

DECISION RECORD
Anadarko E & P Onshore LLC
Categorical Exclusion 3 (CX3), WY-070-390CX3-14-242 to-249
Section 390, Energy Policy Act of 2005
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves eight (8) 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-070-390CX3-14-242 to-249, 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.

Consultation. This decision considered:

- BLM Washington Office Instruction Memorandum No. 2009-078, Processing Oil and Gas Application for Permit to Drill for Directional Drilling into Federal Mineral Estate from Multiple-Well Pads on Non-Federal Surface and Mineral Locations, 2009.
- Wyoming BLM State Director Review, SDR No. WY-2011-010, EOG Resources, Inc. v. Pinedale Field Office, 2011.
- Wyoming BLM State Director Review, SDR No. WY-2013-025, Yates Petroleum v. BLM, 2013.

A summary of the details of the approval follows. The CX3 analysis, WY-070-390CX3-14-242 to -249 includes the project description, including site-specific mitigation measures which are incorporated by reference into that worksheet from earlier analysis.

Approvals. BLM approves the following 8 APDs and associated infrastructure:

Well Name/ Well #	Qtr	Sec	Twp	Rng	Lease	CX #: WY-070-
*Gobi Mojave Fed 4277-15-14F-H	SESW	10	42N	77W	WYW146829	390CX3-14-246
*Gobi Mojave Fed 4277-15-24F-H	SESW	10	42N	77W	WYW146829	390CX3-14-247
Gobi Mojave Fed 4277-26-11F-XH	SWSW	35	42N	77W	WYW128629	390CX3-14-248
Gobi Mojave Fed 4277-26-21F-XH	SWSW	35	42N	77W	WYW128629	390CX3-14-249
Gobi Mojave Fed 4277-4-11F-H	SESE	5	42N	77W	WYW146826	390CX3-14-244
Gobi Mojave Fed 4277-5-31F-H	SESE	5	42N	77W	WYW146827	390CX3-14-245
Gobi Mojave Fed 4277-8-34F-H	SESE	5	42N	77W	WYW146826	390CX3-14-242
Gobi Mojave Fed 4277-9-14F-H	SESE	5	42N	77W	WYW146826	390CX3-14-243

NOTE: * located on an existing well pad having fee surface over fee minerals accessing federal minerals

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.

Limitations. See the conditions of approval (COAs) and recommended mitigation measures (RMMs).

COMMENT OR NEW INFORMATION SUMMARY. Since receipt of these APDs, BFO received a clarified policy on NEPA processing.

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 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. The impact of this development cumulatively contributes to the potential for local greater sage grouse (GSG) extirpation 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. There are no conflicts anticipated or demonstrated with current uses in the area. This decision approving the APDs complies with the Energy Policy Act of 2005, Section 390, 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215.
3. 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.
4. The selected alternative will help meet the nation's energy need, revenues, and stimulate local economies by maintaining workforces.
5. The operator committed in their POD to the following:
 - Comply with all applicable federal, state, and local laws and regulations.
 - Identify all wells within the 1 mile radius, either by list or on the map and offer water well agreements to the owners of record for permitted water wells within 0.5 mile of a federal producing well in the POD (PRB FEIS ROD, p. 7).
6. The project is clearly lacking in wilderness characteristics because it is amidst mineral development.
7. This decision does not foreclose the lessee or operator to propose a new or supplementary plan for developing the federal oil and gas leases in this project area, including submission of additional APDs to drain minerals in accord with lease rights and law. This decision does not foreclose the lessee or operator to propose using external pumping units via a sundry application process.
8. APC certified there is a surface access agreement with the landowners.
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 individual 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: /s/ Duane W. Spencer

