

**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-110-2012-0136-CX(390)

CASEFILE/PROJECT NUMBER: COC-64814  
8502C-23 L24 496 (L24 296 pad)  
8502D-23 L24 496  
8504C-24 L24 496  
8504D-24 L24 496

PROJECT NAME: EnCana Oil and Gas (EnCana), L24 496 four additional wells on an existing wellpad

LEGAL DESCRIPTION: T4S, R96W, NWSW Section 24

APPLICANT: EnCana Oil and Gas (EnCana)

BACKGROUND: An onsite inspection for the L24 496 was held on November 9, 2010. On October 18, 2011, 28 Applications for Permit to Drill (APDs) were received and on November 28, 2011 found complete. The L24 496 wellpad, 28 wells, access road, and pipeline were approved in DOI-BLM-CO-110-2012-0021-DNA on March 20, 2012 with wellpad construction commencing on July 12, 2012. On August 21, 2012 the BLM received applications for four Applications for Permit to Drill (APDs) for the 8502C-23 L24 496, 8502D-23 L24 496, 8504C-24 L24 496, and 8504D-24 L24 496 wells. A review showed these APDs to be complete on August 22, 2012.

DESCRIPTION OF PROPOSED ACTION: Due to timing of the drilling rig, the drilling of the four wells is proposed to commence on September 1, 2012. EnCana proposes to drill four additional wells on the existing L24 496 wellpad (see Figure 1), with no additional disturbance required. The access route to get to the proposed wells and the existing pipelines (see Figure 2) is the same as approved in DOI-BLM-CO-110-2012-0021-DNA.

Decision to be Made: The BLM will decide whether or not to approve the APDs, and if so, under what conditions.

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, #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 drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five years prior to the date of spudding the well.*"

#### Documentation

The BLM NEPA Handbook (H-1790-1) provides specific instructions for using this CX.

1) *Is the proposed Application for Permit to Drill (APD) within a developed oil or gas field? A developed field is defined as any field in which a confirmation well has been completed.* Yes, in T4S, R96W, Section 25, the F25 496 wellpad exists and has 26 producing gas wells on it. The F25 496 wellpad is approximately 0.80 miles from the wells proposed in this CX.

2) *Is there an existing NEPA document (including that supporting a land use plan) that contains a reasonably foreseeable development scenario encompassing this action?* Yes, DOI-BLM-CO-110-2009-0229-EA is the document that was used to tier to DOI-BLM-CO-110-2012-0021-DNA to approved the 28 approved APDs on the L24 496 wellpad and contains a reasonable foreseeable development scenario encompassing this action.

3) *Was the NEPA document finalized or supplemented within five years of spudding the well?* Yes, DOI-BLM-CO-110-2009-0229-EA was approved on February 3, 2010.

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on August 28, 2012. A 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
Michael Wolfe Michael Selle	Archaeologists	Cultural Resources, Native American Religious Concerns	8/28/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	9/18/2012
Amber Shanklin	Biological Technician – Plants	Special Status Plant Species	9/6/2012

REMARKS:

*Cultural Resources:* The area of the proposed EnCana gas well pad (L24 496), and the associated access roads and pipeline locations (DOI-BLM-CO-110-2012-0136-CX(390)) have been completely inventoried at the Class III (100 percent pedestrian) level (Conner and Davenport 2009, Compliance Dated 12/3/2009; Connor and Davenport 2011, Compliance Dated 12/22/2012). The inventories did not record any cultural resources; however, there always remains the potential to disturb previously undetected resources. Abundant previous Class III cultural resource inventories have been performed in the general vicinity and have documented very few cultural properties. This low site density is likely attributed to steep terrain and abundant brush and ground cover. The previous NEPA document DOI-BLM-CO-110-2009-0229-EA adequately addresses effects to cultural resources.

*Paleontology:* The Proposed Action is located in an area mapped as Uinta Formation (Tweto 1979) which the BLM, WRFO has classified as a Potential Fossil Yield Classification 4. These formations are known to contain a high occurrence of significant fossil resources. The previous NEPA document DOI-BLM-CO-110-2009-0229-EA adequately addresses effects to paleontology resources.

*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.

