

DECISION RECORD
Anschutz Oil Company, LLC, CMP Plan of Development (POD)
Categorical Exclusion 3 (CX3), WY-070-390CX3-15-171 to -173
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves Anschutz Oil Company, LLC (Anschutz), CMP Plan of Development (POD) oil and gas well applications for permit to drill (APD), and construct their associated infrastructure as described in the CX3 analysis, WY-070-390CX3-15-171 to -173, all of which the BLM incorporates here by reference.

Compliance. This decision complies with or supports:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701).
- 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).
- Powder River Basin Oil and Gas Project Final Environmental Impact Statement (FEIS), 2003.
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.
- Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands (WY-IM-2012-019) and Greater Sage-Grouse Interim Management Policies and Procedures (WO-IM-2012-043).

A summary of the details of the approval follows. The CX3 analysis, WY-070-390CX3-15-171 to -173, includes the project description, including site-specific mitigation measures which are incorporated by reference into this CX3 from earlier analysis. The proposed wells are approximately 30 miles southwest of Wright, Campbell County, Wyoming. The CMP POD proposal has 3 APDs along with associated access road and infrastructure, to develop and produce oil and gas from the Turner Formation.

Approvals. BLM approves the following 3 oil APDs and associated infrastructure:

Well Name	TwN	Rng	Sec	Qtr/Qtr	Surface Ownership	Surface Lease	Lateral Lease	Bottom Hole Lease
CMP Casey Fed 24-44TH	41N	76W	13	SWSE	Fee	Fee	Federal	Federal
CMP Misty Fed 11-44TH	41N	76W	2	SWSE	Fee	Federal	Federal	Fee
CMP Patch Fed 10-44TH	41N	76W	10	NWNE	Fee	Federal	Federal	Federal

Limitations. There are no denials or deferrals. Also 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 are not required.

COMMENT OR NEW INFORMATION SUMMARY. BLM posted the APDs for 30 days and received no public comments. There are no new policies or information received post analysis that affects this project.

DECISION RATIONALE. BLM bases the decision authorizing the selected project on:

1. BLM and Anschutz included design features and mitigation measures (conditions of approval (COAs)) to reduce environmental impacts while meeting the BLM’s need. For a complete description of all site-specific COAs, see the COAs.

- a. The impact of this development cumulatively contributes to the potential for local extirpation of the Greater Sage Grouse (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 (WO-IM-2012-043) and Wyoming (WY-IM-2012-019) GSG conservation strategies.
 - b. With application of Standard Operating Procedures (SOPs), applied mitigation, Required Design Features, and COAs identified for Greater Sage-Grouse under the proposed action, impacts caused by surface-disturbing and disruptive activities would be minimized.
 - c. There are no conflicts anticipated or demonstrated with current uses in the area.
2. The Resource Management Plan (RMP) for the Buffalo Field Office is currently undergoing revision. The Proposed RMP and Environmental Impact Statement were released in May 2015. The proposed action was screened against the Proposed RMP to ensure that the proposed action would not preclude BLM's ability to select any alternative in a ROD. The proposed action was also determined to not be inconsistent with the direction outlined in the RMP's Proposed Alternative.
 3. Anschutz will conduct operations to minimize adverse effects to surface and subsurface resources, prevent unnecessary surface disturbance, and conform with currently available technology and practice.
 4. The selected alternative will help meet the nation's energy needs, and help stimulate local economies by maintaining workforce stability.
 5. The operator committed to:
 - Comply with the approved APDs, applicable laws, regulations, orders, and notices to lessees.
 - Obtain necessary permits from agencies.
 - Offer water well agreements to the owners of record for permitted wells.
 - Incorporate several measures to alleviate resource impacts into their submitted surface use plan and drilling plan.
 6. The operator certified it has a surface access agreement.
 7. The project lacks wilderness characteristics. A wilderness characteristics inventory was completed in 2013; no lands with wilderness characteristics were identified outside the Big Horn Mountains. The inventory is available at: <http://www.blm.gov/wy/st/en/programs/Planning/rmps/buffalo/docs.html>.
 8. This decision does not foreclose the lessee or operator to propose a new or supplementary plan for developing the federal oil and gas lease(s) 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.
 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 REVIEW AND APPEAL. This decision is subject to administrative review according to 43 CFR 3165. Request for administrative review of this decision 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. Parties 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: September 16, 2015

Categorical Exclusion 3 (CX3), WY-070-390CX3-15-171 to -173
Section 390, Energy Policy Act of 2005
Anschutz Oil Company, LLC,
CMP Plan of Development (POD)
Bureau of Land Management, Buffalo Field Office, Wyoming

Description of the Proposed Action.

