

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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2012-0125-CX

CASEFILE/PROJECT NUMBER:

PROJECT NAME: CBU 29-12-397 Geophysical Survey

LEGAL DESCRIPTION: T3N R97W Sec 19,20,21,28,29,30,31,32 & 33
T2N R97W Sec 5 & 6
T3N R98W Sec 25 & 26

APPLICANT: Mesa Energy Partners, LLC.

DESCRIPTION OF PROPOSED ACTION:

Green River Energy Resources (GRER) proposes to conduct a “micro seismic” geophysical survey on behalf of Mesa Energy Partners, LLC (MEP) in Rio Blanco County, Colorado, approximately 23 miles west-northwest of Meeker. A Notice of Intent (NOI) and Authorization to Conduct Oil and Gas Geophysical Exploration Operations was submitted for this project on May 3, 2012. The purpose of this geophysical survey will be to monitor frac operations of the CBU 29-12-397 well using conventional seismic cables and geophones (See Figure 1). The survey area includes federal lands administered by the Bureau of Land Management.

All operations will be conducted in accordance with BLM H3150 Manual and Handbook and in compliance with Conditions of Approval (COA) developed from the Resource Management Plan (RMP) for the White River BLM Field Office.

The proposed seismic project will involve a total of approximately 10 lines of receiver (geophone) stations arranged as spokes on a wagon wheel. Each line will be 8,034 feet long with approximately 103 geophone stations. The receivers will be spaced at an interval of 65 feet resulting in a total of 1,030 geophone stations.

Cables and geophones will be deployed by personnel on foot supported by pickup trucks and ATV/UTV vehicles on roads.

There will be no source arrays. All energy recorded will emanate from the well bore at the center of the wagon wheel array. The activities at the well will be conducted under appropriate permits acquired independent of these geophysical operations.

The configuration may be marginally modified due to topographic constraints or cultural or other resource avoidance areas. Due to the complex geological objective of this survey, it is critical to the integrity of the geophysical data that location of receiver points are positioned as plotted.

CHRONOLOGY OF PROJECT ACTIVITIES

Geophysical survey activities will proceed systematically. Specific activities in order of occurrence will include:

1. Operations occurring on BLM lands will commence on federal surface following receipt of BLM notice to proceed.
2. Land surveying operations will be conducted according to “*Casual Use*,” as defined within the BLM Handbook for geophysical operations. Land surveying operations will be conducted with an approved cultural monitor present. The lines will be plotted to avoid cultural resources.
3. Recording crew mobilization and deployment of geophone arrays. Recordation of data will begin shortly after placement of the receiver stations (geophones). Deployment of geophysical recording equipment will be performed as “*casual use*” operations, as defined by 43 CFR 3150.0-5(b).
4. Clean-up operations and demobilization.
5. Project duration is expected to take approximately 3 to 4 weeks from the commencement of surveying. Layout of receivers and data recording operations are expected to take about 1 week including weather delays, mobilization and demobilization.

SURVEY OPERATIONS

To accurately define the extent and locations of project activities, a land survey crew will locate and place temporary pin flags and access flagging using a high-accuracy global positioning system (GPS). This work will be conducted primarily on foot, using vehicles where access roads and trails exist. Vehicles bringing surveyors to and from the project area will remain on existing roads and trails. The survey crew will be responsible for positioning receiver (geophone) stations such that they comply with the geophysical survey design criteria.

This land survey work will be done in conjunction with an archaeological monitoring crew. Archaeological monitors will be working with the land surveyors walking in front of them surveying for cultural resources. If any archaeological sites are located, the line has to be routed around them. A monitoring report has to be submitted to the WRFO, including GPS'd locations of what was located. Site forms have to be completed for any structural sites located.

GRER project management will inform the BLM Authorized Officer approximately one week prior to commencement of actual surveying.

RECORDING OPERATIONS

Cables and geophones will be deployed by personnel on foot supported by pickup trucks on roads. A single light turbine helicopter would be used for the recording operation and would operate only in daylight hours, ferrying the receiver station cache bags. The helicopter would

move multiple cache bags at a time suspended from a “long-line.” The helicopter would operate at between 100 to 600 feet above the receiver lines and deposit one bag at a time at the planned locations. Ground crew members would then walk to the first dropped cache bag on their receiver line, prepares and connect the station, and manually deploy cables and geophones. Seismic cable and attached geophones would be laid out by hand. The crewmembers would then proceed on foot to the next bag and repeat the setup of network cable and geophone. Stations, cable, and geophones would be laid out in this manner at each station across the project area. Once the cache bags have been distributed over the survey area, the helicopter would remain mostly idle during the well fracturing over the course of the next two days or so. Occasional use for trouble-shooting may be necessary in more remote areas. Once the well monitoring is complete, the layout process would then be reversed such that the equipment is returned to the cache bags and retrieved by the helicopter for transport to the primary staging area.

