

**Decision on Action and Application for Categorical Exclusion
For Activities Associated with Oil and Gas Development
Section 390, Energy Policy Act of 2005**

Beaver Creek Additions I POD
Bill Barrett Corporation
Bureau of Land Management
Buffalo Field Office

Well Name	Well #	TWP	RNG	Sec	QTR	Lease	CX #
BEAVER CK ADD LITTLE BUFFALO	12-10BG	47N	75W	10	SWNW	WYW041522	07-3-051
BEAVER CK ADD LITTLE BUFFALO	12-10W	47N	75W	10	SWNW	WYW041522	07-3-052
BEAVER CK ADD LITTLE BUFFALO	34-15BG	47N	75W	15	SWSE	WYW041522	07-3-053
BEAVER CK ADD LITTLE BUFFALO	34-15W	47N	75W	15	SWSE	WYW041522	07-3-054
BEAVER CK ADD LITTLE BUFFALO	43-15BG	47N	75W	15	NESE	WYW041522	07-3-055
BEAVER CK ADD LITTLE BUFFALO	43-15W	47N	75W	15	NESE	WYW041522	07-3-056

Description of the Proposed Action

The proponent proposes to drill 6 CBNG wells on 3 locations (2 wells/location) in T47N R75W Sec 10 & 15. These would be infill wells in the already established Beaver Creek POD. The wells will be drilled into the Big George Coal Seam (BG) at a depth of 1099' – 1289' and the Wyodak Coal Seam (W) at a depth of 1431' – 1590'.

New disturbance for the proposed action will total 3.7 acres. The new disturbance includes 0.1 acre/well, 400 feet of primitive road without a utility corridor, 1886 feet of proposed primitive road and utility corridor, 2,136 feet of existing primitive road and proposed utility corridor, and 300 feet of pipeline corridor not within an access road. The summary of disturbance is illustrated in the table below.

SUMMARY OF DISTURBANCE FOR BEAVER CREEK ADDITIONS I

Facility	Number or Miles	Factor	Acreage of Disturbance	Duration of Disturbance
Nonconstructed Pad	6	0.1/acre	0.6	Long Term
Primitive Roads				
No Corridor	400 feet	15' Width	0.1	Long Term
With Corridor	0.8 miles	30' Width	2.8	
Pipelines				
In Corridor w/o road	300 feet	30' Width	0.2	Short Term
Total Disturbance			3.7	

For each well production facilities would consist of a 6' X 8' X 6.5' tall fiberglass enclosure painted Covert Green (18-0617 TPX). Located adjacent to the fiberglass enclosure will be an electric and automation control panel boxes mounted on a single metal board.

The estimated time to drill and complete the wells is 7-10 days.

All the subject wells are located on private surface with federal minerals. The surface owner for all the proposed wells is Little Buffalo Ranch LLC c/o Gary C. Marquiss; managing partner.

Plan Conformance

The proposed action is in conformance with the terms and the conditions of the Approved Resource Management Plan for the Public Lands Administered by the Bureau of Land Management, Buffalo Field Office (BFO), April 2001 and the Powder River Basin Final Environmental Impact Statement (PRB FEIS), as required by 43 CFR 1610.5

Plan of Operations

The proposal is designed in conformance with all Bureau standards and incorporates appropriate best management practices, required and designed mitigation measures determined to reduce the effects on the environment.

A surface use plan of operations describing all proposed surface-disturbing activities has been reviewed and is approved pursuant to Section 17 of the Mineral Leasing Act, as amended.

Compliance with the Energy Policy Act of 2005

The proposed activity has been determined to be statutorily categorically excluded from NEPA documentation in accordance with Section 390 of the National Energy Policy Act of 2005.

The applicable Categorical Exclusion reference in Section 390 of the Energy Policy Act of 2005 is exclusion number (b)(3) which is *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 such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.*

The following environmental assessment has been prepared that analyzed the potential environmental effects associated with the same type of activity as the proposed action. The following environmental assessment also had similar issues as the proposed action.

