

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

## **Section 390 Categorical Exclusion for Oil and Gas Development**

NUMBER: DOI-BLM-CO-110-2011-0073-CX

CASEFILE/PROJECT NUMBER: COC-60733

PROJECT NAME: Williams' Revised Cuttings Trench Proposal for Two Approved Pads

LEGAL DESCRIPTION: T2S-R98W-Sec. 14 and T1S-R98W-Sec. 25

APPLICANT: Williams Production RMT. Co.

BACKGROUND: The original permit to construct these well pads included proposals:

- to construct 70'x70'x15' temporary cuttings pit on each pad
- line the pits with impermeable liner
- transport the cuttings materials to an approved disposal facility 23-14-298
- remove the liner and backfill the pit during interim reclamation

DESCRIPTION OF PROPOSED ACTION: Williams Production RMT Co. (Williams) requests authorization to modify cuttings pit configurations for the approved Ryan Gulch Unit (RGU) 31-25-198 (Figure 1) and RGU 23-14-298 (Figure 2) well pads to allow for onsite burial and permanent disposal of all drill cuttings and hardened cement. Cement from surface casing jobs would be allowed to harden in a separate tank and once solidified would be buried with the cuttings. An estimated 500 cubic yards of cutting material would be generated by drilling each well.

The proposed pad modification of the RG 23-14-298 well pad would include construction of a 150'x90'x15' trench to contain and permanently dispose of cuttings generated from the following nine permitted wells: RG 13-14-298, RG 513-14-298, RG314-14-298, RG 622-14-298, RG 23-14-298, RG 523-14-298, RG 33-14-298, RG433-14-298, RG 334-14-298. Minus the side sloping of the trench walls and feet of free board, the proposed trench would be capable of containing 4,875 cubic yards of material.

The proposed pad modification from the RGU 31-25-198 well pad would include construction of a 90'x130'x15' trench to contain and permanently dispose of cuttings generated from the

following eight permitted wells: RGU 541-25-198, RGU 21-25-198, RGU 31-25-198, RGU 524-24-198, RGU 441-25-198, RGU 41-25-198, RGU 431-25-198, RGU 421-25-198. Minus the side sloping of the trench walls, feet of free board, and the 30'x20'x15' unexcavated area of operational space on the southeast corner of the proposed trench, the trench would be capable of containing 4,125 cubic yards of material.

Excess material unearthed during excavation of the trenches would be stored along with excess spoil materials at locations permitted in the APDs for these wells. No additional surface disturbance beyond that already permitted for these well pads would be required. The subject pits would be excavated within the permitted disturbance areas. The proposed trenches would be constructed in 100 percent cut. A bedding of fill dirt or other approved material would be utilized in trenches where bedrock is not present. The trench bottom would be constructed with a slope to allow any free fluid in the cuttings to pool, be siphoned, and removed via vacuum truck. The cuttings trenches would be bermed as to not allow any storm water to flow into trench.

The proposed cuttings trenches would not be lined with impermeable liner since the cuttings materials would first be washed with fresh water, would be dry when placed into the pit, and would pass toxicity testing before burial. Dry cuttings would be immediately placed in the trench. Drying methods would include mixing the cuttings with sawdust, "Cut-N- Dry" (expanded silicates of sodium, magnesium, and calcium), or other approved organic materials. No liquids would be buried. Cuttings that need additional drying may be stacked on the surface of the pad over an unlined bermed area designed to contain the materials and disallow the materials to come in contact with surface soils outside of the containment area.

Cuttings materials and any area where cuttings have been stacked and scraped would be tested to meet the Colorado Oil and Gas Conservation Commission (COGCC) Table 910-1. Only dry cuttings having cleared the standards for toxicity would be buried, and any materials exceeding the concentrations set forth in Table 910-1 would be removed or remediated. Cuttings would be covered with not less than three feet of spoils from pad construction at the time the trench is backfilled and reclaimed, per BLM specifications.

