

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

Carr Draw Unit 2 Addition 3 POD  
Williams Production RMT Company  
(CX# WY-070-CX10-298-WY-070-CX10-303)  
Bureau of Land Management  
Buffalo Field Office

**Description of the Proposed Action**

Williams Production RMT Production Company (Williams) proposes to develop five (5) CBNG wells. 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) and the Carr Draw Federal POD II addition II EA (WY-070-07-23) approved on (12/29/2006). The APD's for the five (5) wells and a related fee were submitted on 11/10/2009; and are located as follows:

CX #	Well Name	Well #	Qtr	Sec	TWP	RNG	Lease #
WY-070-CX10-298	CARR DRAW 2 ADD 3 CARU	12-31GW*	SWNW	31	50N	75W	WYW146812
WY-070-CX10-299	CARR DRAW 2 ADD 3 CARU	14-31GW	SWSW	31	50N	75W	WYW146812
WY-070-CX10-300	CARR DRAW 2 ADD 3 CARU	34-31GW	SWSE	31	50N	75W	WYW147309
WY-070-CX10-302	CARR DRAW 2 ADD 3 CARU	41-31GW	NENE	31	50N	75W	WYW146812
WY-070-CX10-303	CARR DRAW 2 ADD 3 CARU	42-31GW	SENE	31	50N	75W	WYW146812

Surface Owners: BLM, Mary Ellen Jones, William P. Maycock, and Michel M. and Dixie Lea Maycock

Estimated surface disturbance for the proposed action is shown in the summary Table 1 below.

**Table 1- Summary of Disturbance for 5 Wells:**

Facility	Number or Miles	Factor	Acreage of Disturbance
Nonconstructed Pad	2	0.5/acre	1.00 acres
Constructed Pad	2	Site Specific	1.18 acres
Slot Pad	1	0.08 acre	0.08 acres
Staging Areas	2	Site Specific	1.75 acres
Engineered Roads	0.46 miles	65'	3.64 acres
No Corridor	0		
With Corridor	0.46 miles		
Improved Roads	0.73 miles	65' Width or Site Specific	5.41 acres
No Corridor			
With Corridor	0.73 miles		

<b>Facility</b>	<b>Number or Miles</b>	<b>Factor</b>	<b>Acreage of Disturbance</b>
2-Track Roads	1.16 miles	40'	6.31 acres
No Corridor	0		
With Corridor	1.16 miles		
Pipelines			15.18 acres
No Corridor	0	Site Specific	
With Corridor	2.35 miles		
Buried Power Cable	2.35 miles	Site Specific	15.18 acres
No Corridor			
With Corridor	2.35 miles		
Proposed Overhead Power lines	0	Site Specific	0
<b>Total Surface Disturbance</b>	2.35 miles		19.37 acres

In regards to the portion of the access road and utility corridor proposed across William P. Maycock; the BLM has already addressed potential damages arising from use of this access road and utility corridor by Williams in a previous Determination of Bond Adequacy (dated January 29, 2008), as modified in State Director Review WY-2008-014 (April 28, 2008), and as subsequently affirmed by the Interior Board of Land Appeals (*William P. Maycock*, 176 IBLA 206). Williams has informed the BLM that it has received an easement across the 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.

#### **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 and the Carr Draw Federal POD II addition II EA WY-070-07-23 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 the Carr Draw Federal POD II addition II EA approved on (12/29/2006) identifies the action as reasonably foreseeable.

Class III cultural resource inventory was performed for the Carr Draw 2 Add 3 POD prior to on-the-ground project work (BFO project no. 70100013). ACR Consultants, Inc. conducted a combination block and linear class III cultural resource inventory following the Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines (48CFR190) and the *Wyoming State Historic Preservation Office Format, Guidelines, and Standards for Class II and III Reports*. Ardeth Hahn, BLM Archaeologist, reviewed the report for technical adequacy and compliance with Bureau of Land Management (BLM) standards, and determined it to be adequate. No cultural resources are located in or near the project area.

No historic properties will be impacted by 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 8/23/2010 that no historic properties exist within the APE (DBU\_WY\_2010\_1113). If any cultural values [sites, artifacts, human remains (Appendix L PRB FEIS)] are observed during operation of this lease/permit/right-of-way, they will be left intact and the Buffalo Field Manager notified. Further discovery procedures are explained in the Standard COA (General) (A) (1).

The wildlife biologist has reviewed the sundry proposal and determined that the proposal, combined with the Conditions of Approval from the Carr Draw Unit Addition 3 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) consistent with the effects analyzed in the site specific Endangered Species Act section 7 consultation Carr Draw III East Federal POD EA (WY-070-090-078) and does not change the determinations in that consultation.

#### **Persons and Agencies Consulted**

<b>Name</b>	<b>Title</b>	<b>Agency</b>
Pauline Schuette (coordination)	Biologist	USFWS
Penny Bellah	Project Manager	Williams
Casey Freise	Supervisory NRS	BLM
Karen Klaahsen	Legal Instruments Examiner	BLM
Amber Haverlock	Realty Specialist	BLM
Matthew Warren	Petroleum Engineer	BLM
Ardeth Hahn	Archaeologist	BLM
Don Brewer	Wildlife Biologist	BLM
Lois Jenkins	Legal Assistant	BLM

#### **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 Carr Draw Federal POD II addition II and subsequent sundries for these PODs.
2. The well color will be covert green for the entire Carr Draw Unit 2 Add 3 POD.
3. The following right-of-way locations were identified with the Carr Draw Unit 2 Add 3 POD for road, water, power and gas. Use and maintenance of these locations are prohibited until authorized right-of-ways have been issued.

<b>Amend ROW Grant</b>	<b>ROW Action</b>	<b>SEC.</b>	<b>T.</b>	<b>R.</b>	<b>Lengths</b>	<b>Width</b>
WYW-169691	Gas	6	49	75	Approx. 330'	Not to Exceed 40'
WYW-169689	Road, Water & Electric	6	49	75	Approx. 330'	Not to Exceed 40'

### **Wildlife**

1. The following conditions will minimize impacts to raptors;
  - a. No surface disturbing activity shall occur within ½ 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 affects all wells and accesses except the 14-31 5075GW well.
  - b. 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 ½ mile timing buffer will be implemented. The timing buffer restricts surface disturbing activities within ½ mile of occupied raptor nests from February 1 to July 31.
  - c. Nest productivity checks shall be completed for the first five years following project completion. 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. This applies to the following nests: BLM #s 1394, 3731, 5631, 6140, 8361, 8368, and 8369.
2. The following conditions will alleviate impacts to sage-grouse;
  - a. No surface disturbing activities are permitted from March 1 to June 15. This condition affects all locations and accesses in the Carr Draw Unit 2 Addition 3 POD *except* the 41-31-5075GW location. This condition will be implemented on an annual basis for the life of the project.
  - b. A sage-grouse survey will be conducted by a biologist following the most current WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities.
  - c. Maximum design speed on all operator-constructed and maintained roads (except county roads) will not exceed 25 miles per hour.

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 8/25/2012.

**Implementation Date** 7/1/2014



Duane W. Spencer  
Field Manager

8/26/10

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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