

**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-110-2014-0028-CX

CASEFILE/PROJECT NUMBER: COC-59395

PROJECT NAME Yellow Creek Federal 28-23-1

LEGAL DESCRIPTION: T. 1N R. 98W NESW Section 28

APPLICANT: BOPCO L.P.

BACKGROUND:

This location was included in the DOI-BLM-CO-110-2007-0203-EA, and the Application for Permit to Drill (APD) was approved in 2008 and a two year extension was granted in 2010. The APD expired in August of 2012. Although it has not been drilled the location was constructed.

DESCRIPTION OF PROPOSED ACTION:

BOPCO L.P. (BOPCO) is proposing to drill a well on the Yellow Creek Federal Unit at the 28-23-1 location (Figure 1). This location was previously built but never drilled. The estimated disturbance is approximately 5.25 acres. This included the well pad (3.84 acres) and the associated access road and pipeline. Being that the location has been constructed there will be no new surface disturbance, all activity will be limited to the existing pad and road.

Design Features:

The Surface Use Plan of Operations is an extension of the Proposed Action and incorporated as design features.

Decision to be Made: The Bureau of Land Management (BLM) will decide whether or not to approve the APD, 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 location has already been constructed just not drilled so no additional surface disturbance will occur.

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

The lease currently has an estimated 60.5 acres of disturbance as determined via GIS and aerial photos (2011 NAIP imagery) in November of 2013.

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.)

Originally the location was analyzed in the CO-110-2007-203-EA which was signed on July 29, 2008. This Environmental Assessment included six well pad locations including the YCF 28-23-1.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on December 3, 2013. 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
Michel Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	12/10/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	12/19/2013
Heather Woodruff	Range Management Specialist/Ecologist	Special Status Plant Species	12/18/2013

REMARKS:

Cultural Resources: Proposed BOPCO YCF 28-23-1 well location, access, and well tie pipeline route: The Proposed well location, access road and well tie pipeline routes have been inventoried at the Class III (100% pedestrian) level (Polk 2007, Compliance Dated 2/6/2008, Selle 1999 compliance dated 7/29/1999) with no new cultural resources identified in the inventoried area. However there is a potential for undetected resources within 1,000 feet (305 meters) of the well location.

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 well pad location is located in an area generally mapped as the Uinta Formation (Tweto 1979) which has been categorized as a Potential Fossil Yield Classification (PFYC) 5 formation indicating that it is known to produce scientifically noteworthy fossil resources (c. Armstrong and Wolny 1989). If it becomes necessary to excavate into the underlying sedimentary rock to prepare the drill rig cellar, excavate a reserve/cuttings/blooiie pit or bury any well tie pipelines there is a potential to impact scientifically noteworthy fossil resources. Any impacts to fossil resources would likely represent a permanent, long term, irreversible and irretrievable loss of data from the regional paleontological database.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. Woodlands within 300 meters of the well pad may provide suitable nest substrate for several species of hawks and owls. Activities (drilling, vehicle traffic, etc.) that take place during the breeding season (May 15 – July 15) may have indirect impacts to migratory birds (including raptors) as birds may avoid the use of otherwise functional forage and cover resources in close proximity to disruptive activities.

Threatened and Endangered Plant Species: The proposed BOPCO YCF 28-23-1 well location, access, and pipeline were surveyed in August 2006. No special status plant species (SSPS) or habitat was found at the time of that survey. Currently the pad location is located within potential threatened habitat. The pad, access road and pipeline have been fully constructed and no new disturbance will be occurring at this time so no plant surveys are required. However, if new

disturbance occurs outside the existing wellpad, access road and pipeline footprint new plant surveys for the area will be required to assess if the previous survey information still is adequate.

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.

Polk, Michael R.

