Environment Assessment

SWEPI LP

Access Road to State Well Number 4-36

BLM

High Desert District – Rawlins Field Office, Wyoming

August 2011

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DOI-BLM-WY-030-2011-0225-EA

U.S. Department of the Interior Bureau of Land Management
Rawlins Field Office

Environmental Assessment

RAWLINS FIELD OFFICE EA No: DOI-BLM-WY-030-2011-0225-EA

Lease Number: WYW-170554

Name or Title of Proposed Action: SWEPI LP Access Road to State Well Number 4-36

Location: T 15 N, R 98 W, 6th PM, Sweetwater County, Wyoming
Section 18: SE¼SW¼, SW¼SE¼
Section 20: SW¼NW¼, NW¼SW¼, NE¼SW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼
Section 28: NW¼NW¼, NE¼NW¼, NW¼NE¼, SW¼NE¼, NW¼SE¼, SW¼SE¼, SE¼SE¼
Section 33: NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NE¼, NE¼SE¼, SE¼SE¼
T 14 N, R 98 W, 6th PM, Sweetwater County, Wyoming
Section 3: NW¼SW¼, SW¼NW¼, SW¼SW¼
Section 4: Lot 1, SE¼NE¼
Section 10: NW¼NW¼, SW¼NW¼, NW¼SW¼, NE¼SW¼, SE¼SW¼
Section 15: NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼
Section 22: NE¼NW¼, NE¼NE¼
Section 23: SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, SW¼SE¼, SE¼SE¼
Section 25: SW¼NW¼, NW¼SW¼, SW¼SW¼
Section 26: NE¼NE¼, SE¼NE¼

Activity Code 1311

INTRODUCTION

Purpose and Need for the Proposed Action

This site-specific Environmental Assessment (EA) is being prepared in response to the application for a right-of-way (ROW) and will disclose information which would allow the Bureau of Land Management (BLM) Authorized Officer to determine whether to prepare an environmental impact statement or a finding of no significant impact (FONSI). The purpose of the action is to allow SWEPI LP (the Applicant, or SWEPI) to exercise their right to access their state of Wyoming gas lease (number 08-00309) in:

T 14 N, R 98 W, 6th PM, Sweetwater County, Wyoming
Section 36

The need for the action is established by the BLM's authority under the Federal Land Policy and Management Act of 1976 (FLPMA) to respond to the applicant's application for access to the SWEPI state well number 4-36.

Decision to be Made

The BLM would decide whether to grant the ROW, and if so, under what terms and conditions.

Scoping and Issues

The project was entered into the National Environmental Policy Act (NEPA) Register on July 5, 2011 (WY-IM-2009-037). No public comments have been received. Biodiversity Conservation Alliance requested information about the file under the Freedom of Information Act on April 21, 2011. A press release was issued July 21, 2011 for this EA and the EA was posted on the BLM.gov website that day for a two-week public comment period before signature of the Decision Record. Comments are to be submitted by e-mail to Access_Road_Lease_4-36_EA_WY@blm.gov or by post to c/o Access Road Well 4-36 EA, Rawlins Field Office, Bureau of Land Management, P.O. Box 2407, 1300 N. Third, Rawlins, WY 82301.

Internal BLM interdisciplinary scoping meetings were conducted on July 16, 2010; September 28, 2010; and February 16, 2011. On-site inspections of the proposal were conducted on October 21, 2010; May 3, 2011; May 20, 2011; and June 16, 2011. A BLM interdisciplinary team has reviewed the proposal and the following resources were found to have issues of concern that are addressed in this EA: air quality; climate and climate change; cultural and historic resources; wildlife resources including threatened, endangered and sensitive species; visual resources; recreation resources; lands with wilderness characteristics; noise; wild horses; range and livestock resources; reclamation; surface and groundwater; and hazardous waste. Other resources were found not to be present or the resource issues were adequately addressed through the application of Standard Operating Procedures (SOPs), Best Management Practices (BMPs) and/or site-specific mitigation measures (see Appendix 1).

Conformance with the Land Use Plan

This proposed action is subject to two Resource Management Plans (RMPs): the Rawlins RMP, approved on December 24, 2008, and the Green River RMP, approved on August 8, 1997. The RMPs have been reviewed to determine if the proposed action conforms to the land use plans as required by 43 CFR 1610.5-3. Development of realty actions is discussed on pages 2-16 to 2-18 of the Rawlins RMP and pages 2-23 to 2-24 of the Green River RMP. The proposed action is in conformance with the Rawlins RMP Management Objective to respond to internal and external requests (e.g., pipelines, access roads) for land authorizations and to manage public lands to be consistent with goals and objectives of other resource programs.

The BLM uses RMPs as guiding documents in its environmental review of the realty actions associated with the leasing, exploration, and development of mineral resources. As a result of initial interdisciplinary environmental review of the proposed action, appropriate SOPs, BMPs and site-specific mitigation measures were identified and would be considered during the analysis of environmental impacts and

applied as terms and conditions if the ROW application is approved.

Relationship to Statutes, Regulations, or Other Plans

This EA is prepared in accordance with NEPA procedures, and is in compliance with all applicable laws and regulations passed subsequently, including Council of Environmental Quality (CEQ) regulations (40 CFR 1500-1508); U.S. Department of the Interior (DOI) Regulations for Implementation of the National Environmental Policy Act of 1969 (43 CFR Part 46); DOI BLM NEPA Handbook, H-1790-1 (BLM January 2008); Guidelines for Assessing and Documenting Cumulative Impacts (BLM 1994); and the Departmental Manual (DM) part 516. This EA assesses the environmental impacts of the Proposed Action, and serves to guide the decision-making process. Following review of the BLM NEPA regulations and other policy, the BLM concluded that the State land actions (partial access road, the well and temporary living quarters) are not connected actions and will be addressed in the Cumulative Impact Section only.

