

Buffalo Gap Federal 35-1H

Cody Field Office, Wind River/Bighorn Basin District, Wyoming

January 2011



BLM

DECISION RECORD
Environmental Assessment
DOI-BLM-WY-020-EA11-11

AUTHORITIES:

The authority for this decision is contained in 43 CFR § 3163.3-1, to protect the resources of the Public lands, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands. The National Environmental Policy Act (NEPA) of 1969, requirement for site-specific analysis has been met. The Proposed Action and No Action are in accordance with 43 Code of Federal Regulations (CFR) 1610.5-3(a); Federal Land Policy and Management Act (FLPMA) of 1976, as amended; Taylor Grazing Act of 1934; Endangered Species Act (ESA) of 1983, as amended; The Clean Air Act as amended; Clean Water Act of 1977; National Historic Preservation Act (NHPA), as amended; Migratory Bird Treaty Act (MBTA) of 1918, as amended; and the Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing, August 12, 1997 and The Wild horse and Burro Act of 1971. All pertinent statutory requirements applicable to this proposal were considered.

PUBLIC INVOLVEMENT:

An opportunity for public review was through the posting of both the Notice of Staking (NOS) and Application for Permit to Drill (APD) at the CYFO. Information required by 43 CFR 3162.3-1(g) from the APD was made available to the public for comment for 30 days from the date they were received.

PLAN CONFORMANCE AND CONSISTENCY:

Pursuant to 40 Code of Federal Regulations (CFR) 1502.21 and 1508.28, this environmental assessment (EA) tiers to and incorporates by reference the information and analysis contained in the Cody Resource Management Plan, Final Environmental Impact Statement and Record of Decision (ROD), signed November 11, 1990.

ALTERNATIVES CONSIDERED:

Proposed Action

The proposed action as submitted by the applicant would include upgrading 1.76 miles of existing two-track road, and construct a 4.13 acre well pad to support one horizontally drilled gas well. The operator would drill the proposed Buffalo Gap Federal 35-1H well vertically to access federal minerals. A two-cell reserve pit with dimensions of 75 feet x 195 feet would be dug on the northwest corner of the well pad to contain water based drilling fluids. To the east of the two-cell reserve pit would be a 60 foot x 80 foot pit that would contain the cuttings from the closed mud drilling system. Upon completion of drilling, the smaller pit would be closed using a pit solidification method such as Soli-bond or Earthworks.

Additionally, the operator applied for four off lease rights-of-way (ROW) grants, assigned Serial Numbers WYW-165949, WYW-165951, WYW-165954, and WYW165962.

- WYW-165949 is for an access road to the Buffalo Gap Federal 35-1H well site from U.S. Hwy 14, 16, 20 (Wyoming State Highway 789). The ROW request is for a total width of 40 feet with a crown width of 14 to 16 feet. Length of the engineered road will be 378 feet (0.07 miles on-lease, 0.35 acres), and 8,932 feet (1.69 miles off-lease, 8.20 acres), for a total of 9,310 feet (1.76 miles, 8.55 acres).
- WYW-165951 is for a buried production pipe line from the Buffalo Gap Federal 35-1H, width is 50 feet, length is 28,878 feet, 5.5 miles, and 33.15 acres.
- WYW-165954 is for a new access road with a crown width of 14 to 16 feet to the Buffalo Gap State 36-1H, width is 50 feet, length of 4,101 feet, 0.78 miles, 4.71 acres.
- WYW-165962 is for a buried production pipe line from the Buffalo Gap State 36-1H that will corridor with the access road.

The main two-cell reserve pit would be lined with a synthetic liner 12 mil or thicker, which would be chemically compatible with all substances that may be put into the pit (the measurement unit "mil" is defined as one-thousandth of an inch, from the Latin word Mille). To prevent entry into the pit by livestock or wildlife, the reserve pit would be fenced on three sides during drilling operations, with the fourth side fenced upon completion of drilling activities, and the pit would remain fenced until closed. No permanent living facilities are planned for this project. There would be a small guard shack located along the access road, just before entrance onto the well pad. It would be manned twenty-four (24) hours/seven (7) days a week to restrict access to the well pad during operational activities. There would be three (3) trailers on the well pad to serve as quarters for the drilling crew. All trailers and the guard shack would be removed upon completion of the drilling and completion activities.

Water for drilling the well would be transported by truck from the Town of Greybull, Wyoming under existing permits or other available commercial sources under existing permits. If a closer water source is identified and deemed usable, the operator would notify the BLM-Cody Field Manager (Authorized Officer) with the necessary information.

It is anticipated that the amount of water needed for drilling and completion is approximately 10,814 barrels (approximately 454,188 gallons).

If the well proves productive, the necessary production equipment would be installed, and a production pipe line would be buried from the well location to an existing production flow line. This would end in Section 4, T. 52 N., R. 94 W., for approximately 28,878 feet (33.15 acres), transporting the produced hydrocarbons from the well. An environmental color to paint the facilities would be selected from the BLMs Standard Environmental Colors chart upon approval of production facility placement. The proposed well location and access road have been surveyed and designed by a professional engineer and land surveyor.

A total of 50.5 acres would initially be disturbed with 12 acres remaining non-vegetated for the life of the development. The operator is allowed to discharge produced water up to 90 days to the reserve pit as allowed by Onshore Order #7.

Retention and evaporation in produced water pits and/or reinjection or surface discharge of produced water would require BLM authorization and permits from the Wyoming DEQ. Other methods of disposal such as hauling the produced water to a disposal facility could be viable option. The various steps involved in constructing, drilling, completing, and reclaiming oil and gas wells are described in the BLM's Gold Book, Fourth Edition, Revised 2007.

As a result of the proposed action, naturalness in the southern portion of the Little Dry Creek LWC unit, adjacent to the development would be impacted. The area would no longer be in a natural condition with approximately 50.5 acres of naturalness value loss due to development. If production was to occur, after successful reclamation of rehabilitating the well pad, roads and buried pipeline, approximately 12 acres would be impacted, allowing 38.5 acres to again appear in a natural condition.

Outstanding Opportunities for Solitude in that southern portion of the LWC, resulting from the proposed action, would also be lost as development of the two wells would be loud, dusty, and not conducive to solitude.

The LWC to the north of the development would retain their naturalness and solitude values as required under the Wilderness Act of 1964 and Secretarial Order 3310. Approval of this project will not preclude the remaining lands, north of the project area, within the Little Dry Creek unit from having wilderness values. The percent of land impacted by the proposed action would be less than 0.0003.

No Action Alternative

Under this alternative the proposed action to construct well pad, drill the well, install production equipment, and pipe line, would not be take place. Human activity in the Unit would remain at approximately current levels for the foreseeable future unless recreational use increases.

The natural environmental of the Unit would continue to be affected by the existing uses of recreation, livestock, wild horse grazing, wildlife habitat, recreation, and natural phenomena such as the weather. Any changes to the management of the area would also be subject to NEPA analysis.

Alternatives Considered But Eliminated From Further Analysis

Two alternatives were considered to soften or mitigate impacts to Lands with Wilderness Character (LWC) but eliminated from further consideration. Consideration to not upgrade 1.76 miles of existing two-track road to a 40 foot wide, crowned and graveled surface to the drilling pad was made. This was eliminated from further consideration as it was not considered to be feasible access. Drilling and production equipment could not be transported to the well site without danger to human safety and increased resource damage.

A second alternative to require low profile tanks for production facilities was also considered to reduce visual impacts. This alternative was eliminated because the well site and proposed facilities cannot be seen from Wyoming Highway 14, 16, 20.

The project area is within both Class III and Class IV VRM. The project as proposed would meet VRM objectives for the area. In addition, impacts to the naturalness of the LWC would still be incurred regardless of the tank heights.

SELECTED ALTERNATIVE:

For this Environmental Assessment for POGO Producing Company, LLC's Project, Big Horn County, Wyoming, the decision has been made to approve the proposed action, drilling of the Buffalo Gap Federal 35-1H well and associated facilities.

RATIONALE FOR DECISION:

Newly signed (12/22/2010) Secretarial Order 3310, Lands with Wilderness Characteristics, identified the Bureau's necessity to inventory and screen lands as possibly wilderness in character. The District and Field Offices begin and finalize this process during their planning process. Draft guidance for the management of Lands with Wilderness Characteristics states that approval of projects in LWCs that may impact wilderness characteristics if the decision is necessary for the exercise of valid existing rights.

Thirteen areas within the Cody Field Office were identified as having Wilderness Characteristics, for a total of 243,555 acres. Of the total 48,929 acres in the Little Dry Creek LWC, only 12 acres would be affected upon successful reclamation; meaning less than 0.00005% of the total 243,555 acres of the LWCs are impacted by this action.

VISUAL RESOURCE MANAGEMENT(VRM) MITIGATION

A small portion of the well pad, the upgrading of the two-track road to access the well, and a buried pipeline would be within VRM Class III, while a small portion of the well pad would be located in VRM Class IV.

Though the location is approximately $\frac{3}{4}$ mile from Highway 14-16-20 the tanks would not be visible to the casual observer due to topography. Upon determination of productive capability, the Operator would be required to submit a proposal for production facility installation. Location and coloration would be determined at this time to minimize impacts to the visual resources and wilderness values such as naturalness in the area. Painting the tanks an earth tone color which blends into the surrounding landscape and which is approved by the Authorized Officer would reduce the visibility of the tanks, again to the casual observer, and is a standard design feature requirement of the BLM.

This type of development is compatible with the VRM management objective for Class III and Class IV.

LWC MITIGATION

Newly signed (12/22/2010), Secretarial Order 3310, Lands with Wilderness Characteristics, identified the Bureau's necessity to inventory public lands.

Draft guidance for the management of LWCs states that approval of projects in LWCs that may impact wilderness characteristics are allowed if the decision is necessary for the exercise of valid existing rights (VER).

As a result of the proposed action, naturalness in the southern portion of the Little Dry Creek LWC unit, adjacent to the development would be impacted. The area would no longer be in a natural condition with approximately 50.5 acres of naturalness value loss due to development.

If production was to occur, after successful reclamation of rehabilitating the well pad, roads and buried pipeline, approximately 12 acres would remain barren for the life of project, allowing 38.5 acres to again appear in a natural condition.

Outstanding Opportunities for Solitude in the southern portion of the LWC, resulting from the proposed action, would also be lost as development of the two wells would be loud, dusty, and not conducive to solitude.

The LWC to the north of the development would retain their naturalness and solitude values. Thirteen areas within the Cody Field Office were identified as having Wilderness Characteristics, for a total of 243,555 acres. Little Dry Creek LWC unit is 48,929 acres in size. A total of 12 acres would be affected after successful reclamation occurred; meaning less than 0.00005 % of the total 243,555 acres of LWCs is impacted by these actions.

ADDITIONAL MITIGATION/STIPUALTIONS

It is the responsibility of the operator to ensure that ALL surface disturbing activities and operations comply with the following: 43 CFR 3101.1-2; 3101.1-3; 43 CFR 3160, Onshore Oil and Gas Orders Nos. 1, 2, 6 & 7, Notice to Lessees (NTL's) 2-B, 3-A, 4-A, and the BLM-USGS-USFS brochure, "Surface Operating Standards for Oil and Gas Exploration and Development" (Gold Book) and appropriate, current State of Wyoming standards regarding storm water discharge requirements of Section 401 Water Quality Division of the Wyoming Department of Environmental Quality, Section 404 of the Clean Water Act with the U.S. Army Corps of Engineers and any/all applicable county, state and federal regulations.

Point Source Primary Contacts:

Leah Krafft, Permitting Supervisor
307-777-7093

lkrafft@state.wy.us

Brian Lovett, Inspection/Compliance Supervisor
307-777-5630

blovet@state.wy.us

http://deq.state.wy.us/wqd/WYPDES_Permitting/index.asp

Non-point Source Primary Contact:

Barb Sahl, Program Coordinator
307-777-7570

bsahl@state.wy.us

http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp

WY DEQ Water Quality Division Contact Information:

DEQ/Water Quality Division

122 West 25th Street

Herschler Building, 4th Floor-West

Cheyenne, Wyoming 82001

307-777-7781

<http://deq.state.wy.us/wqd/>

Wyoming USACE Contact Information:

US Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Boulevard, Suite 210
Cheyenne, Wyoming 82009-4942
Telephone: (307) 772-2300, Fax: (307) 772-2920

Program Manager: Matthew A. Bilodeau

Project Managers: Michael A. Burgan and Thomas B. Johnson

<https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>

NOTE: Per Onshore Order #1, March 7, 2007, “An APD approval is valid for 2 years from the date that it is approved, or until lease expiration, whichever occurs first. If the operator submits a written request before the expiration of the original approval the BLM may extend the APD’s validity for up to 2 additional years. The operator is responsible for reclaiming any surface disturbance that resulted from its actions, even if a well was not drilled.”

(a)

One-Call

The Operator is responsible for inspection of the construction area for the presence of both surface and subsurface utility facilities. Wyoming State Law requires that contractors and landowners contact the Wyoming One-Call Center before any excavation begins (811 or 1-800-849-2476, www.onecallofwyoming.com). The operator will use extra safety precautions when working near or around pipelines, power lines, underground cables, or other utility installations.

Cultural Resources Protection Stipulations

If any cultural values [sites, artifacts, human remains] are observed during operation of this lease/permit/rights-of-way, they will be left intact and the Cody Field Manager notified. The Authorized Officer (AO) will conduct an evaluation of the cultural values to establish appropriate mitigation, salvage, or treatment. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the AO within five working days the AO will inform the operator as to:

- § Whether the materials appear eligible for the National Register of Historic Places;
- § The mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

- § A time-frame for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.
- § Human Remains – If human remains are discovered or suspected the holder shall suspend operations immediately, physically guard the area, and notify the BLM immediately.

Paleontological Resources Protection Stipulations

Paleontological Resources Monitoring Requirement: Based on the results of the paleontological site survey (Erathem-Vanir, 2010), an onsite paleontological resources monitor would be required to be present during excavation of any reserve pit into the underlying Willwood Formation. The excavation would be monitored for the presence of any vertebrate or other scientifically significant fossils before installation of the reserve pit liner. The BLM Cody Field Office Geologist will be conducted 48 hours prior to excavation of the reserve pit (#307-578-5943).

Standard Stipulations to protect vertebrate and scientifically significant fossil resources

- § **Collecting:** The project proponent/Operator is responsible for informing all persons associated with this project including employees, contractors and subcontractors under their direction that they shall be subject to prosecution for damaging, altering, excavating or removing any vertebrate fossils or other scientifically significant paleontological resources from the project area. Collection of vertebrate fossils (bones, teeth, turtle shells) or other scientifically significant paleontological resources is prohibited without a permit. Unlawful removal, damage, or vandalism of paleontological resources will be prosecuted by federal law enforcement personnel.
- § **Discovery:** If vertebrate or other scientifically significant paleontological resources (fossils) are discovered on BLM-administered land during operations, the Operator shall suspend operations that could disturb the materials, stabilize and protect the site, and immediately contact the BLM Cody Field Office Manager (Authorized Officer). The Authorized Officer would arrange for evaluation of the find within an agreed timeframe and determine the need for any mitigation actions that may be necessary. Any mitigation would be developed in consultation with the Operator, who may be responsible for the cost of site evaluation and mitigation of project effects to the site. If the operator can avoid disturbing a discovered site, there is no need to suspend operations; however, the discovery shall be immediately brought to the attention of the Authorized Officer.
- § **Avoidance:** All vertebrate or scientifically significant paleontological resources found as a result of the project/action will be avoided during operations. Avoidance in this case means “No action or disturbance within a distance of at least 50 feet of the outer edge of the paleontological locality”.
- § If fossils of scientific significance are discovered and collected as a result of the discovery contingency or inspection of the reserve pit, they will be curated into the repository of the University of Wyoming, and a Final Report documenting the discovery and curation of any such specimens shall be prepared and submitted to the BLM.

Wildlife

Mountain Plovers

No surface disturbing activities would be allowed from April 10 to July 10 to not avoid disturb or take mountain plovers which have been observed to nest in this area. An exception protocol may be followed if surface disturbing activity must be done (see below).

Mountain Plover Breeding/Nesting Season Exception Protocol: If a surface disturbing activity is requested to take place in Mountain Plover (MP) habitat (i.e.; areas with low, sparse vegetation, bare ground, prairie dog colonies, etc.) during the MP breeding/nesting season (April 10 - July 10), presence/absence surveys would be required. These surveys would take place within a ¼ mile buffer around the activity and must not occur during poor weather conditions (i.e., high winds, precipitation, etc.).

The initial survey would begin on or after April 20 followed by a second survey 14 days later (earliest date for 2nd survey - May 4th). If cold, wet weather pushes the nesting period later into the spring, and then the initial survey would also need to be pushed back accordingly. These two surveys will capture the vast majority of nesting MPs, with the intent of reducing the risk of concluding the site is not nesting habitat by an absence of nesting birds during a single survey. No surface disturbing activity is allowed to occur until both surveys have been completed and one of the following two findings has taken place:

If no MPs are found during either survey, then the disturbing activity must begin within 72 hours. If the disturbing activity doesn't commence within 72 hours, an additional survey will be required to check for late nesting MPs, which will start the clock again giving another 72 hour time period.

If MPs are found during the first or second survey, then either:

The activity can be postponed until July 10th with no additional surveys required;

- or -

Additional surveys could be done to locate active nests. Because of the colonial nature of MPs, the entire ¼ mile buffer area would need to be thoroughly surveyed. When nests are located the activity could commence after 37 days to allow the young MPs to hatch and be mobile, or the nest could be monitored and activity could commence after seven days post-hatching. If a brood of flightless chicks is observed, activities could commence after at least seven days.

Migratory birds

The operator is authorized to conduct surface disturbing activities before or after the peak migratory bird nesting season (April 10 – July 10). The surface disturbing activities can continue as long as they were initiated outside of this season. If a survey is conducted, during the April 10 through July 10 nesting season, documenting no nesting migratory birds then surface disturbing activities may be conducted within 72 hours and upon approval from the BLM – Cody Field Office. Results of the migratory bird nesting survey will be submitted to the BLM – Cody Field Office for review prior to commencement of any surface disturbing activities between April 10 and July 10.

Surface disturbance activities will avoid active prairie dog burrows when possible and minimum disturbance techniques will be conducted when in prairie dog towns.

Additional Stipulations

Reserve pit closure and interim reclamation: Earthwork for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). No vehicles would be operated during periods of wet soil conditions when surface ruts greater than 4 inches would occur along travel routes. Vehicles would be instructed to travel at the posted

speed limit to minimize dust and the potential for collisions with wildlife, livestock, and other vehicles.

Project employees and contractors would not be allowed to drive off-road (other than for authorized survey work).

The operator will coordinate with the Wyoming Department of Environmental Quality, Water quality Division, to obtain any required Storm Water Discharge or other Permits and would comply with the provisions of the permit (s). The operator will provide copies of these documents to the BLM – Cody Field Office.

All reserve/cuttings pits will be lined with an impermeable liner having permeability less than 10^{-7} cm/sec. The liner will be installed so that it will not leak, and will be chemically compatible with all substances that may be put in the pit.

The term “hazardous materials” as used here means: 1) any substance, pollutant, or contaminant (regardless of quantity) listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 CFR U.S.C. 9601 et seq., and the regulations issued under CERCLA; 2) any hazardous waste as Environmental Assessment 22 defined in the Resource Conservation and Recovery Act (RCRA) of 1976, as amended; and 3) any nuclear or nuclear byproduct as defined by the Atomic Energy Act of 1954, as amended, 42 U.D.C. 2011 et seq.

The only fluids/waste materials that are authorized to go into the reserve pit are RCRA exempt exploration and production wastes. These include, but are not limited to:

- ✓ Drilling muds & cuttings
- ✓ Rigwash
- ✓ Excess cement and certain completion & simulation fluids defined by EPA as exempt

It does not include drilling rig waste, such as:

- ✓ Spent hydraulic fluids
- ✓ Used engine oil
- ✓ Used oil filter
- ✓ Empty cement, drilling mud, or other product sacks
- ✓ Empty paint, pipe dope, chemical or other product containers, or
- ✓ Excess chemicals or chemical rinsate

Any evidence of non-exempt wastes being put into the reserve pit shall result in the BLM Authorized Officer requiring specific testing and closure requirements.

All surface-disturbing activities will be supervised by a qualified company representative to ensure the terms and conditions of the APDs and Surface Use Plans are complied with.

The operator will coordinate with the U. S. Army Corps of Engineers if any water feature would receive fill as a consequence of implementing the proposed action to determine if the water feature is a Water of the U. S. or jurisdictional wetland and whether a 404 Permit would be

required. The operator will obtain and comply with any permits/BMPs required by the U. S. Army Corps of Engineers.

If the well would prove to be incapable of producing oil and/or natural gas in commercial quantities, it would be plugged and abandoned and the location reclaimed according to BLM standards.

All permanent structures constructed or installed would be painted a flat non-reflective standard environmental color as determined by the AO. Facilities would be painted prior to installation or within 30 days of installation. Some equipment may be excluded from this painting for safety considerations as required by the Occupational Safety and Health Administration (OSHA), such as safety barricades and devices.

All disturbed areas not needed for active support of production operations would undergo “interim” reclamation in order to minimize the environmental impacts of development on other resources and uses.

Interim reclamation is required of any disturbed surface and consists of minimizing the footprint of disturbance by reclaiming all portions not necessary for continued production operations. The portions of the cleared well site not needed for operational and safety purposes would be re-contoured to a final or intermediate contour that blends with the surrounding topography as much as possible.

Reclamation

BLM – Washington Office Instruction Memorandum No. 2006-073 requires all Field Offices to use seed on public lands that contain no noxious weed seed and meets certified seed quality. All seed to be applied on public land must have a valid seed test, within one year of the acceptance date, from a seed analysis lab by a registered seed analyst. The seed lab results shall show no more than 0.5 percent by weight of other weed seeds; and the seed lot(s) shall contain no noxious, prohibited, or restricted weed seeds according to State of Wyoming seed laws. All seed used on public lands will meet the Federal Seed Act criteria and would contain no (zero) cheat grass seed. Seed may contain up to 2.0 percent of “other crop seed” by weight which includes the seed of other agronomic crops and native plants; however, a lower percent of other crop seed is recommended.

An exemption would be allowed for small reclamation projects, less than 20 acres or not to exceed 200 pounds of seed, which have an approved BLM reclamation or rehabilitation plan or permit. The seed would be acceptable for use on public land if it is accompanied by an official seed analysis report that provides documentation to show it contains no noxious weed seed per the State of Wyoming weed law and no more than 0.5 percent of other weed seeds (cheatgrass seed excluded). For this exception, any one of three seed test documents will be accepted:

- A certified “blue” tag or tags.
- An independent seed lab test.
- A seed lab analysis supplied by a vendor either by seed lot or by seed mix.

