the year.
4. Submitted applications do not guarantee approval for any or all requests
5. Applications submitted by undivided restricted landowners must adhere to 25 CFR § 162.012

If the number of owners of the undivided trust or restricted interest in the tract is:

- (i) One to five
- (ii) Six to 10
- (iii) 11 to 19
- (iv) 20 or more

Then the required percentage of the undivided trust or restricted interest is:

- (i) 90 percent
- (ii) 80 percent
- (iii) 60 percent
- (iv) Over 50 percent

If percentage requirements are not met, application is deemed incomplete.

- 6. After the closing date the field inspector will assess each application to determine which applicants will be approved for the requested service(s)
- 7. Field inspector will conduct a visual inspection of the property listed on the application to determine which request is most essential
- 8. Once the field inspector has completed the assessment an approval or denial letter will be mailed to the applicant(s)

### **RESTRICTED LAND SERVICES LIMITATION**

All services available to individual restricted landowners and life estate holders of restricted property are subject to limitation due to availability of annual appropriations.

### **OSAGE NATION RIGHTS**

The Osage Nation retains the authority to grant or refuse approval for any services associated with this program.

## **SECTION 2: INTRODUCTION FOR BOUNDARY SURVEYS ON RESTRICTED PROPERTY**

### **SCOPE**

Formerly define the legal boundaries and corners of a parcel of property.

### **POLICY**

Establish the perimeter of the restricted property as it relates to a site's legal description.

### **PROCEDURES FOR PROVIDING BOUNDARY SURVEYS**

A professional land surveyor will be contracted for fieldwork. They will stake and measure the property's boundaries and corners. They will also make note of any adjoining properties and their possible encroachments like fences or retaining walls. Once the surveyor has finished their fieldwork, they will look through the public records to find any documents about the parcel of land. These may include title reports, deeds, easements, and maps of the piece of land that may help define its borders. The surveyor will compile an extensive written report on the boundaries of the property. They will then draft a legal description of the newly surveyed parcel.

### **INSPECTION**

Inspections will be carried out to assess and approve applications. Additionally, inspections will be conducted upon the completion of services.

## **SECTION 3: INTRODUCTION FOR FENCING ON RESTRICTED PROPERTY**

### **SCOPE**

Installation, replacement or repair of boundary fencing on landowner's restricted property.

### **PURPOSE**

Maintain proper boundary lines between landowners.

### **PROCEDURES FOR FENCING**

A fencing contractor will be contracted for fence installation and repair by ONRES. Adjoining landowners are mutually responsible for costs of maintaining a boundary fence unless otherwise agreed upon in writing. Gates will not be included with this service.

### **CRITERIA**

The program will provide materials for curing safety concerns, settling boundary issues and property line disputes. Up to 1 mile of fencing/materials will be provided in a 3-year period. In case of safety concerns or property line disputes, the adjacent landowner will be engaged in a discussion about potential cost-sharing for both labor and materials if requested. Please be aware that if there has not been an existing fence on the property a boundary survey will need to be completed first and also an arch survey due to new ground disturbance. This will cause a delay in services if both surveys are required to complete a fencing project.

### **PURCHASE OF MATERIALS**

The Osage Nation will provide fencing materials to the contractor for the restricted landowner's property. Materials to include fence posts, wire, and clips, etc (gates are not included).

### **INSPECTION**

Inspections will be carried out to assess and approve applications. Additionally, inspections will be conducted during the construction process and upon the completion of services.



## **SECTION 4: INTRODUCTION FOR NOXIOUS WEEDS ON RESTRICTED PROPERTY**

### **SCOPE**

Help provide herbicide to control weeds on restricted land including high priority noxious weeds, Canada Thistle and Sericea Lespedeza, and woody plants (this could include trees and brush).

### **PURPOSE**

Suppress the spread of noxious, exotic, and invasive weeds on restricted land. As the weed numbers are decreased, grass production will increase.

### **PROCEDURES FOR APPLICATION OF HERBICIDES**

#### 1. Herbicide/Application

- A. Trade Name: Grazon Next HL
- B. Common Name: Grazon Next HL
- C. Formulation: 2, 4-Dimethylamine Salt, Aminopyralid Triisopropanolamine Salt
- D. EPA Registration Number: 62719-552
- E. Manufacturer: Dow AgroSciences, LLC
- F. Application Rate: 0.75 pints/acre
- G. Number of Applications: 1
- H. Method of Applications: Aerial Spraying and Ground (Spot) Spraying
- I. Date(s) of Application: May to June

#### 2. Herbicide/Application

- A. Trade Name: Remedy
- B. Common Name: Remedy
- C. Formulation: Triclopyr-butotyl
- D. EPA Registration Number: 62719-552
- E. Manufacturer: Dow AgroSciences, LLC
- F. Application Rate: 0.75 pints/acre
- G. Number of Applications: 1
- H. Method of Applications: Aerial Spraying and Ground Rig
- I. Date(s) of Application: May to June

### **DISCLAIMER**

Triclopyr (Remedy) is highly effective on broadleaf weeds and woody plants, but it can also harm or kill desirable trees if roots, bark, or foliage are exposed, or if spray drifts onto non-target areas.

### **PURCHASE OF MATERIALS**

The Osage Nation will provide herbicide for landowner's restricted land.

## **RELEASE OF LIABILITY**

Landowners requesting spraying services for noxious weeds must sign a Release of Liability prior to any herbicide application. The Release of Liability acknowledges that herbicides, including products such as Grazon Next HL (Gunslinger) and Triclopyr (Remedy), may pose risks to nearby desirable vegetation, including trees, shrubs, or crops, if drift, overspray, or root uptake occurs. By signing, the landowner accepts responsibility for these potential risks and releases the applicator or program from liability for unintended damage. **Majority signatures (pursuant to 25 CFR § 162.012) from landowners will be required on the Release of Liability form.**

## **MEASURES FOR APPLICATION**

An approved licensed and insured applicator will be contracted to apply herbicide and will follow safety requirements stated on the product label. Personal protective equipment will be worn by all persons involved in the application process in case accidental exposure occurs. For all restricted lands in which the Nation has an interest and/or is a controlling party, the applicant shall obtain express consent and/or permit from the Department of Natural Resources before any herbicide shall be issued for use.

## **INSPECTION**

Inspections will be carried out to assess and approve applications. Additionally, inspections will be conducted upon the completion of services.

## **SECTION 5: INTRODUCTION FOR PONDS ON RESTRICTED PROPERTY**

### **SCOPE**

Mowing, trimming, and keeping vegetation under control, keeping the pond clear of trash and debris, and stabilizing slopes will promote development and pond restoration. New pond construction will require an Archaeological Survey before any work can begin.

### **PURPOSE**

Establish drinking locations for livestock due to limited water sources.

### **PROCEDURES FOR MAINTAINING PONDS**

An expert in farm ponds will be contracted to inspect the landowner's pond area for scope development. Upon receipt of the final scope, ONRES will contract the work.

### **INSPECTION**

Inspections will be carried out to assess and approve applications. Additionally, inspections will be conducted upon the completion of services.

**SECTION 6: INTRODUCTION FOR CRITICAL ACCESS ROADS ON RESTRICTED PROPERTY**

**SCOPE**

Maintenance and/or improvements on driveways to the primary residence, family cemeteries, or Native American Churches on restricted property. This service will also include maintenance and improvements on driveways to lot holders in the Pawhuska, Hominy, and Grayhorse Indian Villages.

**PURPOSE**

Provide improved access to primary residences, family cemeteries, and Native American Churches on restricted property. As well as improved access to lot holders in the three Indian Villages.

**PROCEDURES**

The Roads Department will conduct an initial inspection of the existing condition of the road to determine need. All trucking, labor, and machinery to complete the maintenance/improvements will be provided by the Osage Nation.