A ROW grant for realignment, construction and use of a road is required to access/produce the proposed well. The grant would be authorized under the authority of Title V of the FLPMA (43 U.S.C. 1761), and be subject to the terms and conditions in 43 CFR 2800 and rental payments as determined by 43 CFR 2806.20(b). The ROW would be subject to the mitigation set forth in the application and Plan of Development (POD) as part of the grant.

FLPMA regulation requires that an application provide sufficient detail to permit a complete appraisal of the technical adequacy of and environmental effects associated with the proposed project (43 CFR 2804.12). The application must correspond to the BLM's objectives to protect the natural resources associated with public lands and adjacent lands; prevent unnecessary or undue degradation to public land; promote the use of rights-of-way in common considering engineering and technological compatibility, national security and land use plans; and coordinate, to the fullest extent possible, all the BLM actions under the regulations in this part with state and local governments, interested individuals and appropriate quasi-public entities.

If the application is inadequate or incomplete, the applicant must modify or amend the application and/or the BLM can set forth design features that are necessary for the protection of the surface resources, uses, and the environment and for the reclamation of the disturbed lands. For the purpose of this analysis, the design features in these applications are considered part of the proposed action and would become part of the ROW grant if authorized.

The area was assessed as per the Wyoming Instruction Memorandum (IM) WY-IM-2010-012 (Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management Administered Lands including the Federal Mineral Estate). The IM directs the BLM to analyze Greater Sage-grouse habitat out to a minimum of four miles from the project location. This analysis is to occur within the Greater Sage-grouse core areas (core areas as designated by the Governor's Executive Order EO 2011-5). This project does not fall within a Greater Sage-grouse core area.

PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to grant ROW access on an existing road for the SWEPI LP state well number 4-36 natural gas exploration well which ROW is approximately 57,423 linear feet and 65.92 acres and crosses through the Rawlins Field Office (RFO) and the Rock Springs Field Office (RSFO).

To access the road, SWEPI proposes the following route: from the Bitter Creek exit of I-80 in Sweetwater County, Wyoming, travel Sweetwater County Road 19 south-southeast approximately 25 miles to an intersection approximately 1.5 miles southeast of the Eversole Ranch. Sweetwater County Road 19 passes directly through the Eversole Ranch. The ROW would proceed from this intersection in Section 18, T15N, R98W in a south-southeast direction approximately 10.87 miles. The ROW would travel through the southern portion of the checkerboard ownership pattern and would cross through state-owned sections into a state-owned section where the well pad and temporary living quarters would be located. In Section 23, T14N, R98W, the road would be reconstructed to slightly deviate from its current alignment (see Map A).

If the well is completed and developed as a producer, the road would be upgraded to be fully graveled along the entire length and meet the requirements for a "resource road" as defined in the BLM Manual Section 9113. SWEPI plans to develop other gas and/or oil wells in the area if the state well number 4-36 is completed and developed as a producer.

The submitted application, with the POD and design features, contains a complete description of the access road. These documents are considered an integral part of this EA by reference. The application is located in the realty case file WYW-170554 at the Rawlins Field Office, Bureau of Land Management, USDI, 1300 North Third Street, Rawlins, Wyoming.

If the well is determined to be a non-producer and is plugged and abandoned, the access road and any improvements would remain intact, in accordance with SWEPI's approved reclamation plan.

Construction

The proposed action would create approximately **1.49 acres** of surface disturbance. The road would be modified to slightly deviate from its current alignment by 36 feet off the centerline in Section 23, T. 14 N., R. 98 W.: SW¼SE¼ for approximately 550 feet in length and 100 feet off the centerline in Section 23, T. 14 N., R. 98 W.: SE¼NW¼ for approximately 750 feet in length. The travel-way would be at least 14 feet wide and would have an average ROW width of 50 feet. The design, construction, and maintenance of the road would be in compliance with the standards contained in the BLM Manual, Section 9113 (Roads), and in the "Gold Book" Fourth Edition of BLM/USFS Surface Operating Standards for Oil and Gas Exploration and Development. The unused portions of the realigned road would be reclaimed in accordance with SWEPI's approved reclamation plan.

In Section 33, T. 15 N., R. 98 W., SWEPI intends to upgrade the location for approximately 1,000 feet, including grading the road, constructing crown and ditch, fixing drainage features to improve drainage. In Section 15, T. 14 N., R. 98 W., SWEPI intends to upgrade the location for approximately 3,600 feet, including improving the alignment and grade of the road. In Section 15 & 22, T. 14 N., R. 98 W., SWEPI intends to upgrade the location for approximately 1,850 feet, including building grade with imported fill and fixing drainage feature to improve road drainage. In Sections 22 & 23, T. 14 N., R. 98.W., SWEPI intends to upgrade the location for approximately 1,750 feet, including improving the alignment and grade of the road.

Drilling and completion of the well would take approximately 90-180 days. If the well becomes a producer, the road would be upgraded to fully graveled road surface along the entire length of the ROW. The existing access road and upgraded segments would be constructed to provide for adequate access of drilling and well completion equipment. If the well becomes productive, the upgraded road would provide for operational and maintenance activities access throughout the life of the well. (See also Rawlins RMP, Appendix 13 and 15).

Standard Operating Procedures (SOP's), Best Management Practices (BMP's), and Mitigation

Site specific design features, as identified during the BLM interdisciplinary review, would be applied to the application (see Appendix 1). All other SOP's, BMP's, and mitigation would be a part of the POD and standard design features.