Anschutz Oil Company, LLC, (Anschutz requests BLM’s approval for 3 applications for permit to drill (APD). BLM incorporates the APDs here by reference; see the administrative record (AR). Anschutz proposes to drill the horizontal oil and gas wells and construct associated infrastructure at the locations in Table 1.1. The proposal is to explore for, and possibly develop oil and gas reserves in the Turner Formation at depths found in the AR.

The project area is approximately 30 miles southwest of Wright, Campbell County, Wyoming. Project elevations range from 5,149 feet to 5,476 feet. The topography has gently sloped draws rising to mixed sagebrush and grassland uplands. Ephemeral tributaries of Upper Antelope Creek and the Dry Fork of the Powder River in the Powder River and Cheyenne River drainages drain the 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.

Table 1.1. Proposed Wells

Well Name	TwN	Rng	Sec	Qtr/Qtr	Surface Ownership	Surface Lease	Lateral Lease	Bottom Hole Lease
CMP Casey Fed 24-44TH	41N	76W	13	SWSE	Fee	Fee	Federal	Federal
CMP Misty Fed 11-44TH	41N	76W	2	SWSE	Fee	Federal	Federal	Fee
CMP Patch Fed 10-44TH	41N	76W	10	NWNE	Fee	Federal	Federal	Federal

*BLM’s Instruction Memorandum No. 2009-078 establishes policy and procedures for processing Federal Applications for Permit to Drill (APD) for directional drilling into Federal mineral estate from multiple-well pads on non-Federal locations. The CMP Casey Fed 24-44TH follows IM 2009-78 guidance as the location is on Fee surface, directly over Fee minerals. COAs and Recommended Mitigation Measures (RMMs) are located in Appendix A, B, and C.

Table 1.2. Categorical Exclusion 3 Numbers Associated with the Proposed Wells

Well Name	CX #
CMP Casey Fed 24-44TH	WY-070-390CX3-15-171
CMP Misty Fed 11-44TH	WY-070-390CX3-15-172
CMP Patch Fed 10-44TH	WY-070-390CX3-15-173

Anschutz submitted APDs to BLM on September 30, 2014. Anschutz and BLM completed onsite inspections on January 14, 2015. The onsites evaluated the proposals and modified them to mitigate environmental impacts. The BLM sent post-onsite deficiency letters to Anschutz on February 23, 2015. Anschutz responded on April 10, 2015. After subsequent correspondence, the BLM considered the deficiencies complete on September 10, 2015.

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 with permitting the operator’s exercising of conditional lease rights to develop federal fluid minerals. APD information, which BLM incorporates here by reference, is an integral part of this CX. 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.

Drilling, Construction & Production design features include:

Access Roads and Utilities

- A road network will consist of existing improved all-weather roads; existing primitive (2-track) roads to be upgraded to all-weather improved roads; and a proposed improved well access road. Roads will be maintained in a condition the same as, or better than before operations began. Disturbances are listed in Table 1.5.
- Proposed roads will be built with an 18 foot running surface with added turnouts.
- A detailed description of turnouts, culverts, cattle guards, and engineered designs are listed in the surface use plan (SUP) and attached tables within the APD package.
- Average daily traffic (ADT) is outlined in Table 1.4.
- Drilling and completion water will be transferred to the locations by surface water lines.
- If the well is deemed a producer, power sources will be pursued by Anschutz and a sundry notice will be submitted to the BLM. Generators will be used during drilling and completion operations.

Well Locations

- Cut and fill slopes of the well pads will be constructed with slopes of 2:1 and reduced as much as possible during interim reclamation.
- Well pad disturbances are listed in Table 1.5.
- If the wells become producers the following facilities will be placed on the well pads (per well); 1 electric pumping unit, a heater treater/separator, 2 400 bbl water tanks and 4 400 bbl oil tanks, a combustor, a production flare, and a gas meter.
- Off location frac pits (listed in the SUP) will be used for water storage during drilling and completion operations.
- The wells will be drilled using a semi-closed loop system. Cuttings will be contained in lined cuttings pits, constructed at the base of the cut, on the well locations.
- All well pads will be fenced around the extent of the disturbance.
- 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.