Date: 7/11/14

**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-242 to -249
Applications for Permit to Drill (APDs), Section 390, Energy Policy Act of 2005
Anadarko E&P Onshore LLC Gobi 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 LLC (APC), see Table 1 and administrative record (AR) for lease information. The proposal consists of drilling 8 horizontal wells on 3 pads to the Frontier Formation. This proposal consists of 2 new pads and using an existing, producing fee mineral well pad. APC proposes to drill, complete, produce, and eventually reclaim all locations. Associated infrastructure will include tank batteries, access roads, and use of existing water infrastructure for completion purposes. No gathering pipelines are proposed. Any future gathering pipelines or other infrastructure will have a sundry submitted and analyzed in separate NEPA analyses. BLM’s jurisdiction over 6 applications for permit to drill (APDs) is split estate (fee surface over federal minerals). BLM has reduced jurisdiction over 2 APDs (fee surface overlying fee minerals, then laterally draining federal minerals). Therefore, BLM consults Instruction Memorandum No. 2009-078 entitled *Processing Oil and Gas Applications for Permit to Drill for Directional Drilling into Federal Mineral Estate from Multiple-Well Pads on Non-Federal Surface and Mineral Estate Locations* for processing those APDs.

APC submitted the Gobi POD as notices of staking (NOSs) on September 24, 2013. BLM held onsite inspections were November 19, 2013 to evaluate the proposal and modified it as necessary to mitigate environmental impacts. APC submitted APDs, incorporated here by reference, on February 19, 2014. The BLM sent a post-onsite deficiency letter to APC on March 12, 2014.

Table 1. Proposed Wells

Well Name/ #	Qtr	Sec	Twp	Rng	Lease	CX #: WY-070-
*Gobi Mojave Fed 4277-15-14F-H	SESW	10	42N	77W	WYW146829	390CX3-14-246
*Gobi Mojave Fed 4277-15-24F-H						390CX3-14-247
Gobi Mojave Fed 4277-26-11F-XH	SWSW	35	42N	77W	WYW128629	390CX3-14-248
Gobi Mojave Fed 4277-26-21F-XH						390CX3-14-249
Gobi Mojave Fed 4277-4-11F-H	SESE	5	42N	77W	WYW146826	390CX3-14-244
Gobi Mojave Fed 4277-5-31F-H						390CX3-14-245
Gobi Mojave Fed 4277-8-34F-H						390CX3-14-242
Gobi Mojave Fed 4277-9-14F-H						390CX3-14-243

*on existing well pad, Mojave Fed 4277-10-24, having fee surface over fee minerals accessing federal minerals

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.

The BLM will decide whether or not to approve the proposed APDs, and if so, under what terms and conditions agreeing with the Bureau’s multiple use mandate, environmental protection, and RMP. Drilling and producing the subject wells is a federal action. Construction, operation, and reclamation of infrastructure on non-federal land are not federal actions. Drilling and producing mitigation is in the Conditions of Approval for Conventional Application for Permit to Drill. The surface owners are the

Moore Land Company. It is the BLM’s responsibility and obligation to analyze the full effects of the federal action, and identify mitigation measures, regardless of the BLM’s authority to enforce the mitigation. The BLM needs to identify mitigation measures that would reduce or eliminate the effects of a non-federal action when it is a connected action to the BLM proposed action (see the BLM NEPA Handbook, Section 6.8.2.1.1, Connected Non-federal Actions). Identifying mitigation outside of the BLM’s jurisdiction alerts other agencies and landowners that can implement the mitigation. The probability of the other agencies implementing the mitigation measures is likely to occur, although these agencies may vary specific parameters recommended by the BLM. Full effects of the action and recommended mitigation measures (RMMs) are found in the Gobi POD Surface Use Plan, see AR, and BLM Recommended Conditions of Approval (COAs) for Conventional Application for Permit to Drill.

Table 2. Summary of Surface Disturbance

Facility	Surface Disturbance
Engineered Pads	2 @ varies (23 acres)
Template Roads/Two Track*	0.23 miles@45’ corridor (1.3 acres)
Power Drops	2
Total Acre Disturbance	24.6 acres

For more details on project area access, design features, construction practices, drilling/completion practices of the proposals and details regarding reclamation refer to the master surface use plan (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 proposed access road, existing roads, and well location. In addition, see Sahara POD EA, WY-070-EA13-72 Sections 2, 3, and 4 for specifics regarding project area general construction/reclamation practices.

