

DECISION RECORD
Anadarko E & P Onshore LLC
Categorical Exclusion 3 (CX3), WY-070-390CX3-167 to -177
Section 390, Energy Policy Act of 2005
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves the applications for permit to drill (APDs) from Anadarko E & P Onshore LLC (APC) to drill oil and gas wells and construct their associated infrastructure as described in the consolidated CX3 analysis, WY-070-390CX3-14-167 to -177 - all incorporated here by reference.

Compliance. This decision complies with or supports:

- 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 Final Environmental Impact Statement (FEISs), 1985, 2003 (2011).
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

A summary of the details of the approval follows. The CX3 analysis, WY-070-390CX3-14-167 to -177 includes the project description, including site-specific mitigation measures which are incorporated by reference into that analysis from earlier analysis.

Approvals. BLM approves the following APDs and associated infrastructure:

#	Well Name & #: Sahara Add	Qtr	Sec	Twp	Rng	Lease	CX #: WY-070-
1	MOJAVE FED 4377-17-31F-H	SESE	17	43N	77W	WYW146838	390CX3-14-168
2	MOJAVE FED 4377-17-41F-H	SESE	17	43N	77W	WYW146838	390CX3-14-169
3	MOJAVE FED 4377-20-31F-H	SESE	20	43N	77W	WYW146840	390CX3-14-170
4	MOJAVE FED 4377-20-41F-H	SESE	20	43N	77W	WYW146840	390CX3-14-171
5	MOJAVE FED 4377-21-31F-H	NWNE	28	43N	77W	WYW146841	390CX3-14-174
6	MOJAVE FED 4377-21-41F-H	NWNE	28	43N	77W	WYW146841	390CX3-14-175
7	MOJAVE FED 4377-28-34F-H	NWNE	28	43N	77W	WYW146843	390CX3-14-176
8	MOJAVE FED 4377-28-44F-H	NWNE	28	43N	77W	WYW146843	390CX3-14-177
9	MOJAVE FED 4377-29-34F-H	SESE	20	43N	77W	WYW146840	390CX3-14-172
10	MOJAVE FED 4377-29-44F-H	SESE	20	43N	77W	WYW146840	390CX3-14-173
11	MOJAVE FED 4377-8-34F-H	NENW	8	43N	77W	WYW146836	390CX3-14-167

Limitations. There are no denials or deferrals; see the conditions of approval (COAs).

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 and its limiting parameters. Thus a FONSI and an EIS is not required.

COMMENT OR NEW INFORMATION SUMMARY. Since implementation of these APDs proposal BFO received a clarified policy on determination of bond adequacy.

DECISION RATIONALE. The approval of this project is because:

1. Mitigation measures and conditions of approval (COAs), analyzed in the CX3, in environmental impact statements or environmental analysis to which the CX3 tiers or incorporates by reference, will

Categorical Exclusion 3 (CX3), WY-070-390CX3-14-167 to-177
Section 390, Energy Policy Act of 2005
Anadarko E & P Onshore LLC Sahara Additions POD
Bureau of Land Management, Buffalo Field Office, Wyoming

Description of the Proposed Action.

The proposal is to explore for and possibly develop oil and gas reserves in geologic formations currently leased by Anadarko E&P Onshore (APC) LLC (see Table 1 for lease information). The proposal consists of drilling 11 horizontal oil wells located on 4 previously approved well locations. The well locations, access and infrastructure were approved under the Sahara Plan of Development (POD); WY-070-EA13-72. There will be no changes to the permitted well pads or adjustments to access roads. The wells will use/tie into previously permitted infrastructure (tank batteries, access roads, and use of existing water infrastructure for completion purposes). APC proposes to drill, complete, produce, and eventually reclaim all locations as discussed in the Sahara POD. No gathering pipelines are proposed. Any future gathering pipelines or other infrastructure will have a sundry submitted and analyzed in separate NEPA analyses.

APC submitted the Sahara Additions POD as applications for permit to drill (APDs) on February 6, 2014. Onsites were not held due to the wells are additions to previously analyzed/permitted locations. The BLM sent a post-onsite deficiency letter to APC on February 25, 2014.

