

**DECISION RECORD**

**Yates Petroleum Corporation, Bluebird I Plan of Development (POD)**

**Baltimore CS Federal Com 1 POD**

**Categorical Exclusion 3 (CX3), Section 390, Energy Policy Act of 2005**

**WY-070-390CX3-12-130, WY-070-390CX3-12-133, WY-070-390CX3-12-134, WY-070-390CX3-12-135, WY-070-390CX3-12-137, WY-070-390CX3-12-138, WY-070-390CX3-12-139, WY-070-390CX3-12-140, WY-070-390CX3-12-141, and WY-070-390CX3-12-114**

**BUREAU OF LAND MANAGEMENT, BUFFALO FIELD OFFICE**

**DECISION:** The BLM approves the applications for permit to drill (APDs) from Yates Petroleum Corporation (Yates) to drill 10 coal bed natural gas (CBNG) wells and construct their associated infrastructure as described in the CX3 worksheet which is incorporated here by reference.

**Compliance** This decision complies with:

- 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 (PRB) Final Environmental Impact Statement (FEIS), 1985, 2003.
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.

**A summary of the details of the approval follows.** The CX worksheet includes the project description, including site-specific mitigation measures which are incorporated by reference into that worksheet from earlier analysis. The proposed action is to explore for and develop CBNG reserves in geologic formations currently leased by Yates in Wyoming. Lease parcels include WYW-132251, WYW-41714 (Bluebird I), and WYW134894 (Baltimore CS Fed Com 1). (See the table, below, for general locations.) The Bluebird I proposal consists of drilling 9 vertical bore CBNG wells and construct its associated infrastructure. The Baltimore CS Federal 1 is a single APD is in the Blackbird POD. Yates proposes to drill 1 vertical CBNG well and construct its associated infrastructure tied into the Yates Blackbird project. All proposed wells are vertical bores on an 80 acre spacing pattern with 1 well per location. Each well will produce from Big George coal seam. Proposed well house dimensions are 8.0 feet wide x 8.0 feet length x 8.0 feet height. The proposed wells are approximately 20 miles SW of Gillette, Campbell County Wyoming. The Baltimore CS Federal Com 1 project is an infill APD for the Blackbird project.

**Approvals.** BLM approves the following 10 CBNG APDs and associated infrastructure:

#	Well Name	Well #	Qtr	Sec	Twp	Rng	Lease #	CX # WY-070-
1	BLUEBIRD I BLUEBIRD CS FED	12	SWNE	25	48N	75W	WYW41714	390CX3-12-130
2	BLUEBIRD I BLUEBIRD CS FED	15	SWSE	25	48N	75W	WYW41714	390CX3-12-133
3	BLUEBIRD I BLUEBIRD CS FED	10	NENE	25	48N	75W	WYW41714	390CX3-12-134
4	BLUEBIRD I BLUEBIRD CS FED	13	NESE	25	48N	75W	WYW41714	390CX3-12-135
5	BLUEBIRD I CARDINAL CS FED COM	2	SWSW	26	48N	75W	WYW132251	390CX3-12-137
6	BLUEBIRD I CARDINAL CS FED COM	5	SWNW	35	48N	75W	WYW132251	390CX3-12-138
7	BLUEBIRD I CARDINAL CS FED COM	4	NENW	35	48N	75W	WYW132251	390CX3-12-139
8	BLUEBIRD I CARDINAL CS FED COM	6	SWNE	35	48N	75W	WYW132251	390CX3-12-140
9	BLUEBIRD I CARDINAL CS FED COM	3	NENE	35	48N	75W	WYW132251	390CX3-12-141
10	BLACKBIRD BALTIMORE CS FED COM	1	SWNW	6	47N	74W	WYW134894	390CX3-12-114

**Limitations.** See conditions of approval (COA) document.

**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 worksheet process and its limiting parameters. The EAs to which the referenced CX3 Worksheet tiers also received a FONSI. Thus a FONSI and an EIS is not required.

**COMMENT OR NEW INFORMATION SUMMARY.** Since implementation of this CX3 proposal BFO received a new policy and population viability study for greater sage-grouse.

