

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

Wild Turkey Phase IV Amendment
Petro-Canada Resources (USA) Inc.
(Fed 7-41BG - CX07-3-043, Fed 7-41W – CX07-3-044
Fed 7-43BG – CX07-3-045, Fed 7-43W – CX-3-046)
Bureau of Land Management
Buffalo Field Office

Description of the Proposed Action

The operator proposes to drill 4 CBNG wells on 2 locations adjacent to the north of the Wild Turkey Unit. The wells will be drilled into the Big George Coal at a depth of (1485' – 1540') and the Wall Coal at a depth of (2150' – 2215').

The gas and water lines are existing and parallel Schoonover Road and the main access road for the Wild Turkey Unit. The water management plan infrastructure and treatment strategy is existing. The above actions have been previously analyzed under the Wild Turkey Phase II EA # WY-070-05-266 approved 5/27/05.

New disturbance for the proposed action includes .1/acre for the well locations for a total of .2 acres. In addition, the gas/water/access corridors which will tie into the existing improved access and gas water lines will total 571 feet and will have 40 feet width of disturbance for the engineered access corridor and 15 feet for the width for the two track access corridor. This disturbance equals .5 acres. Total disturbance for the proposed action equals .7 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.

The 7-41 BG & W and 7-43 BG & W wells will be drilled within a the developed Wild Turkey project area. Altogether the Wild Turkey development included four phases analyzed in three NEPA documents. The Phase II project which is most relevant to the current proposed action being in the same geographic area and the proposed action ties into Phase II infrastructure. All NEPA documents have been approved within the last 5 years. The Wild Turkey Phase II EA # WY-070-05-266 approved 5/27/05 has been reviewed and has been determined to consider potential environmental effects associated with the proposed activity at a site specific level for this action.]

The BLM database and the 2006 wildlife survey report submitted by Hayden-Wing Associates identified nine raptor nests within 0.5 miles of the project area. These nests have not been previously included in the Wild Turkey 1-4 Environmental Assessments or Categorical Exclusions. Two additional nests which are within 0.5 miles of the project area have been previously identified. The species and location of the nests are listed in the table below.

Table 1. Raptor Nests Identified within 0.5 miles of the Wild Turkey IV Amendment POD.

BLM ID#	UTME	UTM N	Species	2006 Activity	Township:Range:Section
2801	416870	4887870	RTHA	No data	48N:R76W:S18
3166	417018	4888720	Unknown	No Data	48N:R76W:S18
3167	417018	4888720	Unknown	No Data	48N:R76W:S18
3168	417018	4888720	Unknown	Did not locate	48N:R76W:S18
3174	417905	4889117	Unknown	No Data	48N:R76W:S18
3397	418005	4888870	RTHA	Active	48N:R77W:S12
3638	418005	4888870	RTHA	No Data	48N:R77W:S12
3835	417018	4888720	Unknown	No Data	49N:R76W:S7
3838	417905	4889117	Unknown	No Data	49N:R76W:S8
2684	417845	4888472	Great Horned Owl	Inactive	48N:R76W:S8
2679	417922	4889088	Great Horned Owl	Inactive	48N:R76W:S8

Grey= previously identified nests

The 4876-7-41BG and 4876-7-41WA wells were proposed less than 0.25 miles from nest # 3835. Both wells were relocated and the engineered pad redesigned in order for the wells to be out of direct line of sight.

For additional wildlife analysis reference the Wild Turkey II Environmental Analysis.

Persons and Agencies Consulted

The project area had been previously inventoried for cultural resources and SHPO consultation completed. Therefore, no additional consultation pursuant to the NHPA was required.

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 0.7 acres of disturbance.

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

A class III cultural resource inventory was conducted for the project prior to on-the-ground project work (BFO project no. 70070056). Pronghorn Archaeological Services conducted a Class III cultural resource inventory following the Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines (48CFR190) for the project. G.L. "Buck" Damone III, BLM Archaeologist, reviewed the report for technical adequacy and compliance with Bureau of Land Management (BLM) standards, and determined it to be adequate. No cultural resources are in the area of potential effect. On 6/1/07, the Bureau electronically notified the Wyoming State Historic Preservation Office (SHPO) following section V(A)(2) of the Wyoming State Protocol, of a finding of no effect for the proposed project.

Decision and Rationale on Action

I have decided to implement the approval of the 7-41 BG & W and 7-43 BG & W wells with the following Conditions of Approval (COAs):

1. To allow for a level drilling surface, the 7-41 BG well will be drilled on the engineered road. No additional surface disturbance is authorized for drilling the 7-41 W well.
2. All conditions of approval attached to the Wild Turkey Phase II POD EA must be adhered to.
3. The following conditions will minimize impacts to raptors;
 - a. No surface disturbing activity (including completion and enhancement work) 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 affects the following;

Township/Range	Section	Wells and Infrastructure
48/76	7	The 4876-7-41BG, 4876-7-41WA, 4876-7-43BG, 4876-7-43WA wells and their associated infrastructure

- b. Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a ½ mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within ½ mile of occupied raptor nests from February 1 to July 31.
 - c. Nest occupancy checks shall be completed for all raptor nests within the South Prong Unit 3 POD listed in the table below. The occupancy checks shall be completed for the first five years following project completion. The occupancy checks shall be conducted no earlier than June 1 or later than June 30 and any evidence of nesting success/production shall be recorded. Survey results will be submitted to a Buffalo BLM biologist in writing no later than July 31 of each survey year.

BLM ID#	UTM E	UTM N	Township:Range:Section
2801	416870	4887870	48N:R76W:S18
3166	417018	4888720	48N:R76W:S18

3167	417018	4888720	48N:R76W:S18
3168	417018	4888720	48N:R76W:S18
3174	417905	4889117	48N:R76W:S18
3397	418005	4888870	48N:R77W:S12
3638	418005	4888870	48N:R77W:S12
3835	417018	4888720	49N:R76W:S7
3838	417905	4889117	49N:R76W:S8
2684	417845	4888472	48N:R76W:S8
2679	417922	4889088	48N:R76W:S8

- d. Routine maintenance should be scheduled outside the nesting season (Feb 1-July 31) for all active nests. Emergency activities should be reduced as much as possible and restricted between the hours of 9:00 am and 3:00 pm.

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 6/4/2012.

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
Casey Freise
Natural Resource Specialist
Buffalo Field Office
1425 Fort St. Buffalo, WY 82834
(307) 684-1189