In the event that the volumes of cuttings exceed the anticipated volumes and the trench is unable to contain the totality of materials, Williams proposes to haul excess cuttings to the same approved disposal facility as used previously which is the Wray Gulch Landfill. Williams is currently permitting an alternative disposal site on Williams owned property. The location of this area will be submitted to the BLM once the site is officially permitted

**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 Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #1: *“Individual surface disturbances of less than five 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 the NEPA has been previously completed.”*

Documentation

The BLM NEPA Handbook (H-1790-1) and Instruction Memorandum 2010-118 provide specific instructions for using this CX.

*1) Is surface disturbance associated with the Proposed Action less than five acres?*

Yes. No additional surface disturbance beyond which was previously permitted in the associated APDs is requested by the applicant.

*2) Is there less than 150 acres of surface disturbance, including the Proposed Action, on the entire leasehold?*

Yes. Twenty-five acres of disturbance, including both existing and currently approved but not yet constructed pads, roads, and pipelines, directly related to oil and gas development are present on the 1,239 acre lease (COC 60733). The visual disturbance area of the un-reclaimed surface does not exceed the threshold criteria of 150 acres applicable to the use of this categorical exclusion.

*3) Is the Proposed Action within the boundaries of an area included in a site-specific NEPA document that analyzed the exploration and/or development of oil and gas?*

Yes. Site-specific NEPA documents have been prepared (CO-110-2010-0209-DNA and CO-110-2010-0159-EA) for each location, and the analysis of these proposals to drill considered storage of excess soil and spoil materials, management of exploration and production materials, as well as solid and hazardous wastes.

The original permits to drill at the two subject sites included authorizations to construct 70'x70'x15' temporary cuttings pit on each pad, line the pits with impermeable liner, transport the cuttings materials to an approved disposal facility, remove the liner, and backfill the pit during interim reclamation. The nature of the Proposed Action is substantially similar to that which was previously authorized because the practice of testing the cuttings materials for toxicity and remediating or removing the materials if concentrations exceed values determined to pose a threat to human health or the environment remains unchanged. The storage of

uncontaminated excess spoil materials was accounted for in the original APDs and the methods proposed for reclamation at these sites also remain unchanged.

4) *Is the Proposed Action in conformance with the land use plan?*

Yes. See above for the land use plan conformance review.

5) *Do any of the extraordinary circumstances in 43 CFR 46.215 apply?*

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) 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
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) 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
l) 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 White River Field Office interdisciplinary team on 3/8/11. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

## REMARKS:

*Cultural Resources:* Proposed RGU 31-25-198 cuttings pit/trench: The original well pad/APD approval in DOI-BLM-CO-110-2010-0159-EA for the 31-25-198 well pad location was based on overlapping Class III (100 percent pedestrian) inventories (Reed et al. 2008 Compliance dated 10/3/2008, Schwendler et al. 2008 Compliance Dated 2/11/2009) which indicated that no cultural resources were to be impacted by the drill pad location. Excavating a cuttings pit/trench within the existing well pad disturbance area should pose no threat to any known cultural resources.

Proposed RGU 23-14-198 cuttings pit/trench: The original well pad/APD approval for the RGU 23-14-198 in CO-110-2007-043-EA was based on overlapping Class III (100 percent pedestrian) inventories (McDonald 2006 Compliance Dated 10/25/2006, Berg et al. 2007 Compliance Dated 6/26/2008) plus a reevaluation of what was at one time reported as a wickiup site (Schwendler 2008 Compliance Dated 2/11/2009). A careful reevaluation of the site indicated that it was a non-cultural natural phenomenon (Conner 2010 Compliance Dated 6/1/2010). The placement of a cuttings pit/trench within the existing well pad disturbance will not impact any known cultural resources. (MRS 3/10/2011)

*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 3/10/2011)

*Paleontological Resources:* The proposed cuttings trenches are located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossil resources (Armstrong and Wolny 1989). If it becomes necessary to excavate into undisturbed rock formation to construct the new cuttings trenches on either well pad location there is a potential to impact scientifically noteworthy fossil resources. (MRS 3/10/2011)

*Threatened and Endangered Wildlife Species:* There are no wildlife-related issues or concerns outside of those addressed in the original environmental assessment. The proposed action would not involve any new surface disturbance in addition to what was previously analyzed and as such is not expected to have any additional impacts to terrestrial wildlife species. (LRB 03/11/2011)