**DECISION RATIONALE** The approval of this project is because:

1. Mitigation measures and conditions of approval (COAs), analyzed in the CX3 worksheet, in environmental impact statements or environmental analysis to which the CX3 worksheet tiers or incorporates by reference, will reduce environmental impacts while meeting the project's need. The PRB FEIS analyzed and predicted that the PRB oil and gas development would have significant impacts to the region's sage-grouse population. The impact of this project's development cumulatively contributes to the potential for local 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 sage-grouse conservation strategies.
2. The approved project conditioned by its design features and COAs, will not result in any undue or unnecessary environmental degradation. There are no conflicts anticipated or demonstrated with current uses in the area and the surface owner agrees with the project layout and requested there should be no modifications.
3. This decision approving the Bluebird I and Baltimore CS Federal Com 1 complies with the Energy Policy Act of 2005, Section 390, 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215. 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. 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 CBNG producing well in the POD (PRB FEIS ROD, p. 7); and provide water analysis from a designated reference well in each coal zone.
4. The selected alternative will help meet the nation's energy need, revenues, and stimulate local economies by maintaining workforces.
5. The project is clearly lacking in wilderness characteristics because it is amidst gas development.
6. Yates certified there is a surface access agreement with the landowners.
7. 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. This approval is also subject to operator compliance with all mitigation and monitoring requirements in the PRB FEIS ROD, 2003.

**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.

For Field Manager:  Date: 6/8/12

**Categorical Exclusion 3 (CX3), Section 390, Energy Policy Act of 2005**  
**WY-070-390CX3-12-130, WY-070-390CX3-12-133, WY-070-390CX3-12-134, WY-070-390CX3-12-135, WY-070-390CX3-12-137, WY-070-390CX3-12-138, WY-070-390CX3-12-139, WY-070-390CX3-12-140, WY-070-390CX3-12-141, and WY-070-390CX3-12-114**  
**Yates Petroleum Corporation, Bluebird I Plan of Development (POD)**  
**Baltimore CS Federal Com 1 POD**  
**BUREAU OF LAND MANAGEMENT, BUFFALO FIELD OFFICE**

**Description of the Proposed Action**

The proposal is to explore for and develop coalbed natural gas (CBNG) reserves in geologic formations currently leased by Yates in Wyoming. Lease parcels include WYW-132251, WYW-41714 (Bluebird I), and WYW134894 (Baltimore CS Fed Com 1). The proposed wells are approximately 20 miles SW of Gillette, Campbell County Wyoming (see Table 1 for legal descriptions). The Bluebird I proposal consists of drilling 9 vertical bore CBNG wells and construct its associated infrastructure. The Baltimore CS Federal 1 is a single application for permit to drill (APD) is in the Blackbird POD in SWNW, Section 6, Township 47N, Range 74W, on lease WYW134894. Yates proposes to drill 1 vertical CBNG well and construct its associated infrastructure tied into the Yates Blackbird project. All proposed wells are vertical bores on an 80 acre spacing pattern with 1 well per location. Each well will produce from the Big George coal seam. Well house dimensions are (in feet): 8.0 wide x 8.0 length x 8.0 height.

Yates submitted the Bluebird I POD as APDs on August 26, 2010 to the BFO. Onsites were held November 9 and 10, 2011 to evaluate the proposal and modified it as necessary to mitigate environmental impacts. The BLM sent a post-onsite deficiency letter to Yates on April 12, 2012.

Yates submitted the Baltimore CS Federal Com 1 POD as an APD February 25, 2011 to the BFO. Onsites held on April 5 2012 evaluated the proposal and modified it as necessary to mitigate environmental impacts. BLM informed Yates of the need for a site specific well site layout as none was provided in the project. Yates provided well site via email and hard copy on April 6, 2012.

The Baltimore CS Federal Com 1 project is an infill APD for the Blackbird POD. This APD will produce CBNG from the coal formations of the Powder River Basin (PRB). To protect wildlife resources Yates stated they will abide by applicable wildlife timing restrictions in the BLM conditions of approval (COAs). This well is a vertical bore proposed on an 80 acre spacing pattern with 1 well per location. For more details on project area access, design features, construction practices of the proposed action refer to the MSUP Tab 4 located in the project binder.

**Table 1.1 Wells (The “total project” includes earlier approved injection wells, see water, below.)**

#	Well Name	Well #	Qtr	Sec	Twp	Rng	Lease #	CX # WY-070-
1	BLUEBIRD I BLUEBIRD CS FED	12	SWNE	25	48N	75W	WYW41714	390CX3-12-130
2	BLUEBIRD I BLUEBIRD CS FED	15	SWSE	25	48N	75W	WYW41714	390CX3-12-133
3	BLUEBIRD I BLUEBIRD CS FED	10	NENE	25	48N	75W	WYW41714	390CX3-12-134
4	BLUEBIRD I BLUEBIRD CS FED	13	NESE	25	48N	75W	WYW41714	390CX3-12-135
5	BLUEBIRD I CARDINAL CS FED COM	2	SWSW	26	48N	75W	WYW132251	390CX3-12-137
6	BLUEBIRD I CARDINAL CS FED COM	5	SWNW	35	48N	75W	WYW132251	390CX3-12-138
7	BLUEBIRD I CARDINAL CS FED COM	4	NENW	35	48N	75W	WYW132251	390CX3-12-139
8	BLUEBIRD I CARDINAL CS FED COM	6	SWNE	35	48N	75W	WYW132251	390CX3-12-140
9	BLUEBIRD I CARDINAL CS FED COM	3	NENE	35	48N	75W	WYW132251	390CX3-12-141
10	BLACKBIRD BALTIMORE CS FED COM	1	SWNW	6	47N	74W	WYW134894	390CX3-12-114

