

**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-110-2012-0090-CX (390)

CASEFILE/PROJECT NUMBER: COC-58705
ROW (COC-66620) (Energy Transfer (ETC))

PROJECT NAME: Robert Bayless, Weaver Ridge 23-7H APD

LEGAL DESCRIPTION: T1S, R104W, SWNE Section 23

APPLICANT: Robert L. Bayless, Producer (Robert Bayless)

BACKGROUND:

On December 1, 2011 the Bureau of Land Management (BLM) White River Field Office (WRFO) received notification from Robert Bayless they were planning to stake new wells in the Weaver Ridge area. Two new wells were proposed with one of the locations being the Weaver Ridge 23-7H (WR 23-7H). The Early Notification (EN) process was initiated and an initial review of the proposed locations was reviewed by resource specialists in the WRFO.

The initial review showed cultural surveys may or may not be required depending on the area the wellpad was expanded. The initial review also showed raptor and sensitive plant surveys were required. Notice of Stakings (NOS) were received on 1/20/2012 with onsite date set and completed on 3/15/2012. A review of the NOS showed, based on the area the existing wellpad is proposed to be expanded, additional cultural surveys were required. Cultural surveys were completed prior to the onsite on 3/15/2012.

The onsite review showed the WR 23-10H wellpad is currently in interim reclamation status and no readjustments to the wellpad or road were required. The operator was made aware of weeds on the wellpad that need to be addressed prior to construction. Halogeton on the topsoil pile and near the southwest area of the wellpad near the entrance to the wellpad were noted. Additionally noted, were several tamarisk plants on the recontoured area in an area north of the production facilities. The BLM discussed with the operator that these weeds must be treated prior to expansion of the existing wellpad. The WR 23-7H is proposed on an existing wellpad with one

producing oil well (WR 23-10H). The WR 23-10H was approved in CO-110-2006-046-EA on 3/15/2006. The Robert Bayless 23-7H is located in close proximity to the Utah border.

DESCRIPTION OF PROPOSED ACTION:

Access to the proposed Robert Bayless 23-7H location requires crossing county, private and BLM roads. Along a portion of the access road there are two gates on private land. No new access road is required, but the last approximately 530 feet of the existing access road BLM 1220 will be re-routed in a southern direction for total disturbed acres of approximately 0.50 acres. All disturbed areas where the existing access road remains following re-routing of the access road on the eastern and southern portions of the original access road will be reclaimed. At final reclamation the road will not be re-routed and returned to pre-existing conditions prior to the construction of the 23-10H wellpad and drilling the 23-10H well. Access to the west side of the pad will be maintained on road BLM 1220.

Robert Bayless proposes to expand the existing WR 23-10H wellpad and drill one additional oil well, the WR 23-7H. Currently the wellpad is in interim reclamation and will be expanded to the northeast and southeast. The wellpad has been proposed and sized to accommodate at least two additional wells. The total disturbed acres for the wellpad (including expansion) to drill the WR 23-7H well is 4.70 acres. Currently there is a two inch surface gas line owned and operated by Energy Transfer (ETC) that transports the gas from the 23-10H well. The last approximately 545 feet of the pipeline will be relocated south of the re-routed portion of the access road to facilitate expansion of the wellpad. Energy Transfer will have a right-of-way (ROW) (COC-66620) assigned for the pipeline and will be responsible for any disturbance caused by moving the pipeline. Energy Transfer will be responsible for interim reclamation of the surface of the pipeline, and removal and final abandonment of the surface of the pipeline at final abandonment.

Production Facilities:

Current production facilities on the wellpad for the WR 23-10 well consist of three 400 barrel production tanks (currently surrounded by a dirt berm), one separator, one flare stack, a pump jack and a meter house. Existing production facilities are painted Juniper Green.

Proposed facilities will consist of an underground flow line (buried with minimum three feet of cover) from each wellhead to a manifold system. If a tank battery is constructed on this lease, it will be surrounded by a dike or metal berm of sufficient capacity to contain 110 percent of the volume of the largest production tank. All above-ground production equipment will be painted Juniper Green as specified at the onsite.

