



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604-2968

1792/Modified Cooper
Reservoir Natural
Gas Development Project

MAR 11 2004

Dear Reader:

The Decision Record and Finding of No Significant Impact (DR/FONSI) for Bill Barrett Corporation (BBC) Modified Cooper Reservoir Natural Gas (MCRNG) Development Project is provided for your information and use. The MCRNG Development Project Area is located in Natrona County, Wyoming within Townships 35 and 36 North, Range 87 West, 6th Principal Meridian. The DR/FONSI outlines the decision and rationale, including key management considerations, for the MCRNG Development Project. This decision is subject to appeal as explained in the decision.

The MCRNG Development Project, Environmental Assessment (EA) and DR/FONSI were prepared pursuant to the National Environmental Policy Act and other regulations and statutes to fully disclose the potential environmental impacts which could result from implementation of the MCRNG Development Project, and to solicit public comments and concerns.

This DR/FONSI is the culmination of detailed analysis on the environmental effects of implementing BBC's MCRNG proposed development or alternatives. On February 2, 2004, the Bureau of Land Management (BLM) released the EA for public review, and 6 letters with comments were received. These comments were reviewed and considered in reaching the decision set forth in the DR/FONSI. The BLM's responses to substantive comments are included in the rationale section of the DR/FONSI.

A copy of the DR/FONSI has been sent to affected government agencies and parties who attended the scoping open house or who provided written comments on the proposed development. Copies of the DR/FONSI are available for review at the following location:

Bureau of Land Management
2987 Prospector Drive
Casper District Office
Casper, WY 82604

The BLM appreciates the individuals, organizations, Federal, State, and local governments who participated in the environmental analysis process.

Sincerely,

ACTING

Don Whyde
Field Manager, Casper

Enclosure

Department of the Interior
Bureau of Land Management
Casper Field Office

**Decision Record
and
Finding Of No Significant Impact**

for the

Environmental Assessment (WY-060-04-34)

of

**Bill Barrett Corporation's Modified Cooper Reservoir
Natural Gas Development Project**

March 11 , 2004

Department of the Interior
Bureau of Land Management
Casper Field Office

***DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT***

I. Introduction

This document records the decision made by the Bureau of Land Management (BLM) for managing public land surface and federal mineral estate in the Modified Cooper Reservoir Natural Gas Development Project Area (MCRNGPA). The MCRNGPA is located in Natrona County within Townships 35 and 36 North, Range 87 West, Sixth Principal Meridian. The project area encompasses 4,081.74 acres of mixed Federal, State, and private lands. Of this total, 1,440.00 surface acres are administered by the United States, Department of Interior, BLM; 760.00 surface acres are owned by the State of Wyoming; and, the remaining 1,881.74 surface acres are owned by private individuals. Within the project area, 93.08 percent of the mineral estate is Federal (3,799.37 acres), and 6.92 percent is private (282.37 acres) with no State mineral ownership.

Bill Barrett Corporation (BBC), successor in interest to Intoil, Inc., has notified the Casper Field Office (CFO), Bureau of Land Management (BLM) of their intent to propose a modification to the Cooper Reservoir Natural Gas Development Project (CRNGDP) as originally proposed by Intoil, Inc. and subsequently approved in the CRNGDP June 1998 Decision Record (DR) and Finding of No Significant Impact (FONSI) issued for the (BLM 1998). The Decision Record (DR) and Finding of No Significant Impact (FONSI) for the CRNGDP approved drilling, completion, testing, production, and reclamation of up to 73 additional natural gas wells in and adjacent to the Cooper Reservoir Unit at a maximum density of 16 well locations per section (i.e., a 40-acre well location density pattern).

