

**DECISION RECORD**  
**Samson Resources Company, N Tree Plan of Development (POD) Phase 2**  
**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-147 to -156**  
**Bureau of Land Management, Buffalo Field Office, Wyoming**

**DECISION.** The BLM approves the applications for permit to drill (APDs) from Samson Resources Company (Samson) to drill 10 oil and gas wells and construct their associated infrastructure as described in the consolidated CX3 analysis, WY-070-390CX3-14-147 to -156, 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 (FEIS), 1985, 2003 (2011).
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

**A summary of the details of the approval follows.** The CX3 analysis, WY-070-390CX3-14-147 to -156 includes the project description, including site-specific mitigation measures which are incorporated by reference into that worksheet from earlier analysis. The proposed wells are approximately 24 miles west of Wright, Campbell County, Wyoming.

**Approvals.** BLM approves the following APDs and associated infrastructure:

Well Name/ Well #	Qtr	Sec	Twp	Rng	Lease	CX Number
DF Portland 31-12/1BH	SESE	12	43N	77W	WYW144541	WY-070-390CX3-14-147
JC Maryland 14-33BH	SESW	28	44N	76W	WYW153063	WY-070-390CX3-14-148
JC Annapolis 14-33BH	SESW	28	44N	76W	WYW153063	WY-070-390CX3-14-149
JC Montana 24-31H	SESW	31	44N	76W	WYW134912	WY-070-390CX3-14-150
JC Helena 41-31BH	SESW	31	44N	76W	WYW134912	WY-070-390CX3-14-151
JC Wyoming 44-6/7BH	SESW	31	44N	76W	WYW142079	WY-070-390CX3-14-152
JC Cheyenne 24-6/7BH	SESW	31	44N	76W	WYW142080	WY-070-390CX3-14-153
JC North Dakota 24-32H	SESW	32	44N	76W	WYW134912	WY-070-390CX3-14-154
JC Bismark 41-32BH	SESW	32	44N	76W	WYW144536	WY-070-390CX3-14-155
JC Pierre 14-5/8BH	SESW	32	44N	76W	WYW142080	WY-070-390CX3-14-156

**Limitations.** There are no denials or deferrals; 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 conditions of approval (COAs), analyzed in the CX3, in environmental impact statements or environmental analysis 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 N Tree POD Phase 2 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.
  - Offer 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 is amidst mineral development.
7. This decision does not foreclose the lessee or operator to propose a new or supplementary plan for developing the federal oil and gas lease(s) 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. Samson certified there is a surface access agreement with the landowners.
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.

Acting Field Manager: 

Date: 2/14/14

**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-147 to-156  
Applications for Permit to Drill (APDs), Section 390, Energy Policy Act of 2005  
Samson Resources Company, N Tree Plan of Development (POD) Phase 2  
Bureau of Land Management, Buffalo Field Office, Wyoming**

**Description of the Proposed Action.**

The proposals are to explore for and possibly develop oil and gas reserves in geologic formations currently leased by Samson in Wyoming, (see Table 1 for lease information). The proposals consist of drilling 10 horizontal oil and gas wells on 4 pads to drain from the Shannon formation. Samson Resources Company (Samson) proposes to drill, complete, produce, and eventually reclaim all locations. Associated infrastructure will include tank batteries, access roads, and a temporary water tank location for completion purposes. No gathering pipelines are proposed. Any future gathering pipelines or other infrastructure will have a sundry submitted and analyzed in a separate NEPA analysis. BLM uses a consolidated CX3 analysis to evaluate the APDs in these standard split estate jurisdictional proposals.

Samson submitted the N Tree (North Tree) Phase 2 POD as notices of staking (NOSs) on May 2, 2013 to the BLM. Onsites inspections held on August 13 and 14, 2013 evaluated the proposal and modified it as necessary to mitigate environmental impacts. Applications for permit to drill (APDs) were submitted January 15, 2014, and are incorporated here by reference; see administrative record (AR). The BLM sent a post-onsite deficiency letter to Samson on December 12, 2013. The North Tree (NT) project area is in southern Johnson and Campbell Counties 24 miles northeast of Edgerton and 7 miles north of Wyoming State Highway 387. The area has 35.8 mi<sup>2</sup> (22,928 acres).

