

**United States Department of the Interior
Bureau of Land Management
Pecos Field Office**

**DOCUMENTATION OF PLAN CONFORMANCE AND NEPA ADEQUACY
(DNA)**

Project Number: NM-510-2006-0176 **Lease/Serial/Case File No.:** NMNM-110287

Title of Proposed Action: Access to the Samantha "B" Federal #1 located in Unit Letter O; Section 31, T. 5 S., R. 22 E., Chaves County, New Mexico.

Location of Proposed Action: Lot 2 Section 1 T. 6 S., R. 22 E., NMPM. Chaves County, NM

Applicant (if any): McKay Oil Corporation

Description of Proposed Action:

McKay Oil Corporation proposes to construct, maintain and operate a newly constructed access road beginning from an existing road and would access the southeastern corner of the proposed well pad located in section 31. T. 5 S., R. 22 E., (see attached map). The roadway will traverse across public lands located in Lot 1 Section 1 T. 6 S., R. 22 E., NMPM., Chaves County, New Mexico to the McKay Oil Corporation Samantha B Federal #1 well. Total length of the proposed roadway is approximately 1012 feet by 14-feet wide with a maximum width of surface disturbance not to exceed 30 feet, for .69 acres more or less of new ground disturbance. The proposed road would be constructed and maintained in accordance with the Permanent Resource Road Requirements.

The dimensions of the right-of-way on public lands are 1012 feet in length by 30-feet in width. The right-of-way will be granted for a 30-year term with option to renew.

CONFORMANCE WITH THE LAND USE PLAN (LUP) AND CONSISTENCY WITH RELATED SUBORDINATE IMPLEMENTATION PLANS

This proposed action conforms to the terms and conditions of the Roswell Resource Management Plan (RMP) October 1997. Within Page 21 of the Roswell RMP, "...Land use authorizations (rights-of-way, leases, permits) will be issued on a case-by-case basis."

APPLICABLE NEPA DOCUMENT(S) AND OTHER RELATED DOCUMENTS THAT COVER THE PROPOSED ACTION.

List by name and date all applicable NEPA documents that cover the proposed action:

Roswell Resource Management Plan Page 22 approved October 1997.

Under Environmental Assessment Number EA NM-060-04-165A for the Application for Permit to Drill the #1 Samantha B Federal well under oil and gas lease NM-88084, approved January 20, 2005.

NEPA ADEQUACY CRITERIA

1. is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes, the proposed action was completely described and analyzed within Environmental Assessment Number NM-060-04-165A.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes.

3. is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes. The proposed action is an ancillary facility to the oil and gas lease and the drilling of the #1 Samantha B Federal well.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. A full analysis has been done for the proposed action within property involved in the proposed project within Environmental Assessment NM-060-04-165A; there has been no environmental change since the initial analysis in January 2005.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

A full analysis addressing site specific impacts has been performed within Environmental Assessment NM-060-04-165A.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

The environmental assessment NM-060-04-165A has appropriately addressed cumulative impacts as follows:

Cumulative impacts are impacts on the environment which result from the incremental impact of the proposed action, when added to other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. They can result from individually minor but collectively significant actions taking place over a period of time.

While it is likely that there will be no significant cumulative impact from the proposed action, continued oil and gas development, and other surface-disturbing activities in these areas, may potentially have negative cumulative impacts on vegetation, soil, water, livestock, wildlife, and visual resources.

The proposed project does not require additional cumulative impacts analysis.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. During the development of the Roswell RMP various publics and agencies through various public meetings held participated in the development of standard stipulations and conditions of approval for actions associated with development of oil and gas. It is through the public and agencies meetings held that the existing standard stipulations and conditions of approval were developed.

INTERDISCIPLINARY ANALYSIS

Refer to attached Multi Review Environmental Assessment Checklist from Interdisciplinary team.

MITIGATION MEASURES

Requirement of the Standard Stipulations for Roads as approved within the Roswell RMP.

CONCLUSION:

Based on the review documented in this DNA, I conclude that the proposed action conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA. The proposed action with the mitigation measures described above will not have any significant impacts on the human environment and an EIS is not required. It is my decision to implement the proposed action with the mitigation measures identified in the DNA.

Prepared by:

/s/Angel Mayes

8/23/06

Angel Mayes, Realty Specialist

/s/ Larry D. Bray

8/23/06

Larry D. Bray, Assistant Field Manager
Lands and Minerals

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Right-of-Way Construction Administration

The holder shall contact the authorized officer at least seven (7) days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plan(s) of development.

The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

Work Limits

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Access to and Along the Right-of-way during Construction

The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flag men/women with communication systems for single-lane roads without visible turnouts, and attended gates for blasting operations.

The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

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Specific sites as identified by the authorized officer (e.g., archaeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed shall be clearly marked onsite by the holder before any construction or surface disturbing activities begin. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.

Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.

Use of Right-of-way

Except rights-of-way expressly authorizing a road after construction of the facility is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the holder.