*Threatened and Endangered Plant Species:* Potential impacts to threatened and endangered plant species were adequately analyzed in the original Environmental Assessment. There are no additional impacts or concerns related to special status plant species associated with this proposed action. (TT 3/14/2011)

## 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.
- Berg, Caryn M., Michael J. Retter, and Scott C. Phillips  
2007 Class III Cultural Resource Inventory of the Proposed Duke Energy Land Acquisition, Williams Ryan Gulch Project, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. 308-127-04
- Conner, Carl E.  
2010 Report of the Reevaluation of Site 5RB5660 Rio Blanco County, Colorado for Williams Production RMT. Grand River Institute, Grand Junction, Colorado. #10-11-12
- McDonald, Kae  
2006 Five Windsor Energy Well pads and Associated Access Roads in the Vicinity of Ryan gulch, A Class III Cultural Resource Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. #06-54-19
- Reed, Karen, Chris Millington, Michelle Delmas, Matthew Bandy, Ryan Byerly, John Kennedy, Josh Tatman, Beau DeBoer, Todd Kohler, Rebecca Schwendler, George Connell, R. Ashley Fife, Lauren Frink, Scott Bowen, Michael J. Retter, Vanesa Zeitz, Paul Burnett, Thomas A. Witt, Sean Doyle, Nicole Kromarek, Emily Bitterman, Caryn Berg, Jennifer Long, Courtney Higgins, Gina Clingerman, Erin Salisbury, Norma Crumbley, Carrie J. Riordan, Jason Burkard, Judy Cooper, Sarah Baer, Scott Phillips, Zonna Barnes, Scott Slessman, and Anthony Lopez  
2008 Class III Cultural Resource Inventory of the Piceance Creek 3-D Geophysical Exploration Project Area, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. #08-127-09
- Schwendler, Rebecca., Sarah Baer, Karen Reed, Scott Philllips, Scott Slessman, Matthew Bandy, Nicole Kromarek, Scott Bowen, Max Wolk, Caryn M. Berg, Paul Burnett, Tom Witt, Sean Doyle, Michelle Delmas, Michael Cregger, John Kennedy, Judy Cooper, Zonna Barnes, Amanda Cohen, Cynthia Manseau, Michael Retter, Dan Shosky, and Erin Salisbury  
2008 A Class III Cultural Resource Inventory for the Ryan gulch 3-D Geophysical Exploration Project, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. #09-127-01
- Tweto, Ogden  
1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. The permittee is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
2. If any paleontological resources are discovered as a result of operations under this authorization, the proponent or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
3. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

COMPLIANCE PLAN: On-going compliance inspections and monitoring of drilling, production and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. 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: Christina J. Barlow

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 03/15/2011

ATTACHMENTS:

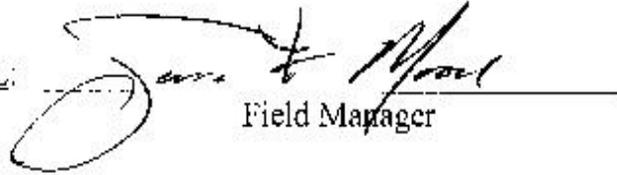
Figure 1: Plat Drawing for Well Pad RGU 31-25-198

Figure 2: Plat Drawing for Well Pad RGU 23-14-298

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the Proposed Action.

This action is listed in the Instruction Memorandum Number 2005-247 as an action that may be categorically excluded under Section 390 of the Energy Policy Act of 2005. I have evaluated the action relative to the qualifying 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:



James H. Moore  
Field Manager

DATE SIGNED:

3/22/11

#### Administrative Review or Appeal Opportunities

This decision is effective upon the date the decision or approval by the authorized officer. Under regulations addressed in 43 CFR Subpart 3165, any party adversely affected has the right to appeal this decision. An informal review of the technical or procedural aspects of the decision may be requested of this office before initiating a formal review request. You have the right to request a State Director review of this decision. You must request a State Director review prior to filing an appeal to the Interior Board of Land Appeals (IBLA) (43CFR 3165.4).

If you elect to request a State Director Review, the request must be received by the BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, no later than 20 business days after the date the decision was received or considered to have been received. The request must include all supporting documentation unless a request is made for an extension of the filing of supporting documentation. For good cause, such extensions may be granted. You also have the right to appeal the decision issued by the State Director to the IBLA.