The estimated time to construct the well pad is 7-14 days, estimated time to drill the 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. At this time ADT for production is unknown.

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 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 (2011), and the Record of Decision (ROD) and Resource Management Plan 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 GOBI project area is clearly lacking in wilderness characteristics as it is amidst extensive natural gas development. BLM finds that the conditions and environmental effects found in the senior NEPA analyses 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 earlier identified over 115 townships from the Montana to Converse County borders that comprise the PRB fluid mineral developed field and this proposal is in the developed field. Tables 3 and 4 list existing/approved PODs that are overlapping to the Gobi project area. This information shows the reader that BLM conducted analysis.

Table 3. Overlapping Oil & Gas NEPA Analyses that Account for Reasonable Foreseeable Activity and Completed within 5 Years of Spudding the Gobi POD Proposal

Project / POD Name	NEPA Analysis	# Wells / Type/ # Drilled	Approved M/Yr
Lance Sahara	WY-070-EA13-72	21 /Oil/ 4	3/2013
APC Sahara Additions	WY-070-390CX3-14-167 to -177	11 /Oil/ 0	5/2014

Table 4. BLM Incorporates by Reference the Overlapping Surface & Water NEPA Analyses

Project / POD Name	NEPA Analysis	# Wells / Type/ # Drilled
East Bullwhacker	WY-070-EA06-137	60/CBNG/43
Bullwhacker III	WY-070-EA05-198	117/CBNG/111
Bullwhacker II	WY-070-EA04-333	72/CBNG/57

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

- 2) There are existing NEPA analyses (and the RMP) containing reasonably foreseeable activity scenario for this action. There are several existing NEPA documents that reasonably foresaw activity to spud additional wells to fill in 80 acre well-spacing. BLM also notes from Table 3, above, that of the 32 analyzed APDs, at this time, only 4 are drilled; thus 28 undrilled, analyzed APDs contribute to the available reasonably foreseeable activity. 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 NEPA analyses 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 Gobi wells are in the foreseeable activity or development scenario that was analyzed in NEPA analyses in Tables 3 and 4, 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 Gobi CX3 tiers to the NEPA analyses listed above in Table 3.

In summary the NEPA analyses in Tables 3 and 4 analyzed in detail the anticipated direct, indirect, residual, and cumulative effects that would result from the approval of these APDs. The Gobi POD proposal is similar to both the qualitative and quantitative analysis in the Sahara POD and Sahara Additions. The BLM reviewed the corresponding EAs and found that the EAs considered potential environmental effects associated with this proposal at a site specific level. The Gobi wells will share infrastructure with the Sahara developments; see, Table 3, incorporated here by reference. The APDs' surface use and drilling plans show adequate protection of surface lands and ground water, including the Fox Hills Formation.

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.

Water Resources.

The Gobi project area is within the area analyzed in the Sahara POD. Water Resources, associated with development of horizontal wells were analyzed in the Sahara POD EA, WY-070-EA13-72, incorporated here by reference. Activities associated with development of the Gobi POD are anticipated to be similar in nature. The historical groundwater use in this area was for stock or domestic water. A search of the WY State Engineer Office (WSEO) Ground Water Rights Database showed 2 registered stock and 0 domestic water wells within 1 mile of these proposed wells with depths ranging from 500 to 1950 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 (2000 ft.), following safe remedial procedures in the event of casing failure, and using proper cementing procedures should protect any fresh water aquifers above the targeted mineral zone. Specific to protection of the Fox Hills Formation; as described in the Casing & Cementing Program of the Drilling Plan, ‘the top of cement on the 7” intermediate casing will isolate the Fox Hills Formation and will be verified by a cement bond log (CBL); see AR. This will help ensure that ground water of the Fox Hills Formation 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 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 three 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. Impacts anticipated occurring and mitigation considered will be similar to those analyzed in the Sahara POD EA, WY-070-EA13-72, pp. 15-16, which is adjacent or overlapping to the project area and is incorporated here by reference.

Locatable Minerals

The Gobi project area is 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 POD EA, WY-070-EA13-72, pp. 14 and 26 incorporated here by reference.

