



Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute



CX No.: WY070-CX14-315

A. BACKGROUND

BLM Office: Buffalo Field Office

Lease/Serial/Case File No.: WYW168465

Proposed Action Title/Type: Jager 3D Seismic Project

Location of Proposed Action: T. 57N, R.72W, Sec. 1, 2, 11-16, 21, 22, 28, & 33 for total of 1,798 acres of BLM administered surface. The remaining project area is on private surface (~16,512 acres). The entire project is in Campbell County, Wyoming

Description of Proposed Action: On April 28, 2014, BTA Oil Producers, LLC filed a Notice of Intent and Authorization to Conduct Oil and Gas Geophysical Exploration Operations. On April 15, 2014 BLM began its initial review of the project. The BLM surface is interspersed with the other lands such as state and private. The Jager 3D Seismic project area contains approximately 16,512 acres with only 1,798 acres administered by the BLM. The approval of this Notice of Intent is for the public surface only. BTA Oil Producers, LLC will obtain a permit to conduct geophysical operations on the private surface from the Wyoming Oil and Gas Conservation Commission.

BTA Oil Producers, LLC does not propose any vehicular traffic or shot holes on the BLM surface. The operator will only walk across the surface. BTA Oil Producers, LLC will use a standard brick pattern. See project map for specific detail. The receiver lines will run east/west. The source lines will be diagonal of 26.5651 degrees. The total number of sources is 2,678 spaced 165 feet apart. The distance between the source lines is 1,567.5 feet apart. The total number of receivers is 4,799 spaced 165 feet apart. The distance between the receiver lines is 907.5 feet. There will be a recording of 1,400 channels. The sample interval is 1 ms with a recording length of 4.0 seconds. This method will require a shot hole at a depth of 60-120' with a 20 pound charge buried with 2 caps. BLM lands will only have cables and geophones on them. All cable layouts on BLM land will be walked only. For further detail on type/amount of charge to be used please see the operators Plan of Operations. This data can then be processed to build a profile of the various lithology and thickness.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: Buffalo Resource Management Plan **Date Approved:** 1985, 2001 Update

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Minerals Management – Oil and Gas

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Decision Record MM-7 – Continue to lease and allow development of federal oil and gas in the Buffalo Resource Area

C: COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(B)(6):

“Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed”.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. I’ve reviewed the proposed action and none of the extraordinary circumstances described below and in 516 DM 2 apply.

Cultural:

A Class III cultural resource inventory was not performed for this project since the proposal is casual use only across BLM managed surface (hand placing receiver lines and no vehicle traffic). A file search was completed for the BLM surface prior to on-the-ground project work. The following cultural resources are within the area of potential effect:

Site Number/Type/Eligibility
48CA2455/Historic Homestead/Unevaluated

The proposed undertaking has no potential to affect historic properties. On 6/20/2014, the BLM electronically notified the Wyoming State Historic Preservation Office (SHPO) following section V (E)(iii) and Appendix B(5) of the Wyoming State Protocol that the undertaking is exempt from review.

Wildlife:

BLM reviewed the proposal and determined that it is: (1) consistent with the FEIS and its supplements, the RMP and the above tiered NEPA analyses; and (2) consistent with the programmatic biological opinion (ES-6-WY-02-F006), which is an update from the PRB FEIS, Appendix K. The PRB FEIS identified wildlife species occurring in the PRB, pp. 3-113 to 3-206. BLM performed a habitat assessment in the project area on April 17, 2014. The habitat assessment concluded no raptor nest or greater sage-grouse leks exist within 0.5 mile of public lands. No surface disturbing activities will occur with the proposal and impacts toward wildlife habitat will be minimal with the applied mitigation measures below (see page 5).

Extraordinary Circumstances (from 516 DM 2, Appendix 2)

Extraordinary circumstances exist for individual actions within categorical exclusions which may:

2.1 Have significant impacts on public health or safety.

2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [National Environmental Policy Act Section 102(2)(E)].

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

2.9 Violate a Federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

D: SIGNATURE

Authorizing Official: _____ /s/ Duane W. Spencer _____ Date: _____ 6/19/14 _____

(Signature)

Name: Duane Spencer Title: Field Manager

Contact Person

For additional information concerning this CX review, contact:

Andy Perez
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DECISION RECORD

Lease/Serial/Case File No.: **WYW168465**

Recommendation/Rationale: I recommend approving Paragon Geophysical Services, Inc. Notice of Intent to Conduct Geophysical Exploration Operations on public lands administered by the BLM in the Jager 3D Seismic Project Area with the mitigation measures described below. BTA Oil Producers, LLC will utilize the subsurface information gathered by this project to explore for and develop the oil and gas resources in this area. The subsurface data will limit unnecessary drilling, reduce surface disturbance, and reduce adverse impacts to other resources.