2007 A Class III Cultural Resource Inventory of BOPCO's Proposed Well Locations for Yellow Creek Federal #5-12-1, 5-25-1, 29-13-1, 28-23-1, 26-21-1, 4-11-1, 4-32-1, 6-33-1, 25-12-1, 25-44-1, Their Associated Access Roads and Pipelines, and the Pipeline for Yellow Creek Federal #27-32-1, Rio Blanco County, Colorado. Sagebrush Consultants, L.L.C., Ogden, Utah. (08-55-02: OAH # RB.LM.R1028)

Selle, Michael

1999 Cultural Resource Inventory of the Proposed Pinto Mesa Hazardous Fuel Reduction Prescribed Burn. Bureau of Land Management, White River Field Office, Meeker, Colorado. (99-10-09: OAH # RB.LM.NR1060)

Tweto, Ogden

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

MITIGATION:

Brought forward from the previous NEPA document (DOI-BLM-CO-110-2007-0203EA) for the location:

1. All access roads will be treated with water and/or a dust suppressant during construction and drilling activities so that there is not a visible dust trail behind vehicles. All vehicles will abide by public speed restrictions during all activities. Company-set speed restrictions will not exceed 15 miles per hour. If water is used as a dust suppressant, there will be no traces of oil or solvents in water. Dust abatement will not be used as a water disposal option under any circumstances.
2. Prior to surface-disturbing activities, BOPCO and/or their contractors will determine and report, consistent with BLM White River Field Office raptor nest survey protocols, if active/occupied raptor nests are present within ¼ mile of proposed development sites. Nesting activity that has potential to be adversely influenced by well or access development will be subject to BLM-imposed Conditions of Approval that meet the intent of appropriate nest protection stipulations NSO-02/03 and TL-01/03 as established in the 1997 White River Resource Management Plan

3. To minimize the potential for vehicle collisions with raptors, BOPCO will advise project personnel regarding appropriate speed limits in the Project Area, and CPW will be contacted regarding the presence of carrion within or along roadways.
4. The release of any chemical, oil, petroleum product, produced water, or sewage, etc, (regardless of quantity) must be reported by the lease holder, to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800.
5. Water-based drilling mud and completion fluids will be recycled to minimize the need for proper disposal. Produced water during drilling and completion activities will be cleaned and tested for reuse to minimize the volume that needs to be disposed. Disposal of all water will be in strict conformance with established rules and regulations relating to the Clean Water Act and existing Federal and state water quality requirements.
6. Construction debris and general wastes will be managed as solid waste and disposed of at approved disposal facilities permitted by the State of Colorado. Receptacles will be provided for the collection of wastes generated during construction and operations.
7. All pipelines will be hydrostatically tested to ensure integrity in accordance with current industry standards (American Society of Mechanical Engineers [ASME] B31.4 and B31.8) and with current Federal regulations. All hydrostatic test water will be tested to meet current water quality standards before being properly disposed at an approved facility.
8. Provide for erosion-resistant surface drainage by adding necessary drainage facilities and armoring prior to fall rain or snow. When erosion is anticipated, sediment barriers shall be constructed to slow runoff, allow deposition of sediment, and prevent it from leaving the site. In addition, straining or filtration mechanisms may also contribute to sediment removal from runoff.
9. The operator will submit a design for the rock check dams to be used as part of the stormwater measures. The design should include the type of rock, fabric or other materials to be used, shape and height of the dams and maintenance planned.
10. Keep road inlet and outlet ditches, catch basins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine-cleaning of ditches should be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
11. A Reclamation Status Report will be submitted to the WRFO biannually 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 May 15 and November 15 of each calendar year, and will include the well number, legal description, project description (e.g., well pad or pipeline), reclamation status (e.g., interim or final), whether the well pad or pipeline has been re-vegetated and/or re-contoured, date seeded, photos of the reclaimed site, estimate of acres seeded and seeding method (e.g., disk-plowed, drilled, or

both). Internal and external review of this plan 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 plan. The Reclamation Status Report will be submitted electronically via email as a Microsoft Excel table to Natural Resource Specialist, Ryan Snyder (rlsnyder@blm.gov).