This well is proposed to be drilled with a closed-loop system requiring no reserve pit to drill the well. If Bayless is unable to drill using a closed-loop system, a reserve pit will be used. Should a reserve pit be required, Bayless will notify the BLM via a Sundry Notice (SN). Additionally, if a reserve pit is required it will be fenced "stock tight" on three sides with a four strand barbed or woven wire fence during drilling operations and on the fourth side at time of rig release. The pit will remain fenced until backfilled. In order to prevent use by migratory birds, reserve pits that store or are expected to store fluids, which may pose a risk to such birds, during completion and after completion activities have ceased shall be netted. Cuttings will be dried on site and treated

to meet the requirements of Table 910-1 of the Colorado Oil and Gas Conservation Commission (COGCC) prior to burial on site with a minimum of three feet of fill.

Detailed requirements of reclamation can be found on file under the WR 23-7H well at the BLM WRFO.

Table 1: Reclamation (interim and final) will be seeded using seed mix number 3 below:

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
3	Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
	Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata ssp. inermis</i>	3.5
	Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	3
		Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	2.5
	Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
		Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

Approximate Acreage Disturbance

Well disturbance	4.70 acres
Upgrade access road disturbance	0.50 acres
Pipeline disturbance	Energy Transfer (ETC)
Total	5.20 acres

Decision to be Made: The BLM will decide whether or not to approve one the additional well, associated pad expansion and road upgrades, 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, #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) provides specific instructions for using this CX.

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

The surface disturbance associated with this well in order to expand the existing pad is less than five acres. This expansion, the original disturbance and access road upgrade disturbance bring the total to 5.2 acres.

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

Yes, the surface disturbance on the lease (COC-58705) is less than 150 acres including the Proposed Action. By using aerial photography and geographic information systems (GIS) to calculate the disturbance acres, including the Proposed Action there is less than 50 acres of surface disturbance on the lease.

3) Is the Proposed Action within the boundaries of an area included in a site-specific NEPA document? (The NEPA document must have analyzed the exploration and/or development of oil and gas (not just leasing) and the action/activity being considered must be within the boundaries of the area analyzed in the environmental assessment (EA) or environmental impact statement (EIS). The NEPA document need not have addressed the specific permit or application being considered.)

The 23-10H, pad that the proposed 23-7H well is to be drilled on was analyzed under the CO-110-2006-046 environmental assessment (EA). In this Proposed Action the 23-10H pad from the CO-110-2006-046-EA will be expanded.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 5/8/2012. 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, Paleontological Resources	5/22/2012
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	7/24/2012
Amber Shanklin	Biological Technician – Plants	Special Status Plant Species	8/3/2012

REMARKS:

Cultural Resources: The area of the proposed Robert L. Bayless well pad 23-7H, and the associated access roads and pipeline locations has been completely inventoried at the Class III (100 percent pedestrian) level (Conner and Davenport 2012, Compliance Dated 3/20/2012). This inventory 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 a few cultural properties. Two Isolated Finds (5RB5192 and 5RB4193) were recorded immediately east of Weaver Ridge 23-7H (Connor and Davenport 2006, Compliance Dated 1/27/2006). These, by definition, are determined as not eligible to the National Register of Historic Places, and will not be discussed further in this document. The low site density in the vicinity is likely attributed to steep terrain, abundant brush and ground cover, and distance to water.

The Proposed Action would not adversely impact any known cultural resources. However, there always exists the slight possibility of previously undetected resources that could be adversely impacted by ground disturbing activities associated with the construction and realignment of the existing well pad, well pad expansion, rerouting the existing pipeline, and unauthorized illegal artifact collection due to increased access and visitation to the area.

Mitigation:

- The operator/holder/applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
- If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The operator/holder/applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator/holder/applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
- Pursuant to 43 CFR 10.4(g), the operator/holder/permittee/applicant 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/holder/permittee/applicant 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:

The Weaver Ridge 23-7H well pad is located in an area generally mapped as the lower part of the Parachute Member of the Green River Formation (Tweto 1979) which the BLM, WRFO, has classified as a PFYC4 formation meaning it is known to produce scientifically noteworthy fossil resources (c.f. Armstrong and Wolny 1989).

