

**DECISION RECORD**  
**Categorical Exclusion 3 (CX3), WY-070-390CX3-13-257 to -262**  
**Section 390, Energy Policy Act of 2005**  
**Anadarko E&P Onshore, L.L.C., Antelope Federal Plan of Development (POD)**  
**Bureau of Land Management, Buffalo Field Office, Wyoming**

**DECISION:** The BLM approves the application for permit to drill (APD) from Anadarko E&P Onshore, L.L.C. (APC) to drill 6 horizontal oil and gas wells. APC proposes to drill the wells and construct associated infrastructure, at the locations noted below.

#	Well Name/ Well #	Qtr	Sec	Twp	Rng	Lease	CX Number
<b>Antelope Fed 4171-9-31 Well Pad</b>							
1	Antelope Fed 4171 4-11TH	NWNE	9	41N	71W	WYW055069 WYW130033	WY-070-390CX3-13-257
2	Antelope Fed 4171 4-41TH	NWNE	9	41N	71W	WYW055069 WYW130033	WY-070-390CX3-13-258
3	Antelope Fed 4171 9-14TH	NWNE	9	41N	71W	WYW055069 WYW130033	WY-070-390CX3-13-259
4	Antelope Fed 4171 9-44TH	NWNE	9	41N	71W	WYW055069 WYW130033	WY-070-390CX3-13-260
<b>Antelope Fed 4171-10-21 Well Pad</b>							
5	Antelope Fed 4171 15-14TXH	NENW	10	41N	71W	WYW055069 WYW130033 WYW133561 WYW43560	WY-070-390CX3-13-261
6	Antelope Fed 4171 15-44TXH	NENW	10	41N	71W	WYW055069 WYW130033 WYW133561 WYW128995	WY-070-390CX3-13-262

**Compliance.** This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); DOI Order 3310.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- National Historic Preservation Act of 1966 (16 USC 470).
- Endangered Species Act of 1974 (16 USC 1531).
- Buffalo and Powder River Basin (PRB) Final Environmental Impact Statements (FEIS), 1985, 2003.
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

**A summary of the details of the approval follows.** The consolidated CX worksheet, WY-070-390CX3-13-257 to 262, includes the project description, including site-specific mitigation measures which are incorporated by reference into that worksheet from earlier analysis. The approved APDs are 21 miles southeast of Wright, Campbell County, Wyoming.

**THE FINDING OF NO SIGNIFICANT IMPACT (FONSI).** Congress, the Department of Interior and BLM affirmed there was no significant impact of a like-structured project when they created this CX3 analysis process and its limiting parameters. Thus a FONSI and an EIS is not required.

**COMMENT OR NEW INFORMATION SUMMARY.** Since receipt of the APDs BLM received clarified policies: BLM Instruction Memorandum (IM)-2013-033, reducing wildlife mortality; IM-2013-104, on NOS and APD processing; IM-2013-144, on NEPA processing; Wyoming BLM IM-2013-005,

on migratory bird conservation, and IM-2013-14, on NEPA processing. BLM posted the APD for 30-days and received no public comments on the proposals.