Soils/Vegetation

BLM obtained soils identification and data for this proposal from the North Johnson County Survey Area, Wyoming Soil Survey Geographic (SSURGO) Database (WY719). NRCS performed the soil survey according to National Cooperative Soil Survey standards. The BLM uses county soil survey information to predict soil behavior, limitations, or suitability for a given activity or action. The agency’s long term goal for soil resource management is to maintain, improve, or restore soil health and productivity, and to prevent or minimize soil erosion and compaction. Soil management objectives are to ensure that adequate soil protection is consistent with the resource capabilities. Many of the soils and landforms of this area present distinct challenges for development, and /or eventual site reclamation. Impacts anticipated occurring and mitigation considered with the implementation of the proposal will be similar to those analyzed in the Sahara POD EA, WY-070-EA13-72, pp. 11-13, incorporated here by reference.

Wetlands/Riparian

The Gobi project area is in the area analyzed in the Sahara POD and is incorporated here by reference: Sahara POD EA, WY-070-EA13-72, p. 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 Gobi POD and is incorporated here by reference: Sahara POD WY-070-EA13-72, pp. 14 and 27.

Wildlife

BLM reviewed the proposals and determined that the proposed APDs, combined with the COAs (and design features), are: (1) consistent with the FEIS and its supplements, the RMP and the above tiered NEPA analyses; 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, incorporated here by reference. Additional information is discussed below.

Raptors

Effects to raptors from surface disturbing and disruptive activities associated with development of oil and gas wells were analyzed in the Sahara POD EA, WY-070-EA13-72, 2013, Section 4.6.2.1, pp. 28-31, and Section 4.7.4 pp. 38, incorporated here by reference. Activities associated with development of Gobi POD are anticipated to be similar in nature, with the following additional site-specific information.

Mojave Fed 4277-10-24 Pad: Wells: Gobi Mojave Fed #s 4277-15-14F-H & 4277-15-24F-H

There are 2 known ground nests present within 0.5 miles (#s 10643 and 10644), and an additional 3 within 1 mile (#s 10641, 10642, and 10645), of the Mojave Fed 4277-10-24 well pad and infrastructure. All 5 nests are likely to have been built by ferruginous hawks. The U.S. Fish and Wildlife Service (FWS) recommends a 1-mile spatial buffer to protect ferruginous hawk nests. The BLM ran a simple viewshed analysis to determine whether facilities are proposed within line of sight of the nests. It is likely that the 2 closest nests would be in the line of sight of a drilling rig that was over 60 feet tall, but that production facilities such as tanks and pump jacks would be visually screened by the topography in the area. To reduce the risk of decreased productivity or nest failure, the BLM recommends a 0.5-mile radius timing limitation for surface disturbing and disruptive activities during the breeding season around active raptor nests. The distance from the proposed well and topography in the area are likely to mitigate impacts from human disturbance associated with production at the well; however, the disruptive activities associated with construction, drilling, and completion may impact hawks using the nests.

Greater Sage-Grouse (GSG)

Effects to GSG from surface disturbing and disruptive activities associated with development of oil wells were analyzed in the Sahara POD EA, WY-070-EA13-72, 2013, Section 4.6.4.1, pp. 34-37, incorporated here by reference. Activities associated with development of the Gobi POD are anticipated to be similar in nature, with the following additional site-specific information.

Mojave Fed 4277-5-44 Pad: 4 Wells: Gobi Mojave Fed #s 4277-4-11F-H, 4277-5-31F-H, 4277-8-34F-H, 4277-9-14F-H

