Department of the Interior
Bureau of Land Management
Casper District
Platte River Resource Area

Decision Record
and
Finding Of No Significant Impact

for the

Environmental Assessment of Intoil, Inc.'s Cooper Reservoir Natural Gas Development Project

June 18, 1998

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DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

I. Introduction

This document records the decision made by the Bureau of Land Management (BLM) for managing public land surface and federal mineral estate in the Cooper Reservoir Natural Gas (CRNG) Development Project Area. The CRNG Development Project Area is located in Natrona County within Townships 35 and 36 North, Range 87 West, Sixth Principal Meridian. The project area encompasses 6,282.38 acres of mixed federal, state, and private lands. Of this total, 2,640.28 surface acres are administered by the United States, Department of Interior, BLM; 1,000 surface acres are owned by the State of Wyoming; and, the remaining 2,642.10 surface acres are owned by private individuals. Within the project area, 73.9 percent of the mineral estate is federal (4,639.95 acres), 15.9 percent is state (1,000 acres), and 10.2 percent is private (642.43 acres).

This decision is based on the *Environmental Assessment (EA) of Intoil, Inc.'s Cooper Reservoir Natural Gas Development Project* (EA number WY-067-98-025) completed for the proposal. This decision applies only to the public land surface and federal mineral estate subject to administration by the BLM. The EA is guided by the BLM's Platte River Resource Area, Resource Management Plan (RMP), July 1985, which describes the planning decisions for public land management within the Platte River Resource Area.

All activities associated with federal oil and gas development, operation and production, and abandonment would be conducted in compliance with all applicable Federal, State and County laws, regulations, and stipulations. Comments received during the 30-day comment period ending June 15, 1998 for the EA were taken into consideration.

II. Alternatives Considered

A. *Proposed Action* - Drill and develop up to a maximum of 73 additional natural gas wells with associated roads and pipelines, and install related facilities within the CRNG Development Project Area. The details of this alternative are contained in EA Section 2.0, Proposed Action and Alternatives.

B. *No Action* - Deny natural gas exploration and development as submitted, but consider additional exploration and development of the federal mineral estate on a case by case basis through individual applications and site specific environmental analysis. The details of this alternative are contained in EA Section 2.0, Proposed Action and Alternatives.

C. *Alternatives Considered but not Analyzed in Depth* - Limit the overall number of wells in the CRNG Development Project Area. This alternative is explained in EA Section 2.0, Proposed Action and Alternatives.

III. Decision

It is my decision to approve the Proposed Action analyzed in the *Environmental Assessment of Intoil, Inc.'s Cooper Reservoir Natural Gas Development Project*. The decision recognizes that the area has had natural gas development since 1959, that undeveloped natural gas resources still remain, and that there are other important natural resources and values within the area which require consideration and protection from unnecessary or undue degradation.

Approval of the Proposed Action and individual project components are subject to the following administrative requirements, and the applicant-committed environmental protection measures and mitigation measures identified in EA Section 5.0, Mitigation Summary. These requirements and mitigation measures are incorporated by reference into this decision. As a result of comments received on the EA, one additional mitigation and monitoring measure is incorporated into this decision in Section VII, Compliance and Monitoring.

Approval of the Proposed Action and individual project components is conditioned upon and subject to the following pre-authorization administrative requirements: Before any permit is issued authorizing an action on public lands (i.e. Application for Permit to Drill, Sundry Notice and Report on Wells, or Right-of-Way) the final location for each well site, access road, pipeline, or other facility will be evaluated site-specifically through a categorical exclusion (CX), an administrative determination (AD), or an environmental assessment (EA) in accordance with the BLM NEPA Handbook (H-1790-1). Documentation will be on BLM Forms WY-1791-06 (CX) WY-1790-06 (AD), or WY 1792-08 (EA). In rare cases, a more in-depth EA than is provided for by use of form WY-1792-08 may be required to conduct the site-specific evaluation.

IV. Approved Project Components

This Decision Record is approval for the BLM Platte River Resource Area Manager to permit the following project components to the extent they occur on public lands within the CRNG Development Project Area. Development beyond the specified levels will require the preparation of a supplemental environmental analysis.

