

DECISION RECORD
Peak Powder River Resources, LLC, Suchan Fed 1 POD
Categorical Exclusion 3 (CX3), WY-070-390CX3-14-324 to 338
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves 15 applications for permit to drill (APDs) from Peak Powder River Resources, LLC (Peak) to drill oil and gas wells and their associated infrastructure as described in the consolidated CX3 analysis, WY-070-390CX3-14-324 to 338, all incorporated here by reference.

Compliance. This decision complies with or supports:

- 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 Final Environmental Impact Statement (FEISs), 1985, 2003 (2011).
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

Consultation. This decision considered:

- 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.
- Wyoming BLM State Director Review, SDR No. WY-2013-025, Yates Petroleum v. BLM, 2013.

A summary of the details of the approval follows. The CX3 analysis, WY-070-390CX3-14-324 to 338 includes the project description, including site-specific mitigation measures which are incorporated by reference into that CX3 from earlier analyses. The proposed wells are 18 miles southwest of Wright, Campbell County, Wyoming.

Approvals. BLM approves 15 APDs and associated infrastructure:

#	Well Name/ Well #	Sec	Twp	Rng	Lease	CX #: WY-070-
1	SUCHAN FED 1 IBERLIN 2-5H	5	42N	74W	WYW130074	-390CX3-14-324
2	SUCHAN FED 1 IBERLIN 2-5MH	5	42N	74W	WYW130074	-390CX3-14-325
3	SUCHAN FED 1 IBERLIN 2-5TH	5	42N	74W	WYW130074	-390CX3-14-326
4	SUCHAN FED 1 IBERLIN 1-8H	8	42N	74W	WYW132915	-390CX3-14-327
5	SUCHAN FED 1 IBERLIN 1-8MH	8	42N	74W	WYW132915	-390CX3-14-328
6	SUCHAN FED 1 IBERLIN 1-8TH	8	42N	74W	WYW132915	-390CX3-14-329
7	SUCHAN FED 1 IBERLIN 2-8H*	8	42N	74W	WYW129528	-390CX3-14-330
8	SUCHAN FED 1 IBERLIN 2-8MH*	8	42N	74W	WYW129528	-390CX3-14-331
9	SUCHAN FED 1 IBERLIN 2-8TH*	8	42N	74W	WYW129528	-390CX3-14-332
10	SUCHAN FED 1 SUCHAN 1-15H	15	42N	74W	WYW129018	-390CX3-14-333
11	SUCHAN FED 1 SUCHAN 1-15NH	15	42N	74W	WYW129018	-390CX3-14-334
12	SUCHAN FED 1 SUCHAN 1-15TH	15	42N	74W	WYW129018	-390CX3-14-335
13	SUCHAN FED 1 SUCHAN 2-15H	15	42N	74W	WYW129018	-390CX3-14-336
14	SUCHAN FED 1 SUCHAN 2-15NH	15	42N	74W	WYW129018	-390CX3-14-337
15	SUCHAN FED 1 SUCHAN 2-15TH	15	42N	74W	WYW129018	-390CX3-14-338

NOTES:* wells located on fee surface over fee minerals accessing federal minerals. Left column administrative numbering is consistent with CX3, COAs, RMMs, and DR.

Limitations. See the 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 and its limiting parameters. Thus a FONSI and an EIS is not required.

COMMENT OR NEW INFORMATION SUMMARY. Since receipt of these APDs, BLM received a clarified policy on bond review, WY Instruction Memorandum (IM)-2013-009.

DECISION RATIONALE. The approval of this project is because:

1. Mitigation measures and COAs, analyzed in the CX3, in environmental impact statements or environmental analyses to which the CX3 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 greater sage grouse (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 Suchan Fed 1 POD wells 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.
 - Have offered 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.
7. This decision does not foreclose the lessee or operator to propose a new or supplementary plan for developing the federal oil and gas leases in this project area, including submission of additional APDs to drain minerals in accord with lease rights and law. This decision does not foreclose the lessee or operator to propose using external pumping units via a sundry application process.
8. Peak certified there is a surface access agreement with the landowner.
9. 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: 8/28/14

**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-324 to 338
Applications for Permit to Drill (APDs), Section 390, Energy Policy Act of 2005
Peak Powder River Resources, LLC, Suchan Fed 1 POD
Bureau of Land Management, Buffalo Field Office, Wyoming**

Description of the Proposed Action.

