

DECISION RECORD
Devon Energy Production Company, L.P.; Powder-Belle Divide POD
WY-070-390CX3-14-380 & WY-070-390CX3-14-381
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. Devon Energy Production Co, LP (Devon) proposes to drill, complete, and equip two (2) horizontal oil wells to develop federal minerals in the Powder-Belle Divide Plan of Development (POD) on one (1) federal lease (WYW128086) (Please see Table 1 – Powder-Belle Divide POD Well List) This approval includes the wells’ support facilities. The Parkman formation is targeted at an average depth of 6,200 feet below the surface, respectively.

Compliance. This decision complies with or supports:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); DOI Order 3310.
- Mineral Leasing Act of 1920 (MLA) (30 U.S.C. 181); including the Onshore Oil and Gas Orders.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- National Historic Preservation Act of 1966 (NHPA) (16 USC 470).
- Buffalo and Powder River Basin Final Environmental Impact Statements (FEISs), 1985, 2003, 2011.
- Buffalo Resource Management Plan (RMP) 1985 and Amendments.

Consultation.

- 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.

A summary of the details of the approval follows. The consolidated CX3 analysis, WY-070-390CX3-14-380 and WY-070-390CX3-14-381, includes the project description, including site-specific mitigation measures. Mitigation measures include the conditions of approval (COAs).

Approvals. BLM approves 2 APDs, their infrastructure, at surface hole (SHL) & bottom hole (BHL).

#	Well Name & #	Qtr	Sec	Twp	Rng	Lease	Mineral Ownership Underlying SHL	Mineral Ownership Underlying BHL	CX #
1	Holthaus Fed 224774-1PH	NWNW	22	47N	74W	WYW128086	FED	FED	WY-070-390CX3-14-381
2	Hall Fed 214774-3PH	NWNE	21	47N	74W	WYW128086	FEE	FED	WY-070-390CX3-14-380

Limitations. See COAs and recommended mitigation measures (RMMs).

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.

NEW INFORMATION SUMMARY. Since the filing of this CX3 proposal BFO received no new or clarified BLM and BLM WY policies appropriate to processing these APDs.

DECISION RATIONALE. The approval of this project is because:

1. Mitigation measures and COAs, analyzed in the consolidated CX3, in environmental impact statements or environmental analysis to which the CX3 analysis 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 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 Powder-Belle Divide POD 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, in their POD, 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 POD (PRB FEIS ROD, p. 7).
6. The project is clearly lacking in wilderness characteristics because it lacks federal surface and is amidst existing mineral development.
7. Devon has certified that there is a surface use access agreement(s) with the landowners. The operator provided the BLM a true and complete copy of a document in which the owner of the surface authorizes the operator to drill a federal well from non-federal lands, and in which the surface owner or representative guarantees the Department of the Interior, including BLM, access to the non-federal lands to perform all necessary surveys and inspections. (See BLM WO Instruction Memorandum No. 2009-078, p. 2, para 6).
8. 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: 9/30/14

Categorical Exclusion 3 (CX3), WY-070-390CX3-14-380 & WY-070-390CX3-14-381
Section 390, Energy Policy Act of 2005
Devon Energy Production Company, L.P.; Powder-Belle Divide POD
Bureau of Land Management, Buffalo Field Office, Wyoming

Description of the Proposed Action.

Devon Energy Production Co, LP (Devon) proposes to drill, complete, and equip two (2) horizontal oil wells to develop federal minerals in the Powder-Belle Divide Plan of Development (POD) on one (1) federal lease (WYW128086) (Please see Table 1 – Powder-Belle Divide POD Well List). The Parkman formation is targeted at an average depth of 6,200 feet below the surface, respectively. Devon has planned this project with input from the landowner in order to minimize surface disturbance and limit the environmental impacts.

The proposed Powder-Belle Divide POD consists of two (2) wells on two (2) locations. In Table 1 below administrative number 1 has split jurisdiction – fee surface overlying federal minerals. The remaining well, administrative number 2 is subject to reduced jurisdiction – fee /fee/ (or precisely, non-federal / non-federal) then horizontally draining federal minerals.

