

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

CARU 12-29-5075 GW Fed  
Williams Production RMT Company  
WY-070-390CX3-10-173  
Bureau of Land Management  
Buffalo Field Office

**Description of the Proposed Action**

Williams Production RMT Production Company (Williams) proposes to develop one (1) CBNG well. A portion of the wells proposed infrastructure can be tied directly to the Carr Draw III East Federal POD EA (WY-070-090-078) approved on (7/1/2009). The APD for the one (1) well and a related fee were submitted on 11/17/2009; and is located as follows:

<b>Well Name</b>	<b>Well #</b>	<b>Qtr</b>	<b>Sec</b>	<b>TWP</b>	<b>RNG</b>	<b>Lease #</b>
CARU 12-29-5075	12-29	SWNW	29	50N	75W	WYW129538

It is the BLM's decision to approve the portion of road, utility corridor (511 feet) and well located on federal lease WYW-129538 and within lands patented in 1922 under Patent No. 844269 now owned by Mitchel Maycock. This decision is based on the fact that Williams Production RMT Company (Williams) has a Surface Use Agreement (SUA) with Mitchel Maycock. Williams has informed the BLM that it has received an easement across the adjacent lands of William P. Maycock through condemnation proceedings in the Eighth Judicial District of the State of Wyoming (and as described in a decision letter dated October 11, 2005). In this letter decision, Williams obtained judgment to use surface lands in the Carr Draw unit in a reasonable manner for mineral development, including access across the lands of William P. Maycock. The BLM makes no warranty for access across the lands of William P. Maycock to reach the portion of the project subject to Mitchel Maycock's SUA, and considers that this matter has been resolved by the October 11, 2005 decision letter.

The total surface disturbance for this action on Mitchel Maycock consists of: 0.55 acres.

**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.*

This document Carr Draw III East EA WY-070-090-078 has been reviewed and has been determined to consider potential environmental effects associated with the proposed activity at a site specific level.

The environmental assessment for Carr Draw III East EA was approved on (7/1/2009) and identifies the action as reasonably foreseeable.

Previously reviewed and accepted Class III cultural resource inventories (BFO # 70060200, 70080055) adequately covered the proposed project area. No cultural resources are in the area of potential effect. On 5/4/2010, Clint Crago, BLM Archaeologist, electronically notified the Wyoming State Historic Preservation Office (SHPO) following section VI (A)(1) of the Wyoming State Protocol, of a finding of no effect for the proposed project.

The wildlife biologist, Jennifer Morton, has reviewed the proposal and determined that the Conditions of Approval from the Carr Draw III East POD are (1) consistent with the Final Environmental Impact Statement (WY-070-02-065) and programmatic biological opinion (ES-6-WY-07-F012) for the Powder River Basin Oil and Gas Project; and (2) effects to listed species have not changed from those analyzed in the POD consultation. Since the POD was approved, the US Fish and Wildlife Service listed Blowout Penstemon (*Penstemon haydenii*) as endangered. The project area was surveyed for suitable habitat in 2010. No suitable habitat exists in the project area and therefore the proposed action will not affect Blowout Penstemon.

### Persons and Agencies Consulted

Name	Title	Agency
Penny Bellah	Project Manager	Williams
Allen Aksamit	Western Land Services	Wildlife Biologist
Patrick Barker	Western Land Services	Project Manager
Ralph Demel	Williams Production RMT CO	Construction Supervisor
Richard VanCampen	Williams Production RMT CO	Land man
Duane Joslyn	Williams Production RMT CO	Construction Manager
Mike Lindsley	Western Land Services	Operations
William Maycock	Land owner	
Mitch Maycock	Land owner	
Casey Freise	Supervisory NRS	BLM
Karen Klaahsen	Legal Instruments Examiner	BLM
Amber Haverlock	Realty Specialist	BLM
Matthew Warren	Petroleum Engineer	BLM
Clint Crago	Archaeologist	BLM
Lois Jenkins	Legal Assistant	BLM
Mary Hopkins	Wyoming State Historic Preservation Officer	Wyoming SHPO

**Decision and Rationale on Action**

I have decided to implement the following Conditions of Approval (COAs):

1. The operator will comply with all the COA's identified in the original Carr Draw III East POD and subsequent sundries for this POD.

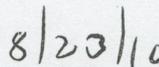
The above COAs and/or terms and conditions provide justification for this decision and may not be segregated from project implementation without further NEPA review. In addition, I have reviewed the plan conformance statement and have determined that the proposed activity is in conformance with the applicable 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.

The above described action must be completed by 8/19/2012

Implementation Date: 8/19/2014



Duane W. Spencer  
Field Manager



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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