Table 1 Proposed Wells

#	Well Name & #: Sahara Add	Qtr	Sec	Twp	Rng	Lease	CX #: WY-070-
1	MOJAVE FED 4377-17-31F-H	SESE	17	43N	77W	WYW146838	390CX3-14-168
2	MOJAVE FED 4377-17-41F-H	SESE	17	43N	77W	WYW146838	390CX3-14-169
3	MOJAVE FED 4377-20-31F-H	SESE	20	43N	77W	WYW146840	390CX3-14-170
4	MOJAVE FED 4377-20-41F-H	SESE	20	43N	77W	WYW146840	390CX3-14-171
5	MOJAVE FED 4377-21-31F-H	NWNE	28	43N	77W	WYW146841	390CX3-14-174
6	MOJAVE FED 4377-21-41F-H	NWNE	28	43N	77W	WYW146841	390CX3-14-175
7	MOJAVE FED 4377-28-34F-H	NWNE	28	43N	77W	WYW146843	390CX3-14-176
8	MOJAVE FED 4377-28-44F-H	NWNE	28	43N	77W	WYW146843	390CX3-14-177
9	MOJAVE FED 4377-29-34F-H	SESE	20	43N	77W	WYW146840	390CX3-14-172
10	MOJAVE FED 4377-29-44F-H	SESE	20	43N	77W	WYW146840	390CX3-14-173
11	MOJAVE FED 4377-8-34F-H	NENW	8	43N	77W	WYW146836	390CX3-14-167

The BLM’s need for this project is to determine whether, and if so, and under what conditions to support the Buffalo Resource Management Plan’s (RMP) goals, objectives, and management actions (2003 Amendment) with permitting the operator’s exercising of conditional lease rights to develop federal fluid minerals. APD information is an integral part of this EA, which BLM incorporates 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.

For more details on project area access, design features, construction practices, drilling/completion practices of the proposed action and details regarding reclamation refer to the (MSUP pp. 4-30) in the POD. The plan was written and reviewed to ensure that environmental impacts to both surface and subsurface resources are minimized. Also see the individual APDs for a map showing the permitted access roads, existing roads and well locations. In addition, see the Sahara POD, WY-070-EA13-72 Sections 2, 3, and 4 for specifics regarding project area, general construction/reclamation practices.

The estimated time to drill a well is 30 days, and the estimated time for completion activities are set to begin 45-60 days thereafter and last 30 days. APC estimates that during the drilling phase of each

individual well (6 to 8 week period per well) the average daily traffic (ADT) to and from the location is approximately 2 large trucks (water hauler, cement trucks, etc.) and 6 personal pickup trucks per day. During the well completion operation, a 3 to 4 week period per well, the ADT increases to 4 to 6 large trucks and 6 personal pickup trucks per day. During the production phase the ADT will decrease to 1 to 2 pickup trucks per day. The surface owner is the Dry Fork Land & Livestock, L.P. For contact information refer to the Master Surface Use Plan (MSUP) p.10 in the administrative record (AR).

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 consolidated CX3 analysis 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 to 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 (2011), 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. This project area is clearly lacking in wilderness characteristics as it lacks federal surface. BLM finds that the conditions and environmental effects found in the senior 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). BLM determined that over 115 townships from Montana to the Converse County border comprise the PRB developed field. The proposed wells in the Sahara Additions POD are inside the analysis area of the recent NEPA analyses in Tables 1.2. Table 1.3. is a list of existing/approved PODs that are overlapping to the Sahara Additions project area. This information shows the reader that BLM conducted analysis.

Table 1.2. * BLM Tiers this CX3 to this Overlapping NEPA Analyses by Decision Date:

POD / Wells Name	NEPA Analyses #	#/ Type Well/ Drilled	Mo/Yr
Lance Sahara POD	WY-070-EA13-72	21/ Oil/ 4	3/2013

See also: SDR WY-2013-005, particularly noting pp. 2-3, incorporating the entirety here by reference.

Table 1.3. BLM Incorporates by Reference the Overlapping Surface & Water NEPA Analyses

POD Name	NEPA Document	# Wells / Type and # Drilled
East Bullwhacker	WY-070-06-137	60/CBNG/43
Bullwhacker III	WY-070-05-198	117/CBNG/111
Bullwhacker II	WY-070-04-333	72/CBNG/57

See also: SDR WY-2013-005, particularly noting pp. 2-3, incorporating the entirety here by reference.

- 2) Reasonably foreseeable activity is found in the Lance Sahara POD Environmental Assessment (EA), WY-070-EA13-72, 2013. This locality includes but is not limited to the approved Sahara POD and will fill-in to 640 acre spacing. BLM also notes from Table 1.2, above, that of the 21 analyzed APDs, only 4 are drilled; thus 17 undrilled, analyzed APDs contribute to the available reasonably foreseeable activity for this CX3 analysis. The reasonably foreseeable activity (RFA) for this analysis area

includes 9 sections, oil/gas exploration on 1280 acre, 640 acre spacing and possible 320 acre spacing for horizontal wells and 80 acre spacing for vertical wells. (This does not preclude the spacing analysis in the PRB FEIS further reducing the surface disturbance per well.) The project analysis area is the area within 4 miles of the proposed well and includes only those federal projects approved within 5 years, as of May 2014. The reasonably foreseeable activity includes that APC or its subsidiary, Lance, intends to submit additional APDs for the 6 NOSs applications to drill in Sections 27 and 35, T42N, R77W, as found in the WY Oil and Gas Conservation Commission (WYOGCC) website, incorporated here by reference. APC or Lance likely will also put up to 4 wells on a pad so the 1 proposed pad with its current 1 APD yields 3 reasonably foreseeable wells.