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.

Mitigation:

- The operator/holder/ 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.
- If any paleontological resources are discovered as a result of operations under this authorization, the operator/holder 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.

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:

There are no listed, proposed, or candidate animals known to inhabit or derive important benefit from the project locale.

Raptor nest surveys conducted in May/June 2012 consistent with WRFO survey protocols located two active and successful woodland nest sites that were, at their nearest points, a minimum 500 feet lateral and 60 feet below the access road and pipeline corridor. Proposed surface pipeline installation along the existing ridgeline road would have no effective influence on these nest locations regardless of their status. These nests are separated from pad construction and drilling operations by 285-377 meters of intervening woodland vegetation and are outside line-of-sight. There is no reasonable likelihood that proposed well development would disrupt subsequent nesting attempts at these locations.

Most of the project area is encompassed by mule deer severe winter range. Consistent with timing limitations authorized through the 1997 WRFO RMP, and as a means to reduce cumulative influences of human activity on animal condition and energetics during the winter months, project work would be prohibited from December 1 through April 30.

A number of migratory birds nest in the woodlands associated with the project area from about early May through late July. The project would entail the removal of about four acres of juniper-dominated woodland adjacent to the margin of an existing 1.6 acre well pad. Most of this acreage (about 3.5 acres) lies within 30 meters of the existing access road and pad and would be expected to support breeding bird densities that are reduced in both density and richness. Birds of Conservation Concern (FWS, Bird Conservation Region 16) that would be expected to inhabit these woodlands would be limited, under these circumstances, to juniper titmouse and (possibly) gray vireo. Because these species nest in low densities under ideal conditions, it is likely that the project would not involve an occupied breeding territory and unlikely that more than one nest attempt by these species would be subject to disturbance. It is recommended that vegetation clearing and earthwork associated with the project take place prior to 1 May, but no timing limitation on subsequent work during the migratory bird nest season is recommended in this case. Although the use of reserve pits is not anticipated, WRFO has included an updated Condition of Approval that is designed to provide clear objectives for preventing migratory bird access to potentially harmful fluids consistent with provisions of the Migratory Bird Act. (EH 7/24/2012)

Threatened and Endangered Plant Species:

This area was surveyed by WestWater Engineering during May 2012 for special status plant species (WestWater 2012). The pad is within 40 meters of known occupied habitat for a USFWS the candidate species White River beardtongue (*Penstemon scariosus* var. *albifluvis*) and within 20 meters of several BLM sensitive species: narrow-stem gilia (*Aliciella stenothyrsa*), Rollins cryptanth (*Cryptantha rollinsii*), and ephedra buckwheat (*Eriogonum ephedroides*). Construction of the pad must be completed so that no individual special status plant species will be directly removed. Indirect effects to the plant species include non-native species invasion and fugitive dust impacts.

Mitigation:

- Third party over-sight is required during all construction activities to prevent direct impacts to individual special status plant species. The Third party contractor must be a qualified botanist and be able to identify the special status plant species. If any direct impacts are observed, the third party contractor must contact the BLM immediately.
- Construction must occur outside of the growing season from late September through March.
- During construction, reclamation, and any ground disturbing maintenance activities, the operator shall install a silt fence on outer edges of disturbance to protect the special status plant species from construction activity. All silt fencing will be maintained until disturbance is stabilized and interim reclamation is completed. Silt fencing will be required for any new reclamation activities.
- All areas outside of the planned disturbance will be avoidance areas for all construction, reclamation, and production personnel.