Consistent with the increase in well density, BBC also proposes to increase the total number of well locations proposed within the MCRNGPA. Whereas the CRNGDP Environmental Assessment (EA) analyzed 73 total well locations, the current proposal would increase that number by 42 to a total of 115 locations. There are 165 total number of well bores analyzed in the MCRNGDP EA to be drilled on a maximum of 115 individual surface well locations within the MCRNG Developmental Project Area. While the total number of wells proposed in conjunction with the MCRNGDP would be increased relative to the 1998 CRNGDP EA, the overall size of the analysis area would be reduced 35% from the 6,282 acres originally analyzed in 1998 to a current project area of approximately 4,082 acres.

Since the issuance of the DR and FONSI for the CRNGDP in 1998, both Intoil and BBC have drilled a combined total of 38 additional wells within the original CRNGDPA (as of December 1, 2003). Of the 18 wells identified in Table 3.3 of the CRNGDP EA (BLM 1998), 6 wells are currently producing, 4 wells are now shut-in, 1 well remains a water disposal well, 6 wells have been plugged and abandoned, and 1 well was never drilled. There are currently 40 producing gas wells, 5 shut-in gas wells, 1 water injection well, and 3 wells recently drilled which are now waiting on completion operations within the MCRNGDPA (WOGCC 2003).

This decision is based on the EA of Bill Barrett Corporation's Modified Cooper Reservoir Natural Gas Development Project (EA number WY-060-04-034) completed for the proposal. This decision applies only to the public land surface and federal mineral estate subject to administration by the BLM. The EA is guided by the BLM's Platte River Resource Area (currently referred to as the Casper Field Office), Resource Management Plan (RMP), July 1985, which describes the planning decisions for public land management within the Casper Field Office jurisdiction.

All activities associated with federal oil and gas development, operation and production, and abandonment would be conducted in compliance with all applicable Federal, State and County laws, regulations, and stipulations. Comments received during the 30-day comment period ending March 2, 2004 for the EA were taken into consideration.

A. Proposed Action. This alternative would allow BBC to construct 42 additional well locations, drill up to 92 additional well bores, and install related production (ancillary) facilities within the Modified Cooper Reservoir Natural Gas Development Project Area (MCRNGDPA). An additional 158.79 (+/-) acres of initial (short-term) surface disturbance would occur in conjunction with the modified project proposal. The details of this alternative are contained in MCRNGP EA, Section 2.0, Proposed Action and Alternatives.

Note: The proposed action also incorporated into the MCRNGDA, the 35 well locations remaining as of December, 2003 that were planned, but never developed from the CRNGPDA EA and DR. There are currently 35 well locations that have not been built from the total 73 well locations identified for development in the EA and DR for the CRNGPDA. The estimated amount of short term surface disturbance for these 35 wells is 171.43(+/-) acres. (More detailed information is provided under the "Decision, Section III" below.)

B. No Action Alternative. This alternative implies that both ongoing and previously approved natural gas exploration, development, and production activities would be allowed to continue by the Bureau of Land Management (BLM) in the overall project area, but activity beyond the level of activity analyzed in the original CRNGDP EA would not be allowed. Future Applications for Permit to Drill (APD's) and Right-of-Way (ROW) applications would be evaluated by the BLM on a case-by-case basis through site specific environmental analyses in accordance with management direction contained in Platte River Resource Area RMP and the DR and FONSI for the CRNGDP EA (BLM 1998). The details of this alternative are contained in EA Section 2.0, Proposed Action and Alternatives.

III. Decision

It is my decision to approve the Proposed Action analyzed in the Environmental Assessment of Bill Barrett Corporation's Modified Cooper Reservoir Natural Gas Development Project. The decision recognizes that the area has had natural gas development since 1959, that undeveloped natural gas resources still remain, and that there are other important natural resources and values within the area which require consideration and protection from unnecessary or undue degradation.

Approval of the Proposed Action and individual project components are subject to the following administrative requirements, and the applicant-committed environmental protection measures and

mitigation measures identified in EA Section 5.0, Mitigation Summary. These requirements and mitigation measures are incorporated by reference into this decision. As a result of comments received on the EA, and consultation with the U.S. Fish and Wildlife Service (FWS), one additional and three modified mitigation and monitoring measures are incorporated into this decision in Section VII, Compliance and Monitoring.

