

The federal government has settled its property destruction case against Tulsa attorney and GOP attorney general candidate Gentner Drummond and others after agreeing to a cash settlement from an aerial herbicide spraying company. Fairview-based Regier Flying Service LLC has agreed to pay \$240,000 to settle allegations contained in a 2019 federal lawsuit filed by the U.S.

government, according to a news release from the U.S. Attorney's Office in Tulsa. The federal government sued Regier Flying Service, Drummond and two of his companies in Tulsa federal court after it estimated that 40,000 trees on government property adjacent to Skiatook and Birch lakes in Osage County had died after being sprayed with herbicide between 2014 and 2017. The Drummond Ranch LLC owns property adjacent to the Army Corps of Engineers property, according to court records. "The U.S. Army Corps of Engineers works daily to safeguard wildlife habitat and provide public use opportunities on federal land," said Acting U.S. Attorney Clint Johnson. "The destruction of those lands will not be tolerated.

"This case should serve as a deterrent and a reminder that the United States will take appropriate action, whether civil or criminal, to hold accountable those who violate laws that protect federal land." Asked why only the aerial spraying company was participating in the cash settlement, a spokeswoman for the U.S. Attorney's Office replied: "The United States believes the terms of the agreement serve the ends of justice in this matter." Drummond released the following statement on the closure of the case: "I am pleased with the government's dismissal of my companies and me from this matter, which never should have been filed in the first place. The radical environmentalism of many federal bureaucrats is frankly out of control. As Attorney General, I plan to aggressively pursue action against the Biden Administration on a number of fronts, and I look forward to fighting those battles on behalf of all Oklahomans." The U.S. Attorney's Office in Tulsa filed the civil lawsuit Feb. 8, 2019 "during the administration of former President Donald Trump" in U.S. District Court for the Northern District of Oklahoma on behalf of the Corps of Engineers, which controls Skiatook and Birch lakes.

In addition to naming Drummond personally, the lawsuit named Drummond Ranch LLC and Regier Flying Service LLC. The government claimed that Drummond hired Regier Flying Service to aerially spray pesticide and/or herbicide on Corps-owned land as well as adjacent land owned by the Drummond Ranch LLC. The Oklahoma Department of Agriculture investigated a subsequent complaint filed by the federal government in 2017 regarding the spraying, the lawsuit stated. According to the federal government's lawsuit, Drummond admitted to state investigators that he hired the aerial spraying company to apply herbicide to 1,000 acres of Drummond-owned land from 2014 to 2017 and was not concerned with "property boundaries," telling the company to spray the herbicide on government property, too, according to the original civil complaint. Drummond, in a statement after the lawsuit was filed, said he and his family have regularly controlled black jack oak tree growth with aerial spraying to enhance the native bluestem grasses and provide for natural wildlife. "I cannot explain the government's position, but it appears contrary to wildlife management and natural range development," Drummond wrote in his statement. Drummond wrote that the federal government in the 1970s acquired via eminent domain a portion of the Osage County land his family has ranched since statehood. "In this instance, it appears that the government is alleging that some portions of our spraying drifted into the government lands that were formerly ours, and it is complaining about our improvements," he wrote. Drummond was a Republican candidate for state attorney general in 2018 and is seeking the office again in 2022. He carried 55 of the state's 77 counties but lost to eventual general election winner Mike Hunter by 271 votes out of nearly 300,000 cast in the 2018 GOP runoff election. Drummond announced that he would seek the office again shortly after Hunter resigned from the office in May. Court papers filed Friday indicate that the federal government has agreed to dismiss without prejudice "meaning the government could move to file again" its lawsuit against Drummond, the Drummond Ranch LLC and Drummond Cattle LLC. The latter plaintiff was added to the list of defendants in October 2019. The government declined to elaborate

as to why the case was dismissed without prejudice other than to say it served the ends of justice in this matter. As part of the settlement papers, both parties agreed to pay their own attorney fees, while Drummond, Drummond Ranch LLC and Drummond Cattle LLC all agreed not to pursue legal action against the federal government for the filing or prosecution of this action. While announcing the settlement, the government also moved Friday to dismiss with prejudice its case against Regier Flying Service, meaning the case can't be reopened. The federal government dismissed its case against Bluestem Aerial Sprayers, an original co-defendant, in February 2020. The case was scheduled to go to a nonjury trial Jan. 31. Featured video: The Tulsa World's most memorable stories of 2021 Sign up for our Crime & Courts newsletter Get the latest in local public safety news with this weekly email. Sign up! * I understand and agree that registration on or use of this site constitutes agreement to its user agreement and privacy policy.