DATA ACQUISITION

The timing of the geophone layout must be scheduled such that the entire ten line array is active when the well bore fracing commences. Field logistics, as determined by the geophysical contractor, may result in certain variations of these procedures and BLM will be informed of any significant changes.

The recording truck containing the command and control equipment for personnel communications, data collection and troubleshooting can usually be located on an existing road, trail or well pad. Data recording as well as management of the active geophone array will be centralized in this location. The recording truck will be connected to the receiver lines by cable which will be connected to all ten lines at the center of the wagon wheel array.

Crewmembers will be organized into working teams of 4 to 6 personnel. These groups will operate on one or two lines at a time. Individual troubleshooters (3 to 5 personnel) will repair any line problems that may arise during the recording operations. Crewmembers will carpool daily to the project area from Meeker, CO. A total of approximately 20 crewmembers will conduct operations. Deployment and retrieval operations will be conducted on a 10 to 12 hour per day basis. The frac monitoring portion of the project may include 24 hour activities. Green River will cooperate with BLM to determine ingress/egress procedures necessary to minimize the effect of geophysical survey activities on other interests in this area.

SUPPORT OPERATIONS

All equipment will be initially brought to the project area by transport trucks/tractor trailers as part of project mobilization. GRER will utilize the existing CBU 29-12-397 well pad as a staging area throughout the project. All equipment and vehicle storage will be located within the perimeter of this staging area.

CLEANUP AND DEMOBILIZATION

After recording the frac monitoring, the recording equipment will be retrieved on foot and bagged, reversing the placement procedure, and moved to staging by vehicle in preparation for demobilization. The task of project cleanup will proceed concurrently with data acquisition. All pin flags, flagging, lathe and related debris will be gathered daily as the crew members complete data-acquisition portions of the project. The debris will be collected at points on roads or trails

and transported by vehicle to staging areas where personnel will organize materials, handle equipment, and dispose of unusable materials. Materials disposal will occur at approved facilities or local land-fills.

SURFACE USE

Access within the project area is difficult in spots due to moderate to steep terrain. Off road activities will be confined to pedestrian use along receiver lines. No additional surface disturbance/ground-clearing activities are anticipated as a result of this proposed plan.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) 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: Pages 2-49 through 2-52

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for the reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, B6: “Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed”.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

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

Extraordinary Circumstance	YES	NO
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 the bureau.		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 7/31/12. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	9/25/2012
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	8/1/2012
Amber Shanklin	Biological Technician – Plants	Special Status Plant Species	8/1/2012

REMARKS:

Cultural Resources: Per Colorado State Office (COSO) guidance, for purposes of Section 106, casual use includes lines that involve hand-carried geophones, cables, or similar equipment, lines

that are accessed and laid on surfaced roads and trails, and lines that are accessed by ATVs on bladed and maintained roads and trails.

Laying lines through wickiup and other structural sites with standing walls can have the potential to impact these sites. Additionally, even though the BLM has decided hand laying lines is casual use, the project still opens cultural resource locations to collection by workers who would not normally be going through the area. The entire project area has to have a Class I inventory done of it prior to the land surveying phase, to avoid all known sites with the preliminary plotted lines.

Due to the project location in the close proximity to known sites with structural walls and standing wickiups the WRFO is requiring cultural monitors be present during the land surveying phase of the project. The monitoring will entail archaeological monitor crews be working with the land surveyors, walking in front of them surveying for cultural resources. If any archaeological sites are located, the line has to be routed around them. A monitoring report has to be submitted to the WRFO, including GPS'd locations of what was located. Site forms have to be filled out for any structural sites (sites containing structural walls or wickiups) that are located during this project and included with the report.

This project proposal does not allow for there to be any helicopter landing zones, or any mechanized off road travel, if either of these are later determined necessary for the proposed project cultural surveys would be required. Additionally survey would be required for project access on roads and trails that are not as described as above (surfaced for vehicles and bladed for ATVs).