- For any maintenance activity that would cause surface disturbance, resurveys for special status plant species will be required. These surveys would ensure no new populations will be disturbed during maintenance activities. Third party over-sight may be required depending on the results of the survey.
- All seed mixes must use native species only. The following seed mix should be used to promote pollinator habitat and reduce competitive exclusion from the special status plant species:

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Modified 3	Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata ssp. inermis</i>	4
	Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	4
		Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	4
	Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
		Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
		Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	2

- Dust suppression is required on all road and work areas using water only, free of any chemicals, oils, or solvents.
- As mentioned in the Proposed Action, a clear weed management and control plan must be implemented. BLM must be consulted prior to implementing weed control as only specific herbicides can be used to avoid negative impacts to special status plant species.
- To offset impacts related to the Proposed Action, BLM requires the operator to complete the following protection measures:
 - Construct a fence along the south edge of BLM 1220, just east of the well pad. This can be a single or double metal cable fence to protect the ephedra buckwheat and narrowstem gilia populations.
 - Construct a fence along the northern and southern edges of disturbance to deter public and employee traffic on narrowstem gilia and Rollin’s cryptanth populations.
 - Work with the BLM to close BLM 1220 to the east of the well pad to protect the special status plant species. There are populations of the White River penstemon, ephedra buckwheat, and narrowstem gilia in and along this road. The operator will fence and block this road from future public access.

REFERENCES CITED:

Armstrong, H. J. and D. G. Wolny
 1989 Paleontological Resources of Northwest Colorado: A
 Regional Analysis: Museum of Western Colorado, Grand Junction.

Conner, Carl E. and Barbara J. Davenport

2012 Class III Cultural Resource Inventory for the Proposed Weaver Ridge 14-15H and 23-7H Well Locations in Rio Blanco County, Colorado for Robert L. Bayless Producer, LLC. Grand River Institute, Grand Junction, Colorado. . [GRI Project No. 2012-3, BLM Project No.12-11-04, OAH Project No. RB.LM.NR2288].

Tweto, Ogden

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

WestWater Engineering

2012 Biological Survey Report for Robert L Baylees, Producer LLC, Weaver Ridge Pads: 14-15 Pad & 23-7H Pad. WestWater Engineering, Grand Junction, Colorado.

MITIGATION:

- 1) In accordance with the 1997 White River ROD/RMP, all trees removed in the process of construction shall be purchased from the BLM. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.
 - Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 30 percent ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
 - Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of six inches or less prior to other heavy equipment operation. These trees shall be cut in eight foot lengths and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public for use as post and/or poles.
- 2) Third party over-sight is required during all construction activities to prevent direct impacts to individual special status plant species. The Third party contractor must be a qualified botanist and be able to identify the special status plant species. If any direct impacts are observed, the third party contractor must contact the BLM immediately.
- 3) Construction must occur outside of the growing season, from late September through March.
- 4) During construction, reclamation, and any ground disturbing maintenance activities, the operator shall install a silt fence on outer edges of disturbance to protect the special status plant species from construction activity. All silt fencing will be maintained until disturbance is stabilized and interim reclamation is completed. Silt fencing will be required for any new reclamation activities.

- 5) All areas outside of the planned disturbance will be avoidance areas for all construction, reclamation, and production personnel.
- 6) For any maintenance activity that would cause surface disturbance, resurveys for special status plant species will be required. These surveys would ensure no new populations will be disturbed during maintenance activities. Third party over-sight may be required depending on the results of the survey.
- 7) All seed mixes must use native species only. The following seed mix should be used to promote pollinator habitat and reduce competitive exclusion from the special status plant species:

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Modified 3	Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata ssp. inermis</i>	4
	Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	4
		Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	4
	Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
		Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
		Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	2

- 8) Dust suppression is required on all road and work areas using water only, free of any chemicals, oils, or solvents.
- 9) As mentioned in the Proposed Action, a clear weed management and control plan must be implemented. BLM must be consulted prior to implementing weed control as only specific herbicides can be used to avoid negative impacts to special status plant species.
- 10) To offset impacts related to the Proposed Action, BLM requires the operator to complete the following protection measures:
 - a. Construct a fence along the south edge of BLM 1220, just east of the well pad. This can be a single or double metal cable fence to protect the ephedra buckwheat and narrowstem gilia populations.
 - b. Construct a fence along the northern and southern edges of disturbance to deter public and employee traffic on narrowstem gilia and Rollin's crypthanth populations.
 - c. Work with the BLM to close BLM 1220 to the east of the well pad to protect the special status plant species. There are populations of the White River penstemon, ephedra buckwheat, and narrowstem gilia in and along this road. The operator will fence and block this road from future public access.