**DECISION RATIONALE.** The approval of this project is because:

1. Mitigation measures and conditions of approval (COAs), analyzed in the CX3 worksheet, in environmental impact statements or environmental analysis to which the CX3 worksheet tiers or incorporates by reference, will reduce environmental impacts while meeting the BLM's need.
2. The approved project conditioned by its design features and COAs, will not result in any undue or unnecessary environmental degradation.
  - A. The impact of this development cumulatively contributes to the potential for local extirpation of the GSG yet its effect is acceptable because it is outside priority habitats and is within the parameters of the PRB FEIS/ROD and current BLM and Wyoming GSG conservation strategies.
  - B. There are no conflicts anticipated or demonstrated with current uses in the area.
3. This decision approving the Antelope Federal POD complies with the Energy Policy Act of 2005, Section 390, 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215.
4. Approval of this project conforms to the terms and the conditions of the 1985 Buffalo RMP (BLM 1985) and subsequent update (BLM 2001) and amendments (BLM 2003, 2011). This project complies with the breadth and constraints of CX3, Energy Policy Act of 2005, and subsequent policy.
5. The selected alternative will help meet the nation's energy need, revenues, and stimulate local economies by maintaining workforces.
6. The operator, in their APD, shall:
  - Comply with all applicable federal, state, and local laws and regulations.
  - Offer water well agreements to the owners of record for permitted water wells within 0.5 mile of a federal producing well in the APD (PRB FEIS ROD, p. 7).
  - The operator will collect a water sample representative of the water produced from this well for analysis within 30 to 60 days of initial production.
7. The project is clearly lacking in wilderness characteristics as there is no federal surface.
8. APC certified there is a surface use access agreement with the landowners or it posted a bond.
9. This approval is subject to adherence with all of the operating plans, design features, and mitigation measures contained in the Master Surface Use Plan of Operations, Drilling Plan, Water Management Plan, and information in the APDs.

**ADMINISTRATIVE APPEAL:** This decision is subject to administrative appeal in accord with 43 CFR 3165. Request for administrative appeal must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003, no later than 20 business days after this Decision Record is received or considered to have been received. Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR 3165.4.

Field Manager: John W. D. Date: 9/6/13

**Categorical Exclusion 3 (CX3), WY-070-390CX3-13-257 to -262**  
**Applications for Permit to Drill (APD), Section 390, Energy Policy Act of 2005**  
**Anadarko E&P Onshore, L.L.C., Antelope Federal Plan of Development (POD)**  
**Bureau of Land Management, Buffalo Field Office, Wyoming**

**Description of the Proposed Action.**

Anadarko E&P Onshore, L.L.C. (APC) requests BLM’s approval for 6 applications for permit to drill (APD) on 2 pads. BLM incorporates the APDs here by reference; see the administrative record (AR). APC proposes to drill the horizontal oil and gas wells and construct associated infrastructure at the locations in Table 1.1. The wells will be drilled from a non-federal surface location into underlying federal minerals on lease numbers listed below. The proposal is to explore for, and possibly develop, oil and gas reserves in the Turner Formation; depths listed in Table 1.2.

The project area is 21 miles southeast of Wright, Campbell County, Wyoming. Project elevations average 4,915 feet. The topography has gently sloped draws rising to mixed sagebrush and grassland uplands. Ephemeral tributaries of Antelope and Horse Creek drain the project area. The climate in the area is semi-arid, averaging 10-14 inches of precipitation annually, about 60% of which occurs between April and September. The jurisdiction for the surface is fee; underlying minerals are federal; and the targeted formation for extraction is federal lease – resulting in standard federal split jurisdiction. APC will drill the wells with an initial disturbance including pad disturbance, cuts, fills, spoil piles, top soil piles, access roads, and buried utilities, of about 39.5 acres, disturbance summaries are in Tables 1.4a and 1.4b. The fluid mineral leasing programs fall under the authority of the Mineral Leasing Act of 1920, the Federal Land Policy Management Act (FLPMA), and other laws and regulations.

**Table 1.1. Proposed Wells**

#	Well Name/ Well #	Qtr	Sec	Twp	Rng	Lease	CX Number
<b>Antelope Fed 4171-9-31 Well Pad</b>							
1	Antelope Fed 4171 4-11TH	NWNE	9	41N	71W	WYW055069 WYW130033	WY-070-390CX3-13-257
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**Table 1.2. Target Formations and Depths of Wells**

#	Well Name/ Well #	Target Formation	MD (feet)	TVD (feet)
1	Antelope Fed 4171 4-11TH	Turner	14,742	9,831
2	Antelope Fed 4171 4-41TH		14,547	9,759
3	Antelope Fed 4171 9-14TH		14,750	9,913
4	Antelope Fed 4171 9-44TH		14,069	9,839

