

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## Section 390

# Categorical Exclusion for Oil and Gas Development

NUMBER: DOI-BLM-CO-110-2010-0008-CX

CASEFILE/PROJECT NUMBER: COC-62816

PROJECT NAME: Buckhorn Draw F11 Second Entrance

LEGAL DESCRIPTION: T1S, R99W, Section 11

APPLICANT: Mesa Energy Partners, LLC

DESCRIPTION OF PROPOSED ACTION: Mesa Energy Partners, LLC, (Mesa) the unit operator of the Buckhorn Draw Unit, requests permission to temporarily construct a secondary driveway for the F11-199 location indicated in the attached survey. The second driveway is needed because once all of the equipment required for operations is in place, there will be little space remaining on the pad. Since Mesa plans to pump far more water volume than can be stored on the pad at any one time, water will have to be delivered on a “just-in-time” basis. This will require trucks to enter and maneuver on the pad while completion operations are ongoing.

The temporary additional driveway will be reclaimed in the spring of 2010 at the time of interim reclamation of the well pad. The additional entrance will provide a safer, more efficient work environment by allowing trucks the ability to enter the pad, offload and exit the pad without having to back-up. This will help alleviate traffic congestion.

Dimensions of the road disturbance proposed: ~75 ft x 30 ft = **0.052 ac**

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-5

Decision Language: “Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: CO-110-2009-145-EA

Date Approved: July 27, 2009

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded from further documentation in accordance with statutory NEPA categorical exclusions (CX), as granted in Section 390 of the Energy Policy Act of 2005, for oil and gas exploration and development. The proposed action qualifies as a categorical exclusion under Section 390, based on the qualifying criteria Number (1) of the categories listed below.

<b>Qualifying Criteria</b>	<b>YES</b>	<b>NO</b>
1. Individual surface disturbances of less than five (5) acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed. <b>(a, b, and c below must be yes to have this CX apply)</b>	X	
a. Will disturb less than 5 acres, if more than one action is proposed for a lease, each activity is counted separately and each may disturb up to five acres. <b>(0.052 ac disturbance)</b>	X	
b. The current un-reclaimed surface disturbance readily visible on the entire leasehold is not greater than 150 acres, including the proposed action.	X	
c. This categorical exclusion includes the requirement of a site-specific NEPA document. A site specific NEPA analysis can be either an exploration and/or development EA/EIS, an EA/EIS for a specific POD, a multi-well EA/EIS or an individual permit approval EA/EIS. <b>(DOI-BLM-CO-110-2009-0145-EA)</b>	X	
2. Drilling an oil and gas location or well pad at a site at which drilling has occurred within five (5) years prior to the date of spudding the well. A “location or well pad” is defined as a previously disturbed or constructed well pad used in support of drilling a well. “Drilling” in the context of, “Drilling has occurred within five (5) years”		X

Qualifying Criteria	YES	NO
3. Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five (5) years prior to the date of spudding the well. <b>(a, b, and c below must be yes to have this CX apply)</b>		X
a. The proposed APD is within a developed oil or gas field. A developed field is defined as any field in which a confirmation well has been completed.		X
b. There is an existing NEPA document (including that supporting a land use plan) that contains a reasonably foreseeable development scenario broad enough to encompass this action.		X
c. The NEPA document was finalized or supplemented within five years of spudding the well.		X
4. Placement of a pipeline in an approved right-of-way corridor, as long as the corridor was approved within five (5) years prior to the date of placement of the pipeline. (To avoid problems, the right-of-way must contain a term or condition that provides for the suspension of the authorization if placement does not begin before the last date that the CX is available, thus requiring the operator to obtain a new right-of-way.) <b>(a and b below must be yes to have this CX apply)</b>		X
a. The placement of a pipeline in an existing corridor of any type		X
b. Placement of the pipeline within five years of approval (or amendment) of the most recent date of a decision (NEPA or permit authorization) are the only two applicable factors for review pursuant to this statute and must both be satisfied to use this CX.		X
5. Maintenance of a minor activity, other than any construction or major renovation of a building or facility.		X

CX (1) and (3) reference previous NEPA documents, the same or better mitigating measures from the tiered NEPA document will be applied as well as BMPs to reduce impacts to any authorization issued.

