

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 (CX) for Oil and Gas Development

NUMBER: DOI-BLM-CO-110-2013-0004-CX

CASEFILE/PROJECT NUMBER: COD 052154

PROJECT NAME: XTO's Proposed Piceance Creek Unit (PCU) T78X-12G5-G9 Wells (5)

LEGAL DESCRIPTION: T. 2 S., R. 97 W., Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$

APPLICANT: XTO Energy Inc.

BACKGROUND: The onsite for the original pad expansion and wells G1 through G10 was conducted in November, 2009. The well site name at the time of the onsite was PCU T78X-12G. The NEPA document associated with this location is DOI-BLM-CO-110-2010-0174-DNA, and this document was signed by the Authorized Officer (AO) on 6/25/2010. Because the original location predated NEPA, and because there were a total of 9 existing NEPA documents (beginning in 2008) that reviewed similar impacts within a four mile radius of the existing PCU T78X-12G5 location, in 2010 it was decided that a DNA would be adequate to approve an expansion of the well pad and drill 10 additional wells. Consequently, the conductor casings were set for the 5 wells that are included in this application (i.e., G5 through G9), and the remaining G10 through G14 wells were completed to total depth (TD) and were subsequently shut in. BLM records also indicate that wells G1, G3 and G4 have been temporarily abandoned, and the G2 well is abandoned.

Producing well density at the site is approximately 5 producing wells per square mile, and the density of linear features at the site, which is composed primarily of road and pipeline corridors, is approximately 3 miles of linear features per square mile.

Dominant shrub and tree cover at the site is composed of Wyoming big sagebrush, pinyon-juniper, and rabbitbrush. Dominant grass species at the site include intermediate and bluebunch wheatgrass. Some noxious weeds (e.g., cheatgrass and mustard) were also observed during biological surveys.

The well pad is located near the crest of a ridge. Drainage from the wellpad flows east and north-northwest to unnamed drainages discharging to Hatch Gulch. Hatch Gulch is an intermittent drainage which flows west to Piceance Creek.

The APDs for wells G5 through G7 serves as application for any off-lease or off unit rights-of-ways. This language was not included in the APDs for wells G8 or G9.

DESCRIPTION OF PROPOSED ACTION: XTO proposes to drill 5 new wells on the existing PCU T78X-12G location (See Figure 1). No additional surface disturbance would be required to access the well pad or to drill or produce the proposed wells.

Decision to be Made: The BLM will decide whether or not to approve drilling the proposed 5 wells.

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 CX's 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, #2: "*Drilling an oil and gas location or well pad at a site at which drilling has occurred within five (5) 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 well to be drilled from a location or well pad that has been previously disturbed or constructed to support drilling a well?* Yes.

2) *Has drilling occurred on the site within five years prior to the date of spudding the proposed well?* Yes. The Piceance Creek Unit T78X-12G10 well was the last well to be drilled on this location. The spud date for this well was 04/04/2012.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the WRFO interdisciplinary team on 10/16/2012. A list of resource specialists who participated in this review is available upon request from the WRFO. Table 1 lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Table 1. Interdisciplinary Team

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	10/16/2012
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	10/30/2012
Zoe Miller	Ecologist	Special Status Plant Species	11/13/2012

REMARKS:

Cultural Resources: The well pad location has been inventoried at the Class III (100 percent pedestrian) level by two inventories (Camp 2010 Compliance dated 5/27/2010, Hauck 2001 Compliance Dated 5/21/2001). No cultural resources were identified at the well pad location by either inventory. The proposed new wells will not impact any known cultural resources. There are no recorded cultural resources within 1,000 feet (305 meters) of the proposed wells.

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.

Paleontological Resources: The proposed wells are located in an area generally mapped as the Uintah Formation (Tweto 1979) which the BLM, WRFO has classified as a Potential Fossil Yield Classification 5 formation meaning it is known to produce scientifically noteworthy fossil resources (c.f. Armstrong and Wolny 1989). Should it become necessary to excavate into the underlying sedimentary formation to construct reserve, cuttings or blooie pits there is a potential to impact scientifically noteworthy fossil resources. Any impacts to fossil resources could result in an irreversible and irretrievable loss of scientific paleontological data.

Threatened and Endangered Wildlife Species: There are no new issues or concerns associated with the special status animals or associated habitats that may be influenced by the Proposed Action. However, the Proposed Action is located within Colorado Parks and Wildlife mapped big game critical winter range. Therefore, activity associated with the Proposed Action will not be permitted to take place from December 1 through April 30th. All other wildlife issues were adequately addressed in DOI-BLM-CO-110-2010-0174-DNA (see mitigation listed below).

