

**Decision on Action and Application for Categorical Exclusion
For Activities Associated with Oil and Gas Development
Section 390, Energy Policy Act of 2005**

2 Conventional Well APDs
Trend Exploration I, LLC

Trend Federal 22-8A, Lease WYW-149932
Trend Federal 33-8, Lease WYW-138421
CX3-WY-070-390CX3-10-118
Bureau of Land Management
Buffalo Field Office

Description of the Proposed Action

The project area is located in T55N R72W Sec 8. The proposed project consists of drilling 2 oil wells to the Minnelusa formation to an average depth of 9000 feet.

Activity	Length (feet)	Width (feet)	Acres Disturbed
Trend Fed 22-8A pad	325	178	1.3+ .7 (spoils)= 2.0
Trend Fed 22-8A Access Road	1531	35	.04
Total Disturbance for 22-8A			2.04
Trend Fed 33-8 pad	325	175	1.3+.2(spoils)=1.5
Trend Fed 33-8 Access Road	158	25	.09
Total Disturbance for 33-8			1.60
Total Disturbance for 2 wells			3.64

For each well the main access road is currently an existing oil and gas road that accesses producing Fee conventional wells in the area. If the wells prove to be productive 1531 ft of crown and ditched road will be constructed for the 22-8A well and 158 ft of crown and ditched road will be constructed for the 33-8 well. Maintenance will be necessary to prevent soil erosion and accommodate year-round traffic. If the wells prove to be productive, a 3" flowline will connect the 22-8A well to an existing tank battery location built for Fee minerals (constructed in the road corridor), for the 33-8 well a tank battery will be placed on the location. The wells and tank battery will be powered by generators until overhead power is installed by Powder River Energy Corporation. The capacity for the fuel storage per generator tank at each well site is 1000 g. The fuel tanks are serviced or filled every seven to nine days.

For more detail on project area access, design features and construction practices of the proposed action, refer to the Master Surface Use Plan (MSUP) in the Plan of Development (POD). The plan has been written and reviewed to ensure that environmental impacts to both surface and subsurface resources are eliminated or minimized. Also see the individual APDs for a map showing the proposed access road, existing roads and well location.

The estimated time to construct the well pad is 7-14 days, estimated time to drill the well is 10-20 days, and the estimated time for completion activities is 6-16 days.

AFFECTED SURFACE OWNERS:

Jayne Harris as Trustee of the Jayne Harris Revocable Trust
Bureau of Land Management

For contact information refer to the Master Surface Use Plan (MSUP) in the Plan of Development (POD).

Plan Conformance

The proposed action is in conformance with the terms and the conditions of the Approved Resource Management Plan for the Public Lands Administered by the Bureau of Land Management, Buffalo Field Office (BFO), April 2001 and the PRB FEIS, as required by 43 CFR 1610.5

Plan of Operations

The proposal is designed in conformance with all bureau standards and incorporates appropriate best management practices, required and designed mitigation measures determined to reduce the effects on the environment.

A surface use plan of operations describing all proposed surface-disturbing activities has been reviewed and is approved pursuant to Section 17 of the Mineral Leasing Act, as amended.

Compliance with the Energy Policy Act of 2005

The proposed activity has been determined to be statutorily categorically excluded from NEPA documentation in accordance with Section 390 of the National Energy Policy Act of 2005.

The applicable Categorical Exclusion reference in Section 390 of the Energy Policy Act of 2005 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.*

The following environmental assessments have been prepared that analyzed the potential environmental effects associated with the same type of activity as the proposed action. The following environmental assessments also had similar issues as the proposed action.

OPERATOR	PROJECT NAME	EA NUMBER	FONSI/DR SIGNED
Trend Exploration I, LLC.	Trend Wells: 11-5, 21-5, 13-32	EA NO-WY-070-10-36	11/17/09
Suncor Energy (Natural Gas) America Inc	Deen Draw POD	EA NO-WY-070-06-024	04/05/06

These documents have been reviewed and have been determined to consider potential environmental effects associated with the proposed activity at a site specific level.

Approved Resource Management Plan for the Public Lands Administered by the Bureau of Land Management, Buffalo Field Office (BFO), April 2001 and the PRB FEIS (WY-070-02-065) approved on 4/30/2003 considered that non-CBM wells development in this area to have moderate to high potential. The potential development rate would range from 0.1 to over 1 wells/township/year.

Persons and Agencies Consulted

Cultural

Class III cultural resource inventory was conducted for the project prior to on-the-ground work (BFO # 70010006). Arcadis conducted a Class III cultural resource inventory following the Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines (48CFR190) for the project. Seth Lambert, BLM Archaeologist, reviewed the report for technical adequacy and compliance with Bureau of Land Management (BLM) standards, and determined it to be adequate.

There are no eligible sites within the APE of the proposed project. Following the Wyoming State Protocol Section VI (A)(1) the Bureau of Land Management electronically notified the Wyoming State Historic Preservation Officer (SHPO) on 03/17/10 that no historic properties exist within the APE.

Wildlife

A wildlife habitat report was conducted by ARCADIS U.S., Inc (ARCADIS) during October 2009. One unknown raptor nest was discovered by an ARCADIS biologist. The nest is located just over 0.25 miles east of the proposed Federal # 33-8 well location. Direct and indirect effects to raptors are discussed in the PRB FEIS (pp. 4-216 to 4-221) and in the EA NO-WY-070-10-36 section 4.2.3.

The wildlife biologist has reviewed the proposal and determined that the project is consistent with the Final Environmental Impact Statement (WY-070-02-065) and programmatic biological opinion (ES-6-WY-07-F012) from the Powder River Basin Oil and Gas Project.

Decision and Rationale on Action

I have decided to implement the Trend Federal 22-8A and the Trend Federal 33-8 APDs with the following Conditions of Approval (COAs):

See attached COA Document

The attached 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.

The above described action must be completed within 5 years of the approval date stated below.

Implementation Date

This project will be implemented on or after the below date.



Duane W. Spencer
Field Manager

4/8/2010
Date

Administrative Review or Appeal Opportunities

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.

Contact Person

For additional information concerning this decision, contact
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