Approval of the Proposed Action and individual project components is conditioned upon and subject to the following pre-authorization administrative requirements: Before any permit is issued authorizing an action on public lands (i.e. Application for Permit to Drill, Sundry Notice and Report on Wells, or Right-of-Way) the final location for each well site, access road, pipeline, or other facility will be evaluated site-specifically through a Documentation of Land Use Planning Conformance and Determination of NEPA Adequacy (DNA) or as applicable, an environmental assessment (EA) which may be required to conduct the site-specific evaluation in accordance with the “BLM NEPA Handbook (H-1790-1).”

IV. Approved Project Components

This Decision Record is approval for the BLM Casper Field Manager to permit the following project components to the extent they occur on public lands within the MCRNGDPA. Development beyond the specified levels will require the preparation of a supplemental environmental analysis.

- x 42 New Natural Gas Well Sites + 73 Well Locations approved and carried forward from the DR and FONSI for the CRNGDP in 1998 to increase the total analyzed surface well sites to 115. Well Locations within the MCRNG Unit are approved for 20 acres spacing.
- x The total number of Well Bores to be approved is 165, with the total number of Surface Well Location to be a maximum of 115.
- x Access Roads to Well Sites and Ancillary Facilities
- x Gas Gathering and Transportation Pipelines from Producing Wells
- x Ancillary Facilities Associated with Well Production, and Gas Gathering and Transportation

See “Section 4 , Environmental Impacts, MCRNGDPA EA (February, 2004)” for more details concerning the following information:

Wells - The drilling, completion, testing, and production of up to 115 additional natural gas well locations with 165 well bores represents all of the natural gas wells proposed for the MCRNG Development Project Area . Since the issuance of the DR and FONSI for the CRNGDP in 1998 both Intoil and BBC have drilled a combined total of 38 additional wells within the original CRNGDPA (as of December 1, 2003). In addition to these 38 existing well locations, there remains a total of 77 well locations from which drilling can be initiated; (115 well locations – 38 completed well locations = 77 new well locations).

The 77 new surface well locations are projected to disturb up to 214.83 acres.

Access Roads - The construction and upgrading of access roads to remaining 77 well sites and facilities in the modified project area are projected to disturb up to 58.17 acres.

Pipelines - The construction of natural gas gathering and transportation pipelines in the project area are projected to disturb up to 56.22 acres. Gathering pipelines will be routed in a manner that best utilizes the existing topography or be parallel to existing roads in order to minimize surface disturbance.

Ancillary Facilities - Construction and operation of additional compressors, a centralized tank battery, power lines, and water wells needed to operate and produce the wells and transport the natural gas are projected to disturb up to 1 acres.

The total projected short term surface disturbance for the MCRNG Developmental Project Area is 330.22 acres (158.79 acres for the 42 well locations and 171.43 acres for the 35 well locations).

V. Finding Of No Significant Impact

Based on the analysis of potential environmental impacts contained in the environmental assessment, including the portions of the CRNGPD EA (BLM, 1998) incorporated into this document by reference, I have determined that impacts of the Proposed Action are not expected to be significant and an environmental impact statement is not required.

VI. Rationale For the Decision

The decision to approve field development in the MCRNGDPA is based on careful consideration of a number of factors, including the following: (A) consistency with land use and resource management plans, (B) public involvement, scoping issues, and EA comments, (C) relevant resource considerations, (D) agency statutory requirements, (E) national policy, and (F) measures to avoid or minimize environmental harm.

A. Consistency with Land Use and Resource Management Plans - The decision to authorize the MCRNGDP is in conformance with the overall planning direction for the area. The Platte River Resource Area RMP states that "Oil and gas exploration and development will be authorized in accordance with the lease provisions. Lease constraints and development will be subject to land use decisions described in the Planning Decisions section of the RMP Record of Decision."

