

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION (390)

NUMBER: DOI-BLM-CO-110-2010-0234-CX (390) tiered to CO-110-2006-004-EA

CASEFILE/PROJECT NUMBER: COC-61047

PROJECT NAME: XTO (Federal 2S-95-15-22 location) request for lined secondary containment to process cuttings

LEGAL DESCRIPTION: Township 2S, Range 95W, Section 15

APPLICANT: XTO Energy Inc.

DESCRIPTION OF PROPOSED ACTION: XTO Energy Inc. requests permission to place a temporary secondary containment (20' X 20', at least 24 mil liner and 2' high berms) on the Federal 2S-95-15-22 location for the storage of drilling mud and cuttings prior to disposal at Wray Gulch Landfill in Meeker, CO. The secondary containment will store cuttings removed from the drilling pits on the location and the entire volume of the pits would be necessary. No additional engineering or disturbance will be required. **The secondary containment will be constructed on the existing pad surface.** After disposal is completed, the secondary containment will be removed and the liner properly disposed.

As part of XTO's plan for this location, the following measures will be implemented:

- The operator will provide a copy of each manifest for the disposal of the drill cuttings at the off-site disposal facility. Copies of the manifests should be submitted via Sundry Notice to the BLM White River Field Office (WRFO).
- The concentration of contaminants of concern in pits (including the proposed secondary containment) at the time of closure must not exceed applicable or relevant and appropriate requirements set forth in the Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA). This requirement applies to pit contents and underlying soil.
- The proposed secondary containment will be lined with at least a 24 mil liner.

PLAN CONFORMANCE REVIEW: The proposed action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-5

Decision Language: “Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number (5). The proposed action is categorically excluded from further documentation in accordance with statutory NEPA categorical exclusions (CX), as granted in Section 390 of the Energy Policy Act of 2005, for oil and gas exploration and development. The proposed action qualifies as a categorical exclusion under Section 390, based on the qualifying criteria Number (5): *Maintenance of a minor activity, other than any construction or major renovation of a building or facility.*

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

<b>Exception</b>	<b>YES</b>	<b>NO</b>
1. Have significant adverse effects on public health and safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X

<b>Exception</b>	<b>YES</b>	<b>NO</b>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the WRFO interdisciplinary team on 08.17.2010.  
Date

A list of resource specialists who participated in this review is available upon request from the WRFO.

REMARKS:

*Cultural Resources:* The well pad area was inventoried at the Class III (100% pedestrian) level (Hays and Retter 2005, Compliance Dated 10/14/2005) for the original Application for Permit to Drill (APD) with no cultural resources identified. Under the proposed action all new work would be within existing disturbance and there would be no impacts to known cultural resources. (MRS 8/18/2010)

*Native American Religious Concerns:* No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 8/18/2010)

*Paleontological Resources:* The proposed action is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a Potential Fossil Yield Classification (PFYC) 5 formation because it is known to produce scientifically noteworthy fossil resources (Armstrong and Wolny 1989). Excavation of a new containment pit into the underlying rock formation has the potential to impact scientifically noteworthy fossil resources. (MRS 8/18/2010)

*Threatened and Endangered Wildlife Species:* No wildlife-related issues or concerns. (EH 8/17/10)

*Special Status Plant Species:* There are no known special status plant concerns associated with the proposed action. (JKS 8/18/2010)

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Hays, Heidi Guy, and Michael J. Retter

2005 Class III Cultural Resource Inventory of the XTO Energy Federal Well 2S-95-15-22, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado.

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

2. If it becomes necessary to excavate into the underlying rock formation to construct the new containment pit a paleontological monitor shall be present for all such excavations.

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring of the cuttings treatment proposal (lined secondary containment to process cuttings) will be conducted by WRFO staff during cuttings treatment. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Jay Johnson

NAME OF ENVIRONMENTAL COORDINATOR: Lisa Belmonte

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

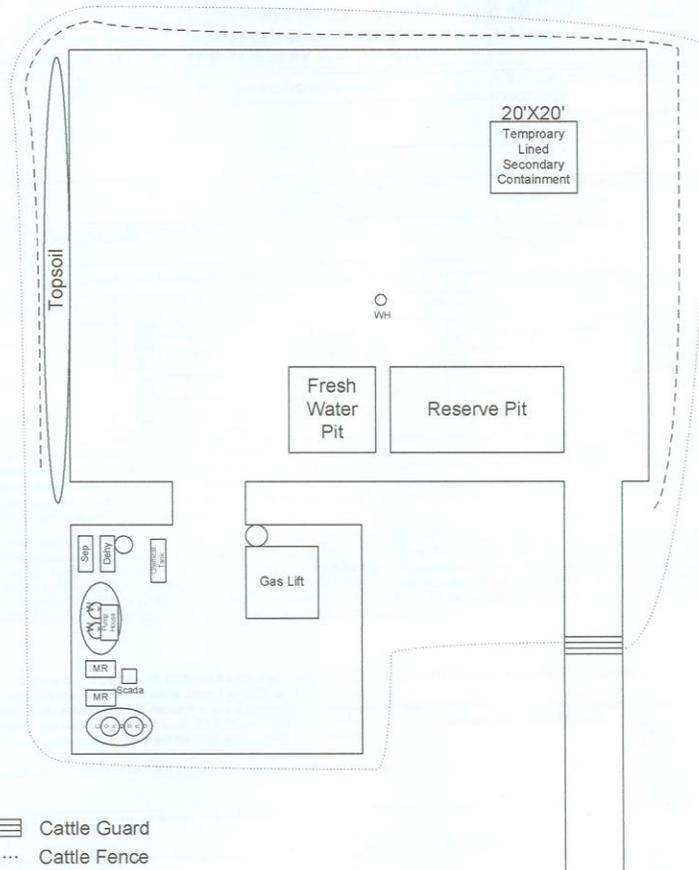
  
\_\_\_\_\_  
Field Manager

DATE SIGNED:

