

**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-110-2014-0003-CX

CASEFILE/PROJECT NUMBER: COC-63731

PROJECT NAME: Mesa Proposed Waterline to F11X 199

LEGAL DESCRIPTION: T1S R99W Sec 10 and 11

APPLICANT: Mesa Energy Partners, LLC

DESCRIPTION OF PROPOSED ACTION:

Mesa Energy Partners, LLC (Mesa) is proposing to install a buried water line from the Canary 6601 well to the F11X 199 well (Figure 1). This will be carrying produced water for disposal. The line will be approximately 2,500 feet long and installed in the northern most extent of the existing road way. The pipeline will be a four inch poly pipe to be buried with a minimum three feet of cover (except where rock outcrop makes excavation impossible). The trench width would be approximately 24 inches. The duration of the work would be three to four weeks. This would be completed with the following equipment: a crew of approximately 10 people, 5 or more small trucks for crews, one or more semi-trucks for hauling equipment and pipe, D-8 cat and D-4 trackhoe with side boom, 1 trencher or 1-3 backhoes.

Design Features

The applicant has committed to:

1. A cultural monitor will be present during activities on the section of roadway that was not previously inventoried.
2. A paleontology monitor will be present during trenching activities for the entire project.
3. Work on this project will be completed by December 1, 2013.
4. All disturbance will be contained to the roadway (gas line berm on the southern end to the borrow ditch on the northern end), this includes but is not limited to all vehicles and equipment.
5. The pipeline will be installed on the northern extent of the roadway to avoid disturbance outside the road surface.
6. During the 2014 blooming season special status plant surveys will be required for a 300 meter distance around the Canary 6601 well pad, F11X 199 well pad, and the road. If

plants are identified as being present then Section 7 consultation will be initiated and further mitigation may be applied.

7. Dust suppression and monitoring will occur along the entire ROW corridor while in development, including all construction, parking, and equipment areas. Dust suppression will be accomplished only with fresh water free of any chemicals, oils, or solvents.
8. Mesa will appoint a qualified, independent third-party contractor (Contractor) to provide general project oversight, assure compliance with the terms and conditions of this approval. The Contractor will be present during all surface disturbing operations that occur until reclamation is completed. The following items will be completed by the Contractor:
 - a. In addition to obtaining standard photographic evidence of development activities to document compliance with Conditions of Approval, the Contractor will take photos of construction activities that generate dust plumes. The Contractor will take such photographs for as long as Mesa continues activities within the ROW corridor that have the potential of generating dust plumes and the settlement of dust outside of the ROW corridor. In addition to taking photographic evidence of the generation of dust plumes, the Contractor will record the wind speed at the time the photographed dust plume occurred and include the wind speed in association with the appropriate photograph. These photos will be incorporated into daily reports that must be submitted to the BLM Authorized Officer on a weekly basis during the ROW corridor's development.
 - b. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change. Any evidence of dust deposition onto occupied habitat related to construction activities will be recorded by the Contractor.
 - c. The Contractor will monitor wind speeds as necessary during ROW corridor development and reclamation.
 - d. As wind speeds exceed 15 mph, the Contractor will note whether visible dust plumes are generated at the various sites along the pipeline corridor where active development is taking place. If visible dust plumes are noted, the Contractor will inform appropriate project personnel to curtail activities until water can be applied and dust abatement is achieved or conditions otherwise change.

Decision to be Made: The BLM will decide whether or not to approve the pipeline installation, 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 is limited to existing corridors and disturbance; there would be no new surface disturbance.

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

There are two leases associated with this project. The first lease is COC-63731 with approximately 20 acres of total surface disturbance, and COC-62816 with approximately 30 acres of total surface disturbance. Both are less than the 150 acres of surface disturbance described above for the criteria to use this CX.

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.)

There are two site specific Environmental Assessments (EA), one for the Canary 6601 location and one for the BDU F11X pad. The Canary 6601 EA (DOI-BLM-CO-110-2004-0007-EA) was signed on December 2, 2003. The EA for the BDU F11X pad (DOI-BLM-CO-110-2009-0145-

EA) was signed on July 27, 2009.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the full White River Field Office interdisciplinary team on October 22, 2013; however, some specialists were introduced to the project at an earlier date on September 26, 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
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	10/21/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	10/21/2013
Heather Woodruff	Range Management Specialist	Special Status Plant Species	10/21/2013

REMARKS:

Cultural Resources: The area of the proposed buried frac/produce water flow line located within the well pads is covered by two inventory reports at the Class III (100 percent pedestrian) level (Conner et al. 2009 compliance dated 6/14/2009, Pool 2003 compliance dated 10/17/2003). However the proposed well access and flow line routes were not placed within the originally proposed and inventoried area and are not covered by a valid inventory data. Construction must be preliminarily examined by an approved archaeologist and monitored during construction activities.