**Table 1. Proposed Wells**

Well Name/ Well #	Qtr	Sec	Twp	Rng	Lease	CX Number	
DF Portland 31-12/1BH	SESE	12	43N	77W	WYW144541	WY-070-390CX3-14-147	
JC Maryland 14-33BH	SESW	28	44N	76W	WYW153063	WY-070-390CX3-14-148	
JC Annapolis 14-33BH						WY-070-390CX3-14-149	
JC Montana 24-31H	SESW	31	44N	76W	WYW134912	WY-070-390CX3-14-150	
JC Helena 41-31BH						WY-070-390CX3-14-151	
JC Wyoming 44-6/7BH						WYW142079	WY-070-390CX3-14-152
JC Cheyenne 24-6/7BH						WYW142080	WY-070-390CX3-14-153
JC North Dakota 24-32H	SESW	32	44N	76W	WYW134912	WY-070-390CX3-14-154	
JC Bismark 41-32BH					WYW144536	WY-070-390CX3-14-155	
JC Pierre 14-5/8BH					WYW142080	WY-070-390CX3-14-156	

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.

Water storage for completion processes will be via hydraulic fracturing (HF) pits built on location. Water will be transported via existing surface pipelines (poly) in place throughout the project area as well as new lines being laid adjacent to access routes. For details pertaining to permitted water sources see MSUP pp. 5-6. If the wells are producers’ oil and water will be stored on location in tank batteries and trucked off location.

**Table 1.2. Proposed 4 Well Pads and 10 APDs**

Pad Name	Well Name & #	Qtr	Sec	Twp	Rng
Idaho	DF Portland 31-12/1BH	SESE	12	43N	77W
Wyoming	JC Montana 24-31H	SESW	31	44N	76W
	JC Helena 41-31BH				
	JC Wyoming 44-6/7BH				
	JC Cheyenne 24-6/7BH				
North Dakota	JC North Dakota 24-32H	SESW	32	44N	76W
	JC Bismark 41-32BH				
	JC Pierre 14-5/8BH				
Maryland	JC Maryland 14-33BH	SESW	28	44N	76W
	JC Annapolis 14-33BH				

**Table 1.3. Summary of Surface Disturbance**

Activity	Length	Width	Disturbed	Interim Disturbance
<i>Idaho Pad</i>	varies	varies	7.2 acres	2.4 acres
Access Road (existing, to be improved)	7550 ft.	XX		
<i>Wyoming Pad</i>	varies	varies	6.0 acres	2.7 acres
Access Road (new)	2964 ft.	XX		
<i>North Dakota pad</i>	varies	varies	5.6 acres	2.3 acres
Access Road (new)	300 ft.	XX		
<i>Maryland Pad</i>	varies	varies	6.0 acres	2.3 acres
Access Road (new)	436 ft.	XX		

NOTE: interim reclamation work will be completed when last well on location is in production status.

For more details on project area access, design features, construction practices of the proposed action and details regarding reclamation refer to the (MSUP, pp.3-11) in the POD; see, AR. The plan was written and reviewed to ensure that environmental impacts to both surface and subsurface resources are minimized. Also see the individual APDs for a map showing the proposed access road, existing roads and well location. In addition, see WY-070-EA13-77 sections 2, 3 and 4 for specifics regarding project area, general construction/reclamation practices.

The estimated time to construct the well pad is 7-14 days, estimated time to drill the well is 30 days, and the estimated time for completion activities are set to begin 45-60 days thereafter and last 30 days. The affected surface owners are: John Christensen and Dry Fork Land and Livestock. For contact information refer to the Master Surface Use Plan (MSUP) p. 10, in the AR.

It is reasonably foreseeable activity that Samson or operators may request up to 10 APDs to fill in spacing to drain fluid minerals. It is reasonably foreseeable activity to request such APDs on existing or new pads. Operators may also reasonably seek more supporting infrastructure for developments.