Native American Religious Concerns: All possible areas of Native American concern have not been identified in the proposed project area as it has not been all surveyed for cultural resources. There are known wickiup sites in the area, and more are likely to occur. Native American tribes have expressed the concern that all such sites should be avoided, although by what distance actually varies by tribe. Cultural resource monitors will be required to work with the land surveying crew to route all receiver lines around cultural properties to insure that all wickiups are documented and avoided.

Special Status Wildlife Species: There are no listed or proposed animals known to inhabit or derive important benefit from the project site. Sagebrush communities in the north half and southeast quadrants of the project area lie within 4 miles of active sage-grouse leks and these habitats have potential to serve as nest and brood range. This range is also known to have been occupied by large congregations of grouse under certain winter conditions. In this population of birds, those functions most sensitive to disturbance (nest and early brood-rearing) are normally fulfilled by mid to late July when virtually all broods would be greater than 3-4 weeks post-hatch—a timeframe when most chick mortality is no longer attributable to interruption in maternal care (Thompson 2012). Vehicle use confined to existing roads and infrequent pedestrian activity confined to widely dispersed and linear patterns would not be expected to prompt substantial changes in habitat use by, or movements in broods that exceed 6-8 weeks of age. The proposed action is unlikely to affect and is certainly unlikely to have more than minor adverse effects on local sage-grouse populations or their associated habitat consistent with BLM's Interim Management Policy established in BLM Washington Office Instruction

Memorandum No. 2012-043. Proposed seismic activity would be complete prior to any winter-season sage-grouse or big game use. All migratory bird nesting activity, including BLM-sensitive Brewer's sparrow and any woodland nesting raptors, would be complete and broods dispersed by early August and before seismic activity would begin.

Special Status Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action.

REFERENCES CITED

Thompson, T.R. 2012. Dispersal ecology of greater sage-grouse in northwestern Colorado: evidence from demographic and genetic methods. Ph.D. Thesis. Univ. of Idaho.

MITIGATION:

- 1) Work cannot proceed on the project until SHPO consultation is completed. A Class I literature search is required, and preliminary lines should be routed around all known historic properties. A Concurrence letter is required to be sent to the SHPO along with the Class I literature search, and the scope and methodology of the project, for concurrence on the project effect to historic properties.
- 2) Before commencing operations the operator must inform all employees and any subcontractors that disturbance to, defacement of, or removal of archaeological, historical, or remains of traditional cultural properties and fossils will not be permitted. Violation of the laws that protect these resources will be treated as law enforcement/administrative issues. The operator will be held accountable for the conduct of employees and subcontractors in this regard.
- 3) If subsurface cultural values are discovered during operations, all work in the vicinity of the resource will cease, and the BLM Authorized Officer (AO) will be notified immediately. The operator shall take any additional measures requested by the officer.
- 4) Disclosure of information regarding the nature and location of any archaeological, historic and traditional cultural property without written approval by the BLM is prohibited under Section 9 "Confidentiality" of the Archaeological Resources Protection Act (ARPA; 16 U.S.C. 470hh), Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3) and the cultural resource use permit conditions. Operators and their cultural resource consultant will be provided with the needed documentation to insure proper protection of cultural resource sites but this documentation is proprietary information that cannot be released to the public.
- 5) Pursuant to 43 CFR 10.4(g), the operator must notify the AO, by telephone and 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), the

operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

- 6) Operator will not commence project operations without a BLM issued Notice to Proceed (form 1510-7). In order to complete this in a timely manner, the Operator must notify the BLM of intent to start operations at least 10 days prior.

The follow standard terms and conditions from Instruction Memorandum No. 2009-044 will apply:

- 7) The operator shall contact the Field/District Office at least 48 hours prior to the start of the project to schedule a pre-work conference. The crew supervisor and additional crew chiefs (if needed) will attend the pre-work conference to discuss the terms and conditions for this operation.
- 8) The operator's representative will attend a meeting with the BLM to discuss cultural artifacts and potential penalties for tampering with cultural artifacts. The meeting can be held as part of the prework conference.
- 9) Roads will not be constructed for geophysical projects authorized under a categorical exclusion.
- 10) Operators of vehicles and equipment shall be responsible for not damaging fences and keeping gates as found. As a last resort, should a fence be cut for access, that fence must be repaired to former or better condition, after equipment has passed through.
- 11) Visible migratory bird nests will be avoided and not disturbed.
- 12) All equipment will be power washed prior to entering Federal lands to help mitigate the spread of noxious plants.
- 13) In order to minimize watershed damage and disturbance to game animals utilizing important seasonal wildlife habitat, seismic activity will only be allowed during the period from May 15 to December 15. Exceptions to this limitation may be specifically approved by the Authorized Officer.
- 14) When fire conditions reach high, the helicopter, vehicles, and equipment will carry water, shovels, and other firefighting equipment to extinguish any fires that are accidentally started by the seismic operations.
- 15) If oil, lubricants and other petroleum or man-made products are accidentally spilled onto the ground surface, the BLM will be contacted and provided specific information about the spill and/or leak. Spills or leaks will be cleaned from the soil and any contaminated material will be bioremediated or disposed of at an authorized landfill.