#	Well Name/ Well #	Target Formation	MD (feet)	TVD (feet)
5	Antelope Fed 4171 15-14TXH		19,291	9,853
6	Antelope Fed 4171 15-44TXH		19,354	9,752

APC submitted the notices of staking (NOSs) on August 29, 2012, to the BFO. APC and BFO completed onsite inspections on December 6, 2012. The onsites evaluated the proposal and modified it to mitigate environmental impacts. APC converted its NOSs to APDs which BLM received on February 2, 2013. The BLM sent a post-onsite deficiency letter to APC on March 4, 2013. APC responded on April 17, 2013. After subsequent correspondence, the BLM considered the deficiencies complete on August 1, 2013.

The BLM's need for this project is to meet the management objectives of the Buffalo Resource Management Plan (RMP), 1985, 2001, 2003, and 2011. BLM must determine how and under what conditions to balance natural resource conservation with allowing the operator to exercise lease rights to develop fluid minerals, as described in their APD, surface use plan, and drilling plan, incorporated here by reference. Conditional fluid mineral development supports the RMP, the Mineral Leasing Act of 1920, the Federal Land Policy Management Act (FLPMA), and other laws and regulations. Cloud Peak Energy and Peabody Energy are the surface owners at the proposed wells.

Drilling, Construction & Production design features include:

**Access**

- Access is primarily via Edwards Road, Antelope Road, and Matheson Road.
- A road network that will consist of existing improved all-weather roads and newly constructed crown and ditch template roads.
- APC proposes 1.31 miles of new or reconstructed access roads. The running surfaces will be 20 feet with a disturbance width of about 45 feet. The access roads will be template crown and ditch roads.
- 2,760 feet of new access will be constructed with a 4:1 ditch slope.
- All roads will be maintained to meet BLM standards during the entire life of the project area.
- APC submitted a federal road use application with the Forest Service for use where the access crosses Thunder Basin National Grassland ownership.
- During interim reclamation the ditches will be seeded with a BLM approved seed mix to prevent erosion and maintain topsoil viability.
- Multiple culverts will be installed on newly constructed access roads.

**Well Location**

- The pads will have 2:1 slopes and reduced as much as possible during interim reclamation.
- The well pad will be constructed with cuts/fills and topsoil/spoil piles surrounding the pad surface. Disturbances are outlined in Tables 1.4a and 1.4b.
- The wells will use a semi-closed loop system. Lined pits at the pads will hold the cuttings.
- Up to 7 x 400 bbl tanks for oil and water will be placed on location for each well.
- No off-site ancillary facilities are planned for this project. No staging areas, man camps/housing facilities are anticipated to be used off-site. Working trailers and sleeping trailers will be placed on the well pad during the drilling and completion of the well.
- If the well becomes a producer, production facilities will be located at the well site and will include a pumping unit, storage tanks, buildings, oil-water separator (heater-treater). There will be no pits at this producing well location.
- Dikes will be constructed completely around production facilities, i.e. production tanks, water tanks, and heater treater. The dikes will be constructed of corrugated steel, approximately 3 feet high, and hold capacity of the largest tank plus 10%. The load-out line will be outside of the dike area. A drip barrel or "Getty-Box" will be installed under the end of all load-out lines.