- 11) The operator shall prevent migratory bird access to facilities that store or are expected to store fluids which may pose a risk to such birds (e.g., toxicity, compromised insulation). Features that prevent access to such fluids must be in place and functional within 24 hours of the drilling rig moving off the location and shall remain effective until such pits are removed or incapable of storing fluids. Deterrence methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval (the use of “bird balls” is discouraged). It will be the responsibility of the operator to notify the BLM of the method that will be used to prevent use two weeks prior to when completion activities are expected to begin. The BLM approved method will be applied within 24 hours after completion activities have begun. All lethal and non-lethal events that involve migratory birds will be reported to the BLM Petroleum Engineer Technician immediately.
- 12) As a means of reducing the direct involvement of migratory bird nesting activity, it is recommended that vegetation clearing and earthwork associated with the project avoid the core nesting season of May 1st through July 15th.
- 13) As a means to reduce cumulative influences of human activity on big game severe winter ranges, project work would be prohibited from December 1 through April 30.
- 14) The operator will be responsible for complying with all local, state, and federal air quality regulations as well as providing documentation to the BLM that they have done so. To minimize production of fugitive particulate matter, vehicle speeds must not exceed 15 mph or dust plume must not be visible at appropriate designated speeds for road design. In addition, the application of water will be required during dry periods when dust plumes are visible at speeds less than or equal to 15 mph. Surfacing the roadway with gravels will also help mitigate production of fugitive particulate matter.
- 15) To reduce production of fugitive particulate matter originating from well pads and associated stockpiled soils (long term storage) interim reclamation will be required. Interim reclamation will consist of excess stockpiled soils associated with pad construction being pulled back over the portion of the well pad not being utilized for production facilities and access. Portions of the well pad undergoing interim reclamation will be returned to grade (as close as possible), promptly re-seeded, and biodegradable fabrics will be utilized on slopes exceeding 5% (e.g. fill slopes).
- 16) If interim reclamation is not practical (e.g. completion of drilling operation will require an extended period time [multiple well pads]), stockpiled topsoil will be covered with biodegradable fabrics such as (but not limited to) jute netting and seeded with BLM seed mixture recommended in the Vegetation section. Furthermore, soils stockpiled for short durations (e.g. during road/pipeline construction/maintenance) will be wetted during dry periods to reduce production of fugitive particulate matter.
- 17) The operator/holder/applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

- 18) If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The operator/holder/applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator/holder/applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
- 19) Pursuant to 43 CFR 10.4(g), the operator/holder/permittee/applicant 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/holder/permittee/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
- 20) The operator/holder/ 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.
- 21) If any paleontological resources are discovered as a result of operations under this authorization, the operator/holder 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.
- 22) In accordance with Condition of Approval (COA) #179 from Appendix B of the White River ROD/RMP, application of herbicides must be under field supervision of an Environmental Protection Agency (EPA) certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.

- 23) The applicant shall be required to collect and properly dispose of any solid waste generated by the proposed actions.
- 24) To mitigate surface erosion at well pads, interim reclamation will be required as outlined in the Air Quality mitigation sections above. In addition, silt fences will be utilized on all slopes exceeding 5 % (e.g. cut and fill slopes). Furthermore, special care must be given to pad 23-9 to prevent erosion of stockpiled soils/fill material from entering the affected drainages. Silt fences, proper seeding, and the used of bio-degradable fabrics are recommended to mitigate potential 404 violations.
- 25) Ground Water: Shallow aquifers shall be protected from hydrofracturing and the production of oil and gas by installation and cementing of surface and intermediate casing. Any groundwater produced from the Fort Union or Mesa Verde Formations will be hauled off and disposed of due to poor water quality and therefore preventing adverse impacts to valuable surface and ground water resources. Environmentally unfriendly substances (e.g. diesel) must not be allowed to contact soils. The use of spill-guards (or equivalent spill prevention equipment) under and around pumping equipment is suggested to intercept such contaminants prior to contacting soils. Furthermore, to protect potential shallow ground water all pits shall be lined and all wastes associated with construction and drilling will be properly treated and disposed of as outlined in the proposed actions.