**CRITERIA**

Critical Access to primary residence on restricted property with a need of maintenance/improvements.

**MATERIALS**

Up to \$3000 per qualified applicant in materials (gravel/culverts).

**INSPECTION**

Inspections will be carried out to assess and approve applications. Additionally, inspections will be conducted upon the completion of services.

## **SECTION 7: INTRODUCTION TO HAZARD FUELS MANAGEMENT PROGRAM**

- Wildland Urban Interface
- Prescribed Fire Treatments
- Mechanical Treatments
- Additional Information

A hazardous fuel is any kind of living or dead vegetation that is flammable. To meet desirable management goals, managers can modify the structure, distribution and vegetation type on a landscape.

The Osage Nation Wildland Fire (ONWLF) Fuels Management Program works with local agencies to provide services that reduces hazardous fuels. Prescribed fire, mechanical treatments and the careful use of natural fire are tools to help land owners meet the goals, objectives and desired conditions to promote healthy native grasses and to increase the environmental use of the land.

Criteria for prescribed fire and mechanical treatment will be determined after a careful survey and site visit has been performed by a representative from the Wildland Fire Management office.

The established working parameters for provided services will be no more than 60 working days. The determination for the use of fire and/or mechanical treatment of services rendered will be determined after the site visit.

### **WILDLAND URBAN INTERFACE**

The wildland urban interface (WUI) is the area where wildland fuels begin to interface with urbanized areas. Managing fuels within the WUI is prioritized because reducing these hazardous fuels increases public and firefighter safety, reduces the risk of unwanted wildfire to communities and helps protect important structures within or adjacent to tribally owned property.

While treating hazardous fuels within the WUI is a priority, a larger number of hazardous fuels projects take place outside the WUI. Restoring and maintaining healthy fire-adapted ecosystems keeps natural systems balanced and reduces the risks to cultural and historic places along with increasing land usage.

### **PRESCRIBED FIRE TREATMENTS**

Prescribed fire is a tool used by natural resource managers to carefully apply fire under rigorous standards to restore natural landscapes and achieve resource management objectives.

Prescribed fire treatments must meet ONWLF Prescribed Fire policy requirements. Each treatment requires specific burn plans with measurable burn objectives that clearly define the desired outcome of land restoration.

Prescribed burning is a tool managers may use as a singular event, or in combination with other mechanical treatments to reduce vegetation buildup. In fire-adapted systems, fire should be present on a recurring cycle that is consistent with the natural fire regime to sustain ecosystem functionality and resilience to disturbances.

### **MECHANICAL TREATMENTS**

Mechanical treatments are often used in areas where fire has been excluded for long periods of time, around communities where prescribed fire or smoke management may have negative consequences or in areas that invasive species have rendered unsuitable for other types of treatments. Mechanical treatments may include thinning, regeneration cuts, pruning, mastication, and chipping in addition to other fuel manipulations. Biomass from mechanical treatments varies widely depending upon site vegetation and treatment objectives.

### **ADDITIONAL INFORMATION**

#### **POLICY**

This document sets standardized operating procedures, guidelines and policy for the management and administration of the ONWLF Fuels Program for tribal land owners. The program is administered through the Wildland Fire Management Program Office located in Pawhuska.

#### **AUTHORIZED HFR PROGRAMS**

##### **a) WUI**

Since the development and implementation of the National Fire Plan, a marked increase in attention to fuel treatment in the WUI has occurred. However, there appears to be some confusion and interpretations differ as to what WUI actually is and what constitutes reportable WUI projects. The following information reinforces existing definitions and clarifies valid fuel treatment projects.

**“Wildland Urban Interface”** currently has two accepted definitions:

1. The Wildland Urban Interface community exists where humans and their development meet or intermix with wildland fuel.

2. The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuel. The use of either definition is acceptable when determining which projects are assigned the WUI Program.