**AFFECTED SURFACE OWNERS:** Gib and Kyle Bell, Nisselius Ranch Company.

**Table 1.2. Summary of Surface Disturbance Bluebird I**

#	Well Name or Infrastructure	Existing Disturbance (ft.)	Total Length of Disturbance (ft.)	Miles of Disturbance	Acres of Disturbance
1	Engineered/Template Road	6,335	16,000	3.02	27.60
2	Primitive Road	13,000	9,000	1.70	9.32
3	Well Locations	0	12	0.00	6.00
4	Overhead Power	0	0	0.00	0.00
4	Cross Country Utilities	Unknown	12,000	2.27	20.70

**Table 1.2A. Summary of Surface Disturbance Baltimore CS Fed Com 1**

#	Well Name or Infrastructure	Existing Disturbance (ft.)	Total Length of Disturbance (ft.)	Miles of Disturbance	Acres of Disturbance
1	Engineered/Template Road	4,995	0	0.00	0.00
2	Primitive Road	1,971	60	0.01	0.06
3	Well Locations	0	1	0.00	0.50
4	Overhead Power	179	0	0.00	0.00
4	Cross Country Utilities	Unknown	2,080	0.39	3.59

NOTE: These values are approximate and are from the Project Surface Use Data Summary Form from the Bluebird I, and Baltimore CS Federal 1 project plan of developments' Tab 4.

**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 CX worksheet 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 proposed action conforms with the terms and conditions of the Buffalo Resource Management Plan (RMP) for the public lands administered by the BLM, Buffalo Field Office (BFO), 1985, the PRB FEIS, 2003, and the Record of Decision (ROD) and Resource Management Amendments for the Powder River Oil and Gas Project, 2003, Amendments of 2001, and 2011 as required by 43 CFR 1610.5, 40 CFR 1508.4, and 43 CFR 46.215. The Bluebird I and Baltimore CS Fed 1 areas are clearly lacking in wilderness characteristics as they are amidst extensive natural gas development, (DOI Order 3310). BLM finds that the conditions and environmental effects found in the senior EA 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) Each proposed APD is in a developed oil or gas field (any field with a completed confirmation well).

Table 1.3 is a list of existing/approved PODs that are within or adjacent to the Bluebird I project. This information shows the reader that BLM conducted analysis.

**Table 1.3. Adjacent or Overlapping CBNG POD NEPA Sorted by Decision Date**

#	Project Name	NEPA Document	#of Approved or Producing Wells	Decision Date
1	Blackbird POD	WY-070-00-018	32	11/19 & 22/1999
2	North Pleasantville I	WY-070-03-069	26	2/19/2003
3	Rooster POD	WY-070-04-021	20	2/12/2004
4	North Pleasantville II	WY-070-03-121	10	2/24/2004
5	Beaver Creek POD	WY-070-05-058	158	1/13/2005
6	Beaver Creek Add II and Beaver Creek Add II SGPD	WY-070-09-065	27	5/28/2009
7	Blackbird POD Retrofit Water, Gas, and Electric Lines	WY-070-10-243	NA	7/9/2010
8	Napier Road POD	WY-070-10-280	51	7/6/2011

- 2) There is an existing NEPA document (and the RMP) containing reasonably foreseeable development scenario for this action. There are several existing NEPA documents that reasonably foresaw development to spud additional wells to fill in 80 acre well-spacing. 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 (2003). 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. The Napier Road project is in the foreseeable development scenario of 80 acre well-spacing in areas with similar geographic and resource conditions analyzed in EAs in Table 1.3.
- 3) The tiered NEPA document was finalized or supplemented within 5 years of spudding (drilling) the proposed wells. The tiered NEPA documents in Table 1.3, for Napier Road and Beaver Creek Add II and Beaver Creek Add II SGPD are both within 5 years of the proposed spudding of these wells.

