

**DECISION RECORD**

**EOG Resources, Inc., Project 808, Application for Permit to Drill (APD) Ballista Flatbow Add 1  
Determination of NEPA Adequacy (DNA), WY-070-DNA13-182  
Bureau of Land Management, Buffalo Field Office, WY**

**DECISION**

BLM approves EOG Resources Inc.’s (EOG) 4 oil or gas applications for permit to drill (APD) of the attached DNA worksheet, WY-070-DNA13-182, incorporated here by reference, which tiers Ballista Flatbow POD environmental assessment (EA), WY-070-EA13-15). The proposed APDs are the result of collaboration between the BLM and EOG. The proposed APDs in the DNA worksheet also received analysis in the EA as a notice of staking. The EA’s analysis and finding found no significant impacts on the human environment, beyond those described in the Powder River Basin Final Environmental Impact Statement (PRB FEIS), so an EIS is not required. BLM summarized details of the approval, below.

**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 Statement (FEIS), 1985, 2003.
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

**A summary of the details of the approval follows.**

The consolidated DNA worksheet for the 4 oil and gas wells, above, includes the project description, including site-specific mitigation measures which are incorporated by reference into the DNA from earlier analysis. This EOG proposal has 4 APDs along with associated access road and infrastructure, to develop and produce oil and gas from leased formations in the PRB.

**Well Site**

BLM approves the following 4 APDs and support structure:

#	Well/NOS & #	Pad #	Qtr	Sec	Twp	Rng	Surface Lease	Lateral Lease	BHL Lease
1	Ballista 1-02H	269	SESE	2	41N	73W	Fee	WYW-145545	Open Minerals
2	Ballista 200-02H							WYW-145545	Open Minerals
3	Ballista 008-11H	273	SESE	11	41N	73W	WYW-145545	WYW-145545, Unleased Fee tract	Fee
4	Ballista 207-11H							WYW-145545, Unleased Fee tract	Fee

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

**THE FINDING OF NO SIGNIFICANT IMPACT (FONSI)** analyzed alternative B of EA, WY-070-EA13-15, its FONSI, incorporated here by reference, and the FONSI for the DNA worksheet (WY-070-DNA12-40) found no significant impact on the human environment beyond those in the PRB FEIS, thus, an EIS or EA are not required.

**Summary of New Information.** BLM posted the APDs for 30 days and received no public comments. Since BLM received these APDs it also received a clarification of the Greater Sage-Grouse (GSG) Density and Disturbance Calculation Tool, Instruction Memorandum (IM)-WY-2013-035.

**DECISION RATIONALE.**

BLM’s approval authorizing the APD and DNA worksheet is based on:

1. The Operator, in their project, committed to:
  - a. Comply with all applicable federal, state, and local laws and regulations.
  - b. Obtain the necessary permits from other agencies for the drilling, completion and production of these wells including water rights appropriations, and relevant air quality permits.
2. Implementation of committed mitigation measures contained in the MSUP and drilling plan (addendum and protections for the Fox Hills Formation), in addition to the conditions of approval (COAs) from the EA, WY-070-EA13-15, in order to ensure there will be no significant impact.
3. The Operator certified it has a surface use agreement with the landowner, or bonded. Standard split estate jurisdiction rules apply with private surface overlying federal mineral lease (federal lands). Reduced jurisdiction rules apply for wells on private surface overlying non-federal minerals.
4. The selected alternative will not result in any undue or unnecessary environmental degradation.
5. The approved project conditioned by its design features and COAs, will not result in any undue or unnecessary environmental degradation. The PRB FEIS analyzed and predicted that the PRB oil and gas development would have significant impacts to the region's GSG population. The impact of this development cumulatively contributes to the potential for local extirpation of 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 and Wyoming GSG conservation strategies. There are no conflicts anticipated or demonstrated with current uses in the area.
6. To reduce the likelihood of a "take" under the Migratory Bird Treaty Act, BLM sensitive species nesting habitat removal will occur outside of the breeding season or be cleared by survey.
7. This development will help meet the nation's energy needs, and will help to stimulate local economies by maintaining workforce stability.
8. Mitigation measures were selected to alleviate environmental impacts and meet the BLM's need. Mitigation is discussed in the environmental effects section of the EA referenced above. For a description of all site-specific COAs associated with this approval, see the COAs.
9. 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 (Department), 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). This rationale applies to wells: Ballista 1-02H and 200-02H.
10. The APDs area is clearly lacking wilderness characteristics as there is no federal surface.