Table 1. Well, Pad, and Lease Jurisdiction (Surface hole (SHL), Bottom hole Lease (BHL))

#	Well Name & #	Qtr	Sec	Twp	Rng	Lease	Mineral Ownership Underlying SHL	Mineral Ownership Underlying BHL	CX #
1	Holthaus Fed 224774-1PH	NWNW	22	47N	74W	WYW128086	FED	FED	WY-070-390CX3-14-381
2	Hall Fed 214774-3PH	NWNE	21	47N	74W	WYW128086	FEE	FED	WY-070-390CX3-14-380

To access the Powder-Belle Divide POD locations from Gillette, Wyoming, travel south on Highway 50 approximately 20.5 miles, turn west onto an existing improved scoria access traveling for approximately 2 miles to the proposed improved access turning southwest for approximately 0.113 mile into the Holthaus Fed 224774-1PH. To access the Hall Fed 214774-3PH continue south southwest approximately 1 mile on the existing improved access to a proposed access traveling northwest. Continue northwest on the proposed access for approximately for 0.44 miles to the proposed location.

The project is located in the semiarid Powder River Basin and is characterized by rolling hills divided by ephemeral drainages. Elevations within the project area averaged around 5,000 feet in Section 22 T47N-R74W. The climate of the area is known for long cold winters and short hot summers. The average maximum temperature is 31.6 degrees Fahrenheit in January and 85 degrees Fahrenheit in July. Mean annual precipitation is 16.02 inches at the Gillette 18 SW Weather Station (WRCC, 2014). Oil development and livestock production are the primary land uses in the area. According to the Wyoming Oil and Gas Conservation Commission webpage in March of 2014, there were thirty-eight (38) well permits (not including the proposed permits) within a 1-mile radius of the POD. The list below distinguishes thirty-eight (38) well permits:

- Gas Well Permanently Abandoned 13
- Gas Well Producing Gas Well 7

- Gas Well Flowing 1
- Gas Well Shut-In 3
- Gas Well Subsequent Report of Abandonment 10
- Oil Well Producing Oil Well 1
- Oil Well Permanently Abandoned 2
- Monitoring Well Shut-In 1
- **Total Wells 38**

Location and Types of Water Supply/ Hydraulic Stimulation:

Devon plans to obtain fresh water for drilling and cementing from the City of Gillette, WY municipal water source. An estimated 15,000 bbls of water will be required for the drilling and 30,000 bbls of water for completion of each location in the Powder-Belle Divide POD. See below.

Horizontal Wells:

1. Holthaus Fed 224774-1PH
2. Hall Fed 214774-3PH

Listed below in Table 1.5 are the estimated timeframes for drilling and completion.

Table 1.5 Drilling and Completion Timeframes

Drilling and Completion Timeframes	Approximate Duration
Build location (roads, pad, and other initial infrastructure)	14-21 days
Mob rig	5-9 days
Drilling (24/7)	20 days ²
Schedule/logistics for completion	20 days ²
Completion (setup, completion, demobilization)	5-8 days
¹ Depending on distance and need to add supplemental drilling equipment, such as skidding plates.	
² By comparison, approximately 2 days are required to drill a CBNG well. Source: ICF 2012	

Devon will utilize a 4” surface poly-line to supply fresh water to the Powder-Belle Divide POD locations or earthen fresh water storage pits for well completion, see maps A, C and F within the Powder-Belle Divide POD Administrative Record (AR).

4” surface poly-line needed to supply the following:

1. Holthaus Fed 224774-1PH – approx. 10,000 ft
2. Hall Fed 214774-3PH – approx. 12,000 ft

This water line is designated on the project facility and project work maps. The poly-line does not cause any surface disturbance and can be cut and moved to facilitate the movement of water to different locations. The surface polyline will only be in place for approximately 3 months in order to facilitate drilling and completion operations of the Powder-Belle Divide POD wells. When the pipe is empty, it will move slightly, but will straighten again when water is pushed through it. To compensate for the slight movement of the line, Devon is estimating a large width of disturbance on the surface of 50 feet.

Devon will utilize one existing fresh water supply pit to store the fresh water used in the hydraulic stimulation (fracing) of the Powder-Belle Divide POD. The Holthaus Fed 224774-1PH and the Hall Fed 214774-3PH wells will be completed using the existing Throne Ranch Trust 23-144774-1XPH Frac Pit, see maps A and C within the Powder-Belle Divide POD AR. By utilizing one central fresh water storage pit for all well drilled in the area, Devon will avoid unnecessary additional disturbance and will not have to construct multiple fresh water storage pits in the future. Thus, the fresh water supply pit may be open

for as long as three years prior to the commencement of reclamation operations. Devon has permitted and bonded all pits with the WOGCC. The approved permits and reclamation bond posted with the WOGCC.

Devon will require 12-20 500 bbl frac masters on location during well completion operations. The frac masters lay lengthwise on location and are used for the storage and mixing of chemicals, storage of flow back water, and they are used as a storage vessel to heat the water just prior to pumping it downhole. Devon employs a third party contractor to manage and dispose of all flow back water and fluids produced as a result of well completion activities. All fluids are disposed in one of the WDEQ permitted and authorized facilities listed on page 7 of the Powder-Belle Divide POD SUPO.

Table 2. Proposed Disturbance for Powder-Belle Divide POD

Proposed Disturbance	#	Length (ft)	Surface Disturbance Width (ft)	Interim Disturbance Width (ft)	Surface Disturbance Area	Interim Disturbance Area
Proposed Improved Roads – no utility corridor		3,184	70	24	5.12 acres	1.75 acres
Proposed Pipeline not within a corridor (Surface Water Line)		15,062	50	0	17.28 acres	0.00 acres
Proposed Overhead Power		2,181	15	15	0.75 acres	0.75 acres
Power Drops	2	75	75	75	0.26 acres	0.26 acres
Holthaus Fed Well Pad	1	Varies	Varies	Varies	9.50 acres	2.20 acres
Hall Fed Well Pad	1	Varies	Varies	Varies	9.80 acres	2.60 acres
Total Disturbance:					42.71 acres	7.56 acres

Table 3. Existing Disturbance for Powder-Belle Divide POD

Existing Disturbance	#	Length (ft)	Surface Disturbance Width (ft)	Interim Disturbance Width (ft)	Surface Disturbance Area	Interim Disturbance Area
Existing Improved Roads no utility corridor		15,504	N/A	18		6.41
Existing Overhead Power		20,589	15			7.09 acres
Total Existing Disturbance:						13.50 acres

Powder-Belle Divide POD Disturbance Summary:

- Drilling/Completion Disturbance (Acres) = **42.71 acres**; Interim Disturbance (Acres) = **7.56 Acres**

Methods for Handling Waste.

The Powder-Belle Divide POD well will be drilled using a closed loop and a water based mud system. A third party service company will be contracted to manage, treat, and dispose of all drilling related wastes associated with the Powder-Belle Divide POD. As the drill cuttings move off the shaker; they will be screened, treated with Eco-Sponge to break down any hydrocarbons, and stored on location in a lined and bermed area. Once drilling is complete, cuttings will be tested for Diesel Range Organics (DRO), Total Extractable Hydrocarbons, and Sodium Absorption Ratio (SAR). If the above listed parameters are within tolerance, and Devon obtains WOGCC approval, the cuttings will be buried on location. The cuttings disposal pit be approximately 67 x 177 x 12 ft and will be lined with a 12 mil synthetic liner (BLM IM WY-2012-007). Cuttings will be buried at least 6 feet below re-contoured grade, a depth exceeding the minimum BLM requirements (BLM IM WY-2012-007). Soils that are moisture laden and saturated, partially or completely frozen will not be used for backfill or cover. The pit may require mounding to allow for settling. The cuttings disposal pit will be closed within 6 months of well completion. The BLM Authorized Officer may allow for an extension of that time under a written request describing reasonable

circumstances. Additional cover will be placed over the pit during interim reclamation. In addition, Devon may want to construct a small 15 x 25 x 10 foot unlined cement pit. This small pit would only be used to test the cement used in drilling. Wet cement would be discharged to the pit, allowed to harden, and then broken up and hauled off location. The cement pit would then be backfilled following use.

Well Site Layout

The sites will be fenced with 32 inch woven wire with 2 strand barbed wire. The fence will encompass a larger area than is required for surface disturbance for safe movement of equipment and personnel.

For specific disturbance for the Powder-Belle Divide POD; see the applications for permit to drill (APDs) (incorporated here by reference) in the Powder-Belle Divide POD, notably: Drilling/Completion Design (Cut and Fill Sheets); Interim Design (Figure 3a, Well Site Layout). The proposed surface disturbances are within the PRB FEIS analysis parameters.

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, 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. The Powder-Belle Divide 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 APDs are 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 Powder-Belle Divide POD are inside the analysis area of the recent NEPA analyses in Table 3. This information shows the reader that BLM conducted analysis.

Table 3. BLM Tiers this CX3 to these Overlapping NEPA Analyses, by Decision Date:

#	POD / Well Name	NEPA Analysis #	#/ Type Wells	Mo/Yr
1	Geer Trust Fed 15-224774-3XPH	WY-070-EA14-195	1/Oil	4/3/2014
2	Klurfeld Hotchkiss	WY-070-EA10-193	3/Oil	7/16/2010
3	Napier Road POD	WY-070-EA10-280	51/ CBNG	7/6/2011

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 Geer Trust Fed 15-22-4774-3XPH Environmental Assessment (EA), WY-070-EA14-195, 2014. This locality includes but is not limited to the approved wells in Table 3 above. BLM also notes from Table 3, above, that of the 55 analyzed APDs, only a portion are drilled. The remainder of the analyzed APDs contribute to the available reasonably foreseeable activity for this CX3 analysis.

The reasonably foreseeable activity (RFA) for this and adjacent areas includes oil/gas exploration on 1280 acre spacing and possible 320 acre spacing. Devon’s RFA covered in this analysis then is from a potential of 36 to 72 foreseeable wells – based on the preceding spacing. (This does not preclude the RFA spacing analysis in the PRB FEIS or applying to drill multiple wells from this pad further reducing the surface disturbance per well). Devon’s oil and gas development could occur in the following areas, subject to this and future analyses:

Table 4: RFA

	T48N R74W Sec 25-29, 31-36	T48N R73W Sec 30-32
T47N R75W Sec 1, 12, 13, 24, 25	T47N R74W Sec 1-36	T47N R73W Sec 5-8, 17-20, 29-31
	T46N R74W Sec 1-6	

(See the Geer Trust Fed 15-22-4774-3XPH Map E, in the MSUP, AR for details)

The project analysis area is defined as the area within 4 miles of the proposed well location. Well development could be 2 wells per section to the Parkman Formation, perhaps others. Future development may use existing well pads and infrastructure put in place for fee and/or federal mineral development. Potential APD submittals could also consist of multiple wells on an existing pad or tie into existing supporting infrastructure such as; tank batteries, pipelines, power lines, and transportation networks.

- 3) The tiered NEPA document was finalized or supplemented within 5 years of spudding (drilling) the proposed well. The Powder-Belle Divide POD CX3 and its APDs tiers to the NEPA analyses in Table 3, above.

In summary, the NEPA analyses in Table 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 Powder-Belle Divide POD 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 Powder-Belle Divide 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: Geer Trust Fed 15-224774-3XPH, EAWY-070-EA10-280 Section 3.2 and 4.2 and Napier Road POD, WY-070-EA14-195 Section 3.2 and 4.2.

Water Resources

The historical use for groundwater in this area was for stock water. A search of the WSEO Ground Water Rights Database showed 4 registered stock water wells within 1 mile of the proposed wells in the project area with depths ranging from 147 to 1,343 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 Fox Hills, the deepest penetrated fresh water zone in the PRB, lies well above the target formation which varies in depth from 6,190 feet-6,302 feet with average formation thickness of 100 feet above the target zone. Surface casing will be set at 2,250 feet of the total vertical (TV) depth. This will ensure that ground water will not be adversely impacted by well drilling and completion operations. Please refer to the Powder-Belle Divide POD Drilling Plan for further detail. The operator will verify that there is competent cement across the aquifer, from 100 feet above to 100 feet below 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 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.

Wetlands/ Riparian

No wetlands/ riparian areas are in the project area.

Invasive Species

Impacts anticipated occurring and mitigation considered with the implementation of the proposals will be similar to those analyzed in these EAs which are adjacent or overlapping to these proposals, have substantially similar characteristics, and are incorporated here by reference: Geer Trust Fed 15-224774-3XPH, EAWY-070-EA10-280 Section 3.4 and 4.4 and Napier Road POD, WY-070-EA14-195 Section 3.2.3 and 4.2.3.

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 EAs; and (2) consistent with the programmatic biological opinion (ES-6-WY-02-F006), from the PRB FEIS, Appendix K. The biologist performed onsite inspections to the project area through July 15, 2013. The affected environment and environmental consequences for wildlife are discussed in, and anticipated to be similar to, the documents listed in Table 1.4 above. Rationale for species not discussed here is found in the administrative record (AR).

Raptors

Impacts to raptors from surface disturbing and disruptive activities associated with development of conventional oil wells were analyzed in the Congaree EA, WY-070-EA10-19, and is incorporated here by reference. Activities associated with development of the proposed wells listed in Table 5 are anticipated to be similar in nature, with the following additional site-specific information. Most raptor species nest in

a variety of habitats including (but not limited to): native and non-native grasslands, agricultural lands, live and dead trees, cliff faces, rock outcrops, and tree cavities. Suitable nesting habitat is present in the project area. Raptor species known or suspected to occur in the area include golden eagle, northern harrier, Swainson’s hawk, American kestrel, short-eared owl, great horned owl, red-tailed hawk, western burrowing owl (SSS), ferruginous hawk (SSS), and rough-legged hawk (winter resident). According to the BLM raptor database, and ICF surveys, there are 4 documented raptor nests of importance within 0.5 miles of the POD boundary, 4 of which have been active in the last 3 years. These nests are in Table 5 below, some of which are also a BLM special status (sensitive) species (SSS).

The proposal area is currently experiencing elevated levels of anthropogenic activity due to the presence of existing oil and gas developments. In addition to this, the implementation of the proposal would have additive impacts to raptors, especially where no biological buffering is present and/or where multiple proposed wells and their associated infrastructure would be within 0.5 miles of documented nesting habitats. The presence of existing activities and future developments in the area may act synergistically and compound the negative impacts to raptors. This is interdependent on the species, nest histories, timing of activities and location of existing and future oil and gas infrastructures.

Table 5. Raptor Nests within 0.5 miles of the Proposed Project Area.

BLM Nest ID #	Species	Active last 3 Years Yes/No	2013 Nest Status
13537	Unknown Raptor	No	Inactive
13538	Ferruginous Hawk	No	Inactive
13539	Ferruginous Hawk	No	Inactive
13539	Unknown Raptor	No	Inactive

Site-specific analyses for wells and infrastructure that will impact nesting raptors are discussed below.

Site Specific Analysis for the Proposed Wells:

Holthaus FED 224774-1PH- The proposed location resides within 0.5 miles of nest 13539 (0.43mi.) and is out of line of sight the nest. A COA for nesting raptors will be applied to reduce impacts to raptors. The COA in conjunction with sufficient biological buffering will minimize impacts to the associated nest.

Hall FED 214774-3PH- The proposed location resides within 0.5 miles of nest number 13539 (0.48mi.) and is out of line of sight the nest. A COA to adequately reduce impacts to nesting raptors is recommended (due to lack of surface BLM jurisdiction, this is only a recommendation). The presence of a sufficient biological buffer will minimize impacts to nesting raptors. Drilling and completions activities, if they were to take place during the nesting season, may reduce nest success.

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. 70140088) was performed in order to locate specific historic properties which may be impacted by the proposed project. No cultural resources are located in the proposed project area.

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 (D) (i) the Bureau of Land Management electronically notified the Wyoming State Historic Preservation Officer (SHPO) on 9/15/2014 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).

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

Name	Agency	Title	Name	Agency	Title
Andy Perez	BLM	NRS	Will Robbie	BLM	PE
Chris Sheets	BLM	Wildlife Biologist	Sharon Soule	BLM	LIE
Clinton Crago	BLM	Archaeologist	Kerry Aggen	BLM	Geologist
Whitney Adams	Devon	Drilling	Mary Hopkins	WYSHPO	SHPO Officer
Jen Clark	Devon	Regulatory/Permitting	James Hall		Landowner
Brody Erickson	Devon	Construction Sprvsr	Carol Foxx		Landowner
Walter Harvey	Landman	Devon	Tom Bills	BLM	Planning

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 Powder-Belle Divide 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: 9/30/14

Contact Person, Andy Perez, Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834, 307-684-1100

APPENDIX A, Project Map, Powder-Belle Divide POD:

