

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

Cat Creek Add I Amend 12-8
Bill Barrett Corp.
CX 070-08-3-068
Bureau of Land Management
Buffalo Field Office

Description of the Proposed Action

Bill Barrett Corporation will drill the 12-8 well and construct its associated infrastructure in T48N R78W, Section 8, Lease # WYW0275181.

The total surface disturbance for this action consists of:

Well location= 0.24

Access road corridor= 4.75 acres

1 stock tank= 0.01 acres

Total Disturbance= 5 acres

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 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.*

These documents, Cat Creek POD, EA # WYW-070-04-083 and this CX 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 Cat Creek POD was approved on September 9th, 2004 and identifies the drilling of this well as reasonably foreseeable.

Previous inventory:

Multiple previously reviewed and accepted Class III cultural resource inventories (BFO #s 70040046, 70050034, 70050059, 70060127, and 70060244) adequately covered the proposed project area. One cultural property, 48JO2809, lies within the APE. The site has previously been recommended as not eligible to the NRHP. As such, construction of the proposed well and associated infrastructure will result in *no historic properties affected/no effect*. On 7/17/2008, BLM Archaeologist, Wendy Sutton, electronically notified the Wyoming State Historic Preservation Office (SHPO) following section VI(A)(1) of the Wyoming State Protocol, of a finding of *no historic properties affected/no effect* for the proposed project (DBU_WY_2008_1625).

Sage grouse habitat and active leks occur within two miles of the well location. No black-tailed prairie dog towns are located within 0.25 miles of the proposed well or infrastructure. No suitable bald eagle habitat exists within one mile of the proposed well or infrastructure. No raptor nests are documented within 0.5 mile of the proposed well or infrastructure. Vegetation and slope is not suitable for mountain plover habitat. If drilling or completion activities are conducted during February 1 thru July 1, contact a BLM Wildlife Biologist to coordinate a wildlife survey. Impacts to sensitive, threatened and endangered species, as well as their habitat were analyzed. See table 4.2 and 4.3 in project file.

The wildlife biologist has reviewed the proposal and determined that the project is consistent with the Final Environmental Impact Statement (WY-070-02-065) and programmatic biological opinion (ES-6-WY-07-F012) from the Powder River Basin Oil and Gas Project.

Decision and Rationale on Action

I have decided to implement drilling of well 12-8 and the associated infrastructure, with the following Conditions of Approval (COAs):

1. Operator will adhere to the approved Cat Creek PODs, CXs and associated Conditions of Approval.
2. Right-of-Way applications are required in T. 48N., R 78 W., sections 7 and 8 for a 1,400' long x 30' wide engineered road, 3,600' long x 15' wide two-track road, and approximately 5,000' long x 30' wide water and gas pipelines, and buried power.

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 August 31th, 2013.

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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