

**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-110-2011-0102-CX

CASEFILE/PROJECT NUMBER: COC71142X

PROJECT NAME: Reroute of ExxonMobil's proposed access road to NPU 197-17A

LEGAL DESCRIPTION: T. 1 S., R. 97 W., Sec. 17, 6<sup>th</sup> Principle Meridian

APPLICANT: ExxonMobil Corporation

DESCRIPTION OF PROPOSED ACTION: The applicant requests approval to reroute the proposed access road to the NPU 197-17A well pad location (Figure 1). Rio Blanco County would not approve the driveway permit for the access road to this pad from County Road 83. The County cited safety issues because there was not enough site clearance to the north or to the south of the original road turnout entrance. The County requires at least 300 feet of sight clearance on either end of the turnout site.

The total length of the proposed access route to the NPU 197-17A location is 270 feet.

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.”*

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: C0-110-2009-194-EA

Date Approved: 09/29/10

**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. The access road is 270 ft long with a construction width of 20 feet. The total surface disturbance is less than one acre.

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

When considering acres disturbed as a result of oil and gas infrastructure (e.g., natural gas well pads, pipeline and travel corridors, etc.), and disregarding acres disturbed for County roads, and subtracting the total acres reclaimed from this estimate, total un-reclaimed acres within the lease is approximately 16 acres.

*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. The NPU 197-17A well pad and original access route were analyzed in C0-110-2009-194-EA. The realigned road remains within the 600 meter plant survey area and the area that was surveyed for cultural and archeological resources.

*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;		X

Extraordinary Circumstance	YES	NO
prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		
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 04/26/11. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

*Cultural Resources:* The area of the proposed well pad access reroute has been covered by two Class III (100% pedestrian) inventories (Conner et. al. 1998 Compliance Dated 9-11-1998, Niswanger 2009 Compliance Dated 11/17/2009) with no cultural resources located in the project area. There are sites within 308 meters of the project but they should all be completely avoided by road construction activities. There should be no new impacts to known cultural resources from the project. However, if buried remains are encountered during construction there

is a potential to cause a regional loss of archaeological data. The severity of the data loss is not knowable at this time. (MRS 4/27/2011)

*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 4/27/2011)

*Paleontological Resources:* The proposed access road reroute is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a PFYC 4/5 formation which means that the formation is known to produce scientifically noteworthy fossil resources (c.f. Armstrong and Wolny 1989). If it becomes necessary to excavate into the underlying rock formation of construct the road and/or ancillary features for the road there is a potential to impact noteworthy fossil resources. Should fossils be encountered and not recovered there would be an overall loss of scientific paleontological data in the region. (MRS 4/27/2011)

*Threatened and Endangered Wildlife Species:* The scope of the analysis and the associated mitigation that was developed in C0-110-2009-194-EA for T&E wildlife is also applicable to this action. (BLS 05/10/11)

*Threatened and Endangered Plant Species:* The scope of the analysis and the associated mitigation that was developed in C0-110-2009-194-EA for T&E plants is also applicable to this action. (BLS 05/10/11)

#### 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.

Conner, Carl E., Barbara J. Davenport, and Sarah Koeman

1998 Class III Cultural Resource Inventory Report for the Yankee Gulch Sodium minerals Project Lease Area West of Piceance Creek in Rio Blanco County, Colorado for American Soda, L.L.P. Grand River Institute, Grand Junction, Colorado. (#98-11-06, SHPO number RB.LM.R351)

Niswanger, Jake

2009 ExxonMobil Corporation: A Class III Cultural Resources Inventory of the Proposed NPU 197-17A Well Pad and Access Road in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado. (09-54-38, SHPO number RB.LM.NR2152)

Tweto, Ogden

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

MITIGATION:

1. All access roads will be treated with water and/or a BLM-approved chemical dust suppressant during construction and drilling activities so that there is not a visible dust trail behind vehicles. All vehicles will abide by company or public speed restrictions during all activities. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Only water needed for abating dust should be applied.
2. In order to protect Public Land Health Standards for soils, erosion features such as riling, gullyng, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and submitting a plan to assure successful soil stabilization with Best Management Practices (BMPs) to address erosion problems.
3. Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. Locate culverts or drainage dips in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. Provide adequate spacing to avoid accumulation of water in ditches or road surfaces. Install culverts with adequate armoring of inlet and outlet. Patrol areas susceptible to road or watershed damage during periods of high runoff.
5. Keep road inlet and outlet ditches, catch basins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine-cleaning of ditches should be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
6. Culverts and water bars should be installed according to BLM Manual 9113 standards and sized for the 10-year storm event with no static head and to pass a 25-year event without failing.
7. The designated Natural Resource Specialist (NRS) will be notified 24 hours prior to beginning all construction-related activities associated with this project that result in disturbance of surface soils via email or by phone. Construction-related activities may include, but are not limited to, pad and road construction, clearing pipeline corridors, trenching, etc. Notification of all construction-related activities, regardless of size, that result in disturbance of surface soils as a result of this project is required.

8. In addition to the weed species listed in the SUP at J.2.b, any noxious weeds occurring as a result of this disturbance must be treated for control (list B and C species) or eradication (list A species).
9. Pad construction (namely vegetation removal) associated with pad and new access road development will take place outside of the migratory bird nesting season (May 15 – July 15).
10. There will be no construction and/or drilling activities allowed from January 1 – April 30 to avoid unnecessary activity in mule deer severe winter range. WRFO will except/modify Resource Management Plan (RMP)-prescribed timing limitations for those projects (via SN) where there is written documentation affirming mutual consent among Colorado Division of Wildlife (CDOW), the project proponent, and BLM. Outside such agreements, WRFO will consider excepting/modifying prescribed timing limitations upon written request from CDOW on a project proponent's behalf.
11. 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 historic or archaeological sites, or for collecting artifacts. If historic or archaeological 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 AO. Within five working days the AO will inform the operator as to:
  - whether the materials appear eligible for the National Register of Historic Places
  - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
  - a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.
12. 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.
13. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

14. If it becomes necessary to excavate into the underlying rock formation to construct the pad, bury any pipelines, level the road or excavate the reserve/bloolie/cuttings pits a paleontological monitor shall be present for all such excavations.
15. When working on lands administered by BLM - WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type and contact information. The reporting party, or a representative of, should remain nearby in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant and contractors will not engage in any fire suppression activities outside the approved project area.
16. Accidental ignitions will be suppressed by the applicant only if employee safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use.
17. Natural ignitions caused by lightning will be managed by federal fire personnel. If a natural ignition occurs within the approved project area, the fire may be initially contained by the applicant only if employee safety is not endangered. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.
18. Damage to existing roads as a result of the Proposed Action will be repaired to a condition that is similar to the original state or better than what existed prior to the commencement of construction in accordance with Rio Blanco County Road and Bridge standards.

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: Brett Smithers, Project Leader

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

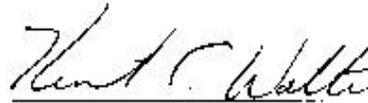
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ATTACHMENTS: Figure 1. Project area map.

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 is categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

05/19/2011

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

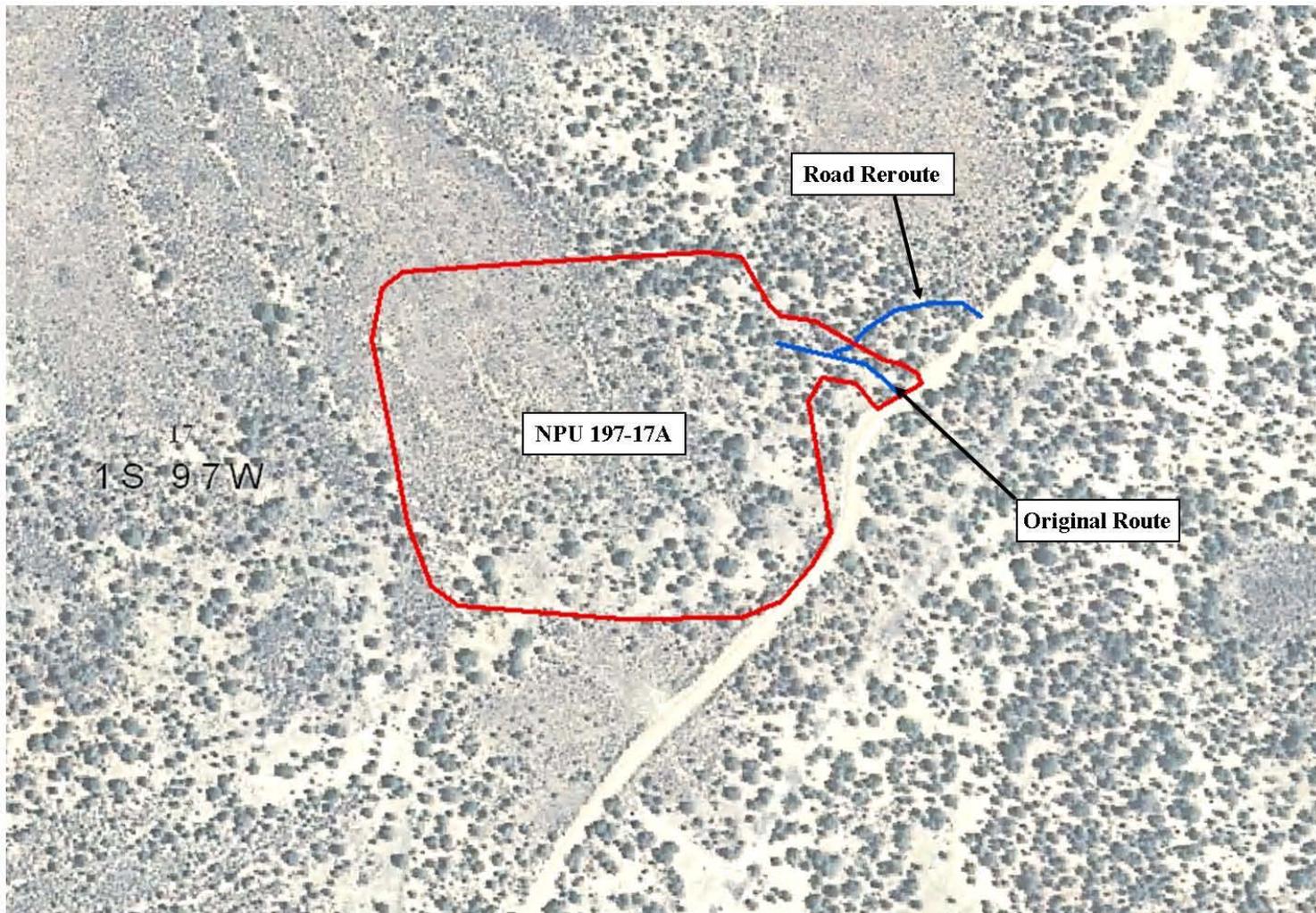


Figure 1. The figure above illustrates the proposed reroute of the access road to the NPU 197-17A natural gas well pad location. This pad will be located in T. 1 S., R. 97 W. Section 17, Rio Blanco County, Colorado.