UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Farmington District
Farmington Field Office
6251 N College Blvd., Ste. A
Farmington, NM 87402

DECISION RECORD
for the
Chaco 2408-26E No. 126H
Oil and Natural Gas Well Project
NEPA No. DOI-BLM-NM- F010-2014-0088-EA

I. Decision

I have decided to select the proposed action for implementation as described in the March 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0088 EA Chaco 2408–26E #126H Oil and Natural Gas Well Project. Based on my review of the Environmental Assessment (EA) and project record, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed action will provide access to construct operate and terminate an off lease well pad and two natural gas pipelines to develop federal minerals.

II. Conformance and Compliance

The proposed action is in conformance with the 2003 BLM-FFO Resource Management Plan (RMP). Pursuant to 40 CFR 1508.28 and 1502.21, this site-specific EA tiers into and incorporates by reference the information and analysis contained in the BLM-FFO Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS; BLM 2003a). The RMP was approved by the September 29, 2003 Record of Decision (ROD; BLM 2003b), and updated in December 2003.

Specifically, the proposed action supports the following BLM policy:

It is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs, consistent with national objectives of an adequate supply of minerals at reasonable market prices. At the same time, the BLM strives to ensure that mineral development is carried out in a manner that minimizes environmental damage and provides for the rehabilitation of affected lands. (BLM 2003b, 2-2 – 2-3)

Development of energy-related ROWs, such as off-lease well pads, pipeline ties, and access roads, is one of the primary activities of the BLM-FFO lands program. Such ROWs receive environmental review on a case-by-case basis (BLM 2003b, 2-11).

As required by NEPA, this EA addresses site-specific resources and effects of the proposed action that were not specifically covered within the PRMP/FEIS.

The proposed action is in conformance with the Clean Water Act, as amended (CWA; 33 USC 1251 et seq.).

Under Section 401 of the CWA, an applicant for a federal license or permit to conduct an activity that may result in a discharge into a water of the U.S. must provide the federal agency with a Section 401 certification declaring that the discharge would comply with the CWA. The certification would be granted by the New Mexico Environment Department (NMED).

Under Section 402 of the CWA, the U.S. Environmental Protection Agency (EPA) regulates storm water discharges from industrial and construction activities under the National Pollution Discharge Elimination System program. Permits are required if discharge results in a reportable quantity for which notification is required (pursuant to 40 CFR 117.21, 40 CFR 302.6, or 40 CFR 110.6) or if the discharge contributes to a violation of a water quality standard.

Under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. The Section 404 program is administered by the EPA and U.S. Army Corps of Engineers (USACE). Under the CWA, the USACE has jurisdiction over waters of the U.S. Waters of the U.S. are considered jurisdictional because they have a "significant nexus" to traditional navigable waters. The BLM-FFO and USACE - Durango Regulatory Office have determined that jurisdictional waters (i.e., waters of the U.S.) may include U.S. Geological Survey (USGS) watercourses (i.e., "blue lines" on USGS 1:24,000 topographic maps) and potentially tributaries to these USGS watercourses.

Section 106 of the National Historic Preservation Act of 1966 (NHPA; 16 USC 470) requires federal agencies to take into account the effects of their actions on historic properties, and allow the Advisory Council on Historic Preservation a reasonable opportunity to comment. Compliance with the requirements of the NHPA is met by following the Protocol Agreement between the New Mexico BLM and New Mexico State Historic Preservation Officer, which is authorized by the Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers (1997).

The Clean Air Act of 1972, as amended (CAA; 42 USC 7401 et seq.), establishes national ambient air quality standards (NAAQS) to control air pollution. In New Mexico, the NMED has adopted most of the CAA into the New Mexico Administrative Code (NMAC). The NMED issues construction and operating permits for air quality and enforces air quality regulations and permit conditions.