Appendix 1 of this EA contains a list of SOPs and BMPs which were used during the analysis of environmental effects of the proposed action. The list is shown in the form of an example ROW grant. The intent is to present SOPs and BMPs, as they would appear in a final ROW grant, for ease of review and to preserve the essence of what would be required. The contents of Appendix 1 reflect the SOPs and BMPs which have been developed through subsequent law, regulation, and policy. Appendix 1 has been tailored to incorporate only the SOPs and BMPs which would be recommended for this specific proposal; a grant would include all the items listed in Appendix 1. The effects of site-specific mitigation are described in the environmental effects section of this EA.

Alternatives Including the No Action Alternative

One alternative considered would be to not approve the access road ROW. This would be the “No Action” alternative. Under FLPMA, the BLM has an obligation to grant reasonable access roads if the environmental consequences are not irreversible or too severe. If the application is not approved, the applicant is allowed to, and generally would, submit a new application that corrects any flaws in the original. The application process is designed to overcome the ”No Action” alternative situation by not accepting the application as complete, until all environmental issues or impacts are either resolved or mitigated during the application and approval process. For the above stated reasons, the "No Action" alternative of not approving the application was considered but dropped and will not be analyzed further in this EA.

A second alternative considered would be to grant a 20-mile ROW for an access road which includes the proposed action as well as an additional 10 miles of ROW on an existing road south of the state section 36 where the well pad and temporary living quarters would be located. This alternative would include a section of road which borders the Adobe Town Wilderness Study Area (WSA). After extensive discussions with the BLM interdisciplinary (ID) team, it was determined that granting a ROW for the section of road bordering the WSA would raise numerous potential issues with air quality, wilderness characteristics, big game crucial winter range, *etc*. In response to the BLM concerns above, the applicant amended their application to eliminate the southern 10 miles of the requested ROW. For these reasons, this alternative was considered but dropped and will not be analyzed further in this EA.

ENVIRONMENTAL IMPACTS

The site-specific environmental impacts discussed herein are issue-driven and encompass information found during the BLM ID team on-site inspections and/or in supporting documentation submitted by the applicant as part of their application and POD.

Environmental issues found during scoping and review of the proposed action that warrant analysis and discussion are as follows:

Impacts of the Proposed Action

Air Quality: The basic framework for controlling air pollutants in the United States is mandated by the 1970 Clean Air Act (CAA) and its amendments, and the 1999 Regional Haze Regulations. The CAA addresses criteria air pollutants, state and national ambient air quality standards for criteria air pollutants, and the Prevention of Significant Deterioration program. The Regional Haze Regulations address visibility impairment.

The National Ambient Air Quality Standards (NAAQS) are established by the Environmental Protection Agency to protect human health and are designed to protect the most sensitive portion of the population. The NAAQS specify the maximum concentration level, the averaging time or exposure time, and a statistical form of the standard that defines when an exceedance would occur. State standards must be as strict as national standards, or stricter. Air pollutant concentrations above the Wyoming Ambient Air Quality Standards (WAAQS) and the NAAQS represent a risk to human health. Existing air quality throughout the RSFO and RFO area is in attainment of all ambient air quality standards.

Regional air quality monitoring by federal and state agencies would identify any exceedance of state air quality standards, should they occur. On March 29, 2011, the Wyoming Air Quality Monitoring Network’s Wamsutter, Wyoming station (http://www.wyvisnet.com/site.aspx?site=WAMS1) recorded that no exceedance was occurring for Ozone (O3), Particulate Matter (PM10), or Nitrogen Dioxide (NO2) as of 10:30 a.m. Mountain Time. On March 31, 2009, the Wyoming Department of Environmental Quality (WDEQ) released the 2008 Annual Summary for the Wamsutter air quality monitoring site. Within this report, WDEQ identified one day (February 21, 2008) that exceeded the ambient air quality standards. This exceedance was for ozone at 87 parts per billion (ppb) (standard is 75 ppb in an eight-hour time period). All other monitored values were within or below air quality standard limits. During the same time period (February 23, 2008), the highest reading captured by a monitoring station operated by Anadarko Petroleum Company approximately 25 miles to the southeast averaged 73.1 ppb in an eight-hour period.

All other readings were below WDEQ air quality thresholds. The annual reports for 2009 and 2010 are not available at this time; however, the quarterly reports for each year are published. No exceedance in air quality thresholds during the four quarters for either year was documented at the Wamsutter monitoring station.

Air pollutant emissions from the construction and use of the proposed access road would cause some localized effects from fugitive dust and vehicle and equipment exhausts/emissions. These construction impacts are expected to be temporary (i.e. occurring during an average of a 12-day construction period) and would occur in isolation. Particulate matter emissions from construction would be minimized by application of water and/or approved chemical suppressants.

The singular effects on air quality values associated with the construction, use and maintenance of the proposed well are expected to be minimal. Cumulatively, air quality impacts analyzed for the Rawlins RMP concluded that the cumulative impacts of developments in the region of influence - which include oil and gas development - would increase emissions for all sources of carbon monoxide (CO), nitrogen oxides (NOx), sulfur dioxide (SO2), PM10, and PM2.5, but that these increases would not cause any exceedance of state or federal ambient air quality standards. It also concluded that although cumulative impacts to air quality values of visibility, atmospheric deposition, or ozone cannot be determined through the qualitative studies conducted for the Rawlins RMP, air quality analyses from an energy development project (Desolation Flats Environmental Impact Statement (EIS)) suggest that Rawlins RMP planning area activities could contribute to a significant impact on visibility in the Bridger, Fitzpatrick, Mount Zirkel, and Rawah Wilderness Areas. Similarly, the more recent Atlantic Rim EIS (completed in 2007), found that "there is a potential for cumulative visibility impacts to exceed visibility thresholds within PSD Class I Bridger Wilderness Area, Popo Agie Wilderness Area, and Wind River Roadless Area." (40 CFR 52.21 "Prevention of significant deterioration of air quality" (PSD) identifies Class I and Class II areas that warrant special air quality protection measures).

This is the most recent and available information the BLM has regarding cumulative air quality impacts within the RFO at this time.

Frequent watering of the roadway would be necessary to consolidate the running surface and reduce wind erosion.

Climate and Climate Change: The RFO and RSFO are located in a semi-arid, mid-continental climate regime typified by dry, windy conditions, limited rainfall, and long, cold winters (Trewatha and Horn 1980). The region is subject to strong, gusty winds that are often accompanied by snow and blizzard conditions during winter months. Winds frequently originate from the west-southwest, and the mean annual wind speed is 12.9 miles per hour. Wind strength and frequency affects dispersion of noises, odors, and transport of dust and other airborne elements. Therefore, the region's strong winds increase the potential for atmospheric dispersion of pollutants.

Climate change refers to any significant change in measures of climate (e.g., temperature or precipitation) lasting for an extended period of time (decades or longer). Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006. Models indicate that average temperature changes are likely to be greater in the Northern Hemisphere. Northern latitudes (above 24°N) have exhibited temperature increases of nearly 2.1° F since 1900, with nearly a 1.8°F increase since 1970 alone. Temperature in southwestern Wyoming is expected to increase by 0.25 to 0.40 degrees Fahrenheit per decade. Precipitation across western Wyoming is expected to decrease by 0.1 to 0.6 inches per decade, with the largest decrease expected in southwestern Wyoming.

Climate change may result from natural processes, such as changes in the sun's intensity; and from human activities that change the atmosphere's composition (such as burning fossil fuels) and the land surface (such as urbanization) (IPCC 2007). Some authorized activities within the Rawlins Field Office generate greenhouse gas (GHG) emissions. Oil and gas development activities can generate CO2 and NH4 (during processing). Carbon dioxide emissions result from the use of combustion engines for OHV and other recreational activities. Wildland fires also are a source of CO2 and other GHG emissions, and livestock grazing is a potential source of methane. Other activities in the Pinedale Field Office area with the potential to contribute to climate change include soil erosion from disturbed areas and fugitive dust from roads, which have the potential to darken snow-covered surfaces and cause faster snow melt. It is

important to note that neither United States Environmental Protection Agency nor the Wyoming Department of Environmental Quality has established limits for GHG emissions.

Impact Analysis: Greenhouse Gas (GHG) Emissions
Wyoming's gross GHG emissions are expected to continue to grow to 69 MMtCO2e by 2020, 56% above 1990 levels.

As of 2008, the Inventory indicates that there over 33,000 active gas and oil wells in the State, 45 operational gas processing plants, five oil refineries, and over 9,000 miles of gas pipelines, there are significant uncertainties associated with estimates of Wyoming's GHG emissions from this sector. This is compounded by the fact that there are no regulatory requirements to track CO2 or CH4 emissions. Therefore, estimates based on emissions measurements in Wyoming are not possible at this time. (Wyoming GHG Inventory and Reference Case Projection CCS, spring 2007).

Year-to-year fluctuations in temperature are due to natural processes, such as the effects of El Niños, La Niñas, and the eruption of large volcanoes (summarized in the Climate Change SIR 2010). Yearly fluctuations in temperature contribute to the difficulty of predicting actual regional or site-specific changes or conditions which may be due to climate change during any specific time frame.

The proposed action would generate GHG's from the burning of fossil fuels by vehicles and road construction equipment, which would contribute a minor increase to existing levels. The specific amount would be almost immeasurable.

Impact Analysis: Climate Change
Ongoing scientific research has identified the potential impacts of anthropogenic GHG emissions and changes in biological sequestration due to land management activities on global climate. Through complex interactions on a regional and global scale, these GHG emissions and net losses of biological carbon sinks cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia, recent industrialization and burning of fossil carbon sources have caused carbon dioxide equivalent (CO2e) concentrations to increase dramatically, and are likely to contribute to overall global climatic changes. The Intergovernmental Panel on Climate Change (IPCC) recently concluded that "warming of the climate system is unequivocal" and "most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic GHG concentrations" (IPCC 2007). Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHGs are likely to accelerate the rate of climate change.

The assessment of GHG emissions and climate change is in its formative phase. It is currently not feasible to know with certainty the net impacts from the proposed action on climate. The inconsistency in results of scientific models used to predict climate change at the global scale coupled with the lack of scientific models designed to predict climate change on regional or local scales, limits the ability to quantify potential future impacts of decisions made at this level. When further information on the impacts to climate change is known, such information would be incorporated into the BLM's planning and NEPA documents as appropriate.

Cultural Resources: A cultural resource inventory (Class III) of the existing road was undertaken in 1999. Sites eligible for the National Register of Historic Places (NRHP) were located during the inventory, but were avoided by the construction of the existing road alignment. A cultural resource inventory is currently being conducted for the Proposed Action where it deviates from the existing road alignment or where substantial road improvements are proposed. Compliance with Section 106 of the National Historic Preservation Act (NHPA) would occur prior to signature of the Decision Record and BLM issuance of the ROW grant. The project area contains a high prehistoric site density with 54 sites having been previously recorded in the project area. Of the 54 prehistoric sites previously recorded, two contain a historic component. Additional historic era sites are known in the project area. Seventy-six percent of previously recorded sites in the area are either eligible or retain an unevaluated eligibility for the NRHP. The Proposed Action, as currently aligned, would avoid contributing areas of NRHP eligible sites and would have no adverse effect upon them under Section 106 of the NHPA. The Proposed Action would have no adverse effect on other known NRHP eligible cultural resources within the area of potential effect (APE).

The Proposed Action does have the potential to impact unknown subsurface cultural remains during construction as well as through erosion of soils at the outlets of wing ditches along the access road. Stipulations added to the ROW grant would reduce the extent of the impacts should cultural materials be discovered. Impacts would be minimal as consultation with the Wyoming State Historic Preservation Office would result in adequate mitigation being applied to the ROW grant. Long-term indirect effects would result from the increased access to a previously remote area such as collection of cultural artifacts and erosion of sensitive cultural areas (see Also Rawlins RMP, Appendix 5).

The project area contains sites which may be of religious or cultural importance to Native American Tribes. Action to comply with the Native American Graves Protection and Repatriation Act (NAGPRA) , Section 3(d)(1) was initiated on July 14, 2011 due to the presence of potential NAGPRA-related items within the boundaries of one prehistoric site. Tribal notification was initiated with the Northern Ute of the Uintah and Ouray Reservation, the Northern Arapaho of the Wind River Reservation and the Eastern Shoshone of the Wind River Reservation. Site-specific mitigation measures would be developed that would address tribal concerns and prevent properties of religious or cultural importance to these tribes from being disturbed (see Appendix 1).

Wildlife: The existing access road falls within the ¾ to 1 mile protective buffer of an active raptor nest, is within mountain plover habitat, is within Wyoming pocket gopher habitat, and is within mapped Greater Sage-grouse habitat. The existing road has removed 57,423 linear feet and 65.92 acres of occupied Greater Sage-grouse habitat, mountain plover habitat, Wyoming pocket gopher, as well as potential foraging habitat for raptors. Furthermore, the road realignment construction would remove approximately 1.5 additional acres but slightly more acreage would be reclaimed with the road realignment construction. With application of the SOP's, BMP's, and mitigation measures (primarily timing and distance restrictions – see Appendix 1) identified for raptors, Greater Sage-grouse, Wyoming pocket gophers, and mountain plover in the Proposed Action, impacts from surface disturbing and disruptive activities would be minimized.

Big Game Species: The project area is not located in big game crucial winter range; however, there is pronghorn, elk, and mule deer crucial winter range located to the south of the proposed project along the Wyoming/Colorado border. The project is located in the following big game habitat: (1) elk: yearlong habitat; (2) mule deer: winter/yearlong and spring, summer, fall habitat; and (3) pronghorn: winter and yearlong habitat. The construction of the re-routes of the existing road would remove vegetation available for foraging by these species, as well as remove some thermal and hiding cover. The use of the road by project workers can disturb and disrupt big game species, specifically during big game sensitive annual spring and winter time periods, which can negatively impact big game body conditions.

Raptors: The existing access road is located near raptor nests and foraging habitat, specifically for ferruginous hawks, kestrels, and golden eagles. Project vehicles may disturb breeding and foraging raptors during the spring months, but the amount of disturbance is difficult to calculate. Nests are located on rocky outcrops and out of the line-of-sight; therefore, these nests should not be disturbed by use of the road.

Greater Sage-Grouse: The existing access road is located in Greater Sage-grouse nesting habitat; therefore, workers driving by Greater Sage-grouse during the spring and summer months may disturb nesting Greater Sage-grouse. Greater Sage-grouse tend to be slow in their movements and may be killed by project vehicles along, or adjacent to, the road, especially during the early morning and late evening hours.

Visual Resources: The Visual Resource Management (VRM) class of the project area is Class IV within the boundaries of the RSFO. The objective of this class is to provide for management activities which could result in major modification to the character of the landscape. The project access route would follow an existing upgraded linear disturbance (Sweetwater County Road 19), and therefore the proposed action would have no effect on visual resource values within the RSFO.

The VRM class of the project area is VRM class III within the boundaries of the RFO. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the

view of the casual observer. Changes should repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

The project, within the RFO, would follow an existing upgraded road. Two portions of this road would be re-routed and re-engineered to reduce the grade of the existing road and improve accessibility of heavy equipment. The existing road flows with the natural landscape and blends with the terrain. The road re-route, road cut and new road grade would contrast with the natural form of the land and would stand out and be more noticeable. The re-alignment would create a color and texture contrast beyond that currently present with the existing road location. Any new vegetation clearing would create additional bare ground that would contrast with the surrounding vegetated areas. The re-routed road surface and cuts would be tan to white and contrast strongly with the surrounding greens and grays of the extant vegetation. The newly constructed segments of the road, where the existing road climbs steeper grades, would be straightened and create a line that contrasts with the existing terrain. While these road improvements would be more noticeable to the casual observer, they would not create a contrast that is inconsistent with a VRM class III designation.

Recreation: Primary recreational activities in the area include: hunting for pronghorn antelope, mule deer, upland game birds, coyotes, and small game; camping, hiking, wildlife and wild horse viewing, Off-Highway Vehicle use and sightseeing.

This area has been identified in the Rawlins RMP as the Adobe Town Dispersed Recreation Use Area (DRUA). This gives the area stricter consideration for planning and project implementation. The Adobe Town DRUA is managed for primitive, middle, and front country recreation. The existing primitive, middle and front country recreation opportunities would be retained in the project area by using the existing Bitter Creek Road as access to the SWEPI state well number 4-36. Utilization of the existing road, with only minimal upgrades during development of the exploration well, would reduce the level of reclamation activity should the well be unproductive. This is consistent with the goals and objectives of the DRUA.

While the recreating public would have to contend with the increase in traffic, dust and noise along the Bitter Creek Road (front country experience) during construction and development of the well, the upgraded road would provide improved access to the area, in general and the Adobe Town WSA, specifically, if the well is productive.

The proposed project is located, at its closest point, about 1.5 miles west of the Adobe Town WSA/VRM Class I boundary. WSAs are managed under the Wilderness Interim Management Policy (W-IMP H8550-1). Even though all wilderness study areas are managed from the outside in, visual and auditory impacts to the WSA can be included when considering surface disturbing activities and permanent structures. Vehicle traffic associated with SWEPI state well number 4-36 would create increased vehicle engine and road noise and increased dust in the vicinity of the access road. The WSA is primarily downwind and may carry toward the boundary of the WSA. However, the distance between the access road and the WSA, and the fact that the WSA is below the rim of Adobe Town Rim and Skull Creek Rim, the visual intrusion and noise would be minimal.