The Mojave Fed 4277-5-44 well pad and proposed access road is in suitable nesting habitat for GSG. The proposed pad is within 2 miles of the Bushwhacker Creek II and Bushwhacker Creek V Leks. The well is also within 4 miles of the Bushwhacker Creek III, Bushwhacker Creek IV, and Rhodes 2 Leks. Leks in the project area are likely already experiencing impacts from existing development; most of these leks had CBNG wells drilled within 0.25 miles. Construction of the well pad and access road will result in the

removal of approximately 12.6 acres of habitat. The well pad itself consists of mostly grassy areas with some small patches of sagebrush, much of which is hedged, and not likely to provide nesting cover. The surrounding area is sagebrush grasslands on rolling topography. Construction, drilling, and completion are anticipated to negatively impact GSG nesting in suitable habitat in the project area. To decrease the likelihood that GSG will avoid the project area, and increase habitat quality by reducing noise and human activities during the breeding season, the BLM applies a 2 mile timing limitation for surface disturbance (construction and drilling) during the breeding season (March 15-June 30). Increased traffic and human disturbance associated with completion are also likely to negatively impact nesting GSG, and the BLM recommends that completion activities also occur outside of the breeding season.

Mojave Fed 4277-10-24 Pad: Wells: Gobi Mojave Fed #s 4277-15-14F-H & 4277-15-24F-H

The Mojave Fed 4277-10-24 well pad and proposed access road is within suitable nesting habitat for GSG. The proposed pad is within 2 miles of the Bushwhacker Creek V Lek. The well is also within 4 miles of the Bushwhacker Creek II, Bushwhacker Creek III, and Bushwhacker Creek IV Leks. This is an existing fee/fee pad with no new surface disturbance proposed. The surrounding area is comprised of sagebrush grasslands on rolling topography. Construction, drilling, and hydraulic fracturing activities are anticipated to negatively impact GSG nesting in suitable habitat in the project area. To decrease the likelihood that GSG will avoid the project area, and increase habitat quality by reducing noise and human activities during the breeding season, the BLM recommends a 2 mile timing limitation for surface disturbance (construction and drilling) during the breeding season (March 15-June 30). Increased traffic and human disturbance associated with completion are also likely to negatively impact nesting GSG, and the BLM recommends that completion activities also occur outside of the breeding season.

Migratory Birds

BLM analyzed the effects to migratory birds from surface disturbing and disruptive activities associated with development of oil and gas wells in the Sahara POD EA, WY-070-EA13-72, 2013, Section 4.6.2.2, pp. 31-33, incorporated here by reference. Activities associated with development of the Gobi POD are anticipated to be similar in nature, with the following additional site-specific information. Habitat disturbance and disruptive activities (i.e. drilling, construction, completion, operations, and maintenance) resulting from implementation of the Gobi POD are likely to affect migratory birds. Native habitats will be lost directly with the construction of well pads, access roads, and power lines. Surface disturbing activities that occur in the nesting season may kill migratory birds. Prompt re-vegetation of short-term disturbance areas should reduce habitat loss impacts. Pad construction, drilling, and to a lesser degree production, will displace edge-sensitive migratory birds from suitable habitat adjacent to the well pads. During the onsites, the BLM identified suitable nesting habitat present for several migratory birds. The Mojave Fed 4277-5-44 and Mojave Fed 4277-35-14 pad areas have small, sparse patches of sagebrush, some heavily browsed. Ground nesting birds using grassland habitats in the Mojave Fed 4277-5-44 and Mojave Fed 4277-35-14 pads proposed disturbance areas may have nests or young destroyed if construction occurs during the nesting season. BLM sensitive migratory bird species are not anticipated to nest in the proposed disturbance areas for these pads; construction of these pads is unlikely to result in a “take” of BLM sensitive migratory birds. Migratory birds nesting adjacent to the well pad or road may be displaced, abandon nests, or suffer reduced reproductive success due to construction and production activities. Suitability of the project area for migratory birds will be negatively affected due to habitat loss and fragmentation and proximity of human activities associated with oil and gas development.

APC proposes using heater treaters in the production phase of the wells. Heater treaters, and similar facilities with vertical open-topped stacks or pipes, can attract birds. Facilities without exclusionary devices pose a mortality risk. The BLM recommends that measures are taken to ensure that migratory birds are excluded from all facilities that pose a mortality risk, including, but not limited to, heater treaters, flare stacks, secondary containment, and standing water or chemicals where escape may be difficult or hydrocarbons or toxic substances are present. APC will take preventative measures to screen