The proposal is to explore for and possibly develop oil and gas reserves in geologic formations leased by Peak Powder River Resources, LLC (Peak) in Wyoming, see Table 1. The proposal is drilling 15 horizontal oil and gas wells from 5 pads (1 is an existing pad) to drain the Shannon, Turner, Mowery, and Niobrara Formations. Peak proposes to drill, complete, produce, and eventually reclaim the locations. Associated infrastructure will include: tank batteries, access roads, and temporary water tanks for completion purposes. No gathering pipelines are proposed. Any future gathering pipelines or other infrastructure will have a sundry submitted and receive a separate NEPA analysis. BLM’s jurisdiction over 12 applications for permit to drill (APDs) is split estate (fee surface over federal minerals). BLM has reduced jurisdiction over 3 APDs (fee surface over fee minerals, then laterally draining federal minerals).

Peak submitted the Suchan Fed 1 POD as notices of staking (NOSs) on December 12, 2013 and January 10, 2014. BLM held onsite inspections on February 25, 2014, evaluated the proposal, and modified it as necessary to mitigate environmental impacts. Peak submitted the APDs on June 2, 2014. The BLM sent a post-on-site deficiency letter to Peak on June 17, 2014.

Table 1. Proposed Wells

#	Well Name/ Well #	Sec	Twp	Rng	Lease	CX #: WY-070-
1	SUCHAN FED 1 IBERLIN 2-5H	5	42N	74W	WYW130074	-390CX3-14-324
2	SUCHAN FED 1 IBERLIN 2-5MH	5	42N	74W	WYW130074	-390CX3-14-325
3	SUCHAN FED 1 IBERLIN 2-5TH	5	42N	74W	WYW130074	-390CX3-14-326
4	SUCHAN FED 1 IBERLIN 1-8H	8	42N	74W	WYW132915	-390CX3-14-327
5	SUCHAN FED 1 IBERLIN 1-8MH	8	42N	74W	WYW132915	-390CX3-14-328
6	SUCHAN FED 1 IBERLIN 1-8TH	8	42N	74W	WYW132915	-390CX3-14-329
7	SUCHAN FED 1 IBERLIN 2-8H*	8	42N	74W	WYW129528	-390CX3-14-330
8	SUCHAN FED 1 IBERLIN 2-8MH*	8	42N	74W	WYW129528	-390CX3-14-331
9	SUCHAN FED 1 IBERLIN 2-8TH*	8	42N	74W	WYW129528	-390CX3-14-332
10	SUCHAN FED 1 SUCHAN 1-15H	15	42N	74W	WYW129018	-390CX3-14-333
11	SUCHAN FED 1 SUCHAN 1-15NH	15	42N	74W	WYW129018	-390CX3-14-334
12	SUCHAN FED 1 SUCHAN 1-15TH	15	42N	74W	WYW129018	-390CX3-14-335
13	SUCHAN FED 1 SUCHAN 2-15H	15	42N	74W	WYW129018	-390CX3-14-336
14	SUCHAN FED 1 SUCHAN 2-15NH	15	42N	74W	WYW129018	-390CX3-14-337
15	SUCHAN FED 1 SUCHAN 2-15TH	15	42N	74W	WYW129018	-390CX3-14-338

NOTES:* wells located on fee surface over fee minerals accessing federal minerals so BLM exercises reduced jurisdiction. Left column administrative numbering is consistent with CX3, COAs, RMMs, and DR.

The BLM’s need for this project is to determine whether, and if so, and under what conditions to support the Buffalo Resource Management Plan’s (RMP) goals, objectives, and management actions (2003 Amendment) with permitting the operator’s exercising of conditional lease rights to develop federal fluid minerals. APD information is an integral part of this EA, which BLM incorporates here by reference. Conditional fluid mineral development supports the RMP, the Mineral Leasing Act of 1920, the Federal Land Policy Management Act (FLPMA), and other laws and regulations.