B. Public Involvement, Scoping Issues, and EA Comments - The opportunity for public involvement was provided throughout the environmental analysis process. The EA, in Section 6.0, Consultation and Coordination, provides a detailed accounting of the public participation, consultation, and coordination that occurred in preparation of the EA.

The BLM received 6 letters commenting on the EA during the public comment period. These comments were from the State of Wyoming's Game & Fish Department; the State of Wyoming's Office of State Lands and Investments; the State of Wyoming Department of Environmental Quality; the U.S. Environmental Protection Agency, Region VIII; Kinder Morgan, Inc; and, the Petroleum Association of Wyoming. The comment letters may be reviewed by contacting the Field Manager at the Casper Field Office.

All written comments and consultation with the U.S. Fish and Wildlife Service were considered by the BLM in the preparation of this Decision Record. The comments did not include any new substantive information necessitating additional analysis. In summary, the common concerns were: (1) bald eagles and power lines, (2) appropriate raptor buffer zones

(3) sage grouse leks, nesting and brood rearing habitat and more surveys for such, (4) habitat fragmentation and reduction in AUMs, (5) aquatic considerations such as produced water for fish and wildlife enhancement and protection of drainages and stream courses; (6) potential affect to hunting recreation, (7) non-native invasive plant species; (8) more specific data in reference to ambient air quality be incorporated into the EA from the Technical Support Document; (9) secure appropriate permits for water handling and disposal methods; and, (10) support for the project. These are discussed in the following section.

C. Relevant Resource Considerations - The BLM has considered the following resource values and public comments/concerns in the process of reaching this decision. The following subsections clarify information contained in the EA and/or respond to the public comments.

1. **Bald Eagles and Power Lines:**

Additional information is provided on bald eagles and power lines to support BLM's determination that the proposed project "may affect, but is not likely to adversely affect" bald eagles or their habitat.

Bald eagles and their habitats have been evaluated during the past 25 years in a large portion of the Casper Field Office (CFO) area, which includes the project area. Nesting has occurred only during about the last 10 years, and only along the North Platte River. Otherwise, bald eagles are not present in the field office area during the spring through fall seasons.

Wintering habitats have been described in the Casper Field Office as including night communal roosts, concentrated feeding areas (along major rivers), rangeland feeding (throughout much of the field office area), and flyways (BLM 1992). There are no trees in or near the project area. The nearest communal night roosts include the Pine Mountain roosts at 18 miles to the southeast, Big Sulfur Draw at 22 miles to the northwest, and roosts near the North Platte River at 40 miles southeast. The nearest winter feeding concentration area is also about 40 miles to the southeast, along the North Platte River.

The project area falls within the rangeland feeding area. Opportunistic feeding takes place by bald eagles within millions of acres of rangelands in east-central Wyoming. There is no surface water within or near the project area. Surface water reservoirs within 10 miles of the project area contain water only during spring and early summer. There are no concentrations of big game, crucial winter ranges, nor sheep ranching in or near the project area. One favorable feature of the project area is the presence of the 69 KV transmission line with power poles, which would provide perches. This line runs for 25 plus miles along the County road, and passes through the project area. Based upon the lack of a reliable food source and intensive development and production activities, we judge that the likelihood is small that bald eagles would occur in the project area.

The 69 kV transmission line mentioned in the above paragraph has H-type poles with widely spaced conductors, and has no transformers nor feeds to facilities in the project area. We consider this transmission line is "raptor safe" based upon the size of the poles and the separation distance of the conductors. A smaller, 14.4/24.9 kV line to the compressor station was authorized in 1997, and was conditioned with the standards outlined in "Suggested Practices for Raptor Protection on Power lines" (Raptor Research Foundation, 1981). No raptor carcasses have been found beneath this power line. Future need for electrification is limited because the wells and production facilities use natural gas, which is produced in the field. Approximately

10,000 feet of new 14.4/24.9 kV power lines will be needed for one or two wells, which will be converted to water disposal wells. The “Suggested Practices for Raptor Protection on Power Lines”, Avian Power Line Interaction Committee, 1996 will be attached to these future power lines.