12. During reclamation, protective fences will be installed around reseeded well pads to reduce the possibility of foraging by wild horses and livestock, thereby allowing for proper vegetation reestablishment. Protective fences will be built to current Type-D BLM fence standards. These fences will be maintained until the reseeded areas achieve the desired density and are mature enough to withstand the pressure of foraging.
13. Prior to surface-disturbing activities, BOPCO and/or their contractors will determine if pregnant mares are present in the vicinity of proposed development sites. If BLM determines wild horses are in the vicinity of proposed development, development activities may be delayed for a specified 60 day period within the spring foaling period between March 1 and June 15. The lessee may also be required to perform special conservation measures within this area including: 1) Habitat improvement projects in adjacent areas if development displaces wild horses from critical habitat, 2) disturbed watering areas will be replaced with an equal source of water having equal utility, and 3) activity/improvements will provide for unrestricted movement of wild horses between summer and winter ranges.
14. Promptly revegetate all disturbed areas with Native Seed mix #3. Drill seeding is the preferred method of seeding. If seed is broadcast, double the seeding rate and provide for seed coverage by harrowing or dragging after seed application. Table rates are PLS pounds per acre. No debris will be scattered on the pipeline right of way until after seeding operations are complete.

Native Seed mix #3		
Western wheatgrass (Rosanna)	2	Gravelly 10"-14", Pinyon/Juniper Woodland, Stony Foothills, 147 (Mountain Mahogany)
Bluebunch wheatgrass (Whitmar)	1	
Thickspike wheatgrass (Critana)	1	
Indian ricegrass (Rimrock)	2	
Fourwing saltbush (Wytana)	1	
Utah sweetvetch	1	
Alternates: Needle and thread, globemallow		

15. The operator will be required to monitor the project area for the life of the project and eradicate all noxious and invasive species which occur on site using materials and methods approved in advance by the Authorized Officer.

Additional/Updated Mitigation:

16. BOPCO 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.

17. 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 AO. BOPCO 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. BOPCO, 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.
18. Pursuant to 43 CFR 10.4(g), BOPCO 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), BOPCO must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
19. BOPCO 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.
20. If any paleontological resources are discovered as a result of operations under this authorization, BOPCO 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.
21. 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.
22. If drilling activities are scheduled to begin after March 1, a raptor survey must be conducted and the results submitted to WRFO Wildlife staff prior to the initiation of

drilling. Surveys will follow WRFO raptor survey protocol. Should an active nest be located, timing stipulations identified in the 1997 White River ROD/RMP would be applied.

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.

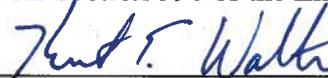
NAME OF PREPARER: Ryan Snyder

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:



Field Manager

DATE SIGNED:

01/10/14

ATTACHMENTS:

Figure 1: Map of the location.

