

APPENDIX B

TUMBLEWEED EA PROJECT HISTORY

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In 2005, the BLM's Decision Record and FONSI for the *Bill Barrett Corporation Tumbleweed 3D Seismic Survey Environmental Assessment* (BLM 2005a) approved 3D seismic exploration in the Tumbleweed Unit. In October 2005, Bill Barrett Corporation (BBC) completed 3D seismic surveys of the Tumbleweed Unit. In January 2007, Stewart purchased the TUF leases from BBC.

Using the results of the seismic surveys to determine locations for exploratory drilling, Stewart originally proposed to drill six exploratory wells in the project area. The *Tumbleweed Exploratory Drilling Project* (EA UT-080-05-201 – BLM 2007a), which included an analysis of Stewart's proposed wells, roads, and pipelines was completed and made available for a 30-day public comment period beginning on June 15, 2007. During the public comment period, the BLM received seven comment letters from various interested parties including the U.S. Fish and Wildlife Service (USFWS), Southern Utah Wilderness Alliance (SUWA), the Utah Division of Air Quality (UDAQ), the Theodore Roosevelt Conservation Partnership (TRCP), the Utah Division of Wildlife Resources (UDWR), the Hopi Tribe, and Mr. Ken Kreckel. All substantive comments that were received by the BLM during the public comment period were individually responded to or were used to modify the alternatives and analysis. After responding to comments and modifying the document, the Tumbleweed Exploratory Drilling Project EA was completed, and a FONSI and Decision Record (DR) were issued by the BLM on September 21, 2007.

After the FONSI/DR was signed by the BLM Vernal FO on September 21, 2007, an Application for Permit to Drill (APD) for the TUF #18-9, which was one of the six wells originally analyzed in EA UT-080-05-201, was approved on September 25, 2007. Stewart, the operator of unit, constructed the well pad and associated access road within the Tumbleweed II Project Area, and initiated drilling operations on October 10, 2007. On October 26, 2007, SUWA submitted a request for State Director Review (SDR) of the Vernal Field Office September 21, 2007 FONSI/DR. On November 16, 2007, the State Director remanded the Vernal Field Office decision. However, because construction and drilling of the TUF #18-9 was initiated prior to the State Director's decision to remand the EA, the BLM permitted Stewart to continue with drilling and completion activities.

Following successful completion of the TUF #18-9, Stewart Petroleum filed for APD approval of the TUF #18-8 and TUF #19-1, both of which were proposed to be directionally drilled from the existing TUF #18-9 well pad. The BLM Vernal Field Office granted Stewart approval under the second statutory categorical exclusion (CX) created under the Section 390 of the Energy Policy Act on September 22, 2008.

Section 390 of the Energy Policy Act of 2005 prescribes five separate CXs from NEPA for oil and gas operations. The second statutory CX provides for exclusion from the NEPA process provided wells meet the following criteria:

(b)(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

SUWA filed a request for SDR of the Vernal Field Office's determination to use Section 390 CXs for these two directional wells. In their request for immediate stay, SUWA argued the BLM specifically violated the direction of the State Director in approving these CXs; violated NEPA and the 2005 Energy Policy Act (EPAct) in approving these wells because there are extraordinary circumstances that rebut the ability of the BLM to categorically exclude these decisions from NEPA; and violated NEPA and EPAct in approving these wells because there is no preexisting NEPA document that adequately considered the impacts of these wells. After review, the BLM Vernal Field Office rescinded the CXs for the TUF #19-1 and #18-8.

After the BLM's CX decisions for the TUF #19-1 and #18-8 CXs were rescinded, Stewart, upon advice from the BLM, chose to incorporate these two directional wells within their Proposed Action and initiate a new EA for their exploratory project. While revising the Proposed Action and based on review of proprietary seismic data, Stewart also decided to remove two of the originally proposed well locations (TUF #5-18 and #17-14) and replace those locations with three new locations (TUF #17-4, #17-12, and #9-11).

Considerable time has passed since a decision on the *Tumbleweed Exploratory Drilling EA (UT-080-05-201)* (BLM 2007a) was remanded and the CXs for the TUF #19-1 and #18-8 directional wells were rescinded by the BLM. When UT-080-05-201 was completed, policies for exploration, development, and land use decisions within the Tumbleweed II Project Area were guided by the terms, conditions, and decisions of the *Final EIS on the Book Cliffs RMP* (BLM 1984) and the *ROD and Rangeland Program Summary for the Book Cliffs RMP* (BLM 1985).

On October 31, 2008 the Vernal Field Office released the Record of Decision and Approved RMP (Approved RMP) (BLM 2008a). Within the Approved RMP, neither the potential Main Canyon ACEC nor the potential Book Cliffs SRMA were designated. Because an assessment of impacts to these areas has already been included in the Approved RMP, and management decisions have already been made for these areas within the Approved RMP, potential effects to the former potential Main Canyon ACEC, and potential Book Cliffs SRMA were not included within this current Tumbleweed II EA. Potential impacts to individual resource components of these areas (e.g., cultural resources, recreation, etc.) are analyzed as appropriate within the resource-specific sections of this EA.

Similarly, because approximately 68 percent of the Wolf Point area has been leased for oil and gas development, the BLM determined that wilderness characteristics of this area could not be protected, preserved, or maintained and thus, the BLM did not carry the Wolf Point area forward for management as non-WSA lands with wilderness characteristics within the Approved RMP. Under the Vernal RMP, the Wolf Point area lands are to be managed for multiple use, including oil and gas development. These lands are not to be managed for the protection or preservation of wilderness characteristics. However, an analysis of potential effects on wilderness characteristics has been added to the final EA.

The Approved RMP also contains new stipulations to protect wildlife and other resources within the Tumbleweed II Project Area that were not included within the previous land use plan, and were therefore, not taken into consideration in the original Tumbleweed EA. These stipulations have been incorporated as appropriate into the ACEPMs and mitigation measures of this current Tumbleweed II EA.

Based on the above-mentioned changes to the Proposed Action, and the mid-document land use plan change, the environmental analysis for Stewart's proposal was revised to reflect the changed circumstances. In order to properly address these issues, the BLM determined that a new EA would be prepared and published, and the project would be assigned a new NEPA number. Accordingly, this document has been assigned NEPA number DOI-BLM-UTG010-2009-0090-EA. All comments submitted for the previously published EA UT-080-05-201 which are still applicable, within the context of the new RMP, were taken into account as this document was written.

As previously mentioned, the TUF #18-9 was drilled and completed in 2007. However, given that the 2007 Decision Record approving that well was remanded, the surface disturbance, direct, indirect, and cumulative impacts of that existing well pad, well, and associated facilities are fully analyzed as part of the Proposed Action of this new EA.