73 New Natural Gas Well Sites
Access Roads to Well sites and Ancillary Facilities
Gas Gathering and Transportation Pipelines from Producing Wells
Ancillary Facilities Associated with Well Production, and Gas Gathering and Transportation

Wells - The drilling, completion, testing, and production of up to 73 additional natural gas wells represents all of the natural gas wells proposed for the CRNG Development Project Area. The 73 wells are in addition to the 12 wells currently in place. The new well sites are projected to disturb up to 200.75 acres.

Access Roads - The construction and upgrading of access roads to well sites and facilities in the project area are projected to disturb up to 149.40 acres.

Pipelines - The construction of natural gas gathering and transportation pipelines in the project area are projected to disturb up to 147.48 acres. Gathering pipelines will be routed in a manner

that best utilizes the existing topography or be parallel to existing roads in order to minimize surface disturbance.

Ancillary Facilities - Construction and operation of additional compressors, a centralized tank battery, power lines, and water wells needed to operate and produce the wells and transport the natural gas are projected to disturb up to 10.00 acres.

V Finding Of No Significant Impact

Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that impacts of the Proposed Action are not expected to be significant and an environmental impact statement is not required.

VI. Rationale For the Decision

The decision to approve field development in the CRNG Development Project Area is based on careful consideration of a number of factors, including the following: (A) consistency with land use and resource management plans, (B) public involvement, scoping issues, and EA comments, (C) relevant resource considerations, (D) agency statutory requirements, (E) national policy, and (F) measures to avoid or minimize environmental harm.

A. *Consistency with Land Use and Resource Management Plans* - The decision to authorize the CRNG Development Project is in conformance with the overall planning direction for the area. The Platte River Resource Area RMP states that "Oil and gas exploration and development will be authorized in accordance with the lease provisions. Lease constraints and development will be subject to land use decisions described in the Planning Decisions section of the RMP Record of Decision."

B. *Public Involvement, Scoping Issues, and EA Comments* - The opportunity for public involvement was provided throughout the environmental analysis process. The EA, in Section 6.0, Consultation and Coordination, provides a detailed accounting of the public participation, consultation, and coordination that occurred in preparation of the EA.

The BLM received 6 letters commenting on the EA during the public comment period. These comments were from the Oglala Sioux Tribe, the U.S. Fish & Wildlife Service, Prima Oil & Gas Company, the State of Wyoming's Game & Fish Department and Geological Survey, Double Eagle Petroleum and Mining Company, and the U.S. Environmental Protection Agency, Region VIII. The comment letters may be reviewed by contacting the Platte River Resource Area, Area Manager.

All written comments were considered by the BLM in the preparation of this Decision Record. The comments did not include any new substantive information necessitating additional analysis. In summary, the common concerns were (1) protection of sacred and cultural sites; (2) appropriate raptor buffer zones, raptor mitigation/monitoring measures, and surveys for sage grouse leks and Mountain Plover nesting areas; (3) implementation of recommended mitigation measures; (4) visibility impairment to the Cloud Peak Wilderness area; and, (5) support for the project. These are discussed in the following section.

C. *Relevant Resource Considerations* - The BLM has considered the following resource values and public comments/concerns in the process of reaching this decision. The following subsections clarify information contained in the EA and/or respond to the public comments.

Protection of Sacred and Cultural Sites:

No Sacred or other cultural sites were identified during public scoping. Thus far, the cultural resource inventories conducted in this area have discovered few sites of any type. Petroglyphs, ceremonial sites, and vision quest sites have been found in the general area, primarily in the Rattlesnake Mountains to the south; at Castle Gardens, some 20 to 30 miles to the west; and in some areas in the Southern Big Horn Mountains to the north. Few, if any, rock exposures suitable for the applications of, and long term preservation of, petroglyphs occur in the project area. Ceremonial and vision quest sites typically occur on high points with extensive views. The project area is in a basin with few landforms that provide extensive views. While ceremonial and vision quest sites could be found in this lowland environment, the potential is low.