Contact: For additional information concerning this decision, contact White River Field Office, 220 E Market Street, Meeker, CO 81641, Phone (970) 878-3800.

Figure 1: Plat Drawing for Well Pad RGU 31-25-198

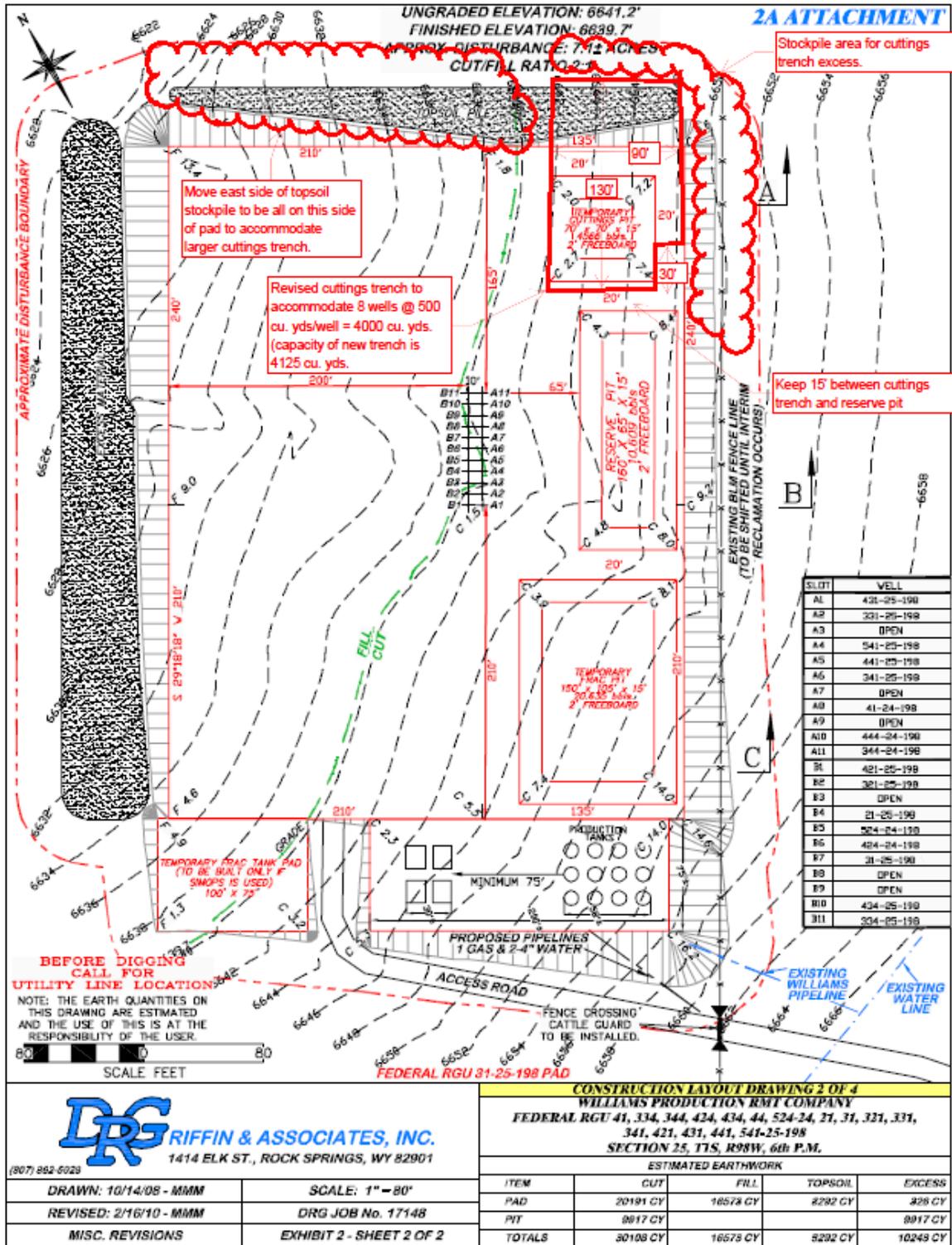


Figure 2: Plat Drawing for Well Pad RGU 23-14-298