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 pipeline is located in an area generally mapped as the Uinta formation (Tweto 1979), which the BLM has classified as a Potential Fossil Yield Classification (PFYC) 5 formation meaning it is known to contain scientifically noteworthy fossil resources (c Armstrong and Wolny 1989). Excavation into the underlying sedimentary rock formation to bury the pipeline has the potential to adversely impact fossil resources. Any impacts would result in a long term permanent loss of data from the regional paleontological database.

Threatened and Endangered Wildlife Species: There are no wildlife related issues or concerns associated with the Proposed Action.

Threatened and Endangered Plant Species: The entire Proposed Action is located along the Green River Geologic Formation; in this case the Proposed Action area is located in potential bladderpod habitat. A prior survey conducted in 2009 on the F11-199 wellpad found suitable habitat, approximately 200 meters to the south of the wellpad, but no plants were observed at the time. Canary wellpad 6601 was surveyed in 2004 and no plants were found at that time, but the survey for this wellpad does not meet the current plant survey protocol standards. In addition, the WRFO plant survey protocol states that plant surveys expire after three growing seasons and new surveys are required to check for new plants or expanded habitat. After consulting with the Fish and Wildlife Service the above applicant committed measures were agreed upon. It was determined that the outdated plant surveys would be required to be updated to follow the current WRFO plant survey protocol. Dust from new disturbance would be controlled to ensure that if any plants are located near the project area that dust would not affect them. Also, if plants are in the area and surveys were not going to be conducted till spring 2014 it is imperative that any new disturbance is done within the existing disturbance to limit the potential of removing any Special Status Plant Species (SPSS).

However, if the applicant follows the above measures there should be minimal to no impacts to SSPS.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

- 1989 Paleontological Resources on Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Conner, Carl E., Nicole Darnell, Barbara J. Davenport and Dakota Smith

- 209 Class III Cultural Resource Inventory Report: Seven proposed Well Locations and Related Linear Routes in the Buckhorn Draw unit, (f01-199, F11-199, H0-198, J15-199, M09-299, G11-299) in Rio Blanco County, Colorado for EnCana Oil and Gas (USA) Inc. Grand River Institute, Grand Junction, Colorado (09-11-23 SHPO # RB.LM.R1162)

Pool, Kelly J.

- 2003 EnCana Oil and Gas (USA), Inc.'s Canary 6601 Wellpad, Access Road, and Flowline: A Class III Cultural Resource Inventory in Rio Blanco County, Colorado. Metcalf Archaeological Consultants, Inc., Eagle, Colorado (03-54-33: SHPO # RB.LM.R538)

Tweto, Ogden

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

MITIGATION:

1. Mesa Energy Partners, LLC 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.

2. If any paleontological resources are discovered as a result of operations under this authorization, Mesa Energy Partners, LLC 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.
3. 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.
4. Mesa Energy Partners, LLC 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.
5. 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. Mesa Energy Partners, LLC 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. Mesa Energy Partners, LLC, 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.
6. Pursuant to 43 CFR 10.4(g), Mesa Energy Partners, LLC 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), Mesa Energy Partners, LLC must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

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.

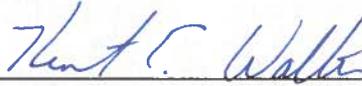
NAME OF PREPARER: Ryan Snyder

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:

10/22/13

ATTACHMENT:

Figure 1: Map depicting the location of the Proposed Action.