- 3) The tiered NEPA document was finalized or supplemented within 5 years of spudding (drilling) the proposed well. The Sahara Additions CX3 tiers to the EA listed above in Table 1.2.

In summary, the analyses in Tables 1.2 and 1.3, 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 the Sahara Additions APDs is similar to both the qualitative and quantitative analysis in the above tiered-to and incorporated NEPA analysis. The BLM reviewed the analysis and found that the analysis considered potential environmental effects associated with the proposal at a site specific level. The Sahara Additions APDs' 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. The proposal's acres of surface disturbances are within the analysis parameters of the PRB FEIS.

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 CX3 analysis also incorporates and analyzes the implementation of committed mitigation measures contained in the MSUP, drilling plan, in addition to the Standard COAs found in the PRB FEIS ROD, Appendix A.

Soils/Vegetation

Impacts anticipated occurring and mitigation considered with the implementation of the proposed action will be similar to those analyzed in the following EA which is adjacent or overlapping to the Sahara Additions POD and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 11-13.

Wetlands/Riparian

The Sahara Additions project area is within the area analyzed in the Sahara POD and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 14. Analysis showed no impacts to wetlands/riparian areas would occur from the proposed development.

Invasive Species

Impacts anticipated occurring and mitigation considered will be similar to those analyzed in the following EA which is adjacent or overlapping to the Sahara Additions POD and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 14.

Wildlife

BLM reviewed the proposal and determined that it, combined with the COAs (and design features), is: (1) consistent with the FEIS and its supplements, the RMP and the above tiered EAs; and (2) consistent with the programmatic biological opinion (ES-6-WY-02-F006), from the PRB FEIS, Appendix K. The affected environment and environmental effects for wildlife are discussed in, and anticipated to be similar to the Sahara POD EA, WY-070-EA13-72. Specifically for Greater Sage-Grouse (GSG), BLM applies the

mitigation from Section 4.6.4.1.3 to APDs: Mojave Fed 4377-28-34F-H, Mojave Fed 4377-28-44F-H, Mojave Fed 4377-21-31F-H, Mojave Fed 4377-21-41F-H, Mojave Fed 4377-29-34F-H, Mojave Fed 4377-29-44F-H, Mojave Fed 4377-20-41F-H, Mojave Fed 4377-20-31F-H – for they are on pads subject to the mitigation in the Sahara POD EA. BLM also applies migratory bird mitigation found in Section 4.6.2.2.3 to Mojave Fed 4377-17-31F-H, Mojave Fed 4377-17-41F-H, Mojave Fed 4377-28-34F-H, Mojave Fed 4377-28-44F-H, Mojave Fed 4377-21-31F-H, Mojave Fed 4377-21-41F-H, Mojave Fed 4377-29-34F-H, Mojave Fed 4377-29-44F-H, Mojave Fed 4377-20-41F-H, Mojave Fed 4377-20-31F-H – for they are on pads subject to the mitigation in the Sahara POD EA.

Water Resources.

The Sahara Additions project area is with in the area analyzed in the Sahara POD. Impacts anticipated occurring and mitigation considered will be similar to those analyzed in the following EA which covers the Sahara Additions POD wells and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 13.

Locatable Minerals

The Sahara Additions project area is with in the area analyzed in the Sahara POD. Existing conditions regarding locatable minerals occurrence, development and mitigation considered will be similar to those analyzed in the following EA which is adjacent or overlapping to the Sahara Additions POD and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 14.

Cultural.

In accordance with Section 106 of the National Historic Preservation Act, 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 that are found in the PRB, refer to the *Draft Cultural Class I Regional Overview, Buffalo Field Office* (BLM, 2010). Previously reviewed and accepted Class III cultural resource inventories (BFO # 70050057, 70110094, 70120004, 70120083) adequately covered the proposal. No cultural resources are in the proposal.

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 proposal. 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 February 18, 2014, 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	Eric Holborn	Archaeologist	Ardeth Hahn
Supr NRS	Casey Freise	Wildlife Biologist	Darci Stafford
Petroleum Engineer	Will Robbie	Geologist	Kerry Aggen
LIE	Sharon Soule	NEPA Coordinator	John Kelley
Soils	Arnie Irwin	Supr NRS	Bill Ostheimer
Assistant Field Manager	Clark Bennett	Assistant Field Manager	Chris Durham
WY SHPO	Mary Hopkins		

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 APC Sahara Additions POD consolidated CX3 for APDs 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.

_____/s/ Duane W. Spencer_____
Field Manager

_____/5/22/14_____
Signature Date

Contact Person, Eric Holborn, Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834,307-684-1044.