Lands with Wilderness Characteristics: FLPMA section 201(a) and 603 directed the BLM to manage the public lands and their resources under principles of multiple use and sustained yield. Wilderness is one of the multiple use values.

Section 2(c) of the Wilderness Act (WA) of 1964 requires that in order to be considered to have wilderness characteristics, an area must meet all of the following criteria:

(1) "Generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;" This is commonly referred to as naturalness.

(2) "Has outstanding opportunities for solitude or a primitive and unconfined type of recreation;"

(3) "Has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;"

The WA of 1964 further states areas with wilderness characteristics "may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." These are commonly referred to as supplemental values and are not required to be present.

The project is located in an area that was not part of the 1979 BLM extensive Adobe Town Inventory area or the 2003 Citizen's Wilderness Proposal Evaluation area. Some segments of the road may have been used as a boundary for a portion of these surveys but at this time, parts of the proposed project area have not been evaluated for wilderness characteristics. A BLM ID team inventory is scheduled for July 14 and 15, 2011.

Noise: The proposed action would add vehicle and equipment noise above the existing levels as a result of increased use and maintenance of the road. The increased noise levels would not generally be audible beyond the front country setting (0.5 miles) of the area. These increased noise levels are not expected to exceed 55 decibels (normal human conversation) more than a hundred or so feet from the location, and thus are not anticipated to affect the general area to any large extent.

Wild Horses: The project area is located within the Adobe Town Wild Horse Herd Management Area (HMA) and the Salt Wells Creek HMA. Wild horses may be temporarily displaced during road construction and use; however, wild horses should return to the vicinity of the access road after drilling and well completion road activity ceases or reverts to operational levels of use. Wild horses would be temporarily displaced from the vicinity of the access road during construction activities. Wild horses would return following construction activities and normally are not displaced during regular well production activities. The increased use of the access road during construction and production (if successful) would increase the potential for vehicle collisions and mortality of wild horses. Promotion of safe driving speeds and improving employee awareness about driving in open range conditions should minimize vehicle impacts to wild horses.

Range and Livestock: The Rock Springs allotment provides winter sheep and cattle forage (12/1-5/15) and summer in-holder use (5/10-11/30). The Cow Creek allotment provides summer cattle and winter sheep forage. Livestock and sheep would be temporarily displaced from the vicinity of the access road during construction activities. Livestock would return following construction activities and normally are not displaced during regular well production activities. The increased use of the access road during construction and production (if successful) would increase the potential for vehicle collisions and mortality of cattle and sheep. Promotion of safe driving speeds and improving employee awareness about driving in open range conditions should minimize vehicle impacts to livestock.

Surface Water: The project area is drained by the intermittent Shell Creek and its tributaries which are within the Great Divide watershed basin. Impacts to surface water from the well pad, access road and pipeline include increased surface water runoff, increased wind erosion and increased water erosion; all of these factors would lead to sedimentation within channels, degradation of channel stability and a decrease in surface water quality. Impacts would occur during the construction, operation, decommissioning and reclamation phases. Implementation of SOPs and BMPs would help capture and stabilize eroded soil, reducing but not eliminating the impact of the project on nearby surface water resources (see Appendix 1).

Hazardous Waste: The operator has indicated in their POD some hazardous materials may be used during construction and use of the access road. 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 U.S.C. 9601 *et seq.*, and the regulations issued under CERCLA; 2) any hazardous waste as defined in the Resource Conservation and Recovery Act (RCRA) of 1976, as amended; and 3) any nuclear or nuclear by-product as defined by the Atomic Energy Act of 1954, as amended, 42 U.D.C. 2011 *et seq.*

Impacts to soils, surface and groundwater resources, wildlife, vegetation, and human health could result from the accidental exposure of hazardous materials. Since the project operations are expected to comply with all applicable federal and state laws concerning hazardous materials, impacts are not anticipated.

Reclamation: The reclamation plan is currently in the process of revisions and would be revised and approved by the BLM authorized officer prior to issuance of the ROW grant.

Additional Mitigation Measures

SOP's, BMP's, and mitigation measures developed for the proposed project are standard for ROW projects and are part of the proposed action found in the access road application and POD with design features. After review of the impacts described above, no additional mitigation beyond those measures found in the sample grant language at Appendix 1 are proposed or necessary.

Residual Impacts

Since no additional mitigation measures (beyond the standard mitigation measures as incorporated in the application and POD and design features) have been proposed or recommended to reduce impacts, no residual impacts other than those impacts described above, are anticipated.

Cumulative Impacts

The proposed project site is located within an area of low density oil and gas well development. The cumulative impacts section describes impacts that are the result of the proposed action, in conjunction with the following reasonably foreseeable future oil and gas development activities (RFFA).

The RFFA for this cumulative impact analysis include the SWEPI project activities occurring on State land that were not determined to be connected actions to the BLM road ROW authorization. The RFFA actions include:

Well Site on state location number 4-36

The application is for the applicant to gain access to the State of Wyoming location number 4-36, which is located on State of Wyoming lease number 08-00309. The well would be located in the NW¼NW¼ of Section 36 in T. 14 N., R. 98 W., in Sweetwater County, Wyoming. The new well pad would be constructed over an existing well pad which was constructed by Yates Petroleum Corporation and named the Wrangler 2, for which Yates submitted a final report on October 27, 2006, stating that the well was plugged and abandoned.

The total disturbance area for the proposed well pad would be approximately **4.29 acres** for drilling operations on top of a previously disturbed well pad. It appears that the new pad would cover 75%-85% of the prior disturbance. Should the well become productive, cut portions of the pad would be backfilled and the unused portions of the pad and soil stockpile sites would be stabilized and reseeded with native vegetation in accordance with the operator's reclamation plan. The well pad would be reduced significantly.