Drilling and Completion Operations

- Drilling and construction is year-round in the region. Weather may cause delays, but delays rarely last multiple weeks. Timing limitations in the form of COAs and/or agreements with surface owners may impose longer temporal restrictions. The operator anticipates that estimated drilling duration per well will be 30 days.
- Hydraulic fracturing (HF) operations are planned as a ‘plug and perf’ operation done in stages. The process is anticipated require approximately 20 days to complete. All water used for HF will come from the Devon Energy West Pine Tree CBM Field Fink Prong Pipeline (SEO Permit #196903) or municipal water supplies from Wright, Wyoming. All fresh water will be contained in frac pits (listed in the SUP). No additional well pad disturbance is anticipated for HF operations. Completion flowback water will be held in tanks on location and trucked offsite to a disposal facility permitted by Wyoming Department of Environmental Quality (WDEQ).
- 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.

For a detailed description of design features and construction practices associated with the proposed project, refer to the surface use plan (SUP) and drilling plan included with the APD. Also see the subject APD for maps showing the proposed well location and associated facilities described above. Total surface disturbance for the proposal, including new improved roads and upgrading roads, is 49.58 acres. After interim reclamation total disturbance will be 15.60 acres

Table 1.3. Anticipated Drilling and Completion Timing and Sequence.

Drilling and Completion Step	Approximate Duration
Build Location (roads, pad, and other infrastructure)	14-21 days
Mobilize Rig	5-9 days
Drilling (24/7)	6-8 weeks
Schedule/logistics for completion	20 days
Completion (setup, completion, demobilization)	1-3 weeks

Table 1.4. Average Daily Traffic

Activity	Duration	Large Trucks ¹	Personal Pickups
Drilling	6-8 weeks (per well)	6	6
Completion	1-3 weeks (per well)	6	6
Production	Life of wells	1-2	1

¹ Examples of large trucks during the completion phase; water haulers and cement trucks, etc. Large trucks during the production phase would typically be oil tankers.

Table 1.5. Disturbance Summary CMP POD:

Facility	Number or Miles	Factor	Disturbance	Interim Disturbance
Engineered Pad (including cuts/fills and topsoil/spoil piles)	3	Varies	14.27 acres	5.28 acres
Proposed Improved Roads (New)	4,705 x 70ft	329,350ft ²	7.56 acres	2.59 acres
Proposed Improved Roads (Upgrades)	16,445ft x 70ft	1,151,150ft ²	26.43 acres	6.80 acres
Proposed Unimproved (re-route of existing primitive)	600ft x 12ft	7,200ft ²	0.17 acres	0.17 acres
Temporary Surface Water Line	38,077ft	0.00	0.00	0.00
Proposed Turnouts	14 @ 200ft x 10ft	28,000ft ²	0.64 acres	0.64 acres
Total Surface Disturbance			49.07 acres	15.48 acres

The following narrative explains why Anschutz requests 14.27 acres for three 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.

Off Well Pad

If a well is a producer Anschutz will install a buried 3 to 6 inch high-density polyethylene (HDPE) gas gathering pipeline of at least 125 psi rating from the producing well to transport natural gas from the well to a gas gathering trunkline and on to a compressor facility. Gas gathering trunklines will typically consist of 6 to 24 inch HDPE buried lines of at least 125 psi rating. Anschutz will install a buried 2 to 6 inch corrosion resistant water gathering pipeline of at least 150 psi rating from the well to transport water to a

water gathering trunkline and to an approved water disposal well in the area. Water gathering trunklines will typically consist of 6 to 12 inch corrosion resistant buried lines of at least 150 psi rating.

Anschutz is proposing two (2) options for obtaining fresh water for drilling water and cement mix;

- a. Option 1: Devon Energy West Pine Tree CBM Field, Fink Prong Pipeline (SEO Permit # 196903) drilled to the Big George Seam
- b. Option 2: City of Wright, WY municipal water source.

Drilling and cement water will be staged at two (2) existing frac pits, previously approved in Devon Energy's Spruce 2 POD. The frac pits associated with each proposed well are located:

- a. Patch Federal 4176-10-44TH: SESW Section 4 T41N-R76W.
- b. Misty Federal 4176-11-44TH and Casey Federal 4176-24-44TH: NWNW Section 6 T41N-R75W.

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 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, and Resource Management Amendments 2001, 2003, 2011 as required by 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215. The CMP POD and area are clearly lacking in wilderness characteristics as they lack federal surface and are amidst oil and gas development. BLM finds that the conditions and environmental effects found in the senior EA 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 2.1 is a list of NEPA analysis that are within or adjacent to the CMP POD project area. This information shows that BLM conducted analysis and BLM incorporates these here by reference.