**Drilling and Completion Operations**

- Hydraulic fracturing (HF) operations are planned as a ‘plug & perf’ operation done in stages. All fresh water will be contained in either approximately 120-170 HF tanks or a large capacity storage tank (18,000-44,000 bbl) in conjunction with about 30 x 500 bbl HF tanks. No additional well pad disturbance is anticipated for HF operations. Completion flowback water will be held in tanks on location and trucked to a disposal facility permitted by Wyoming Department of Environmental Quality (WDEQ).
- (120-170) 500-bbl HF tanks are spotted, taking 2 weeks to fill, prior to pumping the stimulation. All HF water, including excess, is present before starting.
- Flowback equipment and tanks are spotted 2-3 days before pumping. Sand silos are spotted and filled 2-3 days prior to pumping.
- Next pump trucks and chemical mixing equipment arrives and, when ready, operations continue for 36-48 hours or 3-5 days depending on the type of stimulation stage isolation (i.e. packers/sleeves or plug/perf respectively).
- Sand is continuously brought on site in semi-truck loads during pumping. It is necessary to have a safe turning radius available for these trucks. Pumping water may require heating in the winter months.
- A detailed completion operations plan is outlined in the surface use plan (SUP).
- Peak truck traffic to fill HF tanks during completion operations is estimated to be approximately 700 roundtrips per well.

**Table 1.3. Anticipated Drilling and Completion Sequence and Timing (per well)**

Drilling and Completion Step	Approximate Duration
Build Location (roads, pad, and other initial infrastructure)	30 days
Mob Rig	2-4 days <sup>1</sup>
Drilling (24/7)	30 days <sup>2</sup>
Schedule/logistics	30 days
Completion (setup, completion, demobilization)	5-8 days
<sup>1</sup> Depending on distance and needed to add supplemental drilling equipment, such as skidding plates.	
<sup>2</sup> By comparison, approximately 2 days are required to drill a CBM well. ICF 2012	

**Table 1.4a. Disturbance Summary Antelope Federal POD:**

Activity	Length (feet)	Width (feet)	Acres of Disturbance	Interim Disturbance
<b>Antelope Fed 4171-9-31</b> constructed pad with cuts/fills and topsoil/spoil disturbances.	varies	varies	14.24	4.30
Newly Constructed Access Roads	650	45	0.67	0.3
Above Ground Power Lines (preliminary estimate)	4,603	30	3.17	3.17
<b>Total Disturbance for this location</b>			<b>18.08</b>	<b>7.77</b>

**Table 1.4b. Disturbance Summary Antelope Federal POD:**

Activity	Length (feet)	Width (feet)	Acres of Disturbance	Interim Disturbance
<b>Antelope Fed 4171-10-21</b> constructed pad with cuts/fills and topsoil/spoil disturbances.	varies	varies	11.70	4.67
Newly Constructed Access Roads	6,305	45	6.51	2.89
Above Ground Power Lines (preliminary estimate)	4,603	30	3.17	3.17
<b>Total Disturbance for this location</b>			<b>21.38</b>	<b>10.73</b>

The following narrative explains why APC requests about 14.24 acres and 11.70 acres for a bladed and level pad sites. Multi-stage horizontal completions require all equipment and materials to be present

before beginning operations. Necessary space must be available to work safely around all the equipment. All locations require extensive earthwork for creating sufficient area to complete the well. APC will then reduce the initial well site with interim reclamation. Individual well designs are in the individual APDs. While these 2 pads are larger than most to date they are more similar than different in that the 2 pads host multiple wells; their construction surface disturbance footprint is larger than their operational footprint; their construction footprint is quickly followed with interim reclamation; and the totality of the pads contribution to surface disturbance in the upper Powder River remains well within the totality of the per-well surface disturbance envisioned and analyzed in the PRB FEIS. The proposed size is necessary to safely accommodate the equipment necessary for an effective well completion.

**Off Well Pad**

If gas or water gathering pipelines are needed, APC will submit a sundry notice to the BLM Authorized Officer for approval.