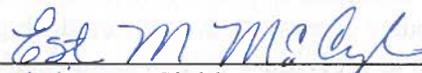
MONITORING AND COMPLIANCE: On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical 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.

SIGNATURE OF AUTHORIZED OFFICIAL: 
Acting Field Manager

DATE SIGNED: 8/23/12

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

DECISION

PROJECT NAME: Robert Bayless, Weaver Ridge 23-7H APD

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2012-0090-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0090-CX, authorizing the construction, operation, and maintenance of the WR-7H well with the associated expansion of the WR-10H well pad and road.

Mitigation Measures

- 1) In accordance with the 1997 White River ROD/RMP, all trees removed in the process of construction shall be purchased from the BLM. Trees should first be used in reclamation efforts and then any excess material made available for firewood or other uses.
 - Woody materials required for reclamation shall be removed in whole with limbs intact and shall be stockpiled along the margins of the authorized use area separate from the topsoil piles. Once the disturbance has been recontoured and reseeded, stockpiled woody material shall be scattered across the reclaimed area where the material originated. Redistribution of woody debris will not exceed 30 percent ground cover. Limbed material shall be scattered across reclaimed areas in a manner that avoids the development of a mulch layer that suppresses growth or reproduction of desirable vegetation. Woody material will be distributed in such a way to avoid large concentrations of heavy fuels and to effectively deter vehicle use.
 - Trees that must be removed for construction and are not required for reclamation shall be cut down to a stump height of six inches or less prior to other heavy equipment operation. These trees shall be cut in eight foot lengths and placed in manageable stacks immediately adjacent to a public road to facilitate removal for company use or removal by the public for use as post and/or poles.
- 2) Third party over-sight is required during all construction activities to prevent direct impacts to individual special status plant species. The Third party contractor must be a qualified botanist and be able to identify the special status plant species. If any direct impacts are observed, the third party contractor must contact the BLM immediately.
- 3) Construction must occur outside of the growing season, from late September through March.
- 4) During construction, reclamation, and any ground disturbing maintenance activities, the operator shall install a silt fence on outer edges of disturbance to protect the special status plant species from construction activity. All silt fencing will be maintained until

disturbance is stabilized and interim reclamation is completed. Silt fencing will be required for any new reclamation activities.

- 5) All areas outside of the planned disturbance will be avoidance areas for all construction, reclamation, and production personnel.
- 6) For any maintenance activity that would cause surface disturbance, resurveys for special status plant species will be required. These surveys would ensure no new populations will be disturbed during maintenance activities. Third party over-sight may be required depending on the results of the survey.
- 7) All seed mixes must use native species only. The following seed mix should be used to promote pollinator habitat and reduce competitive exclusion from the special status plant species:

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Modified 3	Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata ssp. inermis</i>	4
	Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	4
		Needle and Thread Grass	<i>Hesperostipa comata ssp. comata</i>	4
	Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
		Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
		Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	2

- 8) Dust suppression is required on all road and work areas using water only, free of any chemicals, oils, or solvents.
- 9) As mentioned in the Proposed Action, a clear weed management and control plan must be implemented. BLM must be consulted prior to implementing weed control as only specific herbicides can be used to avoid negative impacts to special status plant species.
- 10) To offset impacts related to the Proposed Action, BLM requires the operator to complete the following protection measures:
 - a. Construct a fence along the south edge of BLM 1220, just east of the well pad. This can be a single or double metal cable fence to protect the ephedra buckwheat and narrowstem gilia populations.
 - b. Construct a fence along the northern and southern edges of disturbance to deter public and employee traffic on narrowstem gilia and Rollin's crypthanth populations.
 - c. Work with the BLM to close BLM 1220 to the east of the well pad to protect the special status plant species. There are populations of the White River penstemon, ephedra buckwheat, and narrowstem gilia in and along this road. The operator will fence and block this road from future public access.