CX (2) and (3) must state the date when the previous well was completed or the date the site had workover operations involving a drilling rig of any type or capability; this also includes completion of any plugging operations. Because the 5-year period is tied to the spudding of the

pending well, the APD must contain a COA that if no well is spudded by the date the CX is no longer applicable, the APD will expire, thus requiring the operator to obtain a new APD.

CX (4) to avoid problems, the right-of-way must contain a term or condition that provides for the suspension of the authorization if placement does not begin before the last date that the CX is available, thus requiring the operator to obtain a new right-of-way.

For all CX a brief narrative must be included in the well file(s) stating the rationale for making the determination that the categorical exclusion applies. If more than one applies each shall be explained.

***Documentation:*** This NEPA document references Environmental Analysis (EA) DOI-BLM-CO-110-2009-0145-EA which analyzed the environmental effects of constructing a well pad and drilling one well on the pad. The EA analyzed constructing one associated 215 ft access road. Mesa determined that due to the decreased size of the well pad (to accommodate our request to avoid certain old-growth trees) and the fact that the volume of water to be pumped during drilling and completions exceeds the amount that can be stored on the pad at one time; a secondary access road would need to be utilized to maximize efficiency and productivity.

#### INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on 10/13/2009.

Date

A list of resource specialists who participated in this review is available upon request from the White River Field Office.

#### REMARKS:

*Cultural Resources:* The proposed well pad, access road and well tie pipeline route have been inventoried at the Class III (1005 pedestrian) level (Conner et al 2009, Compliance Dated 6/19/2009). Inventory identified one isolated in the forty acres parcel for inventoried for the well location and a previously recorded site was locate not too far from the proposed access road and well tie pipeline route. The proposed new access will not impact any known cultural resources. (MRS 10/23/09)

*Native American Religious Concerns:* Native American groups have not identified any concerns in the area at the present time. If concerns are identified by appropriate groups additional mitigation may be required. (MRS 10/23/09)

*Paleontological Resources:* The proposed additional access route is located in an area generally mapped as the Uinta Formation, (Tweto 1979) which the BLM, WRFO has classified as a potential fossil yield classification (PFYC) 5 formation meaning it is known to produce scientifically important fossil resources. If it becomes necessary to excavate into the underlying rock to construct the additional access route there is a potential to impact scientifically important fossil resources. (MRS 10/23/09)

*Threatened and Endangered Animal Species:* No concerns. Terrestrial wildlife is adequately addressed in the reference document (DOI-BLM-CO-110-2009-0145-EA). (LB 10.28.09)

*Threatened and Endangered Plant Species:* A 2009 special status plant survey was completed and analyzed under the referenced document DOI-BLM-CO-110-2009-0145-EA. The referenced document adequately addressed the Duck Creek Area of Environmental Concern (ACEC) and threatened plant species Dudley Bluffs bladderpod (*Physaria congesta*) habitat was found approximately 0.7 miles east of the proposed action. This action will have no effect on known Dudley Bluffs bladderpod populations, habitats or pollinator habitats. (MM 10/2009)

#### REFERENCES CITED:

Conner, Carl E., Nicole Darnell, Barbara J. Davenport and Dakota Smith  
2009 Class III Cultural Resource Inventory Report: Seven Proposed Well Locations and Related Linear Routes in the Buckhorn Draw unit (F01-199, F11-199, H07-198, G26-199, J15-199, M09-299, G11-299) in Rio Blanco County, Colorado for EnCana Oil and Gas (USA) inc. Grand River Institute, Grand Junction, Colorado.