**ADMINISTRATIVE REVIEW AND APPEAL:** 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: 

Date: 9/30/13

**FINDING OF NO SIGNIFICANT IMPACT**  
**Determination of NEPA Adequacy (DNA), WY-070-DNA13-182**  
**EOG Resources, Inc. (EOG), Ballista Flatbow Add 1**

**FINDING OF NO SIGNIFICANT IMPACT.** On the basis of DNA, WY-070-DNA13-182, incorporated here by reference, and other information available to me, I find that: (1) the implementation of the proposal as described in the DNA worksheet will not have significant environmental impacts beyond those addressed in Powder River Basin Final Environmental Impact Statement (PRB FEIS) and environmental analysis (EA), WY-070-EA13-15, to which the DNA tiers and the conditions and effects in the analysis remain valid; (2) the DNA worksheet conforms with the Buffalo Field Office Resource Management Plan (1985, 2001, 2003, 2011); and (3) the DNA worksheet does not constitute a major federal action having a significant effect on the human environment. Thus, an environmental impact statement is not required. I base this finding on consideration of the Council on Environmental Quality's criteria for significance (40 CFR 1508.27), regard to the context and the intensity of the impacts described in the EA and DNA worksheet.

**CONTEXT.** Mineral development is a common PRB land use, sourcing over 42% of the nation's coal. The PRB FEIS foreseeable development analyzed the development of 54,200 mineral wells. The additional development in the DNA is insignificant in the national, regional, and local context.

**INTENSITY.** The implementation of the DNA project 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 included in the EA, WY-070-EA13-15 and DNA prevent significant adverse environmental effects. The preferred alternative does not pose a significant risk to public health and safety. The geographic area of the project does not contain unique characteristics identified in the 1985 RMP, 2011 PRB FEIS, or other legislative or regulatory processes. BLM used relevant scientific literature and professional expertise in preparing the DNA. 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 well development of the nature proposed with this project and similar projects was predicted and analyzed in the PRB FEIS; the selected project does not establish a precedent for future actions with significant effects. The proposal may relate to the PRB Greater Sage-Grouse and its habitat decline having significant impacts; yet the small size of this project is within the parameters of the impacts in the PRB FEIS. There are no cultural or historical resources present that will be adversely affected by the selected alternative. No species listed under the Endangered Species Act or their designated critical habitat will be adversely affected. The selected alternative will not have any anticipated effects that would threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment. The APD area is clearly lacking wilderness characteristics as there is no federal surface.

**ADMINISTRATIVE REVIEW AND APPEAL.** This finding is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this finding 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 finding is received or considered to have been received. Any party who is adversely affected by the State Director's finding may appeal that finding to the Interior Board of Land Appeals, as per 43 CFR 3165.4.

Field Manager: \_\_\_\_\_

Date: \_\_\_\_\_

**Determination of NEPA Adequacy (DNA) Worksheet, WY-070-DNA13-182**  
**U.S. Department of the Interior**  
**Bureau of Land Management, Buffalo Field Office, WY**

OFFICE: BLM, Buffalo Field Office (BFO), 1425 Fort Street, Buffalo, WY 82834  
CASE FILE/PROJECT NUMBERS: EOG Ballista Flatbow Add 1, WY-070-DNA13-182  
PROPOSED ACTION TITLE: EOG Ballista Flatbow Add 1  
LOCATION/LLEGAL DESCRIPTION: T41N R71W SESE Sec 18  
APPLICANT: EOG Resources, Inc. (EOG)

**A. Description of the Proposed Activity and Any Applicable Mitigation Measures**

The proposed action is 4 applications for permit to drill (APD). EOG Resources, Inc. (EOG) proposes to explore for and develop oil and natural gas reserves underlying 1 federal oil and gas lease, WYW-145545, owned by EOG in southern Campbell County, Wyoming (see Table 1.1 for the list of wells, locations, and leases). EOG proposes to drill, complete, produce, and eventually reclaim bores to the Turner, Parkman, Shannon, Sussex, and Mowry Formations. Associated infrastructure would include access roads, gathering lines, and possible future power lines required for access to the well pads and transport of oil and gas from the well sites. EOG anticipates the life of a productive well to be up to 40 years. Federal lands split jurisdiction rules apply for the surface is non-federal overlying federal mineral lease. Reduced federal jurisdiction rules apply for wells on private surface overlying non-federal minerals.

**Table 1.1 Well/NOS Name, Number, Pad Number, Location, and Lease**

#	Well/NOS & #	Pad #	Qtr*	Sec	Twp	Rng	Surface Lease	Lateral Lease	BHL Lease
1	Ballista 1-02H	269	SESE	2	41N	73W	Fee	WYW-145545	Open Minerals
2	Ballista 200-02H							WYW-145545	Open Minerals
3	Ballista 008-11H	273	SESE	11	41N	73W	WYW-145545	WYW-145545, Unleased Fee tract	Fee
4	Ballista 207-11H							WYW-145545, Unleased Fee tract	Fee

\*Quarters are for illustration only since lots denote surface boundaries; see APDs in the Administrative Record.

The Ballista Flatbow Project Area and these APDs are in an existing coalbed natural gas (CBNG) production area on lands owned by private landowners, and the State of Wyoming administered surface lands. Mineral ownership is a combination of federal, State of Wyoming, and private. The BLM has previously completed NEPA documents and issued FONSI covering 107 wells on 31 pads in the project area for EOG. The Wyoming Oil and Gas Conservation Commission approved APDs for wells in the project area on fee and state leases. Some of the previously approved wells are drilled, completed, and are in production. Others are planned for drilling and completion in 2013.