The BLM will decide whether or not to approve the proposed development, and if so, under what terms and conditions agreeing with the Bureau’s multiple use mandate, environmental protection, and RMP. BLM Washington Office Instruction Memorandum (IM) No. 2009-078 established policy and procedures for processing APDs for horizontal drilling into federal mineral estate from multiple well pads on non-federal locations. Drilling and producing the wells is a federal action. Construction, operation, and reclamation of infrastructure on non-federal land are not federal actions. Drilling and producing mitigation is in the Conditions of Approval for Conventional Application for Permit to Drill.

It is the BLM’s responsibility and obligation to analyze the full effects of the federal action, and identify mitigation measures, regardless of the BLM’s authority to enforce the mitigation. The BLM needs to identify mitigation measures that would reduce or eliminate the effects of a non-federal action when it is a connected action to the BLM proposed action (see the BLM NEPA Handbook, Section 6.8.2.1.1, Connected Non-federal Actions). Identifying mitigation outside of the BLM’s jurisdiction alerts other agencies and landowners that can implement the mitigation. The probability of the other agencies implementing the mitigation measures is likely to occur, although these agencies may vary specific parameters recommended by the BLM.

Table 2. Summary of Surface Disturbance

Facility	Surface Disturbance
Engineered Pads	4 @ varies (30 acres)
New Construction Roads (template)	1.4 miles @ 70’ corridor (11 acres)
Existing Roads (Oil/Gas) to be improved	3.2 miles @ 70’ corridor (27 acres)
Power Drops	4
Overhead Power	1.6 miles @ 15’ corridor (3 acres)
Total Acre Disturbance	57 acres

NOTE: wells on fee surface over fee minerals accessing federal minerals (see Table 1) are to be drilled from an existing well pad built for fee mineral development

For details on project area access, design features, construction practices of the proposed action, drilling /completion details and details regarding reclamation refer to the master surface use plan (MSUP, pp.1-23) in the POD; see, administrative record (AR). The plan was written and reviewed to minimize environmental impacts to both surface and subsurface resources. Water for drilling will be obtained from the City of Wright, WY. Water for completion purposes will be obtained from permitted, private, stock water wells. Water for both processes will be transported to locations via trucks. Also see the individual APD for a map showing the proposed access road, existing roads and well location. In addition, see Yate’s Energy’s; WY-070-EA14-224, Sections 2, 3 and 4 and Peak’s; WY-070-EA13-224, Sections 2, 3 and 4 for specifics regarding project area, general construction/reclamation practices. Affected landowners are; Iberlin Ranch, L.P.; James E. Suchan; Nine Mile Land Co.; and the State of Wyoming. For contact information see MSUP p. 22. The project area is 18 miles southwest of Wright, WY.

The estimated time to construct a well pad is 7-14 days, estimated time to drill the well is 30 days, and the estimated time for completion activities is 15 days. Peak estimates that during the drilling phase of each individual well the average daily traffic (ADT) to and from the location is approximately 15 large trucks (water hauler, cement trucks, etc.) and 10 personal pickup trucks per day. During the well completion operation the ADT increases by 6 large trucks and 6 personal pickup trucks per day. During the production phase the ADT will decrease to 1 to 2 large trucks and 1 pickup truck per day.

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 CX3 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. This area is clearly lacking in wilderness characteristics as it lacks federal surface. BLM finds that the conditions and environmental effects found in the senior NEPA analyses 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). BLM earlier identified over 115 townships from the Montana to Converse County borders that comprise the PRB fluid mineral developed field and this proposal is in the developed field. Table 3 is a list of NEPA analyses that are within or adjacent to this project area. This information shows the reader that BLM conducted analysis.

Table 3. Overlapping Oil & Gas NEPA Analyses to Which this Proposal Tiers

#	POD / Well Name	NEPA Analysis #	#/Type Well/# Drilled	Decision
1	Baker 8H, Fourmile 20H, Jeanne 5H, Starlight 30H, Strangler 1H*	WY-070-EA14-224	5/Oil/1 (RFA 95 wells/0 drilled)	5/2014
2	Peak Rousch Fed 1 POD	WY-070-390CX3-14-276, etc.	16/Oil/0	7/2014
3	DVN Cosner Wright 2	WY-070-EA14-191	18/Oil/6	2/2014
4	Peak Iberlin 1-9H & 1-9TH	WY-070-EA13-224	2/Oil/2	8/2013
5	YPC Porsche 3H and 4H	WY-070-EA14-85	2/Oil/0	2/2014
6	True Oil Challenger	WY-070-390CX3-14-101 to 105	5/Oil/0	4/2014
7	YPC Raging Bull	WY-070-EA12-207	1/Oil/0	9/2012

See also: SDR WY-2013-005, particularly noting pp. 2-3, incorporating the entirety here by reference.

* Referenced here in this CX3 as the Baker 8H EA, WY-070-EA14-224.

This CX3 also incorporates by reference the descriptions and analysis of similar horizontal drilling, hydraulic fracturing, water and waste water analyses from Crazy Cat East EA, WY-070-EA13-028 and Barlow Ranch Federal EA, WY-070-EA12-173.

- 2) Reasonably foreseeable activity (RFA) is found in the Baker 8H Environmental Assessment (EA), WY-070-EA14-224, 2014, p. 6 and Table 2.3. BLM also notes from the Baker 8H EA analysis that of the 95 analyzed reasonably foreseeable wells, none are drilled; thus 95 undrilled, analyzed reasonably foreseeable wells contribute to the available RFA for this CX3 analysis. Approximately 75 days have passed from the time of the Baker 8H analysis and this Suchan Fed 1 POD CX3 analysis, contributing to the lack of additional drilling in the current scenario. In addition to the 95 analyzed APDs from Baker, the NEPA analyses in Table 3 above, show another 44 wells yielding a total of 139 analyzed APDs. Only 9 are drilled; thus 130 undrilled, analyzed reasonably foreseeable wells contribute to the available RFA for this CX3 analysis. The RFA for this analysis area includes oil/gas exploration on 640 acre, and possible 320 acre spacing for horizontal wells and 80 acre spacing for vertical wells.

(This does not preclude the spacing analysis in the PRB FEIS further reducing the surface disturbance per well.) The project analysis area is the area within 4 miles of the proposed wells and includes only those federal projects approved within 5 years, as of August 2014.

The APDs in the Suchan Fed 1 POD were specifically included in the reasonably foreseeable activity scenario in the Baker 8H EA, WY-070-EA14-224, p. 6, Table 2.3, and Annex 1 Map 2.

- 3) The tiered NEPA analyses were finalized or supplemented within 5 years of spudding (drilling) the proposed well. This CX3 tiers to the NEPA analyses listed above in Table 3.

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. This proposal is similar to both the qualitative and quantitative analysis in the above mentioned PODs. The BFO reviewed the corresponding NEPA analyses and found that they considered potential environmental effects associated with the proposal at a site specific level. The 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.

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 MSUP, drilling plan, in addition to the Standard COAs found in the PRB FEIS ROD, Appendix A.

Water Resources

The historical use for groundwater in this area was for stock or domestic water. A search of the WY State Engineer Office (WSEO) Ground Water Rights Database showed 9 registered stock and 0 domestic water wells within 1 mile of the proposed wells with depths from 275 to 300 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 surface casing to 2250 feet, following safe remedial procedures in the event of casing failure, and using proper cementing procedures should protect any fresh water aquifers above the targeted mineral zone. The Fox Hills (7000 ft.), the deepest penetrated fresh water zone in the PRB lies well above the target formations at depths ranging from 10,000 to 12,600 ft. Specific to protection of the Fox Hills Formation; as described in the Casing & Cementing Program of the Drilling Plan, about 200 feet of cement will be placed above the Fox Hills Formation. The top of the Fox Hills Formation will be identified by mudlogger and confirmed with OH (open hole) logs. A gamma ray log will be run from the total vertical distance to surface on the first well drilled on each pad. The gamma ray log will indicate the top and bottom of Fox Hills Formation. Also as described in Drilling Plans the top of the Fox Hills Formation will be identified by mud logs, by GR(gamma ray) and screening of the offset log data. This will ensure that ground water of the Fox Hills Formation will not be adversely impacted by well drilling and completion.

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. Impacts anticipated occurring and mitigation considered will be similar to those analyzed in the following analyses which are adjacent or overlapping to the Suchan Fed 1 POD and are incorporated here by reference: Baker Fed Com 8H, WY-070-EA14-224, pp. 17-19, and Iberlin 1-9H&TH, WY-070-EA13-224, pp. 24-25.

