

**Determination of NEPA Adequacy (DNA) Worksheet
U.S. Department of the Interior
Bureau of Land Management, Buffalo, WY**

OFFICE: BLM, Buffalo Field Office (BFO), 1425 Fort Street, Buffalo, WY 82834

CASEFILE/PROJECT NUMBERS: Reference 3100 (921 Madrid) Memorandum dated October 31, 2012

PROPOSED ACTION TITLE: **Modification to current NSO Stipulation on WYW153062, Wyoming**

LOCATION/LEGAL DESCRIPTION: T0440N R076W 06th Meridian WY CAMPBELL
Sec. 015 ALL

APPLICANT: Yates Petroleum

A. Description of the Proposed Activity and any applicable mitigation measures

In a letter dated April 15, 2010, Yates Petroleum Corporation (Yates) asked the Wyoming State Office (WSO) Bureau of Land Management (BLM) to consider granting a modification to the current No Surface Occupancy (NSO) stipulation applied to Federal lease WYW153062.

The lease in question holds four Applications for Permit to Drill (APDs) from the Lancer POD (approved 9/15/2010) that were deferred pending resolution of an operator request to waive or modify said lease.

Current Lease WYW153062

T0440N R076W 06th Meridian WY CAMPBELL
Sec. 014 SW;
Sec. 015 ALL;
Sec. 022 NE;

Current Lease Stipulation WYW153062

No surface occupancy or use is allowed on the lands described below

(1) Sec. 15: ALL;

For the purpose of:

(2) protecting Bald Eagle winter roost site.

In a letter transmitted to BFO on October 31, 2012, WSO requested that the Buffalo Field Office (BFO) consider a modification of the current NSO stipulation applied to Lease WYW153062 that would delete the current No Surface Occupancy (NSO) stipulation and replace it as follows:

NSO (1) No surface occupancy or use is allowed in Sec. 015 ALL, within ½ mile of communal winter roosts for Bald eagles; (2) as mapped on the Buffalo Field Office GIS database; (3) protecting Bald Eagle winter roost sites.

TLS (1) No surface disturbance is allowed in Sec. 015 ALL, within a 1 mile biological buffer zone of communal winter roosts for Bald eagles; (2) November 1 through March 30; (3) as mapped on the Buffalo Field Office GIS database; (4) protecting Bald Eagle winter roost sites.

Coordination with the U.S. Fish and Wildlife Service (FWS) was requested on 9/7/2012. A letter from the FWS was received on 10/4/2012 commenting on the modification of the NSO Stipulation and the Lancer 1 POD deferred wells which were proposed in Lease WYW153062. A response was

received on 10/5/2012, and a copy of the letter is attached as supporting documentation.

BFO analyzed the proposal by completion of this Determination of NEPA Adequacy (DNA) and found that the proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action. Therefore, a modification to the current No Surface Occupancy (NSO) stipulation applied to Lease WYW153062 is recommended.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

Modification of the current NSO for Lease Stipulation WYW153062 is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

LUP: Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003.

The 1985 RMP (Resource Management Plan) ROD (Record of Decision), WHM-7 (Wildlife Habitat Management Decision), p. 20.

The management action for BE roosts is found in the selected alternative in the 1985 RMP FEIS (Final Environmental Impact Statement), pp. 29 - 30. The 1985 FEIS anticipated that a NSO restriction for BE roosts would affect approximately 500 acres (1985 RMP FEIS, p. 30). There are 2 buffers identified in the restriction and explained in the text under WHM-7 of the 1985 ROD. The 1/2 mile buffer is the intended NSO, the "to be determined" biological buffer would be restricted by a timing limitation.

Revised Table 4-4, Restrictions on Surface-Disturbing Activities Under Alternative B, Buffalo FEIS, p. 50, highlights a less-than-precise use of the term NSO applied to divergent surface resource protections. The table lists near its beginning, "Areas With Year-Round "No Surface Occupancy" Provisions" with eagle winter roosts accounting for 380 acres. Near the bottom of the table, it reads, "Areas With Seasonal "No Surface Occupancy" Provisions" and lists eagle winter roosts with seasonal dates of "11/1 – 3/30, estimating 1,700 acres.

The 2003 supplement to the Buffalo RMP provided goals and objectives for "future management of oil and gas operations....within the Buffalo...RMP areas" 2003 PRB FEIS ROD p. 6.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

- The Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- Buffalo Field Office Wildlife Database, continuously updated
- Biological Opinion (B.O) 2007
- A letter from the U.S. Fish and Wildlife Service (FWS) FWS on 10/4/2012 commenting on the modification of the NSO Stipulation and the Lancer 1 POD deferred wells proposed in Lease WYW153062.

D. NEPA Adequacy Criteria

1. Is the new proposed activity a feature of, or essentially similar to, an alternative analyzed in

the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, modifications to NSO Stipulations for Bald Eagle Roosts as recommended are considered as an alternative analyzed in the Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, sufficient alternatives were analyzed in the Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003, for the maintenance of the NSO Stipulation to Lease WYW153062.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the proposed modification to Federal lease WYW153062 is consistent with the prescribed management actions analyzed in the 1985 buffalo RMP. The ½ mile NSO stipulation for protection of Bald Eagle roost sites is still valid today.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, direct, indirect, and cumulative effects that would result from modifying the existing NSO lease stipulation are similar to those analyzed in the Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003.

- 5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, public involvement and interagency review associated with the Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003, is adequate for modifying the current NSO stipulation in lease WYW153062.

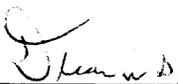
E. Persons/Agencies/BLM Staff Consulted

NAME	BLM OFFICE	TITLE
Duane Spencer	Buffalo Field Office, WY	Field Manager
Chris Durham	Buffalo Field Office, WY	Associate Field Manger, Resources
Brad Rogers	USFWS	Wildlife Biologist
Bill Ostheimer	Buffalo Field Office, WY	NRS Supervisor, Resources
Debby Green	Buffalo Field Office, WY	Natural Resource Specialist

Note: Refer to the Buffalo Resource Management Plan (RMP), 1985; amended in 2001 & 2003 for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion: *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.



Signature of the Buffalo Field Manager:

11/8/12

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.