**Plan Conformance, Compliance, and Justification with the Energy Policy Act of 2005.**

The Energy Policy Act of 2005, Section 390(a) subjects oil or gas exploration or development to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act (NEPA) applies. Thus BLM must use an Energy Policy Act, Section 390(b), CX unless BLM rebuts the presumption. This CX worksheet is NEPA compliance categorically excluded from an EA or EIS or their analysis; it is not an exclusion from all analysis. (40 CFR 1508.4 and BLM H-1790, p. 17.) The proposal conforms with the terms and conditions of the approved Resource Management Plan (RMP) for the public lands administered by the BLM, BFO, 1985, the PRB FEIS, 2003, and the Record of Decision (ROD) and Resource Management Amendments for the Powder River Oil and Gas Project, Amendments of 2001, 2011 as required by 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215. The Antelope Federal POD and area are clearly lacking in wilderness characteristics as there is no federal surface. BLM finds that the conditions and environmental effects found in the EAs and PRB FEIS remain valid. The applicable categorical exclusion from the Energy Policy Act of 2005, Section 390, is exclusion number (b)(3) which is *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 such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.*

BLM has 3 requirements to use a Section 390 CX3, (BLM H-1790, Appendix 2, #3, p. 143):

- 1) The proposed APD is in a developed oil or gas field (any field with a completed confirmation well).

Table 1.5 is a list of existing/approved PODs that are within or adjacent to the Antelope Federal POD project area. This information shows the reader that BLM conducted analysis.

**Table 1.5. Adjacent or Overlapping Oil & Gas Well POD NEPA Analyses by Decision Date**

#	POD / Well Name	NEPA Analysis #	# / Type Wells	Decision Mo/Yr
1	Durham Ranches 1	WY-070-EA13-83	4 Oil	2/21/2013
2	Cherokee Ridge	WY-070-EA11-265	3 Oil	9/01/2011
3	East Litton	WY-070-EA04-237	24 CBNG	8/31/2004
4	Antelope Federal	WY-070-EA04-028	31 CBNG	2/4/2004
5	Rochelle Hills	WY-070-EA04-235	37 CBNG	9/29/2004

- 2) There is an existing NEPA document (and the RMP) containing reasonably foreseeable development scenario for this action. There are several existing NEPA documents that reasonably foresaw development to spud additional wells to fill in 80 acre well-spacing. BLM reviewed these documents and determined they considered the potential environmental effects associated with the proposed

activity at a site specific level. In addition, all approved EAs tier into the PRB FEIS. The PRB EIS analyzed foreseeable development in the PRB. The PRB foreseeable development included 3,200 oil wells and drilling CBNG wells on 80 acre-spacing resulting in about 51,000 CBNG wells and 3,200 oil wells. The Antelope Federal POD well is in the foreseeable development scenario of 80 acre well-spacing that was analyzed in EAs in Table 1.5 and in the PRB FEIS's Appendix A.

- 3) The tiered NEPA documents were finalized or supplemented within 5 years of spudding (drilling) the proposed well. The Antelope Federal POD consolidated CX3 tiers to and incorporates by reference the EAs listed above in Table 1.5.

In summary the EAs in Table 1.5 analyzed in detail the anticipated direct, indirect, residual, and cumulative effects that would result from the approval of these APDs and associated support structure in Antelope Federal POD is similar to both the qualitative and quantitative analysis in the above mentioned EAs. The BFO reviewed the EAs and found that the EAs considered potential environmental effects associated with the proposal at a site specific level. The APD's surface use and drilling plans are incorporated here by reference and show adequate protection of surface lands and ground water, including the Fox Hills formation, located at 5,600 and 5,588 feet total vertical depth (TVD) respectively. The Wyoming Game and Fish Department's (WGFD's) Recommendations for Development of Oil and Gas Resources within Important Wildlife Habitats (2009), make no distinction between surface disturbance impacts per well type or drilling technology. BLM's position is there is a rare lack of distinction in surface disturbance impacts attributable to well type, subject to showing a distinction, not a mere difference, and this tracks to surface disturbance issues as with soils, vegetation, invasive species, wetlands, cultural resources, etc. See, State Director Reviews WY-2010-023, Part 2, p. 3, and fn. 7 and WY-2013-005, pp. 2-3. This supports national policy where no distinction exists in 43 CFR 3160 et. seq, leasing, APD Form 3160-3, and 2005's Energy Policy Act. (Kreckel 2007)

**Plan of Operations.**

The proposal conforms to all Bureau standards and incorporates appropriate best management practices, required and designed mitigation measures determined to reduce the effects on the environment. BLM reviewed and approved a surface use plan of operations describing all proposed surface-disturbing activities pursuant to Section 17 of the Mineral Leasing Act, as amended. This consolidated CX3 analysis also incorporates and analyzes the implementation of committed mitigation measures in the SUP, drilling plan, and the standard conditions of approval (COAs) found in the PRB FEIS ROD, Appendix A.