Threatened and Endangered Plant Species: There are no concerns with special status plant species associated with the Proposed Action. However, future activities may require special status plant species surveys and mitigation measures if populations are identified.

REFERENCES CITED:

- Armstrong, Harley J., and David G. Wolny
1989 Paleontological Resources of Northwest Colorado. A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.
- Camp, Beth Ann
2010 ExxonMobil Corporation: A Class III Cultural Resources Inventory of the Proposed PCU197-36A Flowline Alignment and PCU T78X-12G Well Pad Examination and Access in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Wheat Ridge, Colorado. (10-54-02: SHOP #RB.LM.NR2131)
- Hauck, F. Richard
2001 Cultural Resource Evaluation of 14 Proposed Locations & and A Compressor Site Location in the magnolia Ridge Locality of Rio Blanco County, Colorado. Archaeological-Environmental Research Corporation, Bountiful, Utah. (01-38-04: SHPO #RB.LM.NR1155)
- Tweto, Ogden
1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. The Piceance Creek Unit T78X-12G10 well was the last well to be drilled on this location. The spud date for this well was 04/04/2012. If the first proposed well to be drilled on this location has not been spudded by 04/04/2017 (five years from previous well spud or completion), the Application for Permit to Drill (APD) will expire and the operator is to cease all operations related to preparing to drill the well.
2. XTO 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.
3. If any paleontological resources are discovered as a result of operations under this authorization, XTO 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.

4. 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.

The following applicable mitigation measures from the CO-110-2010-0174-DNA are carried forward:

1. The *designated Natural Resource Specialist* will be notified 24 hours prior to beginning all reclamation activities associated with this project via email or by phone. Reclamation activities may include, but are not limited to, seed bed preparation that requires disturbance of surface soils, seeding, constructing exclosures (e.g., fences) to exclude livestock from reclaimed areas.
2. There will be no development allowed on pad PCU T78X-12G from 1 December through 30 April to avoid big game severe winter ranges (TL-08 White River ROD/RMP).
3. The operator shall prevent use by migratory birds of reserve pits that store or are expected to store fluids which may pose a risk to such birds (e.g., migratory waterfowl, shorebirds, wading birds and raptors) during completion and after completion activities have ceased. Methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval. 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.
4. In an attempt to track interim and final reclamation of federal actions related to the development of federal mineral resources, the operator shall provide the designated BLM natural resource specialist with geospatial data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS). These data will be used to accurately locate and identify all geographic as-built (i.e., constructed) features associated with this project and included in the Application for Permit to Drill (APD) or Sundry Notice (SN), as appropriate. These data shall be submitted within 60 days of construction completion. If the operator is unable to submit the required information within the specified time period, the operator shall notify the designated BLM natural resource specialist via email or by phone, and provide justification supporting an extension of the required data submission time period. GIS polygon features may include, but are not limited to, constructed access roads, existing roads that were upgraded, pipeline corridors, and well pad footprints. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or, (3) AutoCAD (.dwg or .dxf file format). If possible, both (2) and (3) should be submitted for each as-built feature. Geospatial data must be submitted in UTM Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip

only), or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the *Content Standards for Digital Geospatial Metadata* from the Federal Geographic Data Committee standards. Questions shall be directed to WRFO BLM GIS staff at (970) 878-3800.

If the operator is unable to send the data electronically, the operator shall submit the data on compact disk(s) to:

BLM, White River Field Office
Attn: GIS Staff
220 East Market Street
Meeker, Colorado 81641

Internal and external review of the reporting process and the adequacy of the associated information to meet established goals will be conducted on an on-going basis. New information or changes in the reporting process will be incorporated into the request, as appropriate. Subsequent permit application processing may be dependent upon successful execution of this request, as stated above.

5. The operator will be required to meet with the WRFO reclamation staff in March or April of each calendar year and present a comprehensive work plan. The purpose of the plan is to provide information pertaining to reclamation activities that are expected to occur during the current growing season. The operator shall also provide a map that shows all reclamation sites where some form of reclamation activity is expected to occur during the current growing season.
6. A Reclamation Status Report will be submitted electronically via email and as a hard-copy to WRFO Reclamation Coordinator. Please submit the hardcopy to:

BLM, White River Field Office
220 East Market Street
Meeker, Colorado 81641
Attn: Brett Smithers

The Reclamation Status Report will be submitted annually for all actions that require disturbance of surface soils on BLM-administered lands as a result of the Proposed Action. Actions may include, but are not limited to, well pad and road construction, construction of ancillary facilities, or power line and pipeline construction. The Reclamation Status Report will be submitted by September 30th of each calendar year, and will include the well number, API number, legal description, UTM coordinates (using the NAD83 datum, Zone 13N coordinate system), project description (e.g., well pad, pipeline, etc.), reclamation status (e.g., Phase I Interim, Phase II Interim, or Final), whether the well pad or pipeline has been re-vegetated and/or re-contoured, percent of the disturbed area that has been reclaimed, method used to estimate percent area reclaimed (e.g., qualitative or quantitative), technique used to estimate percent area reclaimed (e.g., ocular, line-intercept, etc.), date seeded, photos of the reclaimed site, estimate of acres

seeded, seeding method (e.g., broadcast, drilled, hydro-seeded, etc.), and contact information for the person(s) responsible for developing the report. The report will be accompanied with maps and GIS data showing each discrete point (i.e., well pad), polygon (i.e., area where seed was applied for Phase I and/or Phase II interim reclamation or area reclaimed for final reclamation), or polyline (i.e., pipeline) feature that was included in the report. Geospatial data shall be submitted: for each completed activity electronically to the designated BLM staff person responsible for the initial request and in accordance with WRFO geospatial data submittal standards (available from WRFO GIS Staff, or on the WRFO website). Internal and external review of the WRFO Reclamation Status Report, and the process used to acquire the necessary information will be conducted annually, and new information or changes in the reporting process will be incorporated into the report.

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: Brett Smithers (Project Leader)

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:


Field Manager

DATE SIGNED: 02/01/13

ATTACHMENTS:

Figure 1. Project area map.

