

**MODIFIED DECISION RECORD  
FOR  
EOG Resources, Inc.  
Project 785  
ENVIRONMENTAL ASSESSMENT –WY-070-EA10-238**

This is a modified Decision Record; it is not a new Decision Record. The new information and its analysis completes the environmental record of review.

**Compliance.** This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701).
- Mineral Leasing Act of 1920 (30 U.S.C. 181) and as prescribed in 43 CFR Part 3160 to include On Shore Order No. 1.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Endangered Species Act of 1973 (ESA) (16 USC 1531).
- Bald and Golden Eagle Protection Act (16 USC 668).
- Migratory Bird Treaty Act (16 USC 703)
- Powder River Basin Final Environmental Impact Statement (FEIS), April 2003.
- Buffalo Resource Management Plan 1985, Amendments 2001, 2003.
- Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands including the Federal Mineral Estate, (WY-IM-2010-012), Jan 2010.

**The Selected Alternative.**

Features BLM’s earlier decision approved Alternative B as described in the EA. BLM authorized EOG Resources, Inc Project 785 resulting in earlier approval of 7 Applications for Permit to Drill (APDs) and 2 deferrals (see EA WY-070-10-238).

BLM’s modified decision here is to approve one deferred well listed below in EOG Inc.’s Project 785, listed below. This well was previously onsite 2010.

	Well Name	Well #	Qtr/Qtr	Section	TWP	RNG	Lease #
1	Arbalest	09-23H	SESE	23	41N	72W	WYW130047

**Limitations.**

The following APD remains deferred:

	Well Name	Well #	Environmental Issue/Deficiency	Remedy
1	Bolt	01-35H	A surface use agreement has not been reached.	Submit a certification stating that a surface use agreement is in place for oil and gas operations or obtain a 3814 bond submitted as a liability for loss of crops and damage to tangible improvements in the interest of the private surface owner.

The following APDs are denied: none.

**THE MODIFIED FINDING OF NO SIGNIFICANT ACTION.** The FONSI found no significant impacts, thus an EIS was not required. The Modified FONSI, WY-070-10-238, considered the new information, analysis, and rationale cumulative with that from the prior APD approvals and found no significant impact on the human environment aside from those revealed in the FEIS.

**COMMENT OR NEW INFORMATION SUMMARY.**

EOG submitted a certification stating that a surface use agreement is in place for oil and gas operations for the Arbalest 09-23H APD, located in the SESE section 23 T41N-R72W. Receipt of the certification provided the BLM with the necessary documentation to, in total, approve 8 APDs and defer 1 APD.

**DECISION RATIONALE.**

1. Approval of 1 APD: Arbalest 09-23H APD

Buffalo Field Office Reply and Rationale: The deferral issue was resolved because certification that a surface use agreement is in place for oil and gas operations was submitted for this APD.

**RATIONALE:** The decision to authorize the Arbalest 09-23H APD, described in the Environmental Assessment (EA) WY-070-10-238, is based on the following:

1. The additional well will not result in any undue or unnecessary environmental degradation other than disclosed in EA WY-070-10-238 and the FEIS, and will help meet the nation's energy needs.
2. The Operator certified that a Surface Use Agreement was reached with the Landowners.
3. Since the subject well was deferred, the WY BLM sage-grouse management strategy solidified (BLM Instruction Memorandum WY-2010-012) and has aligned with the State of Wyoming's Greater Sage-Grouse Core Area Protection (WY. EO 2010-4). As such, the proposal does not occur within sage-grouse key habitats (Wyoming Core, BFO focus, and connectivity), and is in conformance with the Wyoming BLM policy to manage sage-grouse seasonal habitats and maintain habitat connectivity to support population objectives set by the Wyoming Game and Fish (WGFD). The proposed wells will not affect the current WGFD development thresholds for leks within Key habitats.
4. The Arbalest 09-23H APD is subject to site-specific COAs associated with this approval, see section 4.3, Project 785 EA # WY-070-EA10-238 for a complete description of all site-specific COAs.

**ADMINISTRATIVE REVIEW AND APPEAL:** Under BLM regulations, this decision is subject to administrative review in accordance with 43 CFR 3165. Any 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.

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: John D. Sp Date: 11/12/11

**MODIFIED FONSI  
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**FINDING OF NO SIGNIFICANT IMPACT:**

On the basis of the information contained in the EA, and all other information available to me, it is my determination that:

- 1) The decision to approve, Arbalest 09-23H APD previously onsited in the EOG Resources, Inc. Project 785 will not have significant environmental impacts beyond those already addressed in the PRB EIS to which the EA is tiered;
- 2) The decision to authorize Arbalest 09-23H APD is in conformance with the Buffalo Field Office Resource Management Plan (1985, 2001, 2003); and
- 3) The decision to authorize Arbalest 09-23H APD does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the cumulative impacts, context, and the intensity of the impacts described in the EA, WY-070-EA10-238, which is incorporated here by reference.

**CONTEXT:**

Mineral development (coal, oil and gas, bentonite, and uranium) is a long-standing and common land use within the Powder River Basin. More than one fourth of the nation's coal production comes from the Powder River Basin. The PRB FEIS reasonably foreseeable development predicted and analyzed the development of 51,000 CBNG wells and 3,200 oil wells (PRB FEIS ROD pg. 2). The additional oil development described in Alternative B is insignificant within the national, regional, and local context.

**INTENSITY:**

The implementation of Alternative B will result in beneficial effects in the forms of energy and revenue production however; there will also be adverse effects to the environment. Design features and mitigation measures have been included within Alternative B to prevent significant adverse environmental effects.

The preferred alternative does not pose a significant risk to public health and safety. The geographic area of the POD does not contain unique characteristics identified within the 1985 RMP, 2003 PRB FEIS, or other legislative or regulatory processes.

Relevant scientific literature and professional expertise were used in preparing the EA. The scientific community is reasonably consistent with their conclusions on environmental effects relative to oil and gas development. Research findings on the nature of the environmental effects are not highly controversial, highly uncertain, or involve unique or unknown risks.

Oil development of the nature proposed with this project and similar projects was predicted and analyzed in the PRB FEIS; the selected alternative does not establish a precedent for future actions with significant effects.