**Soils, Ecological Sites, and Vegetation**

Soils, ecological sites, and vegetation found in the areas of the Antelope Federal POD are similar to those occurring in Durham Ranches 1 POD EA, WY-070-EA13-83. Impacts anticipated occurring and mitigation considered with the implementation of the proposal will be similar to those analyzed in the following EA which is adjacent, overlapping, or have similar characteristics to the Antelope Federal POD and are incorporated here by reference: Durham Ranches 1 POD EA WY-070-EA13-83, Description of Affected Environment (pp. 6-7); and Direct and Indirect, Cumulative, Residual Effects (pp. 12-14).

**Table 1.6. Dominant Soils by Map Unit Symbol (MUS)**

Well Location	MUS	Map Unit Name	Ecological Site
4171-9-31	157	Hiland-Bowbac Fine Sandy Loams, 0 to 6% slopes.	Sandy
4171-10-21	236	Vonalee-Terro Fine Sandy Loams, 0 to 6% slopes.	Sandy

NOTE: area of analysis includes access (proposed, new disturbance) to well location

The above referenced sections of the Durham Ranches 1 POD EA analyze the historical values and settings for soils, ecological sites, and vegetation. Although soil types in the Antelope POD are not identical to the soils in the Durham Ranches 1 POD, effects and mitigation are similar.

### **Water Resources.**

The historical use for groundwater in this area was for stock or domestic water. A search of the WSEO Ground Water Rights Database showed 8 registered stock and domestic water wells within 1 mile of the proposed wells in the project area with depths ranging from 122 to 340 feet. For additional information on groundwater, refer to the PRB FEIS, pp. 3-1 to 3-36.

Adherence to the drilling COAs, the setting of casing at appropriate depths, following safe remedial procedures in the event of casing failure, and using proper cementing procedures should protect any fresh water aquifers above the target coal zone. The operator will run surface casing to 1,500 feet, total vertical depth to protect shallow aquifers. The top of cement for the production string will be calculated to 4,100 feet above the Fox Hills formation. This will ensure that ground water will not be adversely impacted by well drilling and completion operations.

At the time of permitting, the volume of water that will be produced in association with these federal minerals is unknown. The operator will have to produce the well(s) for a time to be able to estimate the water production. In order to comply with the requirements of Onshore Oil and Gas Order #7, Disposal of Produced Water, the operator will submit a Sundry to the BLM within 90 days of first production which includes a representative water analysis as well as the proposal for water management.

Historically, the quality of water produced in association with conventional oil and gas has been such that surface discharge would not be possible without treatment. Initial water production is quite low in most cases. There are 3 common alternatives for water management: Re-injection, deep disposal or disposal into pits. All alternatives would be protective of groundwater resources when performed in compliance with state and federal regulations.

### **Wildlife.**

A BLM wildlife biologist reviewed the proposed APDs and determined that the proposals, combined with the COAs (and design features), are: (1) consistent with the FEIS and its supplements, the RMP and the above tiered and incorporated EAs; and (2) consistent with the programmatic biological opinion (ES-6-WY-02-F006), which is an update from the PRB FEIS, Appendix K. The biologist performed an onsite visit to the project area on December 6, 2012. The affected environment and environmental effects for wildlife are discussed in, and anticipated to be similar to, the EAs in Table 1.5.