*Threatened and Endangered Wildlife Species:* The activities associated with the Proposed Action merely extend the impacts addressed in the former NEPA documents a short period of time. Therefore, the impacts from the Proposed Action were adequately analyzed in the existing DNA (DOI-BLM-CO-110-2012-0021-DNA) and EA (DOI-BLM-CO-110-2009-0229-EA) and there are no additional threatened and endangered wildlife concerns associated with this Proposed Action.

*Threatened and Endangered Plant Species:* Since there is no new disturbance associated with the Proposed Action and there were no special status plant (SSP) concerns in the original EA (DOI-BLM-CO-110-2009-0229-EA), the same analysis is sufficient for this action. Therefore, there are no SSP species concerns associated with the Proposed Action.

## REFERENCES CITED:

Conner, Carl and Barbara Davenport

2009 Class III Cultural Resources Inventory Report for Four Proposed Liberty Well Locations (M30 495, B36 496, D36 496, and F25 496), at Central Distribution Point (J25 496), and Related Linear Routes in Garfield County, Colorado for EnCana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado. GF.LM.NR914, BLM# 09-11-36.

2011 Class III Cultural Resource Inventory Report of Twenty Proposed Well Locations and Related Linear Routes In the Double Willow Unit (D31-495, L16-496, 117-496, P17-496, B19-496, J20-496, C22-496, F22-496, N23-496, 1(24-496, L24-496, M24-496, P24-496, F26-496, 126-496, 1(27-496, L27-496, M27-496, E34-496, M34-496) In Garfield and Rio Blanco Counties, Colorado for Encana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado. MC.LM.NR262, BLM# 12-11-01.

Tweto, Ogden

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

## MITIGATION:

1. If the wells have not been spudded by February 3, 2015 (five years from the date DOI-BLM-CO-110-2009-0229-EA was signed), the Applications for Permit to Drill (APDs) will expire and the operator is to cease all operations related to preparing to drill the wells.
2. Applicable Mitigation brought forward from DOI-BLM-CO-110-2009-0229-EA (Story Gulch Well Pads (2)) is attached as Appendix A.

MONITORING AND COMPLIANCE: 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: Jay Johnson

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 Section 390 of the Energy Policy Act.

SIGNATURE OF AUTHORIZED OFFICIAL: *Thant C. Walter*  
Field Manager

DATE SIGNED: *10/02/12*

ATTACHMENTS: Figure 1 – Route to EnCana’s Existing L24 496 Well Pad  
Figure 2 - EnCana’s Existing L24 496 Well Pad, Access Road and Pipeline  
Appendix A – Applicable Mitigation Brought Forward from DOI-BLM-CO-110-2009-0229-EA

Figure 1 – Route to EnCana’s Existing L24 496 Well Pad

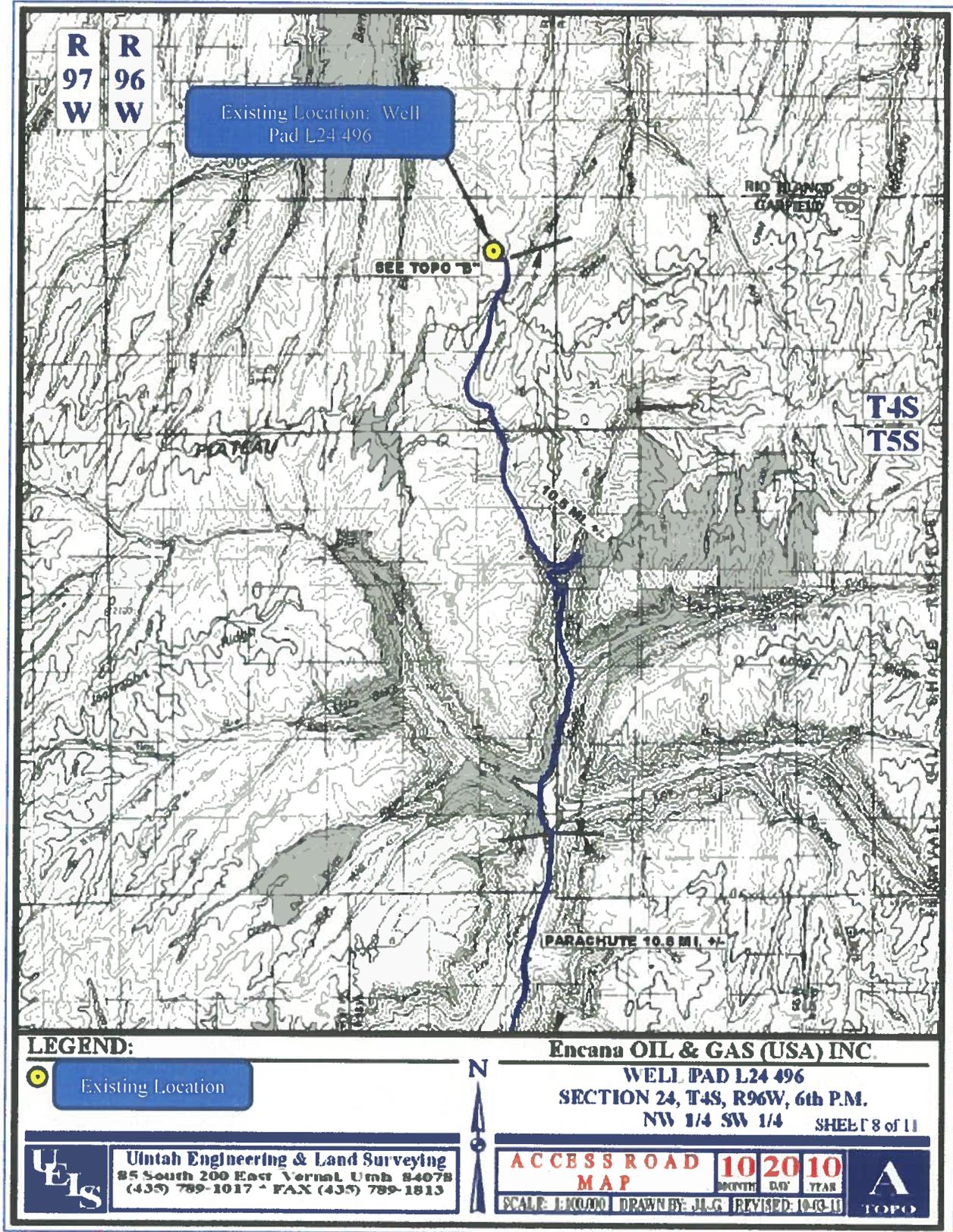
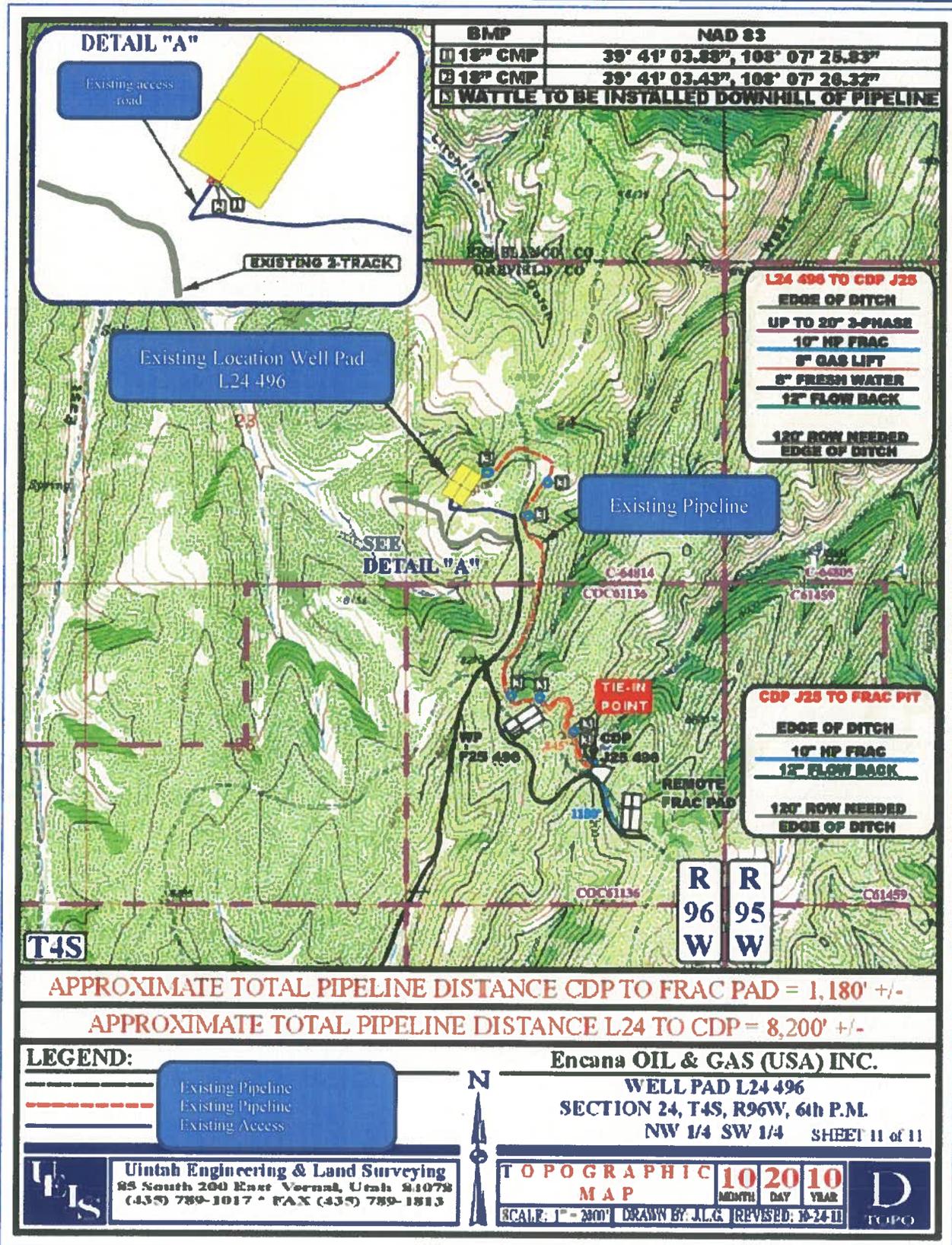