OPERATOR	PROJECT NAME	EA NUMBER	FONSI/DR SIGNED
Bill Barrett Corporation	Beaver Creek POD	WY-070-EA05-058	1/13/05

These documents have been reviewed and have been determined to consider potential environmental effects associated with the proposed activity at a site specific level.

The environmental assessment for **Beaver Creek POD** was approved on **1/13/05** and identifies the development of CBNG as reasonably foreseeable.

Persons and Agencies Consulted

Class III cultural resource inventory was conducted for the project prior to on-the-ground work (BFO # 070040169, 070050054, 0700050054A). A Class III cultural resource inventory following the Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines (48CFR190) was conducted for the project. Elizabeth Burghard and BJ Earle, BLM Archaeologists, reviewed the report for technical adequacy and compliance with Bureau of Land Management (BLM) standards, and

determined it to be adequate. The following cultural resources are located in or near the area of potential effect.

Site Number	Site Type	Eligibility
48IR0	Prehistoric Isolated Resource	Not Eligible

There are no eligible sites within the APE of the proposed project. Following the Wyoming State Protocol Section VI (A)(1) the Bureau of Land Management electronically notified the Wyoming State Historic Preservation Officer (SHPO) on 5/8/07 that no historic properties exist within the APE.

The U. S. Fish & Wildlife Service was consulted under Section 7 for this proposed Action.

The wildlife biologist has reviewed and certified the Biological Assessment and has determined that:

- The Section 7 consultation in the above referenced EA is consistent with the PRB FEIS tiered consultation in place for this project, but was modified to include an additional 3.7 acres of disturbance.

The Wildlife biologist has reviewed and certified the Biological assessment and has determined that no additional Section 7 consultation is necessary.

Decision and Rationale on Action

I have decided to implement the Beaver Creek Additions I POD with the following Conditions of Approval (COAs):

Site Specific

1. If the well has not been spudded by January 13, 2010, this APD will expire and the operator is to cease all operations related to preparing to drill the well.
2. The operator will adhere to all COAs as outlined in the Beaver Creek POD.
3. All permanent above-ground structures (e.g., production equipment, tanks, etc.) not subject to safety requirements will be painted to blend with the natural color of the landscape. The paint used will be a color which simulates "Standard Environmental Colors." The color selected for the Beaver Creek Add 1 POD is Covert Green (18-0617 TPX).
4. The operator will drill seed on the contour to a depth of 0.5 inch, followed by cultipaction to compact the seedbed, preventing soil and seed losses. To maintain quality and purity, the current years tested, certified seed with a minimum germination rate of 80% and a minimum purity of 90% will be used. On BLM surface or in lieu of a different specific mix desired by the surface owner, use the following:

Species - Cultivar	Full Seeding (lbs/ac PLS*)
Western Wheatgrass – <i>Rosana</i>	3.6
Bluebunch Wheatgrass – <i>Secar or P-7</i>	1.2
Green Needlegrass	3.0
Slender Wheatgrass	2.4
Prairie coneflower	0.6
American vetch	0.6
Purple Prairie Clover	0.6
Totals	12

*PLS = pure live seed

*Double this rate if broadcast seeding

Slopes too steep for machinery may be hand broadcast and raked with twice the specified amount of seed. Complete fall seeding after September 15 and prior to prolonged ground frost. To be effective, complete spring seeding after the frost has left the ground and prior to May 15.

The above COAs and/or terms and conditions provide justification for this decision and may not be segregated from project implementation without further NEPA review. In addition, I have reviewed the plan conformance statement and have determined that the proposed activity is in conformance with the applicable land use plan(s). Further, I have reviewed the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 has been correctly applied. It is my determination that no further environmental analysis is required.

The above described action must be completed by 1/13/2010

Implementation Date

This project will be implemented on or after the below date.

Chris E. Hanson
Field Manager

Date

Administrative Review or Appeal Opportunities

This decision is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this decision must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003, no later than 20 business days after this Decision Record is received or considered to have been received.

Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR 3165.4.

Contact Person

For additional information concerning this decision, contact
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