### 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 worksheet also incorporates and analyzes the implementation of committed mitigation measures contained in the MSUP, drilling plan, and WMP, in addition to the Standard COAs found in the PRB FEIS ROD, Appendix A. This CX3 worksheet also incorporates by reference the oil and gas drilling practices described and analyzed throughout the Napier Road EA, WY-070-10-280. BLM highlights sections in Table 1.4.

**Table 1.4. Highlighted Sections and Pages Incorporated by Reference into this CX3**

Bluebird I & Baltimore CS Fed 1 POD Sections Incorporated by Reference from	Napier Road EA WY-070-10-280	Blackbird POD EA WY-070-00-018
Soils	pp. 33-38	
Vegetation	pp. 38-40	
Wetlands/Riparian	pp. 40-41	
Invasive Species	p. 41	
Wildlife	pp. 14-25; 41-59	
Sage-grouse	pp. 16-19; 44-45	
Raptors	pp. 25; 58-59	
Water Resources	pp. 59-66	*pp. 3-5; 8

\* Yates purchased the rights from Coleman Oil and Gas, Inc. in 2009 and this analysis also includes updates from the: Retrofit Utilities to Yates Infrastructure, Determination of NEPA Adequacy, WYW146792, 2009; and Blackbird POD CX01-11-263 for deepening Nisselius CS Federal 30-14L and emergency pit, 2011.

### **Soils, Vegetation, Wetlands/Riparian, and Invasive Species**

Impacts anticipated and mitigation considered with the implementation of the proposed action will be similar to those analyzed in the Napier Road EA which is adjacent or overlapping to the Bluebird I and Baltimore CS Federal Com 1 project, see Table 1.4.

### **Wildlife**

The wildlife biologist determined that the proposed APDs, combined with the COAs are: (1) consistent with the PRB FEIS and its supplements, to include biological opinion (ES-6-WY-02-F006), the RMP and its Amendments, and the above tiered EAs; and (2) consistent with the effects analyzed in the site specific Endangered Species Act, Section 7 consultation and does not change the determinations in that consultation. Effects to wildlife are anticipated to be similar to those analyzed in the Napier Road EA.

### **Greater Sage-grouse (sage-grouse)**

New information regarding sage-grouse includes the 2012 BLM-contracted population viability analysis for the Northeast Wyoming sage-grouse. That study found that there remains a viable population of sage-grouse in the PRB; however threats from energy development and West Nile Virus (WNV) are impacting future viability (Taylor et al. 2012). The study indicated that effects from energy development, as measured by male lek attendance, are discernible out to a distance of 12.4 miles. There are 30 leks within 12.4 miles of the proposed action. All 30 leks are outside core, connectivity or focus area habitats. The Napier Road EA, has the affected environment information, contains the direct and indirect impacts information, and contains both cumulative effects, as well as, residual effects concerning sage-grouse.

The Bluebird I project wells are in sage-grouse nesting and early brooding habitat. Pad construction and drilling may disrupt nesting in suitable habitat near the pad locations. Restricting construction and drilling from March 15 to June 30 will mitigate construction impacts and is in conformance with the Buffalo RMP as maintained September 17, 2010, this timing restriction will apply to the entire Bluebird I POD. The proposed wells cumulatively contribute to the potential for local extirpation, yet this impact is acceptable because it occurs outside priority habitats (core, focus and connectivity), is within the parameters of the PRB FEIS/ROD, and is consistent with the coordinated BLM and State of Wyoming sage-grouse conservation strategies (BLM WY-2012-19 and WY Executive Order 2011-5 respectively).

### **Raptors**

The BALTIMORE CS FEDERAL COM 1 well and 8 of Bluebird I project wells (CARDINAL CS FED 2, CARDINAL CS FED 4, CARDINAL CS FED 5, CARDINAL CS FED 6, BLUEBIRD CS FED 3, BLUEBIRD CS FED 12, BLUEBIRD CS FED 14, and BLUEBIRD CS FED 15) are within 0.5 miles of known raptor nests. A timing restriction that prevents surface disturbance (construction and drilling) from February 1 to August 1, if the nest is active, will provide adequate protections. The Napier Road EA, has the affected environment information, the direct and indirect information, and has both cumulative effects, as well as, residual effects concerning raptors.