- 16) All flagging, lath, pin flags, and similar materials used in the seismic project will be removed from public land and disposed of at an authorized landfill.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document 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.

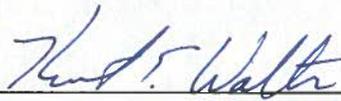
NAME OF PREPARER: Ryan Sandefur

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, B6. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

DATE SIGNED:

11/05/12

ATTACHMENTS:

Attachment 1: Figure 1, a map depicting the locations of the proposed receiver lines.

Attachment 2: White River Field Office Cultural Protocol for Micro Seismic.

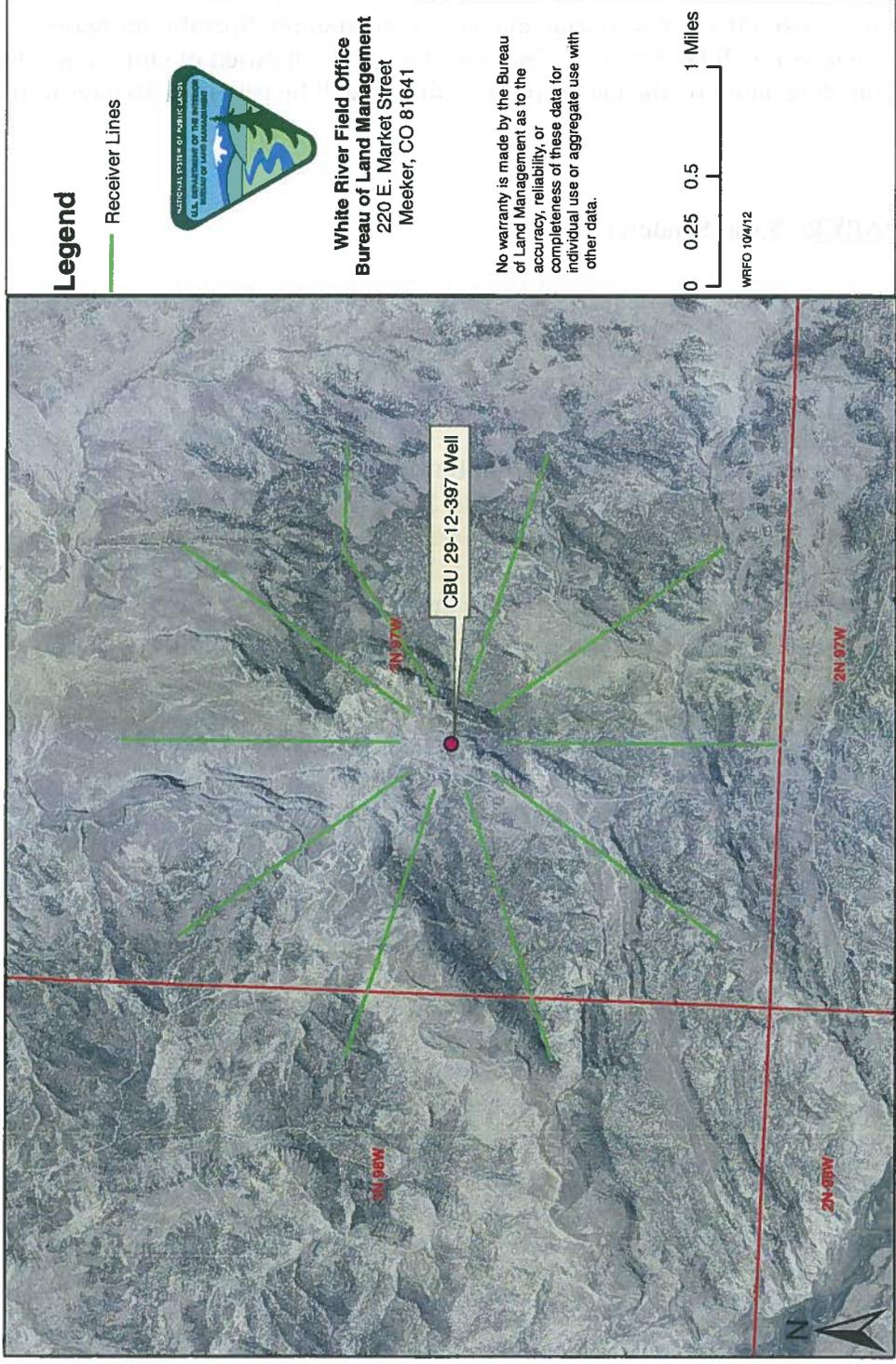


Figure 1: Location of receiver lines for the proposed microseismic project.

WRFO Protocol for Micro Seismic – 10/4/2012

Geophysical operations are considered a routine undertaking under the Colorado Protocol (Section VIII C (1)).

Excerpts below from the: **Cultural Resource Standards and Guidelines For Geophysical Operations under Section 106 of the National Historic Preservation Act**

The APE

The APE for seismic operations includes the area with surface disturbance including, but is not limited to, seismic lines, staging areas, access routes, helicopter landing pads, drop zones, and areas that are vulnerable to erosion or vandalism after use.

A literature and records search of the APE will be completed. This information will be used to design the Class II and III inventory. Class II and Class III inventory is not required for the following actions: 1) receiver lines located in areas with low site density and no known or expected above ground, structural remains; 2) casual use; and 3) sufficient snow cover. Class II or Class III inventory may be required on all lands, which are directly or indirectly affected by the federal action.

Casual Use

Casual use, as described at 43 CFR 3150.05(b), involve practices which do not ordinarily lead to any appreciable disturbance or damage to lands, resources, and improvements.

For purposes of Section 106, casual use includes lines that involve hand-carried geophones, cables, or similar equipment, lines that are accessed and laid on surfaced roads and trails, and lines that are accessed by ATV's on bladed and maintained roads and trails. Activities restricted to established roads and trail (actively managed by BLM and listed in the Facility Asset Management System (FAMS). BLM determines if the action is casual use. If the proposal leads to disturbance or damage to historic properties, the proposal is not considered casual use.

