

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 Buffalo Field Office
 Buffalo, Wyoming

SURFACE USE
 CONDITIONS OF APPROVAL

POD Name: Brinkerhoff Extension POD and Burgess 13 POD

Operator: Marathon/Pennaco Energy

1. Adhere to all conditions of approval. See attachment A.

Wildlife

Raptors

The following conditions will alleviate impacts to raptors:

1. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing limitation will affect the following:

Township/Range	Section	Wells and Infrastructure
T57N/R82W	30	Well location(s): 1-30-57-82MZ/CR, 3-30-57-82MZ/CR, 5-30-57-82MZ/CR and 7-30-57-82MZ/CR. All access road and associated utility corridor within the NENW, NENE, SWNW, SWNE and SENE of this section.
T56N/R83W	12	Well location(s): 15-12-56-83 MZ/CR and 7-12-56-83 MZ/CR. All access road and associated utility corridor within the SESW, SENW, SWNE and SESW of this section.

- a. Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5 mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.
 - b. Nest occupancy and productivity checks shall be completed for nests within a 0.5 mile of any surface disturbing activities across the entire POD for as long as the POD is under construction. Once construction of the POD has ceased, nest occupancy and productivity checks shall continue for the first five years on all nests that are within a 0.5 mile of locations where any surface-disturbing activities took place. Productivity checks shall be completed only on those nests that were verified to be occupied during the initial occupancy check of that year. The productivity checks shall be conducted no earlier than June 1 or later than June 30, and any evidence of nesting success or production shall be recorded. Survey results will be submitted to a Buffalo BLM biologist in writing no later than July 31 of each survey year. The nests that are checked each year is subject to change, pending surveys.
2. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.

3. Well metering, maintenance and other site visits within 0.5 miles of raptor nests should be minimized as much as possible during the breeding season (February 1 – July 31).

The above COAs and/or terms and conditions provide justification for this decision and may not be segregated from project implementation without further NEPA review. In addition, I have reviewed the plan conformance statement and have determined that the proposed activity is in conformance with the applicable land use plan(s). Further, I have reviewed the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 has been correctly applied. It is my determination that no further environmental analysis is required.