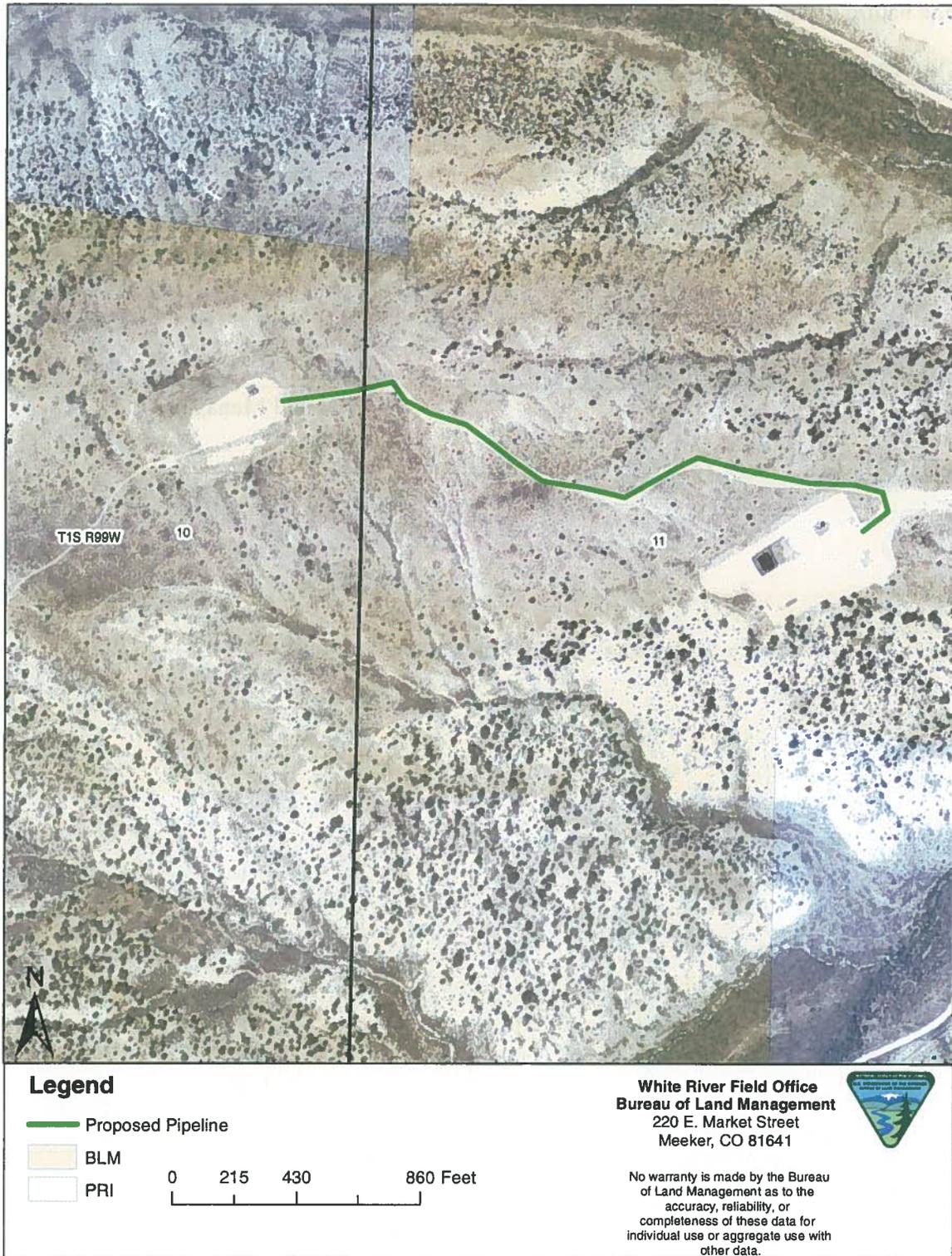


Figure 1: Map depicting the location of the Proposed Action.

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220 E Market St
Meeker, CO 81641**

DECISION

PROJECT NAME: Mesa Proposed Waterline to F11X 199

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2014-0003-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2014-0003-CX, authorizing the construction, operation, and maintenance of the produced water disposal pipeline.

Design Features

The applicant has committed to the following:

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Mitigation Measures

1. Mesa Energy Partners, LLC 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.
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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 full White River Field Office (WRFO) interdisciplinary team on October 22, 2013; however, some specialists were introduced to the project at an earlier date September 26, 2013. A copy of the completed CX will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

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. The Proposed Action will be taking place all within existing disturbed areas, and will reduce the amount of needed truck traffic. There is no new surface disturbance, and the surface disturbance on the leases is less than 150 acres total.

ADMINISTRATIVE REMEDIES

State Director Review

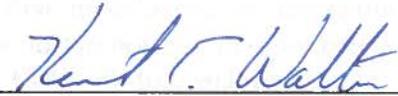
Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State

Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

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

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

10/22/13