The BLM recognizes the sensitivity of these sacred sites and will initiate consultation with appropriate tribal representatives should possible sacred sites be identified within the project area. No actions will be approved without prior compliance with Section 106 of the National Historic Preservation Act which requires consideration of all cultural resources which might be affected by a development project. This means that all proposals in the project area will be examined prior to construction of well sites and facilities, roads or pipelines. The importance of any cultural materials found will be assessed in terms of Section 106 and appropriate BLM guidance, as well as the Native American Graves and Repatriation Act, the American Indian Religious Freedom Act, and Executive Order 13007, Indian Sacred Sites. Any sites identified as ceremonial or religious will require Native American consultation with the appropriate tribal representatives.

2. **Appropriate Raptor Buffer Zones, Raptor Mitigation/Monitoring Measures, and Surveys for Sage Grouse Leks and Mountain Plover Nesting Areas:**

a. *Appropriate Raptor Buffer Zones* - The mitigation identified in the EA is consistent with the Platte River Resource Area RMP. The RMP decisions were made after weighing the resources and uses; and a balance of uses, which provides for the minimum distance for raptor nesting buffers, was chosen. It is predicted that the sum of raptor mitigation identified in the EA will provide for no impacts to the regional raptor populations, and that no "taking" will occur. The suggestion to apply the BLM Green River area land use plan's buffer of 1-mile for ferruginous hawk nests is not adopted; the Green River land use plan is not relevant to management of public lands in the Platte River Resource Area.

b. *Raptor Mitigation/Monitoring Measures* - The use of Artificial Nest Sites will be done only as a last resort, and may not be needed should development be less

intensive than was analyzed. Raptor monitoring will be conducted concurrently with monitoring performed for the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Area. As outlined in the *Record of Decision* for that project, monitoring for mortalities will be conducted. Since the operators' commitment for monitoring will conclude in 1998, the BLM will monitor in the future.

c. *Surveys for Sage Grouse Leks and Mountain Plover Nesting Areas* - Based on the Wyoming Game and Fish Department's (WGFD) records, there are no known sage grouse leks in or near the project area. Evidence does indicate the presence of sage grouse; however, the lack of perennial water limits the value of the habitat for sage grouse. The area may be used by grouse during the winter months when snow would be available for their watering requirements, but the WGFD has not identified any crucial wintering habitat for grouse in this area, nor does the Platte River Resource Area RMP provide for any seasonal restriction based on sage grouse winter requirements.

The BLM has requested funding for continuation of the *Sage Grouse Lek/Raptor Nest Inventory Project* in 1999. If funding is made available, the CRNG Development Project Area will be identified for survey to determine if any leks are present. Since this inventory project is carried out through a cooperative agreement with the WGFD, the data collected will be shared with them.

Low altitude, color, infrared aerial photographs were evaluated for suitable Mountain Plover nesting habitat. Ground inventories of the project area were conducted by both the BLM wildlife biologist and the EA contractor who is also a qualified wildlife biologist. None of the project area contains suitable nesting habitat. The proposed natural gas development will not impact mountain plover nesting habitat.

3. **Implementation of Recommended Mitigation Measures:**

An EA is not intended to be a decision document. It includes, as part of the analysis, the identification of applicant-committed and *suggested* or *recommended* mitigation measures intended to avoid or reduce predicted impacts. The subsequent decision specifies not only the recommended measures, but any new measures to be implemented for development within the project area.

In addition to the terms of oil and gas leases, the lessee and/or operator are obligated under Onshore Order No. 1 "... to see that their ... operations are conducted in a manner which (1) conforms with applicable Federal laws and regulations ..." and "... (5) affords adequate safeguards for the environment..." Thus, the BLM can require the mitigation recommended in the EA to be implemented on the CRNG Development Project Area oil and gas leases.

4. **Visibility Impairment to the Cloud Peak Wilderness Area:**

Both the EA and the Air Quality Technical Support Document were available for public review on May 15, 1998. Two copies of the technical support document

were mailed to the Environmental Protection Agency upon their request of June 4, 1998. The cumulative air quality impact analysis area is shown on page number 1-3 of the Air Quality Technical Support Document.