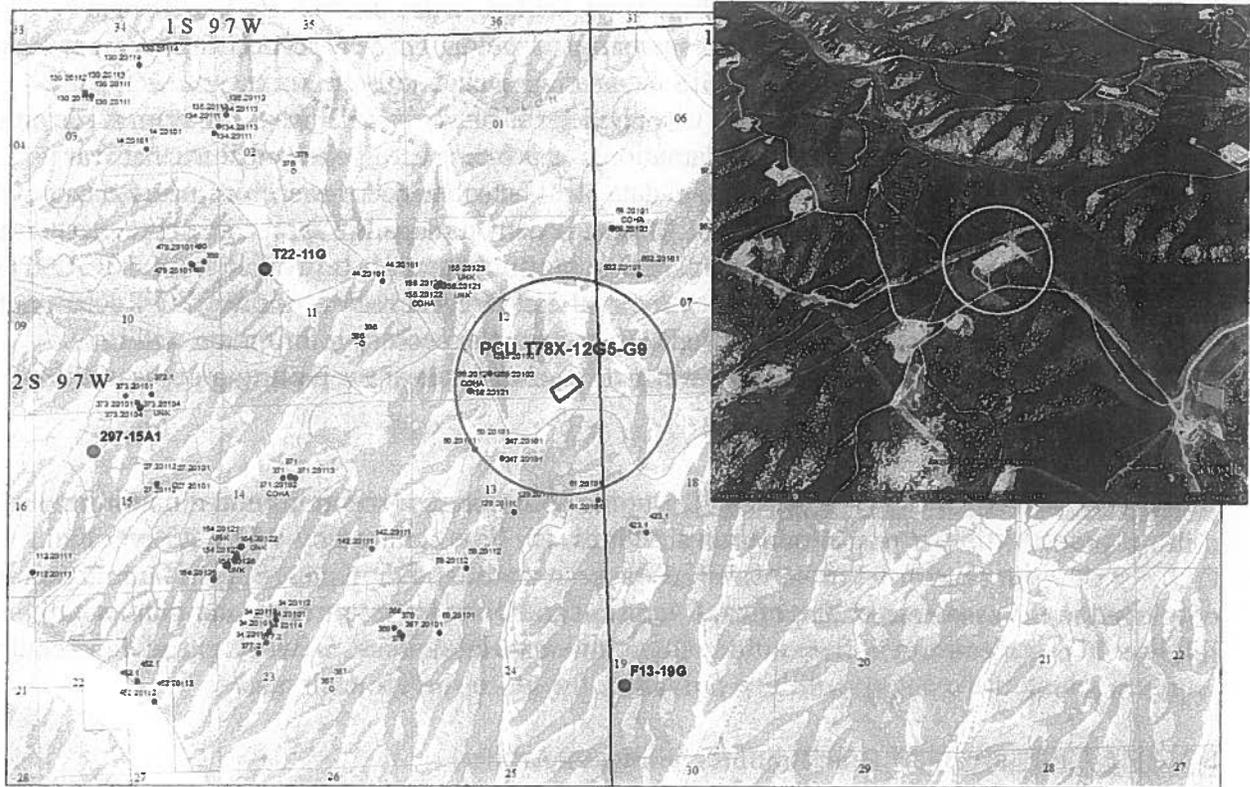


Figure 1. The figure above illustrates the geographic location of the existing well pad (symbolized as a red polygon directly above) where the 5 wells would be drilled. The figure also includes an image that shows the distribution and type of disturbance within approximately 1 mile of the proposed well locations.

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DECISION RECORD

PROJECT NAME: XTO's Proposed Piceance Creek Unit (PCU) T78X-12 G5-G9 Wells (5)

CATEGORICAL EXCLUSION (CX) NUMBER: DOI-BLM-CO-110-2013-0004-CX

DECISION: It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0004-CX authorizing the drilling, operation, and maintenance of the 5 wells (G5 through G9) from the existing Piceance Creek Unit T78X-12G well pad.

Mitigation Measures:

1. The Piceance Creek Unit T78X-12G10 well was the last well to be drilled on this location. The spud date for this well was 04/04/2012. If the first proposed well to be drilled on this location has not been spudded by 04/04/2017 (five years from previous well spud or completion), the Application for Permit to Drill (APD) will expire and the operator is to cease all operations related to preparing to drill the well.
2. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (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.
3. 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.

4. 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 authorized officer.
5. 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. 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 authorized officer (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)
6. 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.
7. If it becomes necessary, for any reason, to excavate into the underlying rock formation to level the pad, excavate any reserve/cuttings/blooiie pits or construct the new access road a paleontological shall be present for all such excavations prior the commencement of the excavations.
8. The *designated Natural Resource Specialist* will be notified 24 hours prior to beginning all reclamation activities associated with this project via email or by phone. Reclamation activities may include, but are not limited to, seed bed preparation that requires disturbance of surface soils, seeding, constructing exclosures (e.g., fences) to exclude livestock from reclaimed areas.
9. There will be no development allowed on pad PCU T78X-12G from 1 December through 30 April to avoid big game severe winter ranges (TL-08 White River ROD/RMP).
10. The operator shall prevent use by migratory birds of reserve pits that store or are expected to store fluids which may pose a risk to such birds (e.g., migratory waterfowl, shorebirds, wading birds and raptors) during completion and after completion activities have ceased. Methods may include netting or other alternative methods that effectively prevent use and that meet BLM approval. 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.

11. In an attempt to track interim and final reclamation of federal actions related to the development of federal mineral resources, the operator shall provide the designated BLM natural resource specialist with geospatial data in a format compatible with the WRFO's ESRI ArcGIS Geographic Information System (GIS). These data will be used to accurately locate and identify all geographic as-built (i.e., constructed) features associated with this project and included in the Application for Permit to Drill (APD) or Sundry Notice (SN), as appropriate. These data shall be submitted within 60 days of construction completion. If the operator is unable to submit the required information within the specified time period, the operator shall notify the designated BLM natural resource specialist via email or by phone, and provide justification supporting an extension of the required data submission time period. GIS polygon features may include, but are not limited to, constructed access roads, existing roads that were upgraded, pipeline corridors, and well pad footprints. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or, (3) AutoCAD (.dwg or .dxf file format). If possible, both (2) and (3) should be submitted for each as-built feature. Geospatial data must be submitted in UTM Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment; or (2) on a standard compact disk (CD) in compressed (WinZip only), or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the *Content Standards for Digital Geospatial Metadata* from the Federal Geographic Data Committee standards. Questions shall be directed to WRFO BLM GIS staff at (970) 878-3800.

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12. The operator will be required to meet with the WRFO reclamation staff in March or April of each calendar year and present a comprehensive work plan. The purpose of the plan is to provide information pertaining to reclamation activities that are expected to occur during the current growing season. The operator shall also provide a map that shows all reclamation sites where some form of reclamation activity is expected to occur during the current growing season.

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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 10/16/2012. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 11/05/2012. As of 01/29/2013, 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. Also, drilling from an existing pad enables the extraction of additional gas resource without 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 CFR Part 4.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

02/01/13