If this well is or becomes unproductive, it would be properly plugged and the well pad would be recontoured and seeded in accordance with SWEPI's reclamation plan.

Pipeline

Questar holds a ROW for a pipeline that runs adjacent to the proposed project access road. SWEPI intends to tie into the pipeline on state land to transport fluid minerals if the well becomes a producer. The use of this pipeline should not contribute any new environmental impacts other than those required for continued normal operation and maintenance of the pipeline.

Temporary Living Quarters

SWEPI intends to construct temporary living quarters in the NW¼SE¼ of Section 36 in T. 14 N., R. 98 W., in Sweetwater County, Wyoming. The total disturbance area of the pad for the proposed temporary living quarters would be approximately **2.05** acres. It would include seven trailers that would house approximately thirty people, twenty-four hours a day, seven days a week during drilling and completion

operations. Drilling and completion of the well would be approximately 90-180 days. Once drilling and completion operations have finished, the trailers would be moved off of the location. The seven trailers would be skid mounted. Six trailers would be 13' x 54' and would be used as sleeping quarters for the crews. One would be used as a cook house for the crews. The sleeping and cook house trailers would all have toilets, water, and cooking facilities. Two wheel-mounted diesel-fueled generators, 7' x 17' each, would provide energy to the trailers.

The impacts of the proposed action in conjunction with existing and reasonably foreseeable oil and gas development projects would contribute to a change in the area from an open, pristine high desert landscape to an area exhibiting increased examples of human intrusion and occupancy. Visitors to the area would experience the increased sights and sounds of industrial development.

PERSONS OR AGENCIES CONTACTED/CONSULTED

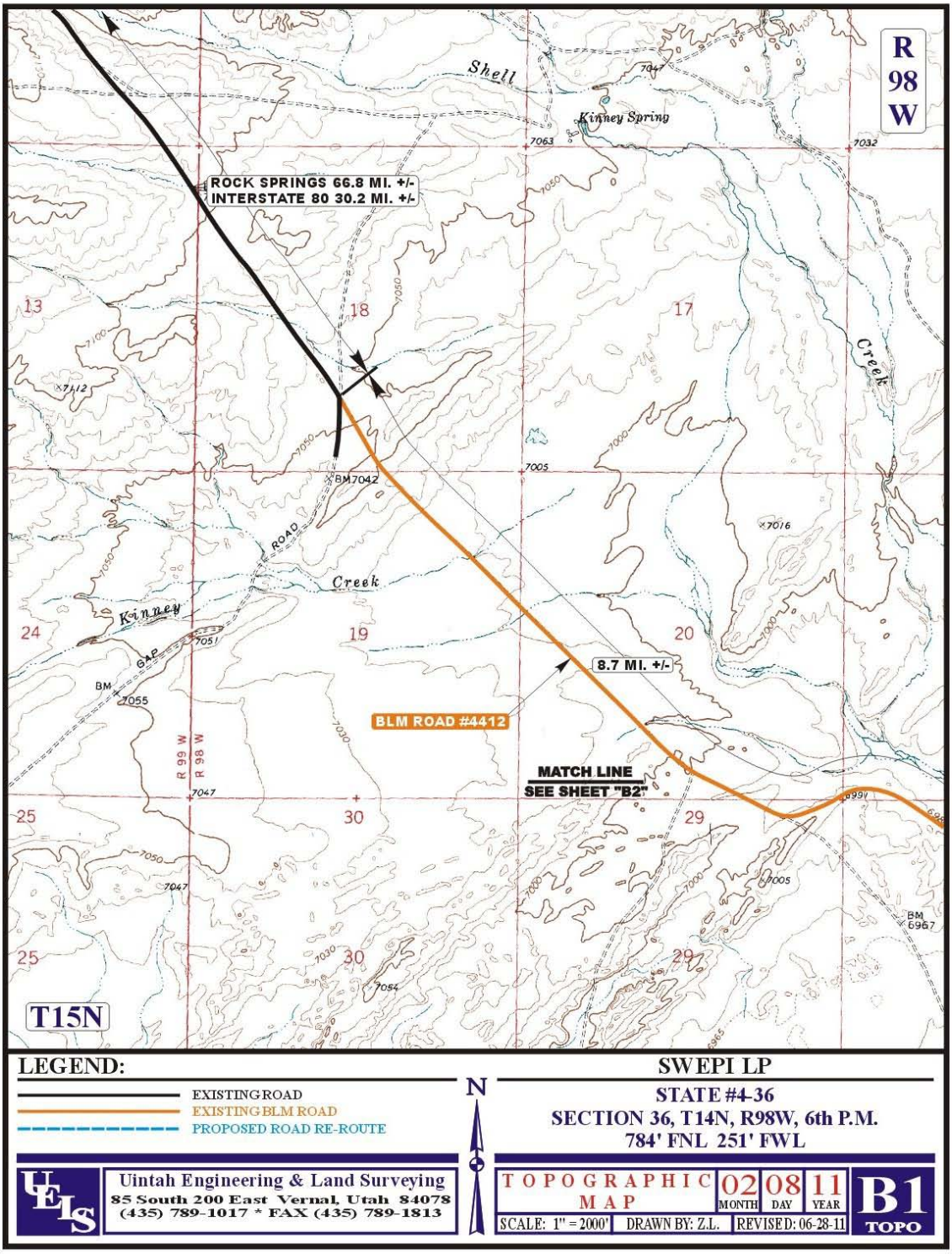
Frank Bartlett	Natural Resource Specialist	Bureau of Land Management-Rawlins
John Sjogren	Natural Resource Specialist	Bureau of Land Management-Rawlins
Mary Read	Biologist	Bureau of Land Management-Rawlins
Bonni Bruce	Supervisory Archaeologist	Bureau of Land Management-Rawlins
Andy Warren	Supervisory Range Management	Bureau of Land Management-Rawlins
Melanie Mirati	Wild Horse & Burro Specialist	Bureau of Land Management-Rawlins
Kelly Owens	Hydrologist	Bureau of Land Management-Rawlins
Mark Newman	Geologist/Paleontologist	Bureau of Land Management-Rawlins
Noelle Glines-Bovio	Recreation Planner/VRM	Bureau of Land Management-Rawlins
Bruce Estvold	Engineer	Bureau of Land Management-Rawlins
Susan Foley	Soils Scientist	Bureau of Land Management-Rawlins
Erica Pionke	Realty Specialist	Bureau of Land Management-Rawlins
Carol Montgomery	Realty Specialist	Bureau of Land Management-Rock Springs
Cherette Masny	Range Management Specialist	Bureau of Land Management-Rock Springs
Steve Madden	Recreation Specialist	Bureau of Land Management-Rock Springs
Jay D'Ewart	Wild Horse & Burro Specialist	Bureau of Land Management-Rock Springs
Jeromy Caldwell	Wildlife Biologist	Bureau of Land Management-Rock Springs
Mark Snyder	Wildlife Biologist	Bureau of Land Management-Rock Springs
James Glennon	Botanist	Bureau of Land Management-Rock Springs
Sam Thurston	Physical Scientist	Bureau of Land Management-Rock Springs
Steve Boyer	Civil Engineer	Bureau of Land Management-Rock Springs
Gene Smith	Archaeologist	Bureau of Land Management-Rock Springs
Breelyn Van Fleet	Archaeologist	Bureau of Land Management-Rock Springs
Nancy Feck	Regulatory Agent	SWEPI LP
Trevor Keyes	Regulatory Agent	SWEPI LP