The Cooper Reservoir air quality impact analysis correctly assumed a "reasonable but conservative" 90 percent relative humidity upper limit for predicting potential visibility impacts to the very clean background visual range of 327 km. In fact, it is unlikely this clean, clear sky visibility condition could actually occur under relative humidity conditions as high as 90 percent. Since the air quality impact analysis included a full cumulative visibility impact assessment, no comparison to another NEPA document is necessary or appropriate.

The Cooper Reservoir air quality impact analysis did not predict any significant adverse air quality impacts; therefore, no further mitigation measures are necessary. The U.S. Department of Agriculture, Forest Service "Limit of Acceptable Change" for visibility in the Prevention of Significant Deterioration (PDS) Class II Cloud Peak Wilderness Area is an internal agency policy value, which can be changed at any time, and is not a Federal or State of Wyoming air quality standard.

D. *Agency Statutory Requirements* - This decision is consistent with Federal, State, and County authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered. These include consultation with the U.S. Fish and Wildlife Service regarding threatened, endangered, and candidate species; consultation with the Army Corp of Engineers; coordination with the State of Wyoming regarding wildlife, environmental quality, and oil and gas conservation; and coordination with the Natrona County Commissioners.

E. *National Policy* - Private exploration and development of federal oil and gas leases is an integral part of the BLM's oil and gas leasing program under the authority of the Mineral Leasing Act of 1920, as amended, and the Federal Land Policy and Management Act of 1976, as amended. Natural gas is the U.S. Congress' and President's energy of choice to comply with the Clean Air Act amendment of 1990, and helps meet the public need for cleaner burning, less polluting natural gas. The development effort will help meet public needs for natural gas while at the same time result in the least degree of irreversible, irretrievable commitment of resources. Therefore, the decision is consistent with national policy.

F. *Measures to Avoid or Minimize Environmental Harm* - The adoption of the mitigation measures identified in the EA and in this decision represent all practicable means to avoid or minimize environmental harm. The long-term productivity of the area will neither be lost nor substantially reduced as a result of approving the CRNG Development Project.

VII. Compliance and Monitoring

A specific compliance and monitoring plan is not required for this project. Mitigating measures incorporated in individual proposals will include the applicant committed environmental

protection measures and the mitigation measures identified as a result of the EA analysis and set forth in EA Section 5.0, Mitigation and Monitoring. These are intended to minimize adverse impacts to resources on the public lands and to avoid or reduce environmental harm. Properly implemented, these measures should ensure that the least amount of land needed to complete the projects is used, and that the disturbed land is stabilized and returned as closely as possible to pre-construction conditions.

Routine compliance should be adequate; however, because of important raptor nesting habitat, raptor nest monitoring will be conducted in coordination and concurrently with the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project and will include monitoring for bird mortalities, as outlined in the *Record of Decision* for that project.

Based upon comments received on the EA, the following mitigation measure will also be implemented, and is hereby added to Section 5.0, Mitigation Summary, Section 5.4.8, Wildlife:

7. The discovery of injured or dead raptors or young raptors which have fallen from nests must be reported to the Wyoming Game and Fish Department Game Warden for the Casper area (307) 234-5940 or (307) 473-3400 or the Platte River Resource Area BLM office in Mills (307) 261-7500. It must also be reported to the U.S. Fish and Wildlife Service's Law Enforcement Offices in Casper (307) 261-6365 and in Cheyenne (307) 777-2374. Under no circumstances should these birds be approached or handled.

VIII. Appeal

In accordance with 43 CFR 3165.3(b), affected parties have the right to request an administrative review before the State Director regarding this decision. You must request a State Director Review prior to appealing to the Interior Board of Land Appeals (IBLA).

If you choose to request a State Director Review, the request must be received in the Wyoming State Office, Post Office Box 1828, Cheyenne, Wyoming 82003, no later than 20 business days after the issuance of this decision. The request must include all supporting documentation unless a request is made for an extension for the filing of supporting documentation. For good cause, such extensions may be granted. You will also have the right to appeal the decision issued by the State Director to IBLA.

William H Martinez

Casper District Manager Acting

6/18/98

Date