EOG submitted these wells as notices of staking (NOS) at the time of the environmental assessment (EA) analysis, WY-070-EA13-15 and subsequently converted the NOSs to an applications permit to drill (APD). BLM finds the conditions and environmental effects in the EA are substantially unchanged and remain valid. The APD was posted for the required 30 days and now can be approved.

For complete details of surface disturbance see EOG Ballista Flatbow POD master surface use plan (MUSP) (pp. 1 to 11) and section 3 and 4 of EA, WY-070-EA13-15.

## **B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

The proposed action conforms to the applicable LUPs because it is specifically provided for in the following LUP decisions:

LUP: Buffalo Resource Management Plan (RMP), 1985; amended in 2001, 2003, & 2011. DOI order 3310.

The Buffalo RMP, 1985, and as amended in 2001 provides to “Continue to lease and allow development of federal oil and gas in the Buffalo Resource Area” (MM-7: 1985 Buffalo RMP Record Of Decision (ROD) at p.16, 2001 RMP update at p. 9).

The 2003 supplement to the Buffalo RMP provided goals and objectives for “future management of oil and gas operations....within the Buffalo...RMP areas” 2003. (PRB Final Environmental Impact Statement (FEIS) ROD p. 6).

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

- EOG Project 785, WY-070-EA10-238 approved October 18, 2010.
- EOG Project 808, WY-070-EA11-284, approved September 21, 2011.
- Bolt Multi-Well Pad Project, WY-070-EA13-16, March 12, 2013.
- Longbow Multi-Well Pad Project, WY-070-EA13-13, April 10, 2013.
- EOG Ballista Flatbow, WY-070-EA13-15, August 9, 2013.
- Final Environmental Impact Statement (FEIS) . . . for the Powder River Basin Oil and Gas Project, BFO 2003
- SDR-WY-2013-025, Yates v. BLM (for migratory bird analyses)

## **D. NEPA Adequacy Criteria**

- 1. Is the new proposed activity a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes, the action is similar to the actions proposed in the approved project and the Ballista Flatbow Add 1 wells fall within disturbed areas which were approved for use in EOG Ballista Flatbow POD. The Ballista Flatbow Add 1 wells were analyzed in the EOG Ballista Flatbow EA, WY-070-EA13-15.

EOG submitted these wells as notices of staking (NOS) at the time the analysis, WY-070-EA13-15, and subsequently converted the NOSs to applications permit to drill (APD). The conditions and environmental effect found in the EA are substantially unchanged and remain valid. The APD was posted for the required 30 days and now can be approved.

2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, the Ballista Flatbow Add 1 wells ranges of alternatives were analyzed in the EOG Ballista Flatbow EA, WY-070-EA13-15, and similarly in EOG Project 808, WY-070-EA11-284, EOG Project 785, WY-070-EA10-238, Bolt Multi-Well Pad Project, WY-070-EA13-16, and Longbow Multi-Well Pad Project, WY-070-EA13-13.

3. **Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the EA for EOG Ballista Flatbow, WY-070-EA13-15 analyzed foreseeable activity, particularly the notices of staking that were active at the time the EA's analysis. Any new information or circumstances did not substantially change the analysis of the new proposed action. The EA's and APDs' master surface use plan and drilling plan are incorporated here by reference and show adequate protection of surface lands and ground water. This includes EOG's Addendum to Drill Plan, July 14, 2011 and the protections for the Fox Hills Formation. BLM recommends approval of EOG's requests for variances as recognized industry practices in the PRB. See also the migratory bird analyses in SDR WY-2013-025, incorporated here by reference.

4. **Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, direct, indirect, and cumulative impacts are unchanged from those identified/analyzed in the existing NEPA documentation.

5. **Is the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, the public involvement and interagency review associated with the EOG Ballista Flatbow EA and this DNA worksheet are adequate for the current proposed action. BLM received no public comments from posting the APD for 30 days.

**E. Persons/Agencies/BLM Staff Consulted**

<b>Name</b>	<b>Title</b>	<b>Organization</b>
Jennifer Yu	Senior Regulatory Assistant	EOG Resources, Inc.
Heather Smith	NEPA Coordinator	EOG Resources, Inc.
Lee Isenberger	Surface Owner	Isenberger Land, LLC.
Meleah Corey	Natural Resource Specialist, Project Lead	BLM
Scott Jawors	Wildlife Biologist	BLM
Clint Crago	Archeologist	BLM
Buck Damone	Archeologist	BLM
Casey Freise	Natural Resource Specialist	BLM
John Kelley	NEPA Coordinator	BLM

Note: Refer to the EOG Ballista Flatbow EA, WY-070-EA13-15, for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

  
\_\_\_\_\_  
Buffalo Field Manager:

9/30/13  
\_\_\_\_\_  
Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.