No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

Maintenance of Right-of-Way

The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation and surfacing).

Cultural and Paleontological Resources

Any cultural and/or Paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

Waste Disposal

Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

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Noxious Weed

Clean all equipment (power or high pressure cleaning) of all mud, dirt, and plant parts before moving equipment into relatively weed-free areas.

Gravel and fill to be used in relatively weed-free areas must come from weed free sources. Inspect gravel pits and fill sources to identify weed-free sources.

The holder will be responsible for control of noxious weed on all access road and project sites. The holder will be responsible for conducting a noxious weed survey to identify (a) noxious weed species present, (b) locations of infestations, (c) Acreage infested, and (d) density of plants.

Termination

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

SPECIAL STIPULATIONS
PERMANENT RESOURCE ROAD REQUIREMENTS
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1. GENERAL REQUIREMENTS:

- A. The **operator** shall hereafter be identified as the **holder** in these requirements. The Authorized Officer is the person who approves the Permanent Resource Road Requirements.
- B. The holder shall minimize any disturbance to structures on public domain surface. Damages caused to any structure during road construction operations shall be promptly repaired by the holder. Functional use of any structure shall be maintained at all times. The holder shall make a documented good-faith effort to contact the owner prior to disturbing any structure.
- C. When necessary to pass through an existing fence line, the fence shall be braced on both sides of the passageway prior to cutting and the fence shall be promptly repaired to at least its former state or to a higher standard than it was previously constructed.
- D. A professional engineer shall design the access road if the road grade exceeds 10 percent slope.

2. INGRESS AND EGRESS:

The access road shall be constructed to access the well pad on the **Southeast** corner of the well pad to comply with the planned access road route.

3. ROAD TRAVELWAY WIDTH:

The travel way of the road shall be constructed 14 feet wide. The maximum width of surface disturbance shall not exceed 30 feet of road construction. The specified travel way width is 14 feet for all road travel way surfaces unless the Authorized Officer approves a different width.

4. SURFACING:

No Surfacing Required.

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5. MAINTENANCE:

A. The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, cattle guard maintenance, surfacing, and weed control.

B. The holder shall cooperate with other authorized users in maintenance of the road(s). Failure of the holder to share maintenance costs in dollars, equipment, materials, and manpower proportionate to the holders use with other authorized users may be adequate grounds to terminate the road use. The determination as to whether maintenance expenditures have been withheld by the holder and the decision to terminate the road use shall be at the discretion of the Authorized Officer. Upon request, the Authorized Officer shall be provided with copies of any maintenance agreements entered into by the holder.

6. PUBLIC ACCESS:

A. Public access on this road shall not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattle guards on public land shall not be locked or closed to public use unless closure is absolutely necessary and is authorized in writing by the Authorized Officer.

7. ROAD REHABILITATION REQUIREMENTS:

A. The road shall be re-contoured to as near its original topography, as possible.

B. An earthen berm shall be constructed at the entrance of the road to prevent vehicular traffic on the reclaimed road.

C. The reclaimed road shall be seeded with the following **DPC seed mixture** (the Roswell Field Office has determined the Desired Plant Community seed mixture for the reclaimed area(s)): See attached seed mixture requirements.

D. The seed and any fertilizer involved shall be broadcast over the road bed with a spreader, then harrowed to cover the seed. Use of a seed drill planter to plant is acceptable. Appropriate measures shall be taken to ensure that the seed/fertilizer mixture is evenly and uniformly applied. There shall be no primary or secondary noxious weeds in the seed mixture. In accordance with State law(s) the seed should be tested for purity and viability within nine (9) months prior to sell. Commercial seed shall be either certified or registered and the seed mixture container shall be tagged in accordance with State law(s). The seed mixture tag shall be made available to the Authorized Officer for inspection. The seeding shall be repeated until a satisfactory vegetation thicket is established and this determination shall be made by the Authorized Officer. Evaluation of plant growth will not be made before the first growing season.

E. Seeding shall be done between June 15th through September 15th. However, the holder can seed the road immediately after reclaiming the road and preparing the road for the seeding process.

F. The Authorized Officer reserves the right to require reseeding at a specific time if seed does not germinate after one (1) growing season. Waiver of this requirement would be considered if diligent attempts to revegetate the road have repeatedly failed and the Authorized Officer determines that further attempts to revegetate the road would be futile.

G. Contact Randall Legler at (505) 627-0215 to witness the seeding operations two (2) days before the start of the seeding process.

H. Invasive & Noxious Weeds Requirement

1. The holder shall be held responsible if noxious weeds become established within the area. Evaluation of the growth of noxious weeds shall be made upon discovery. Weed control will be required on the disturbed land where noxious weeds exist, which includes the roads, pads, associated pipelines, and adjacent land affected by the establishment of weeds due to this action. The holder is responsible for consultation with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policy.

2. The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad and resulting well are not polluted with invasive and noxious weed seed. Transporting of invasive and noxious weed seed could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

8. SPECIAL REQUIREMENT(S): NONE