### **Raptors**

Effects to raptors were analyzed in the EAs listed in Table 1.5. The only raptor nest within 0.5 miles of the pad locations is gone. No mitigation is needed to protect raptor nests from the proposal.

### **Greater Sage-Grouse (GSG)**

Neither of the well pad locations are within 4 miles of any known GSG leks. No mitigation is needed for GSG. In March, 2012, WY BLM released the report, "Viability analyses for conservation of sage-grouse populations: Buffalo Field Office, Wyoming," indicating that a viable population of GSG remains in the PRB, but the combined impacts of multiple stressors, including West Nile virus (WNV) and energy development, threaten that viability (Taylor et al 2012). The information in the report identified that the effects of energy development are detectable at a larger spatial scale than analyzed in the documents listed in Table 1.3, above. Additional information regarding the population viability analysis, and its influence on cumulative effects from energy development is found in the affected environment and environmental effects sections (Section 3.7.12 and 4.8.2 – Candidate Species – Greater Sage-grouse (Sage-grouse)) of the Mufasa Fed 11-31H Well EA, WY-070-EA12-062, incorporated here by reference. Given that the 2 Lance Antelope well pad locations are not within 4 miles of GSG leks, this new information does not substantially change the analysis included in the Table 1.5 EAs.

**Migratory Birds**

The proposed well pad 4171-9-31 is in migratory bird habitat. Nesting season for Brewer’s sparrows (a BLM special status (sensitive) specie (SSS) typically occurs mid-May to mid-July. Some young fledge in late July. Sage thrashers (BLM SSS) may lay a second clutch of eggs as late as mid-July. Lark sparrows in northern latitudes lay eggs from early May to mid-July (information on breeding habits available on the Birds of North America Online website: <http://bna.birds.cornell.edu/bna>). BLM biologists observed active Brewer’s sparrow nests containing eggs during the last week of June. Only a percentage of known nests are active any given year, so the protections for migratory birds from June 30 to July 31 will depend on how many raptor and mountain plover nests are active.

To reduce the likelihood of a “take” under the MBTA, the BLM biologist recommends that the 4171-9-31 pad construction (vegetation removal) occur outside of the breeding season for the greatest quantity of BLM SSS passerines (May 1- July 31) where suitable nesting habitat for sagebrush obligates is present. This restriction would apply to habitat removal, unless a pre-construction nest search (within approximately 10 days of construction planned May 1-July 31) is completed. If surveys will be conducted, the operator will coordinate with BLM biologists to determine protocol. The nest search will consist of in areas where vegetation will be removed or destroyed. The BLM recommends that the proposed 4171-9-31 pad and associated infrastructure have timing limitations applied for well pad construction during the nesting season for sagebrush obligate passerines (May 1 to July 31).

Effects to migratory birds from surface disturbing and disruptive activities associated with development of the 2 proposed well pads are similar to the wells previously analyzed in the CX3s, covering Bonita Federal Com. 11H-WY-070-390CX3-13-41, Lone Moose Federal Com. 13H-WY-070-390CX3-13-73, Cousins Federal Com. 22H-WY-070-390CX3-13-74 and Rocky Butte Federal Com. 29H-WY-070-390CX3-13-75, pp. 6-9 (all approved under one NEPA document, and incorporated here by reference), see Table W1.1, below. BLM determined this proposal is in compliance with Instruction Memorandum No. WY-2013-005 Interim Management Guidance for Migratory Bird Conservation Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate.

**Table W1.1 NEPA Analyses, Incorporated by Reference Here, for Wildlife Analysis**

#	Well Name & #	Qtr	Sec	Twp	Rng	CX Number
1	Bonita Federal Com 11H	NENE	10	43N	73W	WY-070-390CX3-13-41
2	Cousins Federal Com 22H	SWSE	2	43N	74W	WY-070-390CX3-13-74
3	Lone Moose Federal Com 13H	NWNW	26	44N	74W	WY-070-390CX3-13-73
4	Rocky Butte Federal Com 29H	NENW	4	43N	73W	WY-070-390CX3-13-75

*Reference:* Taylor, R. L., D. E. Naugle, L. S. Mills. 2012. Viability analyses for conservation of sage-grouse populations: Buffalo Field Office, Wyoming. Final Report. February 27, 2012. University of Montana, Missoula, MT.