2. Appropriate Raptor Buffer Zones, Raptor Mitigation/Monitoring Measures, and Surveys for Sage Grouse Leks :

a. Appropriate Raptor Buffer Zones – After consultation with the U.S. Fish and Wildlife Service, the seasonal restrictions for no construction activities will be changes from within ¼ mile to ½ mile of an occupied raptor nest. If drill site activity outside ceases longer than 3 weeks between February 1 through June 1, a nest survey must be performed in the ½-mile radius surrounding the drill site, if an occupied nest is present, activity would be restricted within ½ mile until the young have fledged, both of these changes are an increase from the ¼ mile to ½ mile reference in the MCRNGPA EA. A mitigation measure will be added to this DR to address unusual maintenance of oil and gas facilities within ½ mile of an occupied nest. All of these mitigation measures are found below under “Part VII Compliance and Monitoring” These mitigation discussed above is in conformance with the Platte River Resource Area RMP. The RMP decisions were made after weighing the resources and uses; and a balance of uses, which provides for the distance for raptor nesting buffers, was chosen. It is predicted that the sum of raptor mitigation identified in the EA and this DR will provide for no impacts to the regional raptor populations, and that no "taking" will occur.

b. Raptor Mitigation/Monitoring Measures – Currently there are 3 Artificial Nest Sites (ANSs) constructed as mitigation for the CRNGDPA. Two of the ANSs were addressed in the EA and were identified to be moved to a more suitable location as stated in the mitigation measures. The described locations in the EA have been changed due further discussion, coordination with the proponent and field visits. The changes in these mitigation measures from the EA are contained as mitigation measures in this DR. Raptor monitoring will continue and will be conducted concurrently with monitoring performed for the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Area.

3. Surveys for Sage Grouse Leks, Nesting and Brood Rearing Habitat:

The BLM conducted the Sage Grouse Lek/Raptor Nest Inventory Project in cooperation with the WGFD during 1999 through 2001. The project monitored raptor nesting in the CRNG Development Project Area and sage grouse leks in the general area. Additional monitoring for sage grouse leks are not needed for the project area, though BLM & WGFD cooperate annually on monitoring leks and are now cooperating in identifying sage grouse winter habitat. There also in mitigation measures in the addressing the avoidance of large sagebrush stands to the greatest extent possible in order to prevent habitat fragmentation within the shrub-steppe habitat type.

4. Habitat Fragmentation and Reduction in AUMs :

Habitat fragmentation has been analyzed in the EA and mitigation standards have been adopted to address this issue, i.e., see large sagebrush stands under sage grouse above. Other mitigation measures are to restore and rehabilitating degraded and disturbed sites to native plant communities. In larger disturbed areas sagebrush and perennial grasses can be reseeded to shorten recovery time.

With the short term impacts from surface disturbance occurring over a span of 5 years or more and not all at once, the potential loss of forage in the overall MCRNGPDA would not exceed the 5% significant criteria established in the EA and therefore is not considered as a significant impacts upon the range resource. AUM (animal unit month) loss is anticipated, but not at significant rate and restoration will be taking place in the development phase of the field. Adjustment and payment for AUMs are within the consideration for BLM grazing leases on Federal surface and it is a matter between the operator and the landowner(s) on private and State surface.

5. Aquatic Considerations such as Produced Water for Fish and Wildlife Enhancement and Protection of Drainages and Stream Courses:

There were three water wells identified in the CRNGDPA EA 1998 with no new wells added since that time in this project area . One of the wells was rated with a maximum flow of 25 GPM. Depending on who holds the water rights, surface ownership and the economics for developing wildlife and fisheries improvements would be critical towards the implementation of any enhancement projects. Certainly water produced from the gas recovery within the project area could be considered for habitat improvements, however, the economics, water quality, liability, including any detrimental affect to the soils and the watershed are some of the limiting factors. Oil and Gas wells that are dry holes or are uneconomical to produce and which are to be plugged and abandon can be converted to water wells if the quality of the water for any enhancement is viability and economics for projects are available. BLM does consider oil and gas wells that are to be plugged and abandon for conversion to water wells on Federal surface, all the factors above also need to be analyzed for any project proposal.