Mitigation Measures:

1. No Surface Disturbing activities are authorized with this action.
2. Notify Andy Perez (Authorizing Officer) 48 hrs prior commencement of work.
3. (4) All identified cultural sites in the project area shall be avoided by at least 30 meters by all geophysical operations.
4. Vehicular travel shall be suspended when ground conditions are wet enough to cause rutting or other noticeable surface deformation and severe compaction. As a general rule, if vehicles or other project equipment create ruts in excess of four inches deep when traveling cross-country over wet soils, the soil shall be deemed too wet for vehicular use.
5. The staging area(s) shall be kept clean and free of litter. Appropriate human waste facilities will be provided and properly maintained. Such waste facilities shall be removed from the site upon completion of the project.
6. All flagging, lath, pin flags, and similar materials used in the seismic project will be removed from public land and disposed of at an authorized landfill.
7. Roads will not be constructed for geophysical projects authorized under a categorical exclusion.
8. Operators of vehicles and equipment shall be responsible for not damaging fences and keeping gates as found. As a last resort, should a fence be cut for access, that fence must be repaired to former or better condition, immediately after equipment has passed through.
9. If soil is disturbed to the extent that erosion is likely or visual impacts are readily apparent, the disturbed areas will be rehabilitated utilizing the following techniques:

Ruts and vehicle tracks will be filled with soil and/or obliterated by either hand raking or similar method. When completing this work, care will be taken to minimize disturbance to surrounding lands that have not been disturbed. All areas where rehabilitation work is accomplished will be reseeded with the seed mix provided below.

The seeded area should be hand raked to assure the seed is covered with approximately $\frac{1}{4}$ to $\frac{1}{2}$ inch of soil.

The seed shall be certified, pure live seed, and seed tags must be available if requested by the authorized officer. Certified weed free seed is to be used to rehabilitate disturbed land.

Sandy/Loamy Ecological Site Seed Mix

Species	% in Mix	Lbs PLS*
<i>Western Wheatgrass</i> (<i>Pascopyrum smithii</i>)	30	3.6
<i>Bluebunch Wheatgrass</i> (<i>Pseudoroegneria spicata</i> ssp. <i>Spicata</i>)	20	2.4
<i>Green needlegrass</i> (<i>Nassella viridula</i>)	20	2.4
<i>Thickspike Wheatgrass</i> (<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>)	15	1.8
<i>Prairie coneflower</i> (<i>Ratibida columnifera</i>)	5	0.6
Prairie sandreed – Goshen	5	0.6
Indian ricegrass – Paloma or Rimrock	5	0.6
Totals	100%	12 lbs/acre

*PLS = pure live seed

*Northern Plains adapted species

*Double this rate if broadcast seeding

This is a recommended seed mix based on the native plant species listed in the NRCS Ecological Site descriptions, U.W. College of Ag., and seed market availability. A site-specific inventory will allow the resource specialist to suggest the most appropriate species, percent composition, and seeding rate for reclamation purposes.

Authorizing Official: _____ /s/ Duane W. Spencer

Date: _____ 6/19/14

Name: Duane Spencer Title: Field Manager

Decision

I have reviewed the plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and no further environmental analysis is required.

It is my decision to implement the project as described with the mitigation measures identified above and included in the Special Terms and Conditions along with the mitigation measures in the Standard Terms and Conditions attached to the Notice of Intent to Conduct Geophysical Exploration Operations.

Authorizing Official: _____ /S/ Duane W. Spencer _____ Date: _____ 6/19/14 _____

Name: Duane Spencer Title: Field Manager

DECISION FACTORS

1. Land Status Including Prior Existing Rights and Land Ownership of Adjacent Non-Federal

Lands: The affected public land in the project area is intermingled with private and Forest Service Lands. The approval of the NOI is only for geophysical operations on public lands. The Wyoming Oil and Gas Conservation Commission authorize geophysical operations on private lands in the project area.

2. **Pending Applications:** None.

3. **Economic and Social Effects:** NA

4. **Access:** Access to the project area is via State highways, existing county and private roads, and existing two-track trails.

5. **Land Use Capability and Past, Present, and Future Land Uses:** Livestock grazing, wildlife habitat, agriculture, oil and gas production, and residential & business uses are the primary land uses in the general area.

6. **Government and Public Support:** None.

7. **Legal Requirements:** No special legal requirements are applicable to this action.