The New Mexico Oil Conservation Division (NMOCD), which is in the New Mexico Energy, Minerals, and Natural Resources Department (EMNRD), regulates oil and gas operations in New Mexico. The NMOCD has the responsibility of gathering production data, permitting new wells, establishing pool rules and allowables, issuing discharge permits, enforcing rules and regulations, monitoring underground injection wells, ensuring that abandoned wells are properly plugged, and ensuring that the land is responsibly restored. Oil and gas regulations administered by NMOCD are contained in NMAC 19.15. These regulations include the following, with which WPX would comply:

- The EMNRD requires operators to follow "pit rule" guidelines (NMAC 19.15.17) to reduce groundwater contamination from industry-related activities.
- NMAC 19.15.15 establishes requirements for well acreage spacing, obtaining approval of unorthodox well locations, and pooling or communitizing small acreage oil lots.
- NMAC 19.15.16.19 requires the disclosure of hydraulic fracture constituents.

III. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA for the March 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0088 EA

Chaco 2408–26E #126H Oil and Natural Gas Well Project. I have also reviewed the project record for this analysis. The effects of the proposed action and alternative[*s*] are disclosed in the Alternatives and Environmental Consequences sections of the EA. I have determined that the proposed action of approving right-of-way grant to allow access to construct, operate, and terminate an off lease well pad and access road, as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

IV. Other Alternatives Considered

Page 15 of the March 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0088 EA Chaco 2408–26E #126H Oil and Natural Gas Well Project alternatives describes considered but eliminated from detailed study. The original preferred alternative location for the 126H well pad was considered to be located to the north of the current proposed project area. However, the location would have disturbed suitable Aztec gilia and Brack's fishhook cactus habitat. Also, the topography of the alternative location is quite steep and includes several deep washes, which would make the alternative location difficult for construction of a well pad.

V. Rationale for the Decision

I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)). Cultural resource surveys were completed and a Cultural Resources Record of Review 2014(I)022F was signed on November 8, 2013 for the Chaco 2408-26E #126H well pad and access road. We will mitigate impacts to cultural resources by avoiding cultural resources in the project area. Page 29 of the March 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0088 EA describe effects to cultural resources.

The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)). The proposed project area does not contain any known populations or designated critical habitat for federally listed species. There are no known populations of Special Status Species presents in the proposed project area. Pages 26 through 28 of the March 2014 Environmental Assessment DOI-BLM-NM-F010-2014-0088 EA describe effects to Special Status Species.

VI. Public Involvement

The BLM-FFO publishes a NEPA log for public inspection. This log contains a list of proposed and approved actions within the BLM-FFO. The log is located on the BLM's New Mexico website (http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html).

On-site meetings, attended by WPX, BLM-FFO representatives, and an environmental consultant (Nelson Consulting, Inc. [NCI]), were held at the proposed 126H project area on September 19, 2013.. The Counselor Chapter of the Navajo Nation was invited to the on-site meetings by the BLM-FFO; no representatives of the chapter house attended the meetings. A public invitation to the on-site meetings was posted online (http://www.blm.gov/nm/st/en/fo/Farmington_Field_Office/ffo_oil_and_gas/ffo_onsites.html); no private citizens or groups attended the meetings. BLM-FFO Interdisciplinary Team meetings were held on November 12, 2013, to discuss the proposed 206H/207H well pad and access road and again on December 9, 2013, to discuss the pipelines associated with the proposed 206H/207H project. At the aforementioned meetings, potential issues of concern were identified by the BLM-FFO and NCI.

Based on the size and scale, routine nature, and potential impacts associated with the proposed action, no additional external scoping was conducted. No public comments were received for the proposed action.

VII. Administrative Review and Appeal

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Gary Torres, Field Manager, Farmington Field Office, 6251 College Boulevard, Suite A, Farmington, NM 87402. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with Gary Torres, Farmington Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. This decision can be implemented immediately and remains in effect pending appeal according to 43 CFR 2881.10 (b). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied;
(2) The likelihood of the appellant's success on the merits;
(3) The likelihood of immediate and irreparable harm if the stay is not granted; and
(4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor: United States Dept. of the Interior, Office of the Solicitor, Southwest Regional Office, 505 Marquette Avenue NW, Suite 1800, Albuquerque, NM 87102.

Maureen Joe
Assistant Field Manager
Lands & Renewable Resources
Farmington Field Office

03/26/14
Date