Protection of drainages and including ephemeral stream channels in the project area are analyzed with site specific inspections by BLM personnel and appropriate mitigation is applied as well as monitoring to determine the effect and whether further follow-up is needed.

6. Potential Affect to Hunting Recreation:

Hunting opportunities on accessible Federal land within the MCRNGPA for game, including mule deer, pronghorn antelope and sage grouse could be significantly affected if the scope was only that area. However, if you look at the area in a broader scope than just MCRNGPA and other accessible Federal lands in the immediate area and the types of terrain available, the loss of hunting opportunities is insignificant.

7. Non-Native Invasive Plant Species:

Although the predicted total surface disturbance for development of the area, approximately 4%, could lead to an increase level of invasive non-native species. This disturbance was not considered a significant impact upon the range resources in the EA. Mitigation measures are contained in the EA and will be implemented to insure that the infestation of noxious weeds are controlled, including promoting an integrated pest management program between the proponent and the appropriate weed and pest control authority.

8. More Specific Data in Reference to Ambient Air Quality be Incorporated into the EA from the Technical Support Document:

The Technical Support Report, a referenced supporting document for the MCRNGPDA EA, is available for review at the CFO and upon request. The U.S. Environmental Protection Agency was sent a copy of the Report for their review. The Cooper Reservoir air quality impact analysis did not predict any significant adverse air quality impacts; therefore, no further mitigation measures are necessary.

9. Secure Appropriate Permits for Water Handling and Disposal Methods:

All appropriate permits must be obtained and approved by the appropriate agency for water handling and disposal methods. All handling of produced water from the oil and gas activities must be in conformance with regulation, including Onshore Oil and Gas Order No. 7: Disposal of Produced Water.

D. Agency Statutory Requirements - This decision is consistent with Federal, State, and County authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered. These include consultation with the FWS regarding threatened, endangered, and candidate species; coordination with the State of Wyoming regarding wildlife, environmental quality, and oil and gas conservation; and coordination with the Natrona County Commissioners.

E. National Policy - Private exploration and development of federal oil and gas leases is an integral part of the BLM's oil and gas leasing program under the authority of the Mineral Leasing Act of 1920, as amended, and the Federal Land Policy and Management Act of 1976, as amended. Natural gas is the U.S. Congress' and President's energy of choice to comply with the Clean Air Act amendment of 1990, and helps meet the public need for cleaner burning, less polluting natural gas. The development effort will help meet public needs for natural gas while at the same time result in the least degree of irreversible, irretrievable commitment of resources. Therefore, the decision is consistent with national policy.

F. Measures to Avoid or Minimize Environmental Harm - The adoption of the mitigation measures identified in the EA and in this decision represent all practicable means to avoid or minimize environmental harm. The long-term productivity of the area will neither be lost nor substantially reduced as a result of approving the MCRNGDP.

VII. Compliance and Monitoring

A specific compliance and monitoring plan is not required for this project. Mitigating measures incorporated in individual proposals will include the applicant committed environmental protection measures and the mitigation and monitoring measures identified as a result of the EA analysis and set forth in EA "Section 5.0, Mitigation and Monitoring". These are intended to minimize adverse impacts to resources on the public lands and to avoid or reduce environmental harm. Properly implemented, these measures should ensure that the least amount of land needed to complete the projects is used, and that the disturbed land is stabilized and returned as closely as possible to pre-construction conditions.