### **Water Resources**

The historical use for groundwater in this area was for stock or domestic water. A search of the Wyoming State Engineer Office (WSEO) Ground Water Rights Database showed 5 registered stock and domestic water wells within 1 mile of the proposed wells in the project area with depths from 120 to 589 feet. Refer to the PRB FEIS for additional information on groundwater, pp. 3-1 to 3-36. The PRB FEIS predicts that one of the environmental consequences of CBNG production is possible impacts to the groundwater. "The effects of development of CBM[NG] on groundwater resources would be seen as a drop in the water level (drawdown) in nearby wells completed in the developed coal aquifers and underlying or overlying sand aquifers." (PRB FEIS, p. 4-1) In the process of dewatering the coal zone to increase natural gas recovery rates, this project may have some effect on the static water level of wells in the area. The permitted CBNG wells produce from depths which average 1,500 feet compared to the shallower

Wasatch sands in the water wells listed above. The operator committed to offer water well agreements to holders of properly permitted domestic and stock wells in the circle of influence (0.5 mile of a federal CBNG producing well) of the proposed wells.

The proposed water management plan (WMP) will tie into existing infrastructure to flow to injection wells named/located: Blackbird POD NISSELIUS CS FEDERAL 30-14L (w/ sundry approved June 24, 2011 for S&R deepening) SWSW, Section 30, T48, R74W, and BLUEBIRD INJECTION 22 (of the State section, sundry approved July 13, 2009) for tie to receive federal Blackbird POD waters in Section 36 SENW, T48N, R75W. This WMP incorporates by reference the water management and its updated analysis from the Blackbird POD, Table 1.4. The NISSELIUS CS FEDERAL 30-14L well is approved but not constructed and the operator has not yet submitted an underground injection control (UIC) application for converting this well to disposal. BLM requires Yates to submit a copy of the approved UIC permit prior to disposal of federal water from this project. Likewise, BLM must receive notice of the reclamation bonding for the reservoir associated with the NISSELIUS CS FEDERAL 30-14 well prior to construction. Impacts anticipated and mitigation considered with the implementation of this proposal will be similar to those analyzed in the overlapping and adjacent Napier Road EA, see Table 1.4.

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 fresh water aquifers above the drilling target zone. Compliance with the drilling and completion plans and Onshore Oil and Gas Orders Nos. 2 and 7 will ensure there is no adverse impact on ground water.

### Cultural

BFO received a Class III cultural resource inventory for the Bluebird I POD prior to on-the-ground project work (BFO project no. 70100079). The Class III cultural resource inventory followed 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*. Seth Lambert, BLM Archaeologist, reviewed the report for technical adequacy and compliance with BLM standards, and determined it adequate. Previously reviewed and accepted cultural reports (BFO project nos. 70090131, 70040169, and 70030030) cover the remainder of the Bluebird I and Baltimore CS Fed 1 project area. The following resources are in or near the project area:

**Table 1.5. Cultural Resources: The 5 Site #s in Bold Receive Impacts from the Project**

Site #	Site Type	Eligibility	Site #	Site Type	Eligibility
48CA1924	Historic	Not Eligible	48CA4846	Historic & Prehistoric	Unevaluated
<b>48CA3911</b>	Historic & Prehistoric	Not Eligible	<b>48CA4847</b>	Historic	Not Eligible
48CA4843	Prehistoric	Not Eligible	<b>48CA4848</b>	Historic & Prehistoric	Not Eligible
<b>48CA4844</b>	Historic	Not Eligible	<b>48CA4849</b>	Historic & Prehistoric	Not Eligible
48CA4845	Historic	Not Eligible	48CA4850	Historic	Not Eligible

There are no eligible sites for the National Register of Historic Places (NRHP) in the proposal's area of potential effects (APE) so impacts to 5 sites require no mitigation. Following the Wyoming State Protocol Section VI(A)(1) the BLM electronically notified the Wyoming State Historic Preservation Officer (SHPO) on May 28, 2012 that no historic properties exist in the APE. Some of the project area analyzed here occurs on deep alluvial and/or Aeolian deposits. Alluvial/Aeolian deposits typically have a high potential for buried cultural resources, which are nearly impossible to locate during a Class III inventory (Ebert & Kohler 1988:123; Eckerle 2005:43).

**Decision and Rationale on Action**

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 name CX3 APDs and infrastructure conform to the applicable land use plans. I reviewed the proposal to ensure the appropriate exclusion category as described in Section 390 of the Energy Policy Act of 2005 is correct. It is my determination that there is no requirement for further environmental analysis.

  
\_\_\_\_\_  
Field Manager

6/8/12  
\_\_\_\_\_  
Signature Date

For additional information contact: Casey Freise, Supervisory Natural Resource Specialist, Buffalo Field Office, 1425 Fort Street, Buffalo WY 82834 ph.307-684-1189

**References:**

Taylor, R. L., D. E. Naugle, L. S. Mills. 2012. Viability analyses for conservation of sage-grouse populations: Buffalo Field Office, Wyoming. Final Report. February 27, 2012. University of Montana, Missoula, MT.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, "Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate", Instruction Memorandum No. WY-2012-019.