Tweto, Ogden  
1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

#### MITIGATION:

- 1) Any excavations into the underlying rock formation shall be monitored by an approved paleontologist who shall be on site prior to the initiation of any excavations into the rock.
- 2) The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:
  - whether the materials appear to be of noteworthy scientific interest
  - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

- 3) The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or

archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

In addition, the following COAs from the existing NEPA document **DOI-BLM-CO-110-2009-0145-EA** will be carried forward and applied:

#### Air Quality

- 4) All access roads will be maintained according to BLM Manual Section 9113 standards for road shape and drainage features at all times during construction, drilling and production.
- 5) All access roads will be treated with water and/or a dust suppressant during construction and drilling activities so that there is no visible dust trail behind vehicles. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Only water needed for abating dust should be applied; dust abatement should not be used as a water disposal option under any circumstances.
- 6) All vehicles will abide by company or public speed restrictions during all activities.

#### Soils

- 7) All construction and drilling activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or activities are otherwise approved by the Authorized Officer.
- 8) If erosion features such as rilling, gulying, piping and mass wasting occur at anytime in the future on disturbed surfaces the erosion features will be addressed immediately after observation by contacting the AO and submitting a plan to assure successful soil stabilization with BMPs to address the erosion problems.

#### Water Quality, Surface and Ground

- 9) When erosion is anticipated, sediment barriers shall be constructed to slow runoff, allow

deposition of sediment, and prevent it from leaving the site. In addition, straining or filtration mechanisms may also contribute to sediment removal from runoff.

- 10) Locate culverts or drainage dips in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. Provide adequate spacing to avoid accumulation of water in ditches or road surfaces. Install culverts with adequate armoring of inlet and outlet. Patrol areas susceptible to road or watershed damage during periods of high runoff.
- 11) Keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine-cleaning of ditches should be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
- 12) Access roads should be built and maintained to BLM Manual Section 9113 standards for road shape and drainage features. Culverts and waterbars should be installed according to 9113 standards and sized for the 10-year storm event with no static head and to pass a 25-year event without failing.

Invasive, Non-Native Species

- 13) Monitor both the pipeline and well pad location for the occurrence of both noxious and invasive species.
- 14) The operator will be responsible for eradicating all noxious and invasive species which occur onsite using materials and methods approved by the authorized officer.
- 15) Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
- 16) Promptly revegetate all areas of earthen disturbance including road and location cut and fill slopes with Native Seed mix #3:

Native Seed mix #3 (Lbs PLS/acre)		
Western wheatgrass (Rosanna)	2	Gravelly 10"-14", Pinyon/Juniper Woodland, Stony Foothills, 147 (Mountain Mahogany)
Bluebunch wheatgrass , (Whitmar)	2	
Thickspike wheatgrass (Critana)	1	
Indian ricegrass (Rimrock, Nezpar)	2	
Fourwing saltbush (Wytana)	1	
Utah sweetvetch	1	

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring of drilling, production and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Briana Potts

NAME OF ENVIRONMENTAL COORDINATOR: Caroline Hollowed

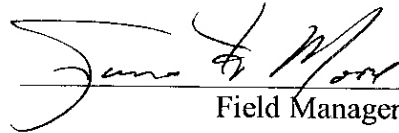
DATE: 11/02/2009

ATTACHMENTS: Survey of Second Driveway

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Instruction Memorandum Number 2005-247 as an action that may be categorically excluded under Section 390 of the Energy Policy Act of 2005. I have evaluated the action relative to the 5 qualifying criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Field Manager

DATE SIGNED:

11/03/09

#### Administrative Review or Appeal Opportunities

This decision is effective upon the date the decision or approval by the authorized officer. Under regulations addressed in 43 CFR Subpart 3165, any party adversely affected has the right to appeal this decision. An informal review of the technical or procedural aspects of the decision may be requested of this office before initiating a formal review request. You have the right to request a State Director review of this decision. You must request a State Director review prior to filing an appeal to the Interior Board of Land Appeals (IBLA) (43CFR 3165.4).

If you elect to request a State Director Review, the request must be received by the BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, no later than 20 business days after the date the decision was received or considered to have been received. The request must include all supporting documentation unless a request is made for an extension of the filing of supporting documentation. For good cause, such extensions may be granted. You also have the right to appeal the decision issued by the State Director to the IBLA.

Contact Person: For additional information concerning this decision, contact Briana Potts, Natural Resource Specialist, White River Field Office, 220 E Market Street, Meeker, CO 81641, Phone (970) 878-3868.