There is potential for timing and/or location conflicts between the oil and gas and uranium development projects. Potential effects, “conflicts” with uranium development could occur where these mineral extraction activities overlap. Direct, indirect, cumulative, and residual effects of this proposal on locatable minerals may impact mineral recovery. The operator and any uranium mining companies need to take the initiative to keep informed about the others’ projects and design plans for pipelines, electrical power, and roads so they can optimize their own projects without impeding the other’s project. Operator-to-operator coordination would preclude the need for federal or state solutions or mitigation measures to address conflicts. BLM incorporates by reference here the similar potential resource conflicts and its analysis from the Sahara POD, WY-070-EA13-072, pp. 14 and 26.

**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. The N Tree project area is clearly lacking in wilderness characteristics as it is amidst extensive fluid mineral development. BLM finds that the conditions and environmental effects found in the senior EAs 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 APDs are in a developed oil or gas field (any field with a completed confirmation well).

Table 1.3 is a list of existing NEPA analyses that overlap the N Tree project area. This information shows the reader that BLM conducted analysis.

**Table 1.3. Overlapping Oil & Gas NEPA Analyses that Account for Reasonable Foreseeable Activity and Completed within 5 Years of Spudding the N Tree POD Phase 2 Proposals**

POD Name	NEPA Document	# Wells / Type / # Drilled	Decision
Samson N Tree Phase 1 POD	WY-070-EA13-77	18 / Oil / 12	3/2013
Sahara POD	WY-070-EA13-072	21/Oil/4	3/2013

- 2) There are existing NEPA analyses (and the RMP) containing reasonably foreseeable activity scenario for this action. BLM also notes from Table 1.3, above, that at this time of the 39 analyzed APDs, only 16 are drilled; thus 23 undrilled, analyzed APDs contribute to the available reasonably foreseeable activity. BLM reviewed these documents and determined they considered the potential environmental effects associated with the proposed activity at a site specific level. In addition, all approved EAs tier into the PRB FEIS. The PRB EIS analyzed foreseeable development in the PRB. The PRB foreseeable development included 3,200 oil wells; and drilling CBNG wells on 80 acre-spacing resulting in about 51,000 CBNG wells and 3,200 oil wells. The N Tree Phase POD 2 wells are in the foreseeable development scenario of 80 acre well-spacing that was analyzed in EAs in Table 1.3 and in the PRB FEIS’s Appendix A.
- 3) The tiered NEPA analyses were finalized or supplemented within 5 years of spudding (drilling) the proposed wells. The N Tree POD Phase 2 CX3 tiers to the EAs listed above in Table 1.3.

In summary the EAs in Table 1.3 analyzed in detail the anticipated direct, indirect, residual, and cumulative effects that would result from the approval of these APDs. The N Tree POD Phase 2 proposal is similar to both the qualitative and quantitative analysis in the above mentioned N Tree Phase 1 POD. The BFO reviewed the corresponding EA and found that the EA considered potential environmental effects associated with the proposal at a site specific level. The N Tree POD Phase 2 wells will share infrastructure with the N Tree Phase 1 development. The APD’s 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.

### **Soils/Vegetation**

BLM obtained detailed soils identification and data for the project area from the North Johnson County Survey Area, Wyoming Soil Survey Geographic (SSURGO) Database (WY719). NRCS performed the soil survey according to National Cooperative Soil Survey standards. The BLM uses county soil survey information to predict soil behavior, limitations, or suitability for a given activity or action. The agency's long term goal for soil resource management is to maintain, improve, or restore soil health and productivity, and to prevent or minimize soil erosion and compaction. Soil management objectives are to ensure that adequate soil protection is consistent with the resource capabilities. Many of the soils and landforms of this area present distinct challenges for development, and /or eventual site reclamation. Impacts anticipated occurring and mitigation considered with the implementation of the proposed action will be similar to those analyzed in the following EA which is adjacent or overlapping to the N Tree POD Phase 2 and is incorporated here by reference: N Tree Phase 1 POD WY-070-EA13-77, pp. 22-24

### **Wetlands/Riparian**

Impacts anticipated occurring and mitigation considered with the implementation of the proposed action will be similar to those analyzed in the following EA which is adjacent or overlapping to the N Tree POD Phase 2 and is incorporated here by reference: N Tree Phase 1 POD WY-070-EA13-77, pp. 26-27