Treatment of Sites

BLM prefers that all historic properties be avoided by project activity. All historic properties should be avoided by both source points and receiver lines.

Two-track roads that cross archaeological sites may not be used for project access.

Bladed/maintained roads can be used even if they cross archaeological sites.

All archaeological sites should be avoided by a minimum of 100 feet, all wickiups, standing structures and rock art sites need to be avoided by a minimum of 300 ft, and no vibe-holes would be allowed within 500 feet of wickiups, standing structures or rock art (meaning that heli points are fine within the 300 foot boundary).

WRFO requirements

All helicopter landing pads and drop zones, any staging areas, any areas of mechanized off road travel all require Class III inventory. Any project access by vehicle that is not on a surfaced road or trail, and by ATV's not on bladed and maintained roads or trails all require Class III inventory.

The WRFO prefers that cultural surveys be done on receiver lines in areas where there is a high likelihood of there being standing wickiups or structural walls. A 100 foot wide Class III pedestrian survey should be conducted for each line as well as any stated above areas such as landing zones. A Class III survey report should then be submitted to the BLM so consultation

can be submitted to SHPO prior to project authorization. If the project can be designed to avoid all historic properties it can be submitted to the SHPO by informational letter, and can be authorized once submitted. If all historic properties can not be avoided, the report has to be submitted to the SHPO by concurrence letter, and the project can not be authorized until concurrence regarding the project effect is received from the SHPO office.

If cultural surveys can not be conducted in time, a cultural monitor has to be present during the land surveying phase of the micro seismic project. Consultation will be submitted to SHPO prior to project authorization. First, a Class I Literature search of the project area must be conducted, and preliminary lines should be routed around all known historic properties. Then a concurrence letter will be sent to the SHPO along with the Class I literature search, and the scope and methodology of the project, for concurrence that the project will have no adverse effect to historic properties and the project can not be authorized until concurrence is received from the SHPO office.