Straw, mulches, or other materials applied to public lands must also be certified to be noxious weed and cheatgrass seed free.

Plant Species for Saline Upland (5"-9")	Pounds of Pure Live Seed/Acre by Species
Western Wheatgrass	2
Needle and Threadgrass	2
Indian Ricegrass	3
Bottlebrush Squirreltail	3
Scarlet Globe Mallow	1
American Vetch	.5
Cicer Milkvetch	.5
Green Rabbit Brush	1
Gardner's Saltbush	4
Total	17

Note: In the previous table, pounds of seed are shown as Pure Live Seed (PLS). The total pounds of seed must equal the pounds of seed divided by the ratio of pure live seed in the mix, which will always be less than 1.0. Thus, to have two pounds PLS of Canby Blue Grass in a mix, divide "two" by the PLS ratio, which will always increase the quantity needed (example: 2 Lbs of Seed/0.9 PLS = 2.2 lbs. PLS). PLS is derived by multiplying purity by germination data documented by certified seed analysis (example: 0.95 Purity X 0.95 Germination = 0.9 PLS). PLS determinations must be made for each plant species in specific mix and is based on purity and seed viability tests that were conducted by a certified seed lab that is no more than 3 months old. If a seed viability test pertaining to any seed lot that will be used on public land is older than 3 months old the seed will be retested by a certified seed lab for viability and the resulting PLS values will be used to calculate the seeding rate by species.

Preparation of the seedbed, application of seed and any soil amendment, and coverage of the seed is critical to successful re-vegetation. Unless otherwise approved, the following cultural methods will be followed:

a) The site will be ripped or otherwise scarified up to a maximum depth of 12" on 24" centers to prepare a rough seedbed and eliminate compacted soils. The objective is to leave an extremely rough surface for maximum snow and rainfall retention, as well as ridges to protect the surface from wind erosion.

b) The operator will drill seed on the contour to a depth of 0.5 inch, followed by cultivation to compact the seedbed, preventing soil and seed losses.

If the seed is to be applied by mechanical broadcasting, the PLS seeding rate will be doubled and seed will be applied evenly over the entire area to be reclaimed. The broadcast seed will be covered by harrowing, disking, or any other mechanical method of scarifying that assures seed coverage after seeding.

Weed Control

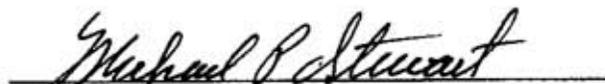
All equipment/material will be cleaned to remove weed seeds and soil (soil may contain weed seeds) prior to transport to the project area. The operator will control invasive and noxious weeds on all areas disturbed by project activities, using mechanical, chemical, or other methods approved by the Authorized Officer and any mulch used will be certified weed and cheatgrass seed free.

The operator would be responsible for managing all noxious and undesirable invading plant species in the reclaimed areas, including cheat grass, Russian olive and tamarisk, until the re-vegetation activities have been determined to be successful, and the bond has been released for a given area. If noxious or invasive weeds are encountered, the BLM and/or the County Weed and Pest Department would be consulted by the operator/holder for suppression and control methods. If chemical herbicide control methods are used on public lands, only BLM approved chemicals and application methods will be permitted. A Pesticide Use Proposal (PUP) must be submitted and approved by the BLM before initiating chemical control methods. Any questions regarding acquiring or submitting a PUP, please contact the BLM – Cody Field Office at (307) 578-5900.

Appeal Language:

Under BLM regulations, this decision is subject to administrative review in accordance with 43 Code of Federal Regulation (CFR) § 3165. Any request for administrative review of this decision must include the information required under 43 CFR § 3165.3(b) including all supporting documentation. Such a request must be filed in writing with the State Director (920), Bureau of Land Management, P.O. Box 1820, Cheyenne, Wyoming, 82003, within 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 by 43 CFR § 3165.4.



Michael P. Stewart
Field Manager, Cody

1/26/2011

Date