- 11) The operator shall prevent migratory bird access to facilities that store or are expected to store fluids which may pose a risk to such birds (e.g., toxicity, compromised insulation). Features that prevent access to such fluids must be in place and functional within 24 hours of the drilling rig moving off the location and shall remain effective until such pits are removed or incapable of storing fluids. Deterrence methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval (the use of “bird balls” is discouraged). It will be the responsibility of the operator to notify the BLM of the method that will be used to prevent use two weeks prior to when completion activities are expected to begin. The BLM approved method will be applied within 24 hours after completion activities have begun. All lethal and non-lethal events that involve migratory birds will be reported to the BLM Petroleum Engineer Technician immediately.
- 12) As a means of reducing the direct involvement of migratory bird nesting activity, it is recommended that vegetation clearing and earthwork associated with the project avoid the core nesting season of 1 May through 15 July.
- 13) As a means to reduce cumulative influences of human activity on big game severe winter ranges, project work would be prohibited from December 1 through April 30.
- 14) The operator will be responsible for complying with all local, state, and federal air quality regulations as well as providing documentation to the BLM that they have done so. To minimize production of fugitive particulate matter, vehicle speeds must not exceed 15 mph or dust plume must not be visible at appropriate designated speeds for road design. In addition, the application of water will be required during dry periods when dust plumes are visible at speeds less than or equal to 15 mph. Surfacing the roadway with gravels will also help mitigate production of fugitive particulate matter.
- 15) To reduce production of fugitive particulate matter originating from well pads and associated stockpiled soils (long term storage) interim reclamation will be required. Interim reclamation will consist of excess stockpiled soils associated with pad construction being pulled back over the portion of the well pad not being utilized for production facilities and access. Portions of the well pad undergoing interim reclamation will be returned to grade (as close as possible), promptly re-seeded, and biodegradable fabrics will be utilize on slopes exceeding 5% (e.g. fill slopes).
- 16) If interim reclamation is not practical (e.g. completion of drilling operation will require an extended period time [multiple well pads]), stockpiled topsoil will be covered with biodegradable fabrics such as (but not limited to) jute netting and seeded with BLM seed mixture recommended in the Vegetation section. Furthermore, soils stockpiled for short durations (e.g. during road/pipeline construction/maintenance) will be wetted during dry periods to reduce production of fugitive particulate matter.
- 17) The operator/holder/applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

- 18) If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The operator/holder/applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The operator/holder/applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
- 19) Pursuant to 43 CFR 10.4(g), the operator/holder/permittee/applicant 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/holder/permittee/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
- 20) The operator/holder/ 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.
- 21) If any paleontological resources are discovered as a result of operations under this authorization, the operator/holder 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.
- 22) In accordance with Condition of Approval (COA) #179 from Appendix B of the White River ROD/RMP, application of herbicides must be under field supervision of an Environmental Protection Agency (EPA) certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.

- 23) The applicant shall be required to collect and properly dispose of any solid waste generated by the proposed actions.
- 24) To mitigate surface erosion at well pads, interim reclamation will be required as outlined in the Air Quality mitigation sections above. In addition, silt fences will be utilized on all slopes exceeding 5 % (e.g. cut and fill slopes). Furthermore, special care must be given to pad 23-9 to prevent erosion of stockpiled soils/fill material from entering the affected drainages. Silt fences, proper seeding, and the used of bio-degradable fabrics are recommended to mitigate potential 404 violations.
- 25) Ground Water: Shallow aquifers shall be protected from hydrofracturing and the production of oil and gas by installation and cementing of surface and intermediate casing. Any groundwater produced from the Fort Union or Mesa Verde Formations will be hauled off and disposed of due to poor water quality and therefore preventing adverse impacts to valuable surface and ground water resources. Environmentally unfriendly substances (e.g. diesel) must not be allowed to contact soils. The use of spill-guards (or equivalent spill prevention equipment) under and around pumping equipment is suggested to intercept such contaminants prior to contacting soils. Furthermore, to protect potential shallow ground water all pits shall be lined and all wastes associated with construction and drilling will be properly treated and disposed of as outlined in the proposed actions.

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 5/8/2012. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 5/8/2012.

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.

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:


Acting Field Manager

DATE SIGNED:

8/23/12