Table 2.1. Overlapping NEPA Analyses by Decision Date

#	Operator	POD / Well Name	NEPA Analysis #	# / Type Wells	Mo/Yr
1	Devon	Grayling	WY-070-EA10-332	84/CBNG	3/2011
2	Devon	Cottonwood	WY-070-EA12-102	7/Oil	7/2012
3	Devon	Spruce 2	WY-070-EA13-240	5/Oil	7/2013
4	SM Energy	Trigger Federal et al.	WY-070-EA14-190	2/Oil	4/2014
5*	Anadarko	Sahara POD	WY-070-EA13-72	21/Oil	3/2013

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

*Environmental Assessment is incorporated here by reference.

- 2) Reasonably foreseeable activity (RFA) is found in the Trigger Federal et al. EA, WY-070-EA14-190, 2014 and Spruce 2 EA, WY-070-EA13-240, 2013. This locality includes but is not limited to the approved Trigger Federal et al. and Spruce 2 wells and will fill-in to 640 acre spacing and possible 1280 acre spacing. BLM also notes from Table 2.1, above, that of the 98 analyzed APDs, only 6 are drilled; thus 92 undrilled, analyzed APDs contribute to the available RFA for this CX3 analysis. The

RFA for this analysis area includes 24 sections, oil/gas exploration on 320 acre, 640 acre spacing and possible 1280 acre spacing for horizontal wells and 40 acre spacing for vertical wells. The project analysis area is the area within 4 miles of the proposed wells and includes only those federal projects approved within 5 years, as of September 2015.

- 3) The tiered NEPA document was finalized or supplemented within 5 years of spudding (drilling) the proposed wells. This CMP POD CX3 tiers to the NEPA analyses in Table 2.1.

In summary, the analyses in Table 2.1, 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 CMP POD is similar to both the qualitative and quantitative analysis in the Table 2.1 tiered-to and incorporated NEPA analyses. The BLM reviewed the analyses and found that the analyses considered potential environmental effects associated with the proposal at a site specific level. The CMP POD 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 SUP, 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 proposals will be similar to those analyzed in the following EAs which are adjacent or overlapping to these proposals, are substantially similar, and are incorporated here by reference: Trigger Federal et al., WY-070-EA14-190 Section 3.2 and 4.2, and Spruce 2, WY-070-EA13-240, Section 3.2 and 4.2.

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 3 registered stock and domestic water wells within 1 mile of the proposed wells in the project area with depths ranging from 260 to 620 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. This will ensure that ground water will not be adversely impacted by well drilling and completion operations. The depths to the Fox Hills Formation are 7,875 feet, 7,674 feet, and 7,504 feet respectively. The Fox Hills, the deepest penetrated fresh water zone in the PRB lies well above the target formation. The operator will cement 100 feet above and below the Fox Hills Formation and verify that there is competent cement across the aquifer. 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 a 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.

Invasive Species.

Impacts anticipated occurring and mitigation considered with the implementation of the proposals will be similar to those analyzed in this EA which is adjacent or overlapping to these proposals, has substantially similar characteristics, and is incorporated here by reference: Trigger Federal et al., WY-070-EA14-190, Section 3.5 and 4.4.

Wildlife.

BLM reviewed the APDs and determined that the proposal, combined with the COAs (and design features), are: (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), PRB FEIS, Appendix K. The BLM biologist performed an onsite inspection of the project area on May 28, 2015. BLM wildlife biologists also consulted databases compiled and managed by BLM BFO wildlife staff, the PRB FEIS, WY Game and Fish Department (WGFD) datasets, and the Wyoming Natural Diversity Database (WYNDD) to evaluate the affected environment for wildlife species that may occur in the area. The proposed wells and infrastructure are a result of attempts by the operator and the BLM to reduce impacts to identified wildlife resources. The affected environment and environmental effects for wildlife are discussed in, and anticipated to be similar to the approved Sahara POD EA, WY-070-EA13-72 and is incorporated here by reference. Also, a project wildlife report was submitted in 2015. Rationale for species not discussed in detail below can be referenced in the administrative record (Table W.1. (Summary of Sensitive Species Habitat and Project Effects) and Table W.2. (Summary of Threatened and Endangered Species Habitat and Project Effects)).