The monitoring will entail archaeological monitor crews be working with the land surveyors, walking in front of them surveying for cultural resources. If any archaeological sites are located, the line has to be routed around them. A monitoring report has to be submitted to the WRFO, including GPS'd locations of what was located. Site forms have to be filled out for any structural sites (sites containing structural walls or wickiups) that are located during this project and included with the report.

MITIGATION:

Before commencing operations the operator must inform all employees and any subcontractors that disturbance to, defacement of, or removal of archaeological, historical, or remains of traditional cultural properties and fossils will not be permitted. Violation of the laws that protect these resources will be treated as law enforcement/administrative issues. The operator will be held accountable for the conduct of employees and subcontractors in this regard.

If subsurface cultural values are discovered during operations, all work in the vicinity of the resource will cease, and the BLM Authorized Officer (AO) will be notified immediately. The operator shall take any additional measures requested by the officer.

Disclosure of information regarding the nature and location of any archaeological, historic and traditional cultural property without written approval by the BLM is prohibited under Section 9 "Confidentiality" of the Archaeological Resources Protection Act (ARPA; 16 U.S.C. 470hh), Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3) and the cultural resource use permit conditions. Operators and their cultural resource consultant will be provided with the needed documentation to insure proper protection of cultural resource sites but this documentation is proprietary information that cannot be released to the public.

Pursuant to 43 CFR 10.4(g), the operator must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

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

DECISION RECORD

PROJECT NAME: CBU 29-12-397 GEOPHYSICAL SURVEY

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2012-0125-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0125-CX, authorizing the geophysical operations for the CBU 29-12-397 micro seismic project.

Mitigation Measures

- 1) Work cannot proceed on the project until SHPO consultation is completed. A Class I literature search is required, and preliminary lines should be routed around all known historic properties. A Concurrence letter is required to be sent to the SHPO along with the Class I literature search, and the scope and methodology of the project, for concurrence on the project effect to historic properties.
- 2) Before commencing operations the operator must inform all employees and any subcontractors that disturbance to, defacement of, or removal of archaeological, historical, or remains of traditional cultural properties and fossils will not be permitted. Violation of the laws that protect these resources will be treated as law enforcement/administrative issues. The operator will be held accountable for the conduct of employees and subcontractors in this regard.
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- 6) Operator will not commence project operations without a BLM issued Notice to Proceed (form 1510-7). In order to complete this in a timely manner, the Operator must notify the BLM of intent to start operations at least 10 days prior.

The following standard terms and conditions from Instruction Memorandum No. 2009-044 will apply:

- 7) The operator shall contact the Field/District Office at least 48 hours prior to the start of the project to schedule a pre-work conference. The crew supervisor and additional crew chiefs (if needed) will attend the pre-work conference to discuss the terms and conditions for this operation.
- 8) The operator's representative will attend a meeting with the BLM to discuss cultural artifacts and potential penalties for tampering with cultural artifacts. The meeting can be held as part of the prework conference.
- 9) Roads will not be constructed for geophysical projects authorized under a categorical exclusion.
- 10) Operators of vehicles and equipment shall be responsible for not damaging fences and keeping gates as found. As a last resort, should a fence be cut for access, that fence must be repaired to former or better condition, after equipment has passed through.
- 11) Visible migratory bird nests will be avoided and not disturbed.
- 12) All equipment will be power washed prior to entering Federal lands to help mitigate the spread of noxious plants.
- 13) In order to minimize watershed damage and disturbance to game animals utilizing important seasonal wildlife habitat, seismic activity will only be allowed during the period from May 15 to December 15. Exceptions to this limitation may be specifically approved by the Authorized Officer.
- 14) When fire conditions reach high, the helicopter, vehicles, and equipment will carry water, shovels, and other firefighting equipment to extinguish any fires that are accidentally started by the seismic operations.
- 15) If oil, lubricants and other petroleum or man-made products are accidentally spilled onto the ground surface, the BLM will be contacted and provided specific information about

the spill and/or leak. Spills or leaks will be cleaned from the soil and any contaminated material will be bioremediated or disposed of at an authorized landfill.

- 16) All flagging, lath, pin flags, and similar materials used in the seismic project will be removed from public land and disposed of at an authorized landfill.

All Applicant-Committed Environmental Protection Measures documented in the applicant's NOI will be complied with in addition to these terms and conditions.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 7/31/12 and a copy of the completed Categorical Exclusion will be posted on the WRFO website. As of 10/4/12 no comments or inquires have been received.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, B6. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CFR Part 4.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

11/05/12