The following mitigation measures are either changes in or additions to the mitigation measures found in "5.4.8 Wildlife Section" of the MCRNGDA EA:

3. Seasonal restrictions of construction activities within 1/2 mile of occupied raptor nests shall be applied. An occupied nest is defined as one where adults are regularly present at a nest site

during the nesting season, including the tending of eggs or young. Occupied nests shall be protected during the nesting period until the young have safely fledged. Normally the exclusionary time window for nesting activities extends from February 1 through July 31 for golden eagles and from March 15 through July 31 for other species. The AO may modify these dates depending on the specific circumstances surrounding individual nests. Seasonal restrictions shall be applied as follows:

- x Any activity initiated in the MCRNGDPA prior to February 1 may be completely finished. This means a well may be permitted (casual uses), drilled, completed, and hooked up without restrictions unless activities on the drill site cease for 3 weeks or longer between February 1 and June 1. In the event of such prolonged inactivity, a nest survey must be performed to determine whether or not an occupied nest has been established during the period of inactivity within the 1/2-mile radius surrounding the drill site. If an occupied nest is found, the operation must temporarily cease until the young have fledged.
 - x Any activity initiated between February 1 and June 1 shall require a nest check either by the BLM or an Operator representative approved by the BLM. The Operator may schedule raptor surveys during this February 1 to June 1 time window to more efficiently conduct surveys appropriate for scheduled drilling/completion activities. The scheduled surveys shall be coordinated with BLM. The distance radius for nest surveys shall be a minimum of 1/2 mile for proposed activities. If an occupied nest is present, activity would be restricted within 1/2 mile until the young have fledged.
6. The Operator should relocate ANS number CRU #2 to Federal surface estate at a mutually acceptable location in the SE¹/₄NE¹/₄ of Section 14 in Township 35 North, Range 87 West. The particular location ultimately selected would be east approximately 0.75 miles of the current MCRNGDPA boundary, while remaining on federal oil/gas lease #WYW-132952. As the proposed ANS site is outside of the modified project area boundary, we consider the likelihood of oil/gas exploration/development within approximately 1/2 mile of the ANS to be unlikely and protection and maintenance of the structure will be applied and completed as appropriate.
 7. The Operator should relocate ANS number CRU #3 to a mutually acceptable location in the NW¹/₄ of Section 29, Township 36 North, Range 87 West. This particular location selected would be approximately 0.75 miles west of the current MCRNGDPA boundary, yet remains on federal oil/gas lease #WYW-141251. As the proposed ANS site is outside of the modified project area boundary, we consider the likelihood of oil/gas exploration/development within approximately 1/2 mile of the ANS to be unlikely and protection and maintenance of the structure the will be applied and completed as appropriate.
- (New) Unusual maintenance of oil and gas facilities within 1/2 mile of an occupied nest shall be managed to avoid disrupting nesting success. “Unusual maintenance” means extensive or significant operations, such as workover operations or other operations which include loud noise or night-time activity. **Emergency (safety) situations are not restricted.** The seasonal restriction for unusual maintenance is expected to be about 60 days, which would protect the raptors from intensive disturbance during the periods of egg-laying, incubation and the first two weeks of brooding. The BLM shall coordinate with FWS for specific time periods.

Evaluation of specific requests for prior approval would be based upon the following criteria: (1) dates of proposed maintenance activities, (2) extent of proposed maintenance activities (length of time, number of vehicles and people, noise, daytime vs. "round-the-clock" operations), (3) stage of nesting (egg-laying, incubating, brooding), (4) distance and visual relationship between the nest and the proposed maintenance activities.

VIII. Appeal

In accordance with 43 CFR 3165.3(b), affected parties have the right to request an administrative review before the State Director regarding this decision. You must request a State Director Review prior to appealing to the Interior Board of Land Appeals (IBLA).

If you choose to request a State Director Review, the request must be received in the Wyoming State Office, Post Office Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003, no later than 20 business days after the issuance of this decision. The request must include all supporting documentation unless a request is made for an extension for the filing of supporting documentation. For good cause, such extensions may be granted. You will also have the right to appeal the decision issued by the State Director to IBLA.

/s/ Don Whyde
Acting Casper Field Manager

March 11, 2004
Date