

Montana/Dakotas Template
Decision on Action and Application for Categorical Exclusion
For Activities Associated with Oil and Gas Development
Section 390, Energy Policy Act of 2005

[Project Name]
Bureau of Land Management
[Name] Field Office

PART 1: Description of the Proposed Action

[Provide a description of the proposed activity.] [Provide any pertinent facts including type of activity, applicable legal land description, and number of acres to be disturbed. Include maps as applicable] [State the proposal is designed in conformance with all bureau standards and incorporates appropriate best management practices, and required and designed mitigation measures determined to reduce the effects on the environment.]

PART II: Plan Conformance

[Provide statement that the proposed activity is in conformance and consistent with management objectives and decisions found in the [Name] Resource Management Plan approved on [Date of Approval].]

PART III: Compliance with the Energy Policy Act of 2005

[State that the proposed activity has been determined to be statutorily categorically excluded from NEPA documentation in accordance with Section 390 of the National Energy Policy Act of 2005.]

[Check the appropriate line(s) to identify the CX used]

____ 1. Individual disturbance of less than five (5) 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 NEPA has been previously completed.

[Identify which NEPA document(s) include the proposed activity.] [State this (these) document(s) has (have) been reviewed and has (have) been determined to consider potential environmental effects associated with the proposed activity at a site specific level.] [State that the disturbance on the lease is less than 150 acres] [Document how this determination was made including maps, tally sheets, aerial photo, etc. including an explanation of recent disturbances on the lease]

____ 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.

[Include the date of the previous well completion (or other drilling/workover operations)] [Include a statement that the well site was previously disturbed within the last 5 years] [Include a reference to the previous NEPA document that was used to approve the original operation]

____ 3. Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as a reasonably foreseeable activity, so long as such plan or document was approved within five (5) years prior to the date of spudding the well.

[Identify the name and date of approval of the NEPA document which identifies the proposed activity as reasonably foreseeable.] [Include a statement that the well is in a developed field (see Q&As for definition)] [Include a narrative explaining the well and disturbance is within the current RFD]

____ 4. Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within five (5) years prior to the dated of placement of the pipeline.
[Identify the name and date of approval of the NEPA document approving the corridor where the proposed pipeline will be placed.] [Include a description of the existing corridor]

____ 5. Maintenance of a minor activity, other than any construction or major renovation of a building or facility.
[Include a narrative statement describing the “minor” nature of the activity]

[For any of the five categories, include a listing of any technical reviews or reports completed during review of the proposed action]

Persons and Agencies Consulted

[Include documentation that an interdisciplinary review was utilized] [Describe persons and agencies consulted, including the citation of laws and regulatory requirements (such as ESA and NHPA), the proposed activity and the steps taken based on this consultation][Provide a description of public involvement or review, if any, including posting of actions in public rooms, etc.]

PREPARER

Name of Preparer: _____ Date: _____

PART IV: Decision and Rationale on Action

I have decided to implement [insert description of action(s), and reference to any mitigation measures, COAs, map and drawings, etc., pertinent to decision.] [Provide statement these mitigation measures, COAs and/or terms and conditions provide justification for this decision and may not be segregated from project implementation without further NEPA review.] In addition, I have reviewed the plan conformance statement and have determined that the proposed activity is in conformance with the applicable land use plan(s). Further, I have reviewed the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 has been correctly applied. It is my determination that no further environmental analysis is required.

[If the decision is made for categories 2, 3, or 4, provide a date by which the activity must be implemented.]

Implementation Date

This project will be implemented on or after [insert implementation date and identify any conditions related to implementation.]

[Insert deciding official’s name] [Date]

[Insert deciding official’s title]

PART IX: Administrative Review or Appeal Opportunities

[Include the appropriate appeal rights for the activity approved. These will differ depending on the authorization granted (lease right vs ROW)]