#### **b) PURPOSE OF WUI PROJECTS**

WUI treatments and activities are designed to reduce risks to people, property, structures, and other human development. The WUI Program includes two primary activity categories:

1. **WUI PROJECTS:** This category of WUI Program includes all activities associated with fuels inventory, project planning (including project level compliance work), operational implementation (treatments), and treatment monitoring. Projects may include one or several treatments aimed at manipulating fuels complexes to alter amounts, composition, distribution, and structure of fuels so that predicted fire behavior, adjacent to, or outside the WUI after treatment will be acceptable and capabilities to control wildland fire within the interface will be increased.
2. Treatments can be conducted within, adjacent to, or outside the WUI. However, to meet designation as a valid and reportable WUI fuel treatment project, the sum of the activities must clearly support hazardous fuels reduction, potential fire behavior modification, and risk reduction to the people and the community. WUI projects and activities are associated with mitigating wildland fire risks to people and their communities located on rust property or that are adjacent to, or in close proximity of, federal land (includes tribal trust/restricted land). They do not include development of community infrastructure, increasing suppression resources or enhancing facilities.

#### **WUI PROJECT FOCUS**

WUI projects and activities will focus on:

- High-risk communities and adjacent resource values that are inherently important to the social and/or economic stability of the community.
- “Communities at Risk” published in the Federal Register and future communities identified by the local collaborative effort.
- Placing initial treatments closest to the highest risk areas.

In addition, WUI Projects and Activities will:

- Increase wildland fire safety to the public and to firefighters.

- Reduce risk of unwanted wildland fire to communities, and the resulting negative effects to associated elements, such as resource-related jobs, communication infrastructure, transportation networks, municipal watersheds, and utilities.
- Reduce risks to recreational opportunities and associated wildland attributes, and cultural and historic resources and landscapes.
- Strengthen rural economic sustainability and increase opportunities to diversify local economics.

## **b) Non-WUI**

For all practical purposes, Non-WUI treatments and activities are those that are planned and occur outside the WUI. Non-WUI treatments are primarily designed to reduce levels of hazardous fuels, and restore or maintain healthy and sustainable ecosystems on a landscape scale. Activities include fuels inventory, project planning, and compliance work, operational implementation (treatments), and treatment monitoring. A project may include one or several treatments designed to move amounts, composition, distribution, and structure of live and dead fuels towards a desired future condition. Treatments may include prescribed burning, mechanical, biomass utilization, chemical, and biological applications. Some examples include under burns, thins, mastication, lopping, pruning, mowing, piling, and herbicides.

## **NON-WUI PROJECT FOCUS**

Non-WUI projects and activities will focus on:

- Treating areas classified as Fire Regime I, II, and III and Condition Class 2 and 3.
- Landscape level planning and operational implementation.
- Maintenance burns in Class 1.
- Biomass Utilization.
- Treating landscapes at highest risk and expanding on WUI projects within those landscapes.

In addition, Non-WUI Projects and Activities will:

- Increase wildland fire safety to the public and firefighters.
- Reduce risk of unwanted wildland fire affecting communities. Including their critical elements such as resource-related jobs, communication infrastructure, transportation networks, municipal watersheds, and utilities.
- Reduce risk to recreational areas and associated wildland attributes, and cultural and historic resources and landscapes.
- Support attainment of tribal land management planning goals and objectives.



## **ELIGIBLE LAND STATUS AND ACTIVITY**

Non-WUI projects and activity may be conducted on tribal trust and restricted land, individual allotments, tribal fee, private, state, and federal property located in, and adjacent to, tribal communities. Tribal trust, individual allotments, and restricted Indian lands should be considered the highest priority for treatments. In addition, there may be occasions on intermingled lands when it is economically justified to include private land within a fuels treatment project. A Consent Form for Fuels Activities which authorizes the ONWLF to develop and implement a Prescribed Burn Plan or Mechanical Fuels Treatment Plan on the landowner's property is required.