

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

PVU Gamma Add  
Lance Oil & Gas  
CX-070-08-3-008  
Bureau of Land Management  
Buffalo Field Office

**Description of the Proposed Action**

The company proposes to drill one well and its infrastructure and tie it into the existing PVU Gamma Unit POD. The surface disturbance will be a utility corridor along an existing all weather road to the well and a constructed pad.

Well Name	Well #	Qtr	Sec	Twp	Rng	Lease #
POWDER VALLEY U GAMMA ADD PVU	13-6BG	NWSW	6	49N	77W	WYW136689

The total surface disturbance for this action consists of:

Well Pad = 0.4 acres

Utility corridor 2,000 Ft = 1.4 acres

Total acres of disturbance = 1.8 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 have been reviewed and have been determined to consider potential environmental effects associated with the proposed activity at a site specific level as follows:]

The PVU Gamma Add POD and CX for this proposed activity and environmental assessment for PVU Gamma POD, EA # WY-070-05-319, approved on 2/9/2006, which identifies the addition of this well and associated infrastructure as reasonably foreseeable.

**Persons and Agencies Consulted:** See Approved Powder Gamma Unit POD.

**Previous inventory:**

A previously reviewed and accepted Class III cultural resource inventory (BFO # 70050218) adequately covered the proposed project area. No cultural resources are in the area of potential effect. On 11/8/07, Wendy Sutton, BLM Archaeologist, electronically notified the Wyoming State Historic Preservation Office (SHPO) following section VI(A)(1) of the Wyoming State Protocol, of a finding of no effect for the proposed project.

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 project “*may adversely impact individuals or habitat, but is not likely to result in a loss of species viability range-wide*” for BLM BFO sensitive species, “*nor cause a trend to federal listing*”.

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 drilling of well (13-6 BG) and its infrastructure and tie it into the existing PVU Gamma Unit POD, with the following Conditions of Approval (COAs):

All conditions of approval (COAs) in the Approved Powder Valley Gamma POD must be complied with.

**Wildlife COA**

1. No surface disturbing activity shall occur within ½ mile of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing stipulation will affect the following infrastructure: the access road/pipeline from 0.25 miles north of the 24-6-4977 well to the 24-6-4977 well and 0.25 miles northwest from the 24-6-4977 towards the 13-6-4977 well.

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 November 15<sup>th</sup>, 2008

**Implementation Date**

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

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Chris E. Hanson  
Field Manager

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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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