

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

All Night Creek 6 Add 1
Williams Production RMT Company
(CX070-07-3-036 and 037)
Bureau of Land Management
Buffalo Field Office

Description of the Proposed Action

Williams Production RMT Company proposes to drill 2 additional CBNG wells and construct the associated infrastructure within the approved All Night Creek 6 POD. The All Night Creek 6 EA# (WY-070-05-360) was approved on December 1, 2005.

The total number of wells approved will be 2 as follows:

Table 1 – Well List

CX #	Well Name	Well Number	Qtr/Qtr	Section	TWP	RNG	Lease Number
3-036	ANC 6 ADD 1 PUMPKIN BUTTES	12-8*	SWNW	8	43N	74W	WYW53237
3-037	ANC 6 ADD 1 PUMPKIN BUTTES	21-8	NENW	8	43N	74W	WYW53237

The total surface disturbance for this action consists of:

- 2 CBNG wells without pads (site disturbance limited to 120 ft x 140 ft) – 0.8 acres
 - 827 feet of improved road with utility corridor – 0.7 acres
 - 1972 feet of two-track road – 0.6 acres
 - 3283 feet of two-track road with utility corridor – 2.6 acres
 - 1903 feet of utility corridor not within access – 1.5 acres
 - 775 feet of overhead power – 0.5 acres
- Total disturbance is 6.7 acres.

The surface owner is Pumpkin Buttes Ranch. An onsite was held on April 26, 2007 with the following in attendance: Rex Lynde, Brent Reynolds – Williams Production RMT Company; Mark Diebert – Western Land Services; Penny Deberg and Cindy Persson – Pumpkin Buttes Ranch; Ben Adams, William Ostheimer and Theresa M. Gulbrandson – BLM.

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.

Categorical Exclusion 3: 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 drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five (5) years prior to the date of spudding the well.

The All Night Creek 6 EA (WY-070-05-360) has been reviewed and has been determined to consider potential environmental effects associated with the proposed activity at a site specific level. The environmental assessment for All Night Creek 6 was approved on 12/01/2005 and identifies the drilling of the Pumpkin Buttes Federal 12-8 and 21-8 wells as reasonably foreseeable.

Persons and Agencies Consulted

The wildlife biologist has reviewed the All Night Creek VI Biological Assessment and has determined that:

- The Section 7 consultation in the above referenced BA is consistent with the PRB FEIS tiered consultation in place for this project, but was modified to include an additional 6.7 acres of disturbance.
- 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 towards federal listing*”.
- This project is consistent with the RMP and PRB FEIS for wildlife.

A previously reviewed and accepted Class III cultural resource inventory (BFO # 070850035) adequately covered the proposed project area. No cultural resources are in the area of potential effect. On 5/29/07, 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 permitting of the ANC Pumpkin Buttes Federal 12-8 and 21-8 wells and associated infrastructure with the following Conditions of Approval (COAs):

1. All conditions of approval with the All Night Creek EA approved 12/01/2005 must be strictly adhered to. See attached site specific COA document.

2. Pending landowner concurrence, the outfall and flow path to the reservoir pool proposed for use will be fenced to prevent trampling by livestock.
3. The outfall and flow path will be closely monitored (every month for at least six months following the start of the additional production water) for evidence of degradation. Additional lining and riprap will be added immediately when degradation of the site is noticed.
4. 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 condition will be implemented on an annual basis for the duration of surface disturbing activities.** This timing limitation will affect both wells and the reservoir:

Township/Range	Section	Affected Wells and Infrastructure
T43N, R74W	8	12-8, 21-8, outfall and reservoir

- a. 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 and approved prior to surface disturbing activities. 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.
- b. Nest productivity checks shall be completed for the first five years following project completion. The productivity checks shall be conducted no earlier than June 1 or later than June 30 and any evidence of nesting success or 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. Nests to be checked are within a ½ mile or less of the proposed development. The nests are listed below:

BLM ID#	Species	UTM	Legal location	substrate
3400	FEHA	437773, 4840607	SWNE 8, 43-74	Windmill platform

- c. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.
- d. Well metering, maintenance and other site visits within 0.5 miles of raptor nests shall be minimized as much as possible during the breeding season (February 1 – July 31), and restricted to between 0900 and 1500 hours.
- e. All scheduled maintenance on the reservoir or outfall shall be conducted outside the breeding season. Should the reservoir need maintenance during the breeding season, the BLM will be notified prior to the work and a contract biologist with the authority to stop the maintenance activity shall be employed to monitor the nest. If the contract biologist believes nest success is in jeopardy from the maintenance action, then the activity shall cease immediately.
- f. Outfall sampling shall be conducted as quickly as possible and between the hours of 10 AM and 3 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 12/01/2010.

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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