### **Invasive Species**

Impacts anticipated occurring and mitigation considered will be similar to those analyzed in the following EA which is adjacent or overlapping to the N Tree POD Phase 2 and is incorporated here by reference: N Tree Phase 1 POD WY-070-EA13-77, 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), which is an update from the PRB FEIS, Appendix K. The biologist performed onsite visits to the project area on August 13 and 14, 2013. The proposed wells and infrastructure are a result of attempts by Samson and the BLM to reduce impacts to Greater Sage Grouse (GSG) and raptors. The affected environment and environmental effects for wildlife are discussed in, and anticipated to be similar to, the N Tree Phase 1 POD EA, WY-070-EA13-77.

### **Raptors and Migratory Birds**

Effects to raptors were analyzed in the N Tree Phase 1 POD. Timing limitations were added to the POD as conditions of approval for raptors. The Idaho and Wyoming Pads are within 0.5 miles of recorded raptor nests. The Idaho is within the 0.5 protection buffer of 10 red-tail hawk, great-horned owl, and unknown raptor nests. Four of these nests were active in 2011 and 2012 with red-tailed hawk and great-horned owls. Nests 10668, 10670 and 11320 all 0.41 miles from the Idaho pad were active with red-tail hawks in 2011 and 2012. Nest 5478 was active with great-horned owls in 2012 and is 0.23 miles from the

Idaho pad. The Wyoming pad is within 0.5 miles of 7 red-tailed hawk, great-horned owl and unknown raptor nests. Three were active within the last 3 years. Nest 5527, which is 0.44 miles from the Wyoming pad, was active with red-tailed hawks in 2012 and great-horned owls in 2013. The 5528 and 5529 nests were both 0.23 miles from the Wyoming pad. The 5528 nest, identified as a great-horned owl nest, was active with an unidentified raptor in 2011. The 5529 nest was active with great-horned owls in 2012. The distances between the pads and nests, are adequate to allow these pairs to continue nesting during the production phase of the well. BLM will apply the raptor timing limitation (February 1 – July 31) to reduce the chance of nest abandonment during the construction and drilling phase.

The Maryland, Wyoming, and North Dakota pads have habitat suitable for nesting BLM sensitive migratory birds. In an effort to apply the least restrictive measures to be in compliance with the MBTA, while still conforming to Executive Order (EO) 13186 and the BLM/FWS MOU regarding conservation of species of concern, the BLM prohibits habitat removal for only those habitats where BLM sensitive migratory birds are likely to occur. The BLM has been applying a conditional surface use stipulation for all special status species to all oil and gas leases since 2008 (IM WY-2013-005, p. 2). To reduce the likelihood of a “take” under the MBTA, the BLM biologist recommends that sagebrush obligate habitat removal occur outside of the breeding season for the greatest quantity of BLM sensitive migratory birds (May 1- July 31). This restriction would apply to habitat removal, unless a pre-construction clearance survey (within approximately 10 days of construction planned May 1-July 31) is completed. If surveys will be conducted, the operator will coordinate with BLM biologists to determine a protocol. At a minimum, the surveys will consist of nest searches in areas where vegetation will be removed or destroyed. The BLM will apply this habitat removal restriction to the Maryland, Wyoming and North Dakota well pads and associated infrastructure.

#### **Greater Sage-Grouse (GSG)**

Effects to GSG were analyzed in the N Tree Phase 1 POD EA. The BLM typically applies a controlled surface use buffer of 0.25 miles for GSG leks. None of the proposed wells in the N Tree Phase 1 project or their infrastructure are within any of these buffers. The Maryland pad and the proposed new access road to the Wyoming pad in the south half of Section 31 T44N, R76W are within the 2 mile timing limitation buffer of the Dry Willow and Christensen Ranch 1 and 2 Leks in high quality nesting habitat. Traffic in the area, light and heavy duty trucks, will increase with approval of the project. Heavy trucks are expected to visit the wells every 1 to 2 days to haul oil or water from the location, in addition to pumper traffic from equipment inspections. There is extensive production activity occurring in the project area. Additional disturbance may not affect breeding GSG in an area that may already be compromised by existing oil and gas activities. Because Wyoming Governor’s EO 2011-5 and Wyoming BLM Instructional Memo WY-2012-019 prescribe breeding season timing restriction for activities within 2 mile of leks outside of core areas, BLM will apply a timing limitation restricting surface disturbing activities on the Maryland pad, its access road and the proposed access to the Wyoming pad from March 15 to June 30.

In March, 2012, WY BLM released the report, “Viability analyses for conservation of sage-grouse populations: Buffalo Field Office, Wyoming,” indicating that a viable population of GSG remains in the PRB, but the combined impacts of multiple stressors, including West Nile virus (WNV) and energy development, threaten that viability (Taylor et al 2012). The information in the report identified that the effects of energy development are detectable at a larger spatial scale than analyzed in the documents listed in Table 1.3, above. Additional information regarding the population viability analysis, and its influence on cumulative effects from energy development is found in the affected environment and environmental effects sections (Section 3.7.12 and 4.8.2 – Candidate Species – Greater Sage-grouse (Sage-grouse)) of the Mufasa Fed 11-31H Well EA, WY-070-EA12-062, incorporated here by reference. Given that the N Tree Phase 2 POD overlaps a previously approved N Tree Phase 1 POD, this new information does not substantially change the analysis included in the N Tree Phase 1 POD EA.

### **Water Resources.**

The historical use for groundwater in this area was for stock or domestic water. A search of the WSEO Ground Water Rights Database showed 10 registered stock and 4 domestic water wells within 1 mile of the proposed wells in the project area (160 ft. – 1593 ft.). For additional information on groundwater, refer to the PRB FEIS, pp. 3-1 to 3-36.

Adherence to the drilling COAs, the setting of casing at appropriate depths, 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. Specific to protection of the Fox Hills Formation; as described in the drilling plan, isolate from intermediate shoe at ~9500 ft TVD to 4121 ft. isolating the Fox Hills Formation interval from 7297 ft to 7222 ft. In addition any potential surface waters will be protected with isolation of the surface casing with cement from the shoe to surface. A gamma ray log will be run from TVD to surface on the first well drilled on each pad. The gamma ray log will be run either with a wire line or LWD (logging while drilling) tools. The gamma ray log will indicate the top and bottom of Fox Hills Formation. Also as described in Appendix 1 of the drilling plans the operator will use one of the following techniques to properly identify the cement top is above the Fox Hills Formation: a) Radioactive Cement Tracer and associated tools, b) Cement Bond Log, or c) Temperature Survey. This will ensure that ground water of the Fox Hills Formation will not be adversely impacted by well drilling and completion operations.

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 a well 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 EA which is adjacent or overlapping to the N Tree POD Phase 2 and is incorporated here by reference: N Tree Phase 1 POD EA, WY-070-EA13-77, pp. 24-26.

### **Cultural.**

In accordance with 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 area, refer to the *Draft Cultural Class I Regional Overview, Buffalo Field Office* (BLM, 2010). A Class III (intensive) cultural resource inventory (BFO project no. 70140019, 70140021 and 70140022) was performed to locate specific historic properties which may be impacted by the proposals. No Cultural resources are in the proposal area.

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 these proposals. Following the State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer, Section VI(A)(1), the BLM notified the Wyoming State Historic Preservation Officer (SHPO) on December 13, 2013 that no historic properties exist in the area of potential effect (APE). 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).

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

<b>Position/Organization</b>	<b>Name</b>	<b>Position/Organization</b>	<b>Name</b>
NRS/Team Lead	Eric Holborn	Archaeologist	Doug Tingwall
Supr NRS	Casey Freise	Wildlife Biologist	Don Brewer
Petroleum Engineer	Mark Thomason	Geologist	Kerry Aggen
LIE	Lois Jenkins	Archaeologist	G.L. "Buck" Damone III
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 N Tree POD Phase 2 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.

*Acting*  
  
 \_\_\_\_\_  
 Field Manager

*2/14/14*  
 \_\_\_\_\_  
 Signature Date

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