Raptors

The PRB FEIS discussed the affected environment for raptors; pp. 3-141 to 3-148. Potential habitat exists in this area for raptor use in the way of foraging and/or nesting activities. Formal Wildlife surveys were performed (CMP POD Wildlife Survey Report, 2015). These surveys identified five raptor nests within the project area and three of these nests will be directly impacted by the proposed action. The three nests of concern are associated with the following assigned BLM nest identification numbers: 10425, 10426, 10427, and are all documented as ferruginous hawk nests.

Of the three proposed wells only the Casey Fed 4176-24-44TH is within 0.5 miles of any raptor nests (BLM #: 10425, 10426, 10427). This proposed well is out of line of sight and as well as the portion of the associated access that is within 0.25 of mile of the closest nest (BLM #: 10427).

The three nests above are all within 0.25 mile of each other running along an ephemeral drainage with steep creek banks. Also the immediate area is considered to be high quality nesting habitat due to prey availability, low levels of anthropogenic features/disturbances, and the appropriate topography that is selected by ferruginous hawks for nest sites is present. Also nest number 10425 was determined to be an active failed nest after an onsite visit was performed by the BLM wildlife biologist. During the onsite the nest was discovered to have dead chicks as well as a dead adult in close proximity to the nest. The mortalities were expected to be from natural causes, and was believed to be a predation event which is common among ground nesting species. Due to the information referenced above the area has both biological and environmental rationale that supports the area as suitable for a successful ferruginous hawk nesting territory, and thusly is determined to be an important area for protection of the species on a population level.

Due to the impacts associated with oil and gas development negative effects to raptors are anticipated although with the below referenced mitigation, operator committed measures and design features the negative impacts should be minimized to the extent feasible while still allowing lease development.

- The operator has agreed to commit to 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 the Casey Fed 4176-24-44TH.
- Installation of an artificial nesting structure (ANS) as agreed upon by the operator will occur as close to the documented nests associated with the Casey Fed 4176-24-44TH by the end of 2016 and will provide future nesting pairs an alternate nesting location and will reduce nest predation events, which will have positive impacts at a population level.
- The portion of the Casey Fed 4176-24-44TH access that is with 0.25 mile of the nearest nest and the associated well pad 0.31 miles are out of line of sight and provide adequate biological buffering.

Migratory Birds

The PRB FEIS discussed the affected environment for migratory birds, pp. 3-150 to 3-153. Impacts to migratory birds will be similar to those described in the Sahara POD EA, WY-070-EA13-72, 2013, Section 4.6.2.2.1, pp. 31-32, incorporated here by reference. Suitable habitat for sagebrush obligate migratory birds is present throughout the proposal area and during the onsite a Brewer’s sparrow (BLM sensitive migratory species) was observed at the pad location. Removal of sagebrush obligate habitat is prohibited from May 1 – July 31, for Misty Fed 11-44TH and Patch Fed 10-44TH. Removal of sagebrush obligate habitat is discouraged from May 1 – July 31, for the Casey Fed 24-44TH well in order to prevent take as defined by the Migratory Bird Treaty Act (MBTA).

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 generally found within BFO the reader is referred to the Draft Cultural Class I Regional Overview, Buffalo Field Office (BLM, 2010). A Class III (intensive) cultural resource inventory (BFO project no. 700140132) was performed in order to locate specific historic properties which may be impacted by the proposed project. The following resources are located in or near the proposed project area.

Cultural Resources Located In or Near the Project Area

Site Number	Site Type	NRHP Eligibility
48CA4868	Historic Linear Resource	Not Eligible
48CA5357	Historic Site	Not Eligible
48CA6859	Historic and Prehistoric Site	Not Eligible
48CA7210	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 V(E)(iv), the Bureau of Land Management electronically notified the Wyoming State Historic Preservation Officer (SHPO) on 4/21/15 that no historic properties exist within 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 must be followed. Further discovery procedures are explained in Standard COA (General)(A)(1) and in Appendix K of the Wyoming Protocol.

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

Position/Organization	Name	Position/Organization	Name
NRS/Team Lead	Dustin Hill/Ray Stott	Archeologist	G.L. "Buck" Damone III
Supr NRS	Casey Freise	Wildlife Biologist	Chris Sheets
Petroleum Engineer	Will Robbie	Geologist	Kerry Aggen
LIE	Karen Klaahsen	Supr NRS	Kathy Brus
Assistant Field Manager	Chris Durham	Assistant Field Manager	Clark Bennett
NEPA Coordinator	Tom Bills		

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 CMP 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: _____ /s/ Duane W. Spencer _____

Date: _____ September 16, 2015 _____

Contact Person, Dustin Hill, Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834, 307-684-1100.