Figure 2 - EnCana's Existing L24 496 Well Pad and Pipelines



Appendix A - Applicable Mitigation Brought Forward from DOI-BLM-CO-110-2009-0229-EA

MITIGATION MEASURES:

Air Quality

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; dust abatement should not be used as a water disposal option under any circumstances.

Soils

2. If erosion features such as rilling, gullyng, piping, and mass wasting occur at any time in the future on disturbed surfaces on public lands downstream from the project, the erosion features will be addressed immediately after observation by contacting the AO and submitting a plan to assure successful soil stabilization with BMPs to address the erosion problems.
3. When reclaiming the unused portions of the existing, re-routed roads to "BLM specifications", the operator will rip or pit the old road bed to remove compaction and seed with BLM approved seed mix. The operator will also stabilize reclaimed sites with waterbars, fiber rolls, mulch and/or fabric as necessary to physically stabilize the soils until vegetation is established.
4. Based on policy required from Onshore Order #1, earthwork for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). Therefore, when all the wells have been drilled and completed for all *approved* APDs for the pads described; the completion pits on each pad and the J25-496 Frac pit shall be closed and earthwork completed 6 months after well completion activities.

Wastes, Hazardous or Solid

5. Onsite sewage treatment needs to be approved by the BLM via Sundry Notice by the AO. Otherwise, all sewage should be disposed of off-site as per the Surface Use Plan.
6. A leak detection system will be required for the "frac pit" on the Frac Pad J25-496. Submit via sundry a revised diagram that show a leak detection system and design specifications for the type and frequency of monitoring.
7. The release of any chemical, oil, petroleum product, produced water, or sewage, etc, must be contained immediately, cleaned up as soon as possible, and reported by the project proponent to the Bureau of Land Management according to Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-3A).

Water Quality, Surface and Ground

8. 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.
9. Keep road inlet and outlet ditches, catchbasins, 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.

## Vegetation

10. Re-vegetate with the native seed mix number six (listed below) prior to the first full growing season following completion of drilling (unless the surface owner requests a different seed mix). Seeding rates listed in the table below are shown as pounds of Pure Live Seed (PLS) per acre and apply to drill seeding. When drill seeding is not feasible (e.g., steep slopes, etc.), then broadcast seed using double the seeding rate followed by harrowing to ensure seed coverage. Applied seed should be certified and free of noxious weeds.

Seed Mix #6

Cultivar	Species	Scientific Name	Application Rate (lbs PLS/acre)
Secar	Snake River Wheatgrass	<i>Elymus wawawaiensis</i>	3
Primar	Slender Wheatgrass	<i>Elymus trachycaulus ssp. trachycaulus</i>	2
Sherman	Big Bluegrass	<i>Poa secunda ssp. ampla</i>	0.5
Canbar	Canby Bluegrass	<i>Poa secunda ssp. canbyi</i>	0.5
Bromar	Mountain Brome	<i>Bromus marginatus</i>	4.5
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
Bandera	Rocky Mountain Penstemon	<i>Penstemon strictus</i>	0.25

11. All areas of the well pads not used during any production phase, including cut and fill slopes, should be re-contoured as much as possible to natural topography, and have topsoil redistributed where likely to revegetate successfully (e.g., along appropriate cut and fill slopes or at the top edge of the borrow ditches), where it will not be disturbed during regular maintenance activities.
12. Successful re-vegetation should be achieved within three years. Successful reclamation and re-vegetation is defined by the following:
- A functioning vegetation community will present a minimum cover and composition of 80 percent of the Desired Plant Community as defined by the ecological site description or in relation to the seed mix applied. In cases where wildlife objectives are dependent upon presence of forbs within the community BLM will require their presence at the 80 percent calculation.
  - The functioning vegetation community established on the reclaimed site is capable of persisting on the site without continued intervention and will allow plant community successional processes to develop to the climax community.
13. The operator should monitor the project site for a minimum of three years after construction to detect the presence of noxious/invasive species. Any such species that occur will be eradicated.
14. Final reclamation of roads and well pads following abandonment should be achieved with the native seed mix noted above:
15. If it is determined that grazing is significantly hampering re-vegetation efforts, fencing of the well pad (including cut and fill slopes) to exclude livestock from the reclaimed areas will be necessary. Fencing will consist of braced corners with a 4 strand barbwire fence. Once reclaimed plant species are fully established on disturbed sites, fences and cattleguards would be completely removed by the applicant. In the interim these fences and cattleguards must be maintained in a functional state by the applicant.

## Invasive, Non-native Species

16. The operator should monitor disturbed areas associated with the Proposed Action for establishment of any noxious weed species. Monitoring shall occur until successful reclamation/re-vegetation has been achieved. The operator should eliminate any noxious plants which become established before any seed production has occurred.

#### Cultural Resources

17. 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 on private lands without landowner permission. 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.

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.

18. 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.

#### Paleontological Resources

19. 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 on private lands without landowner permission. 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 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.

20. All excavations into the underlying rock formation must be monitored by an approved paleontologist at the time of excavation.

Visual Resource Management

21. Paint and maintain paint on all facilities approved with the Proposed Action to Covert Green (Standard Environmental Colors Chart CC-001: June 2008). Initial painting will occur within six months of installation.

Access and Transportation

22. All roads approved with the Proposed Action shall strictly adhere to the 2007 Gold Book fourth edition surface operating standards for oil and gas exploration and development.

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

**DECISION**

**PROJECT NAME:** EnCana Oil and Gas (EnCana), L24 496 four additional wells on existing well pad

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2012-0136-CX(390)

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0136-CX(390), authorizing the drilling, operation, and maintenance of the 8502C-23 L24 496, 8502D-23 L24 496, 8504C-24 L24 496, and 8504D-24 L24 496 wells.

**Mitigation Measures:**

1. If the wells have not been spudded by February 3, 2015 (five years from the date DOI-BLM-CO-110-2009-0229-EA was signed), the Applications for Permit to Drill (APDs) will expire and the operator is to cease all operations related to preparing to drill the wells.
2. Applicable Mitigation brought forward from DOI-BLM-CO-110-2009-0229-EA (Story Gulch Well Pads (2)) is attached as Appendix A.

**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**

Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on August 28, 2012. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on September 4, 2012. As of September 28, 2012 no comments or inquiries have been received.

**RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy Act. Drilling four additional wells from an existing location allows for further recovery of mineral resources with no additional surface disturbance.

**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 CRF Part 4.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

10/02/12