

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Buffalo Field Office  
Buffalo, Wyoming**

**SURFACE USE  
CONDITIONS OF APPROVAL  
EA # WY-070-EA08-134**

POD Name: Clabaugh POD

Operator: Cedar Resources

List of Wells:

	Well Name	Well #	Qtr/Qtr	Section	TWP	RNG	Lease #
1	CLABAUGH	32-21WA	SWNE	21	53N	76W	WYW130292
2	CLABAUGH	33-21WA	NWSW	21	53N	76W	WYW130292
3	CLABAUGH	41-21WA	NENE	21	53N	76W	WYW130292
4	CLABAUGH	43-21WA	NESE	21	53N	76W	WYW130292

List of Impoundments:

NONE

List of approved Right-of Ways:

NONE

**Programmatic mitigation measures identified in the PRB FEIS ROD**

The Operator will be required to comply with all the programmatic measures as identified in the original Clabaugh POD under 2.3.2.

**Site Specific mitigation measures**

**Surface Use**

1. The operator is committed to all pertinent plans, mitigation, and Conditions of Approval contained in Clabaugh POD EA WY-070-EA07-158 approved 05-05-2008.
2. Wells 32-21-5376 and 33-21-5376 SE ¼ Section 21: Access route will be constructed prior to drilling the wells. Due to erosive soils and steep slopes, the access route to these wells will require interim reclamation and slope stabilization to be completed within 30 days of road construction.
3. The approval of this project does not grant authority to use off lease federal lands. No surface disturbing activity, or use of off-lease federal lands, is allowed on affected leases until right-of-way grants become effective on the date in which the right-of-way grant is signed by the authorized officer of the BLM.

4. For any questions regarding this project and the conditions of approval, contact Kathy Brus at (307)684-1087.

**Wildlife**

*Bald Eagles*

1. The following conditions will alleviate impacts to bald eagles:
 

No project related actions shall occur within one mile of bald eagle habitat along Wild Horse Creek annually from November 1 through April 1, prior to a winter roost survey or from February 1 through August 15 prior to a nesting survey. This timing limitation will be in effect unless surveys determine the nest/roost to be inactive. This timing limitation will affect all of the proposed wells analyzed in this EA.

  - a. If a nest is identified and construction has not been completed, a disturbance-free buffer zone of 0.5 mile (i.e., no surface occupancy) would be established year round for all bald eagle nests. A seasonal minimum disturbance buffer zone of 1 mile will be established for all bald eagle nest sites (February 1 - August 15).
  - b. If a roost is identified and construction has not been completed, a year-round disturbance-free buffer zone of 0.5 mile will be established for all bald eagle winter roost sites. A seasonal minimum disturbance buffer zone of 1 mile will be established for all bald eagle roost sites (November 1 - April 1).
  - c. Additional mitigation measures may be necessary, such as remote monitoring and restricting maintenance visitation to between 9:00 AM and 3:00 PM, if the site-specific project is determined by a Bureau biologist to have an adverse affect to bald eagles or their habitat.

*Raptors*

1. The following conditions will alleviate impacts to raptors:
  - a. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing limitation will affect all of the proposed wells analyzed in this EA.
    - 1) Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5 mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.
    - 2) Nest productivity checks shall be completed annually during construction and for the first five years following project completion. The productivity checks shall be conducted no earlier than June 1 or later than June 30 and any evidence of nesting success or production shall be recorded. Survey results will be submitted to a Buffalo BLM biologist in writing no later than July 31 of each survey year. This applies to the following nest(s):

<b>BLM ID#</b>	<b>SPECIES</b>	<b>UTM E (NAD 83)</b>	<b>UTM N</b>	<b>SUBSTRATE</b>
4462	Unknown	4935166	420684	Dead Cottonwood
4461	Unknown	4934307	420247	Dead Cottonwood
4464	Red-tailed hawk	4935206	421082	Live Cottonwood

- b. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.
- c. Well metering, maintenance and other site visits within 0.5 miles of raptor nests should be minimized as much as possible during the breeding season (February 1 – July 31).

*Elk*

1. Cedar Resources will provide BLM with a proposed work schedule at the pre-construction meeting and a work summary report, due by the 12<sup>th</sup> of each month. The report shall summarize the work activities from the previous month, what activities were conducted, where the work was conducted, when the work was conducted, and any elk observations shall be recorded. The report shall also include the proposed activity schedule for the next month. The summary report shall be compared with the elk monitoring data to evaluate cause and affect relationships.

*Sharp-tailed Grouse*

1. Cedar Resources shall immediately notify the BLM if any sharp-tailed grouse leks are identified within 0.64 miles of the Clabaugh POD. If an active lek is identified during the survey, the 0.64 mile timing restriction (March 1-June 15) will be applied and surface disturbing activities will not be permitted until after the nesting season. If surveys indicate that the identified lek is inactive during the current breeding season, surface disturbing activities may be permitted within the buffer until the following breeding season (April 1). The required sharp-tailed grouse survey will be conducted by a biologist following WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist.