

**DECISION RECORD**  
**Devon Energy Production Company, L.P**  
**Little Buffalo 2 POD wells and Oedekoven Brown Fed 124474-3TH project,**  
**Categorical Exclusion 3(CX3), WY-070-390CX3-14-125 to WY-070-390CX3-14-130**  
**Bureau of Land Management, Buffalo Field Office, Wyoming**

**DECISION.** Devon Energy Production Co, LP (Devon) proposes to drill, complete, and equip 2 vertical and 4 horizontal oil wells to develop federal minerals in the Devon Little Buffalo 2 Plan of Development (POD) and Oedekoven Brown Fed 124474-3TH project; on 8 federal leases (WYW140230, WYW107239, WYW133595, WYW120439, WYW134882, WYW139662, WYW133605, and WYW0316906) (See Table, below). The proposed Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project consists of 6 wells on 6 locations. The Minnelusa formation is targeted at an average depth of 12,800 feet below surface and the Turner formation is targeted at an average depth of 10, 600 feet below the surface, respectively.

**Compliance:** This decision complies with:

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

**A summary of the details of the approval follows.** The consolidated CX3 analysis, WY-070-390CX3-14-125 to WY-070-390CX3-14-130, includes the project description, including site-specific mitigation measures. Mitigation measures include the conditions of approval (COAs).

**Approvals.** BLM approves 6 APDs, their infrastructure, at surface hole (SHL) & bottom hole (BHL).

#	Well Name & #	Qtr/Qtr	Sec	Twp	Rng	Lease #	SHL/BHL	CX3 #
1	Little Buffalo Fed 274473-1MNV	SEnw	27	44N	73W	WYW0316906	Split Estate	WY-070-390CX3-14-126
2	Little Buffalo Fed 274473-2MNV	NEwN						WY-070-390CX3-14-127
3	Little Buffalo Ranch Fed 294473-3TH	SWSE	29	WYW134882 WYW120439 WYW139662	WY-070-390CX3-14-128			
4	Little Buffalo Ranch Fed 314473-3TH	NWNE	31	44N	73W	WYW133595 WYW120439	Fee/Fed	WY-070-390CX3-14-129
5	Marquiss Fed 204473-2TH	NEwN	20					WYW140230 WYW107239
6	Oedekoven Brown Fed 124474-3TH	SWSE	12	44N	74W	WYW133605		WY-070-390CX3-14-125

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

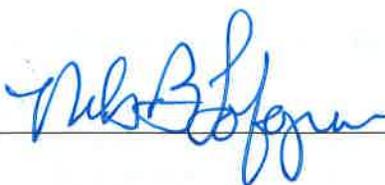
**THE FINDING OF NO SIGNIFICANT IMPACT (FONSI).** Congress, the Department of Interior and BLM affirmed there was no significant impact of a like-structured project when they created this CX3 analysis process and its limiting parameters. Thus a FONSI and an EIS is not required.

**NEW INFORMATION SUMMARY.** Since the filing of this CX3 proposal BFO received clarified BLM and BLM WY policies on Greater Sage-Grouse (GSG) and migratory bird conservation.

**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 Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project 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 is amidst mineral development.
7. Devon certified there is a surface use access agreement 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:  Date: 11/27/13

**Devon Energy Production Company, L.P.**  
**Little Buffalo 2 POD wells and Oedekoven Brown Fed 124474-3TH Project**  
**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-125 to WY-070-390CX3-14-130**  
**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 2 vertical and 4 horizontal oil wells to develop federal minerals in the Devon Little Buffalo 2 Plan of Development (POD) and Oedekoven Brown Fed 124474-3TH project; on 8 federal leases (WYW140230, WYW107239, WYW133595, WYW120439, WYW134882, WYW139662, WYW133605, and WYW0316906) (See Table 1, below). Three wells on 3 pads, administrative numbers 1, 2, and 3 in Table 1, below, have split jurisdiction – fee surface overlying federal minerals. The remaining wells are subject to reduced jurisdiction – fee / fee/ then horizontally draining federal minerals. The proposed Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project consists of 6 wells on 6 locations. The Minnelusa formation is targeted at an average depth of 12,800 feet below surface and the Turner formation is targeted at an average depth of 10, 600 feet below the surface, respectively. Devon planned this project with input from the landowners to minimize surface disturbance and the environmental impacts.

The Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project are approximately 12.4 miles northeast of Highway 50/ Highway 387 Junction in Campbell County. There are 2 ways into the project, either north off of Highway 387 or via Highway 50 south from Gillette 34 miles to Savageton Road. Turn east on Savageton Road and travel 5.5 miles to Clarkelen County Road.

The proposal is in the semiarid Powder River Basin (PRB); characterized by rolling hills divided by ephemeral drainages. Oil and gas development and livestock production are the primary area land uses. In addition, to the active oil and gas field, the area within and surrounding the POD is a working livestock operation with cattle and bison grazing. Wildlife is also managed on the properties for sporting purposes.

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

#	Well Name & #	Qtr/Qtr	Sec	Tw	Rng	Lease #	Surface Owner	SHL Mineral Ownership	BHL Mineral Ownership
1	Little Buffalo Fed 274473-1MNV	SE	27	44N	73W	WYW0316906	Little Buffalo Ranch	FED	FED
2	Little Buffalo Fed 274473-2MNV	NENW				WYW0316906			
3	Little Buffalo Ranch Fed 294473-3TH	SWSE	29	WYW134882 WYW120439 WYW139662					
4	Little Buffalo Ranch Fed 314473-3TH	NWNE	31	44N	73W	WYW133595 WYW120439	Little Buffalo Ranch	FEE/FEE	FED
5	Marquiss Fed 204473-2TH	NENW	20			WYW140230 WYW107239			
6	Oedekoven Brown Fed 124474-3TH	SWSE	12	44N	74W	WYW133605	Fred & Mary Ann Oedekoven		

Proposal area elevations are from 5,087 feet in the northern portion of Section 20 T44N-R73W to 4,990 feet in the northern portion of Section 29 T44N-R73W. The climate is known for long cold winters and short hot summers. The average maximum temperature is 34.2 degrees Fahrenheit in January and 85.5 degrees Fahrenheit in July. Mean annual precipitation is 13.67 inches at the Wright 12 W Weather Station (WRCC, 2012). Refer to Table 1, above, for the legal locations, jurisdiction, and shared locations.

### **Location and Types of Water Supply.**

Fresh water used for drilling and cementing will be obtained from outside the POD boundary and hauled to location by transport truck using the existing and proposed roads or by the 12 inch surface polyline shown in Maps A and C of the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project Surface Use Plan of Operations (SUPO); see administrative record (AR). Devon plans to obtain fresh water from the House Creek Middle Plant Industrial Water Well (SEO Permit # P119587W) drilled to the Fox Hills formation and located in the SESE, Section 22, Township 44 North, Range 73 West. A water analysis from the House Creek Middle Plant Water Well is shown as Attachment E (AR). The House Creek Middle Plant Water Supply well is drilled to a depth of 3,440-6,000 feet whereas the domestic and stock water wells in the area are drilled to a depth of 50-700 feet. Devon plans an estimated 15,000 barrels of water for drilling and 60,000 bbls of water for completion will be required for each of the 4 horizontal wells (Little Buffalo Ranch Fed 294473-3TH, Little Buffalo Ranch Fed 314473-3TH, Marquiss Fed 204473-2TH, and Oedekoven Brown Fed 124474-3TH) and 10,000 barrels of water for drilling will be required for each of the two vertical wells (Little Buffalo Fed 274473-1MNV and Little Buffalo Fed 274473-2MNV). Devon plans hydraulic fracturing (HF) operations to complete the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH wells and the details related to fresh water storage for completion operations is listed below under Hydraulic Stimulation.

### **Hydraulic Stimulation- Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project:**

Devon will use one existing earthen fresh water supply pit (Little Buffalo Frac Pit) that was built to service the Little Buffalo Ranch 304473-3TH fee well. The Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project was sundried to allow Devon the use of the Little Buffalo Frac Pit to service the wells in the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project. Devon plans to use the Little Buffalo Frac Pit to service the Little Buffalo 2 POD wells and Oedekoven Brown Fed 124474-3TH project and store the fresh water used in the HF of the Little Buffalo Ranch Fed 294473-3TH, Little Buffalo Ranch Fed 314473-3TH, Marquiss Fed 204473-2TH, and Oedekoven Brown Fed 124474-3TH wells. The Little Buffalo Frac Pit to be used for completion operations of Little Buffalo Ranch Fed 294473-3TH, Little Buffalo Ranch Fed 314473-3TH, Marquiss Fed 204473-2TH, and Oedekoven Brown Fed 124474-3TH wells is in the SWSW Section 20, Township 44N Range 73W. Devon permitted the Little Buffalo Frac Pit with the Wyoming Oil and Gas Conservation Commission (WOGCC). The permit for the Little Buffalo Frac Pit, including the earthen pit cut and fill design and layout, is shown as Figure 5 and the approved permit and reclamation bond posted with the WOGCC, is present as Attachment F of the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project POD books; (AR).

A 12 inch polyline will be laid approximately 5,830 feet across the surface from the Little Buffalo Frac Pit to the location during HF and completion operations in order to transfer the water to the Little Buffalo Ranch Fed 314473-3TH well. An additional 12 inch polyline will be laid approximately 5,602 feet across the surface from the Little Buffalo Frac Pit to the Little Buffalo Ranch Fed 294473-3TH wells for HF and completion operations as well as a 12 inch polyline will be laid approximately 4,748 feet across the surface from the Little Buffalo Frac Pit to the Marquiss Fed 204473-2TH well. Finally a 12 inch polyline will be laid approximately 22,062 feet across the surface from the Little Buffalo Frac Pit to the location during HF and completion operations in order to transfer the water to the Oedekoven Brown Fed 124474-3TH well. The polyline passes through a culvert on the Clarkelen County Road; under verbal permission from Campbell County. The Little Buffalo Frac Pit, and the proposed surface lines are on maps A, C, and D in the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project POD books; (AR).

The 12 inch polyline will only be in place for about 3 months in order to facilitate completion operations of Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH wells. Devon will construct dirt berms across the polyline, or lift the line several inches at the interval designated by the BLM, in order to facilitate movement of small mammals over the line. There is no feasible way to secure the line so that it does not move across the landscape. 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. BLM has completed the cultural surveys on waterlines that do not follow a road corridor or pre-disturbed ground.

In addition to the fresh water storage tank, Devon will require 12-20 500 bbl HF masters on location during well completions. 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. 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 pp. 6-8 of the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project SUPO; (AR). The alternative to an earthen pit is hauling in 50-60, 400 bbls tanks to set on the location. The disadvantages to tanks is that most of the locations would have to be constructed larger in order to accommodate the tanks and the well pads would have to be completely graveled in order to keep the tanks leveled, increasing the cost and difficulty of interim reclamation, increasing the average daily traffic (ADT), and dust.

**Table 2. Disturbance Summary for Little Buffalo 2 POD**

Proposed Disturbance	#	Length	Surface Disturbance Width (ft)	Interim Disturbance Width (ft)	Drilling/Completion Disturbance (Acres)	Interim Disturbance (Acres)
<b>Proposed Improved Roads – no utility corridor</b>		12,125	70	20	19.48	5.57
<b>Proposed Pipeline not within a corridor</b> (Temporary Surface Water Line)		16.80	50	0	18.57	0.00
<b>Proposed Overhead Power</b>		3,642	15	15	1.25	1.25
<b>Number of Proposed Central Gathering/Metering Facilities</b>	0					
<b>Power Drops</b>	4	75	75	75	0.52	0.52
<b>Well Pad (Staging Areas co-located with Pad)</b>	5	Varies	Varies	Varies	30.29	11.46
<b>Total Disturbance Acreage</b>					<b>70.11</b>	<b>18.80</b>

**Table 3. Disturbance Summary for Oedekoven Brown Fed 124474-3TH project**

Proposed Disturbance	#	Length	Surface Disturbance Width (ft)	Interim Disturbance Width (ft)	Drilling/Completion Disturbance (Acres)	Interim Disturbance (Acres)
<b>Existing Improved Roads no utility corridor</b> (access is directly off of main road)		127	70	20	0.20	0.05
<b>Proposed Pipeline not within a corridor</b> (Temporary Surface Water Line)		22,062	50	0	25.32	0.00
<b>Proposed Overhead Power</b>		469	15	15	0.16	0.16
<b>Number of Proposed Central Gathering/Metering Facilities</b>	0					
<b>Power Drops</b>	1	75	75	75	0.13	0.13
<b>Well Pad (Staging Areas co-located with Pad)</b>	1	Varies	Varies	Varies	5.80	4.10
<b>Total Disturbance Acreage</b>					<b>31.61</b>	<b>4.44</b>

**Total combined Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project Disturbance:**

- Drilling/Completion Disturbance (Acres) = **101.72 acres**
- Interim Disturbance (Acres) = **23.24 Acres**

**Methods for Handling Waste.**

The Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project will be drilled using a closed loop and a water based mud system. Drilling water will be stored on location in 3, 500 bbl HF masters. An additional 2, 500 bbl frac masters will be on site to store heavy drilling fluids. Devon will contract a third party services company to manage, treat, and dispose of all drilling related wastes associated with the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project. The fluids produced as part of completion flow back will be disposed at one of the WDEQ permitted disposal facilities listed on pp. 6-7 of the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project SUPO. As the drill cuttings move off of the shaker, they will be properly screened, treated to break down any hydrocarbons, and stored on location in a lined and bermed area. The berms will be constructed using spoil and will be approximately 60 x 150 feet. Two cuttings storage pits will be required for the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH locations.

**Well Site Layout.**

The location will be fenced with 5 strands of barbed wire. The fence will encompass a larger area than is required to be disturbed in order to allow for the movement of equipment and people around the location. The approximate size of disturbance required for the drilling pad including the topsoil and spoil piles is from 5.76 acres to 6.38 depending on the location. All surface disturbance related to drilling will be confined to the drill sites. Refer to Table 2 and 3, below, for specific disturbance for the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project. See the applications for permit to drill (APDs) (incorporated here by reference) in the AR, 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, 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 Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project area are clearly lacking in wilderness characteristics as they are amidst natural gas and oil 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 3 is a list of existing/approved PODs that are within or adjacent to the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project area. This information shows the reader that BLM conducted analysis, and BLM incorporates Table 3's environmental analysis here by reference.

**Table 3. Adjacent or Overlapping Oil & Gas Well POD Analysis by Decision Date**

Company	POD Name	Environmental Analysis	Date Approved	# of APDs
Williams	ANC 6 Add 1	WY-070-05-360	6/15/2007	2
Yates	All Day	WY-070-08-026	4/8/2011	7
Devon	Valerie	WY-070-EA12-68	3/1/2012	9
Devon	Sandy	WY-070-11-144	2/11/2011	5
Devon	Little Buffalo 294473-1TH Well	CX:WY-070-390CX1-13-7	11/7/2012	1
Devon	Little Buffalo 1 POD	CX:WY-070-390CX3-124-126	3/28/2013	3
Yates	Raging Bull Com 2H	WY-070-EA12-207	4/27/2012	1
Yates	Sunrise Federal #32	WY-070-EA11-287	8/12/2011	1

- 2) There is an existing NEPA document (and the RMP) containing reasonably foreseeable development scenario for this action. There are several existing NEPA documents that reasonably foresaw development to spud additional wells to fill in 80 acre well-spacing. BLM reviewed these documents and determined they considered the potential environmental effects associated with the proposed activity at a site specific level. In addition, all approved EAs tier into the PRB FEIS. The PRB EIS analyzed foreseeable development in the PRB. The PRB foreseeable development included 3,200 oil wells and drilling coalbed natural gas (CBNG) wells on 80 acre-spacing resulting in about 51,000 CBNG wells and 3,200 oil wells. The Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project well is in the foreseeable development scenario of 80 acre well-spacing that was analyzed in EAs in Table 4 (tiered to and incorporated here by reference) and in the PRB FEIS's Appendix A.

**Table 4. EAs Which Account for Reasonably Foreseeable Development Scenario**

Company	POD Name	Environmental Assessment	Date Approved	# of APDs
Yates	All Day	WY-070-08-026	4/8/2011	7
Devon	Valerie	WY-070-EA12-68	3/1/2012	9
Devon	Sandy	WY-070-11-144	2/11/2011	5
Yates	Raging Bull Com 2H	WY-070-EA12-207	4/27/2012	1
Yates	Sunrise Federal #32	WY-070-EA11-287	8/12/2011	1

- 3) The tiered NEPA document was finalized or supplemented within 5 years of spudding (drilling) the proposed well.

In summary the EAs in Tables 3 and 4 analyzed in detail the direct, indirect, residual, and cumulative effects that would result from the approval of these APDs and associated support structure in Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project is similar to both the qualitative and quantitative analysis in the above mentioned EAs. The BFO reviewed the EA and found that the EA considered potential environmental effects associated with the proposal at a site specific level. The Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project will share infrastructure with the Valerie POD and Little Buffalo 294473-1TH well. Confirmation wells for Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project are those wells completed Valerie POD and Little Buffalo 294473-1TH well. The APD's surface use and drilling plans are incorporated here by reference and show adequate protection of surface lands and ground water, including the Fox Hills formation. BLM also incorporates by reference here the description and analysis of hydraulic fracturing, and its effects on water and traffic, from the Crazy Cat EA, WY-070-EA13-028.

**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 B, C, & D.

**Wildlife.**

BLM reviewed the APDs and determined that the proposal, combined with the COAs (and design features), is: (1) consistent with the FEIS and its supplements, the RMP and the above tiered EAs; and (2) consistent with the programmatic biological opinion (ES-6-WY-02-F006), which is an update from the PRB FEIS, Appendix K. The biologist performed an onsite inspection of the project area on May 16, 2013. The proposed wells and infrastructure are a result of attempts by Devon 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 above tiered NEPA documents. Also, a wildlife report was submitted by the operator which was performed by ICF International (ICF).

**Raptors.**

Effects to raptors were analyzed in the above tiered NEPA documents. Timing limitations would be applied to the proposed project on a site-specific basis as conditions of approval. The timing limitations would only be applied to construction and drilling activities. Once the drilling has been completed disruptive activities associated with construction, drilling, and hydraulic fracturing are likely to impact raptors occupying the surrounding nesting habitat. Within the proposal area 9 raptor nests (2 Swainson's hawk, and 7 ferruginous hawk) were identified by ICF and verified by the BLM wildlife biologist. The following wells and/or their associated infrastructure are within 0.5 miles from documented raptor nests; Little Buffalo Fed 274473-1MNV, Little Buffalo Fed 314473-3TH, Little Buffalo Fed 294473-3TH, and the Little Buffalo Fed 274473-2MNV.

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

Effects to GSG were analyzed in the above tiered NEPA documents. In March, 2012, WY BLM released the report, "Viability analyses for conservation of sage-grouse populations: Buffalo Field Office, Wyoming," indicating that a viable population of GSG remains in the PRB, but the combined impacts of multiple stressors, including West Nile virus (WNV) and energy development, threaten that viability (Taylor et al 2012). The information in the report identified that the effects of energy development are detectable at a larger spatial scale than analyzed in the documents listed in Table 3, above. Portions of the proposal are within 2-miles of the occupied Billie Creek GSG Lek. Any GSG that may be using the proposed project area will be affected by disruptive activities associated with construction, drilling, and completions. Timing limitations would be applied to portions of proposal on a site-specific basis as conditions of approval. The following wells would have this condition of approval applied; Little Buffalo Fed 274473-1MNV and the Little Buffalo Fed 274473-2MNV.

**Migratory Birds.**

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 migratory birds is present throughout the proposal area. A timing limitation would be applied as a COA for areas that would be directly impacted by the proposal. These locations and their infrastructure are: Little Buffalo Fed 274473-1MNV, Little Buffalo Fed 274473-2MNV and the Little Buffalo Fed 294473-3TH.

**Water Resources.**

The area’s historical use for groundwater was for stock or domestic water. A search of the WSEO Ground Water Rights Database showed 8 water wells within 1 mile radius of all 6 proposed wells.

- 8 are for stock use ranging from 782 to 1,130 feet deep.

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. Please refer to the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project Drilling Plan for further detail.

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 wells 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.

**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 found in the area refer to the *Draft Cultural Class I Regional Overview, Buffalo Field Office* (BLM, 2010). Two class III (intensive) cultural resource inventories (BFO project no. 70130061 and 70130062) were performed to locate specific historic properties which may be impacted by the proposal. The following resources are in or near the proposal area.

**Cultural Resources in Project Area & National Register of Historic Places (NRHP) Eligibility**

Site Number	Site Type	NRHP Eligibility
48CA1568	Deadwood Road	Eligible
48CA1570	Sawyer’s 1865 Expedition	Eligible

Sites 48CA1568 (Deadwood Road) and 48CA1570 (Sawyer’s 1865 Expedition) are eligible for the NRHP. Contributing portions (typically expressed as wagon ruts) of each site are present near the project area. None of the contributing portions of the sites retain their integrity of setting due to modern additions to the landscape including conventional oil wells, CBNG wells, upgraded roads, pipelines, reservoirs, POD buildings, compressor stations, etc. Some of the project area analyzed in this CX occurs on deep alluvial deposits. Alluvial deposits typically have a high potential for buried cultural resources, which are nearly impossible to locate during a Class III inventory (Ebert & Kohler 1988:123; Eckerle 2005:43).

BLM policy states that a decision maker’s first choice should be avoidance of historic properties (BLM Manual 8140.06(C)). If historic properties cannot be avoided, mitigation measures must be applied to resolve the adverse effect. No historic properties will be impacted by the proposal. Following the *State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer*, Section VI(A)(1), the BLM notified the Wyoming State Historic Preservation Officer (SHPO) on August 13, 2013 and September 16, 2013, that no historic properties

exist in the area of potential effect (APE). If any cultural values (sites, features or artifacts) are observed during operation, they will be left intact and the Buffalo Field Manager notified. If human remains are noted, the procedures described in Appendix L of the PRB FEIS and ROD must be followed. Further discovery procedures are explained in Standard COA (General) (A) (1).

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

Name	Agency	Title	Name	Agency	Title
Andy Perez	BLM	NRS	Will Robbie	BLM	PE
Don Brewer	BLM	Wildlife Biologist	Christine Tellock	BLM	LIE
Ardeth Hahn	BLM	Archaeologist	Kerry Aggen	BLM	Geologist
John Kelley	BLM	Planning	Bud Stewart	Biologist	WGFD
Callie Burch	Devon	Regulatory/Permitting	Mary Hopkins	WYSHPO	SHPO Officer
Craig Klaahsen	Devon	Construction Sprvsr	Gary Marquiss	Little Buffalo Ranch	Landowner
Preston Farnsworth	Sr. Landman	Devon	Walter Harvey	Devon	Land-man
Bob Reiling	Surveyor	LSI			

**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 Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project 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.

The project will not adversely affect public safety and does not involve any unique or unknown risks. The project will not result in a violation of any federal or known state or local law, statute or ordinance, or other requirement imposed for the protection of the environment. If a dry hole, all rehabilitation work, including seeding, will be initiated within 30 days after plugging operations are completed (pending seasonal conditions). Please refer to the Little Buffalo 2 POD and Oedekoven Brown Fed 124474-3TH project COAs Appendix B and C for further detail. The operator will comply with all the COAs identified in the original Valerie POD, the COAs that can be located in the Valerie POD EA.

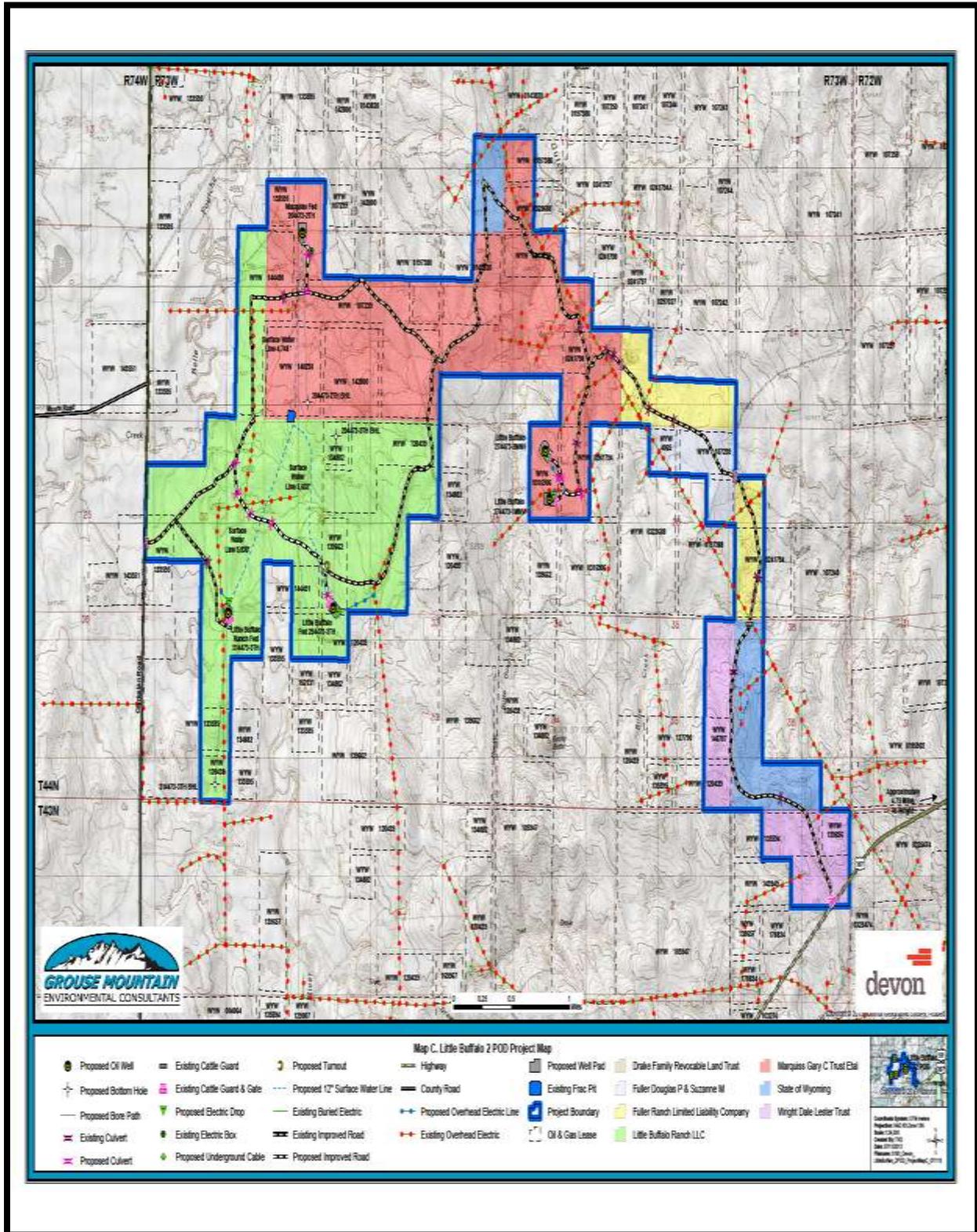
*acting*   
 \_\_\_\_\_  
 Field Manager

*11/27/13*  
 \_\_\_\_\_  
 Signature Date

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

APPENDIX A, Project Maps:

Little Buffalo 2 POD:



# Oedekoven Brown Fed 124474-3TH Project:

