



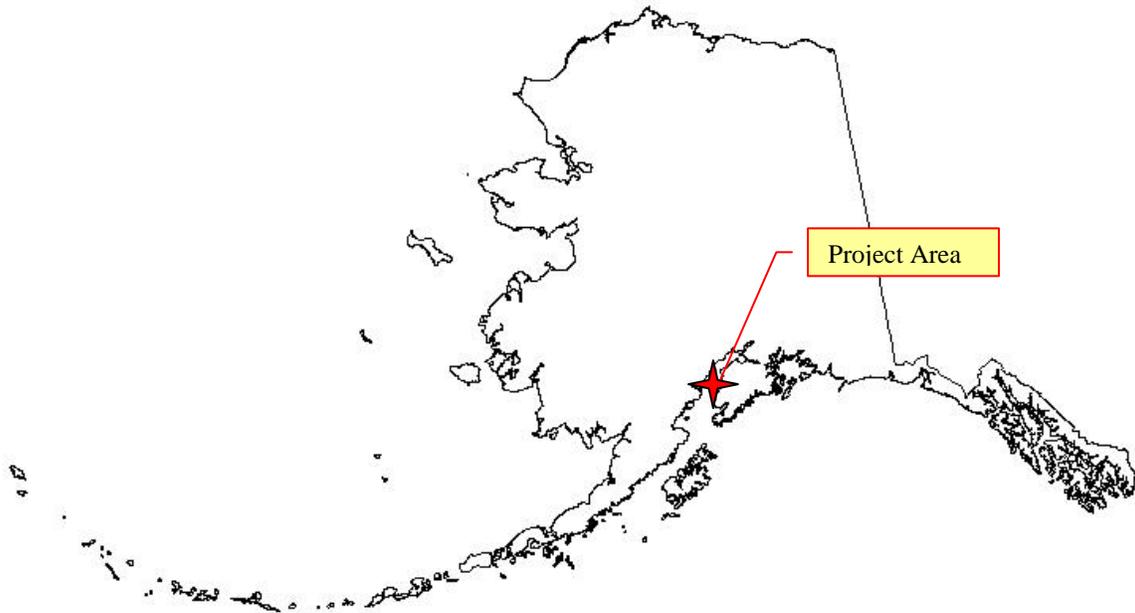
U.S. Department of the Interior Bureau of Land Management

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Energy Policy Act of 2005, Statutory Categorical Exclusion Drilling of Natural Gas Well – KBU 23-8

Applicant: Marathon Oil Company
Lease/Serial/Case File Number: A-028142
Environmental Document No: DOI-BLM-AK-9320-2009-0010-SCX



Location:

Seward Meridian
T. 4 N., R. 11 W., Section 7
Kenai Peninsula Borough, Alaska

Prepared By:

Sindra Wolfsen
Physical Scientist
February 26, 2009

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1.0. Description of Proposed Action:

See surface use plan of operations for well, KBU 23-8, dated: Feb. 26, 2009, incorporated herein as if fully set forth, Appendix A, attached.

2.0. Section 390 of the Energy Policy Act of 2005 provides:

NEPA REVIEW.—Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities described in subsection (b) shall be subject to a *rebuttable presumption* that the use of a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

[Emphasis added. 42 U.S.C. §15942(a)]

3.0. Statutory Categorical Exclusions:

The Energy Policy Act of 2005 provides at Sections 390 (b):

(b) ACTIVITIES DESCRIBED—The activities referred to in subsection (a) are the following:

- (1) Individual surface disturbances of *less than 5 acres* so long as the total surface disturbance on the lease is *not greater than 150 acres* and *site-specific analysis* in a document prepared pursuant to *NEPA* has been previously completed.
- a. Proposed surface disturbance:
- Less than five (5) acres.
- Greater than five (5) acres.
- b. Total disturbance on the lease:
- Less than one hundred fifty (150) acres after proposed surface disturbance
- Greater than one hundred fifty (150) acres after proposed surface disturbance
- c. Date of site specific NEPA analysis for surface disturbance: 1999
- d. Environmental Document ID: AK-040-99-EA-022
- (2) Drilling an oil or gas well at a location or well pad site at which *drilling has occurred previously within 5 years prior to the date of spudding the well*.
- a. Well Pad ID: **Kenai Unit Pad 41-7**
- b. Anticipated date of spudding the proposed well: 2009
- c. Date last well completion or workover at proposed drill site: 2008
- d. Time between b and c above: **1 year**

- i. Less than five (5) years.
 - ii. Greater than five (5) years.
- (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 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*.
 - a. Field Name/Unit name or ID: **Kenai Unit/Kenai Field**_____
 - b. Plan Name: **Ring Of Fire Resource Management Plan**_____ or Environmental Document ID: _____
 - i. Plan or environmental document analyzed drilling as reasonably foreseeable.
 - ii. Plan or environmental document did not analyze drilling as reasonably foreseeable.
 - iii. Date of ROD or FONSI: **March, 2008**_____
 - iv. Anticipated date of spudding the proposed well: **2009**_____
 - v. Time between spudding of proposed well and date of ROD or FONSI:
 - a. Less than five (5) years.
 - b. Greater than five (5) years.
- (4) Placement of a *pipeline* in an *approved right-of-way corridor*, so long as the *corridor was approved within 5 years prior to the date of placement of the pipeline*.
 - a. Right-of-way Case/Serial No: _____
 - b. Date of right-of-way grant: _____
 - c. Date of placement of pipeline: _____
 - d. Time between date of grant of right-of-way and placement of pipeline (first date of ground disturbance associated with pipeline installation):
 - 1. Less than five (5) years.
 - 2. Greater than five (5) years.
- (5) *Maintenance of a minor activity*, other than any construction or major renovation or a building or facility

I certify that the foregoing is true and correct:

Preparer(s): Sindra Wolfson

Date: Feb 17, 2009

4.0. Extraordinary Circumstances

The use of the new statutory CXs is not dependent on the Council for Environmental Quality (CEQ) process for approving new CXs. Additionally, the CXs established by Section 390 are not subject to the requirement in 40 CFR 1507.3 that would preclude their use when there are extraordinary circumstances. This is because the CXs addressed in this guidance are established by statute and not under the CEQ procedures pursuant to 40 CFR 1507.3 and 1508.4.

[Bureau of Land Management Instruction
Memorandum 2005-247, Attachment 2]

5.0. Decision

The proposed action is in conformance with a resource management plan or a record of decision, 43 C.F.R. § 1610.8(a)(3) (2006). I have reviewed the proposal to ensure the appropriate categorical exclusion, as described in Section 390 of the Energy Policy Act of 2005, has been correctly applied. There is a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) would apply as the activity will be conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas, 42 U.S.C. §15942(a).

It is therefore my decision to implement the action, as described, with the following mitigation measure(s):

The operator shall:

1. Prevent and control nonnative invasive plant/ noxious weed infestations.
2. Leave the area of operations clean and free of all debris.
3. Take all reasonable and feasible precautions to avoid attracting wildlife to food and garbage that may be stored on site.
4. If the well has not been spudded by _____, this APD will expire and the operator is to cease all operations related to preparing to dill the well.

Authorized Officer:

/s/

Date 3/11/2009

James M. Fincher
Anchorage Field Office Manager

Appendix A Surface Use Plan of Operations