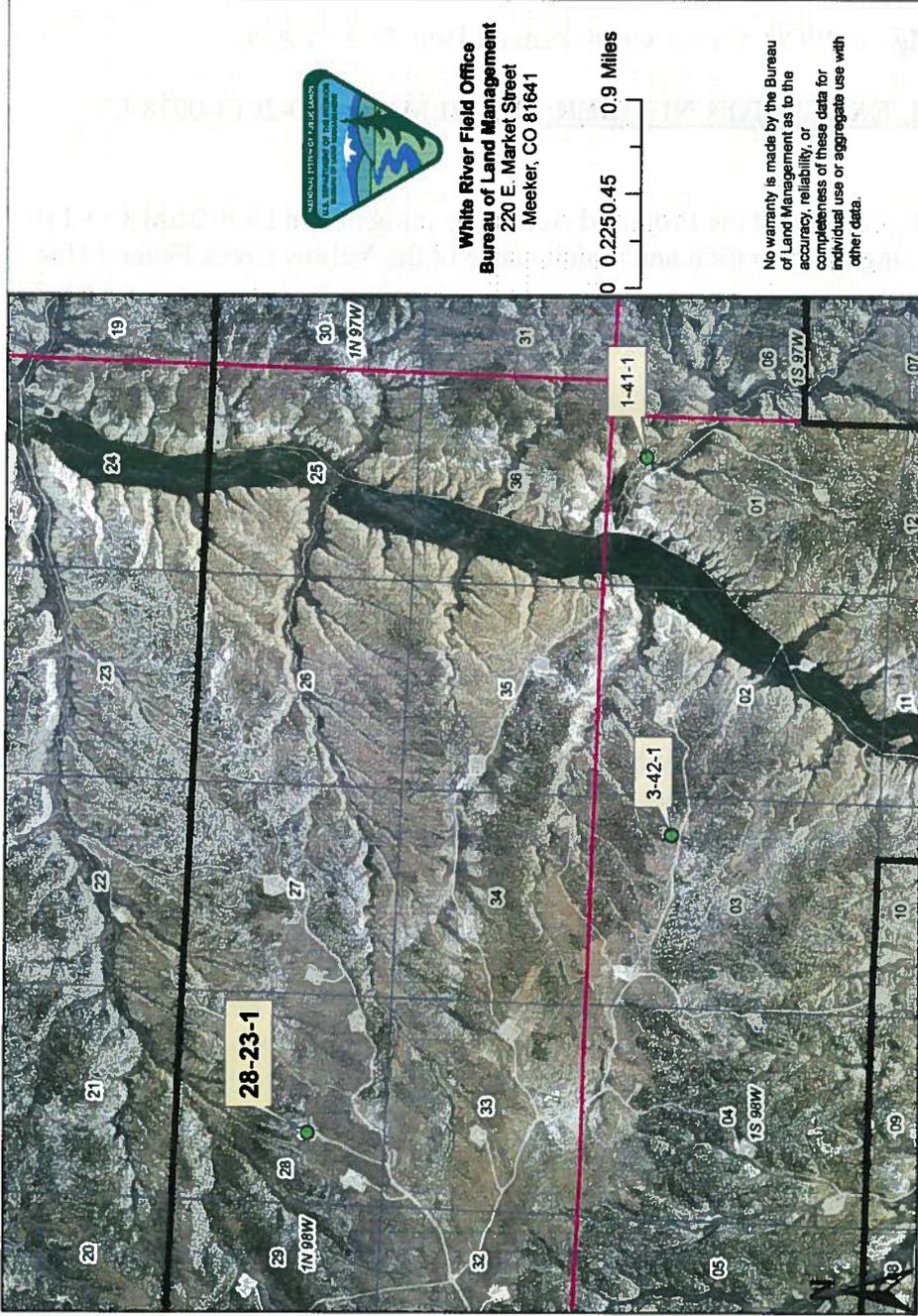


Figure 1: Map depicting location for the YCF-28-23-1 well pad.

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

DECISION

PROJECT NAME: BOPCO Yellow Creek Federal Unit 28-23-1 APD

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2014-0028-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2014-0028-CX, authorizing the operation and maintenance of the Yellow Creek Federal Unit 28-23-1 well and location.

Mitigation Measures

Brought forward from the previous NEPA document (DOI-BLM-CO-110-2007-0203-EA) for the location:

1. All access roads will be treated with water and/or a dust suppressant during construction and drilling activities so that there is not a visible dust trail behind vehicles. All vehicles will abide by public speed restrictions during all activities. Company-set speed restrictions will not exceed 15 miles per hour. If water is used as a dust suppressant, there will be no traces of oil or solvents in water. Dust abatement will not be used as a water disposal option under any circumstances.
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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 December 3, 2013. External scoping was conducted by

posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on December 3, 2013.

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. This location and well was already analyzed in DOI-BLM-CO-110-2007-0203EA, and the location was already constructed. However, the well was not drilled and the APD expired. This CX is for the resubmitted APD. Since there is no new surface disturbance, and there is less than 150 acres of disturbance on the lease 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.”*

ADMINISTRATIVE REMEDIES

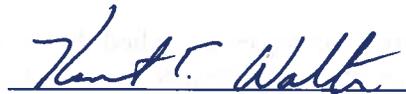
State Director Review

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:

01/10/14