08/30/10

ATTACHMENTS: Federal 2S-95-15-22 well pad layout and location of temporary lined secondary containment  
Federal 2S-95-19-22 well pad location

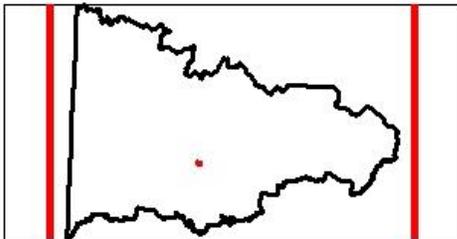
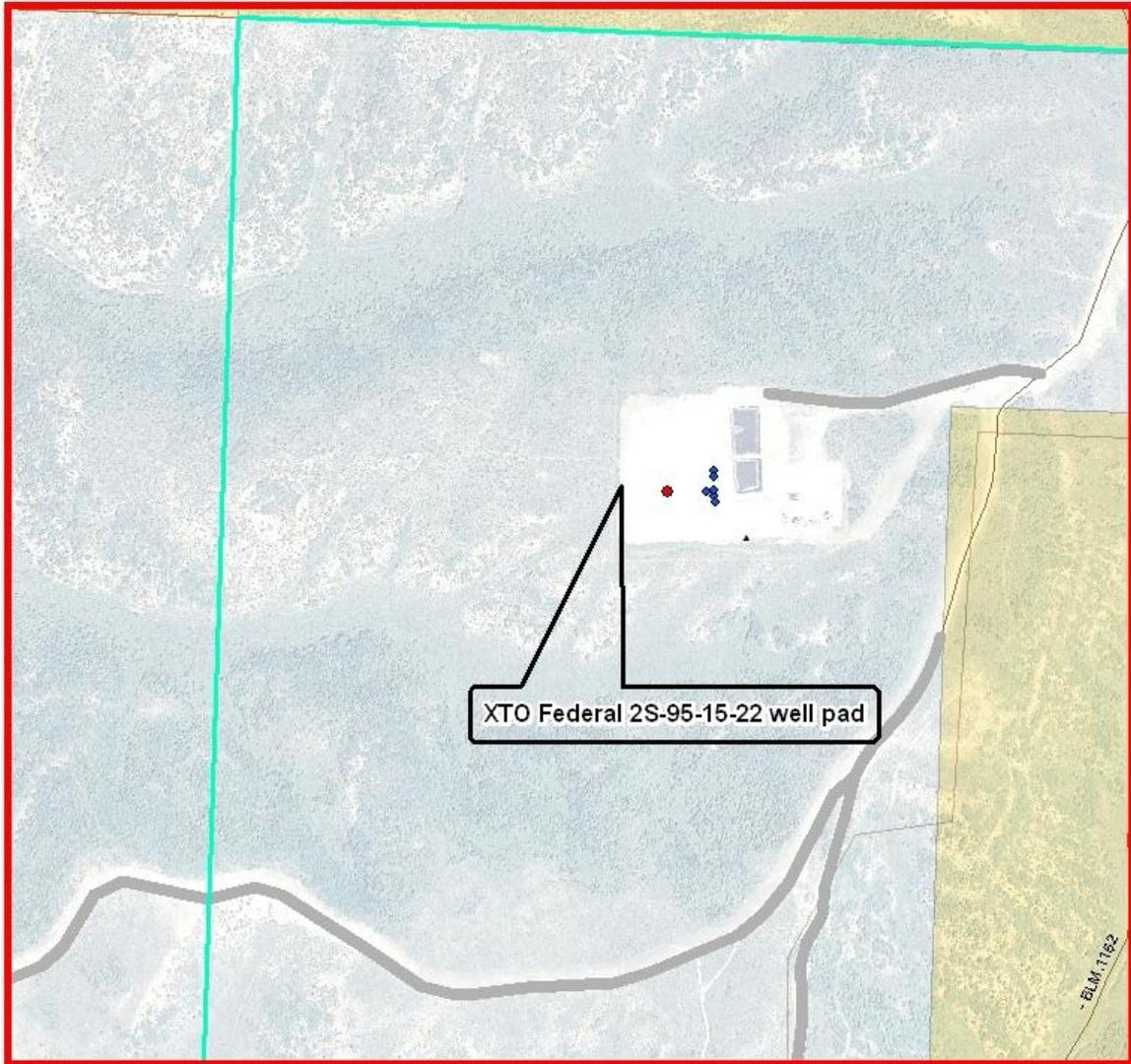
**Federal 2S-95-15-22**  
**Site Plan**  
SENW, Twp 2S, Sec 15,  
Rng 95W, 6<sup>th</sup> P.M.



- Cattle Guard
- Cattle Fence
- Silt Fence

\*Map Not to Scale

**DOI-BLM-CO-110-2010-0234-CX (390) XTO request for temporary secondary containment to treat cuttings on Federal 2S-95-15-22 well pad. T2S, R95W, SWNW Section 15**



08.16.2010

Sources:  
BLM, USGS, CDOW, etc.

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