**Cultural.**

In accordance with section 106 of the National Historic Preservation Act (NHPA), BLM must consider impacts to historic properties (sites that are eligible for or listed on the National Register of Historic Places (NRHP)). For an overview of cultural resources found in Buffalo planning area refer to the Draft Cultural Class I Regional Overview, Buffalo Field Office (BLM, 2010). A previously reviewed and accepted Class III cultural resource inventory (BFO # 70040133) adequately covered the proposed project area. The following resources are in or near the proposal.

Site Number	Site Type	Eligibility
48CA5004	Historic and Prehistoric Site	Not Eligible

BLM policy states that a decision maker's first choice should be avoidance of historic properties (BLM Manual 8140.06(C)). If historic properties cannot be avoided, mitigation measures must be applied to resolve the adverse effect. No historic properties will be impacted by the proposed project. Following the State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer, Section VI(A)(1), the BLM notified the Wyoming State Historic Preservation Officer (SHPO) on April 29, 2013 that no historic properties exist in the area of potential effect (APE). If any cultural values (sites, features or artifacts) are observed during operation, they will be left intact and the Buffalo Field Manager notified. If human remains are noted, the procedures described in Appendix L of the PRB FEIS and ROD must be followed. Further discovery procedures are explained in Standard COA (General)(A)(1).

**List of Preparers: Persons and Agencies Consulted (BFO unless otherwise noted)**

Position/Organization	Name	Position/Organization	Name
NRS/Team Lead	Dustin Hill	Archaeologist	Ardeth Hahn
Supr NRS	Casey Freise	Wildlife Biologist	Don Brewer
Petroleum Engineer	Matthew Warren	Geologist	Warren Garrett
LIE	Sharon Soule	Supr NRS	Kathy Brus
Assistant Field Manager	Clark Bennett	Assistant Field Manager	Chris Durham
NEPA Coordinator	John Kelley	Wyoming State Historic Preservation Officer	Mary Hopkins

This CX Worksheet also Tiers to and Incorporated by Reference the following – either as senior NEPA analysis or as substantially similar analysis in the semi-arid sage-brush, short grass prairie:

#	POD / Well Name	NEPA Document #	# / Type Wells	Decision Date
1	Sahara POD	WY-070-EA13-72	21 Oil	3/2013
2 <sup>a</sup>	Mufasa Fed 11-31H Well	WY-070-EA12-062	1 Oil	3/2012
3	Valerie POD	WY-070-EA12-68	9 Oil	3/2012
4	Spruce 1 POD	WY-070-CX3-12-95 & -107	2 Oil	5/2012
5 <sup>b</sup>	Samson's Hornbuckle Field	WY-060-EA11-1181	48 Oil Well Pads	8/2011

- a. Those sections describing and analyzing hydraulic fracturing, its supporting analysis, and the Greater Sage-grouse Section 3.7.12 and 4.8.2.
- b. Those sections describing and analyzing hydraulic fracturing and its supporting analysis to include but not limited to traffic, water, and air quality.

**Decision and Rationale on the Proposal.**

The COAs provide mitigation and further the justification for this decision and may not be segregated from project implementation without further NEPA review. I reviewed the plan conformance statement and determined that the proposed Antelope Federal POD CX3 APD and infrastructure conform to the applicable land use plan, 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215. I reviewed the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 is correct. I determined that there is no requirement for further environmental analysis.

  
 \_\_\_\_\_  
 Field Manager

9/6/13  
 \_\_\_\_\_  
 Signature Date

Contact Person, Dustin Hill, Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834, 307-684-1059