Soils/Vegetation

Impacts anticipated occurring and mitigation considered will be similar to those analyzed in documentation listed in Table 3. The following NEPA analyses are adjacent or overlapping to the Suchan Fed 1 POD and are incorporated here by reference: Baker Fed Com 8H, WY-070-EA14-224, pp. 15-17 and Iberlin 1-9H & TH, WY-070-EA13-224, pp. 18-24.

Wetlands/Riparian

There are no wetlands or riparian areas near the proposed well pads or infrastructure so the project should not impact wetlands or riparian areas.

Invasive Species

Anticipated impacts and mitigation considered will be similar to those in the NEPA analyses analyzed in Table 3. The following NEPA analyses are adjacent or overlapping, have similar habitat to the Suchan Fed 1 POD, and are incorporated here by reference: Baker Fed Com 8H, WY-070-EA14-224, pp. 19-20 and Iberlin 1-9H & TH, WY-070-EA13-224, pp. 27-28.

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 affected environment and environmental effects for wildlife are discussed in, and anticipated to be similar to, the documents in Table 3, above. Rationale for species not discussed here is in the AR.

Migratory Birds

Impacts to migratory birds from surface disturbing and disruptive activities associated with development of oil and gas wells were analyzed in the Sahara EA, WY-070-EA13-072, incorporated here by reference. Activities associated with development of the proposed wells in Table 1, are anticipated to be similar in nature, with the following additional site-specific information. Site-specific analyses for wells and infrastructure that will directly impact migratory birds via habitat removal will be discussed below.

Site Specific Analysis for the Proposed Wells:

Suchan 1-15 Pad (Suchan Fed 1 Suchan #: 1-15H; 1-15NH; and 1-15TH): Suitable habitat for migratory birds (sagebrush obligates) is present on the proposed pad location and the habitat would be directly impacted by vegetation removal. Habitat removal is prohibited during the migratory bird nesting season (May 1 – Aug 1) unless a nesting survey performed by a biologist confirms an absence of nesting birds in the disturbance area.

Suchan 2-15 Pad (Suchan Fed 1 Suchan #: 2-15H; 2-15NH; and 2-15TH): Suitable habitat for migratory birds (sagebrush obligates) is present on the proposed pad location and the habitat would be directly impacted by vegetation removal. Habitat removal is prohibited during the migratory bird nesting season (May 1 – Aug 1) unless a nesting survey performed by a biologist confirms an absence of nesting birds in the disturbance area.

Cultural

Per 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 BFO-area, refer to the *Draft Cultural Class I Regional Overview, Buffalo Field Office*. A Class III (intensive) cultural resource inventory (BFO project no. 700140087) was performed to locate specific historic properties which may be impacted by the proposals. The following resource is near the proposal area.

Cultural Resources Near the Proposal and National Register of Historic Places (NRHP) Eligibility

Site Number	Site Type	NRHP Eligibility
48CA4868	Historic Trash	Not Eligible

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 proposals. Following the *State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer*, Section V(B)(i) the BLM consulted the Wyoming State Historic Preservation Officer (SHPO) on July 14, 2014 relating to the extent of the area of potential effect (APE) for the project. SHPO concurred with the BLM's APE determination on July 29. 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) and in Appendix K of the Wyoming Protocol.

Summary. BLM used the aggregate effects method in updating the cumulative effects for this CX3; see Table 3. Any and all effects from not following the recommended mitigation measures will not rise to significance, though such omissions may cause an increase in erosion, runoff, or impacts to passerines.

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

Position/Organization	Name	Position/Organization	Name
NRS/Team Lead	Eric Holborn	Archeologist	G.L. "Buck" Damone III
Supr NRS	Casey Freise	Wildlife Biologist	Chris Sheets
Petroleum Engineer	Will Robbie	Geologist	Kerry Aggen
LIE	Sharon Soule	LA	Penny Loughan
Soils	Arnie Irwin	Supr NRS	Bill Ostheimer
Hydrologist	NA	Assistant Field Manager	Chris Durham
Assistant Field Manager	Clark Bennett	NEPA Coordinator	John Kelley

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 Suchan Fed 1 POD consolidated CX3 APDs 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: _____ 8/28/14_____

Contact Person, Eric Holborn, Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834, 307-684-1100.