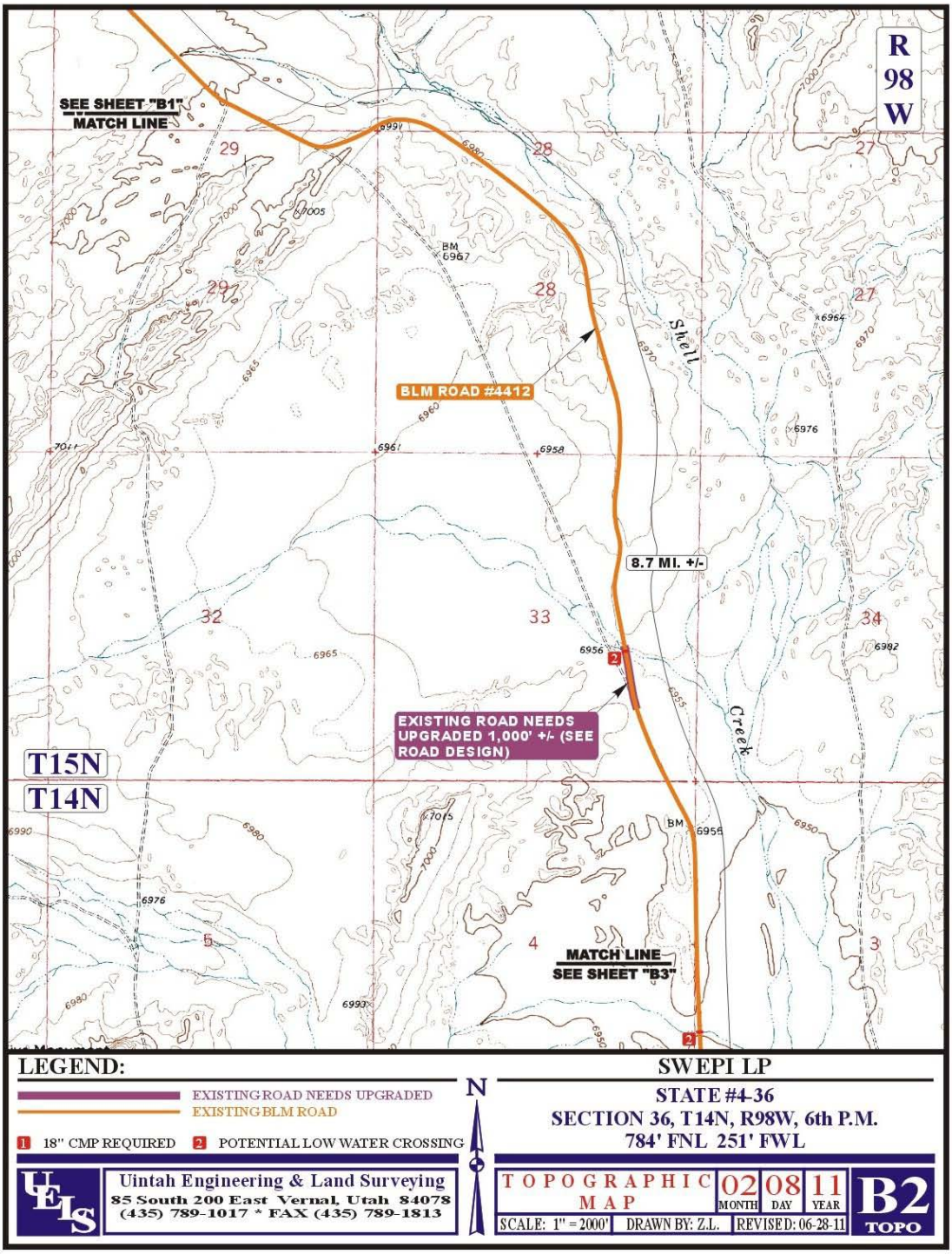
The proposed action has been considered, and/or appropriate changes made and mitigation applied as part of the field onsite inspection and evaluation process.

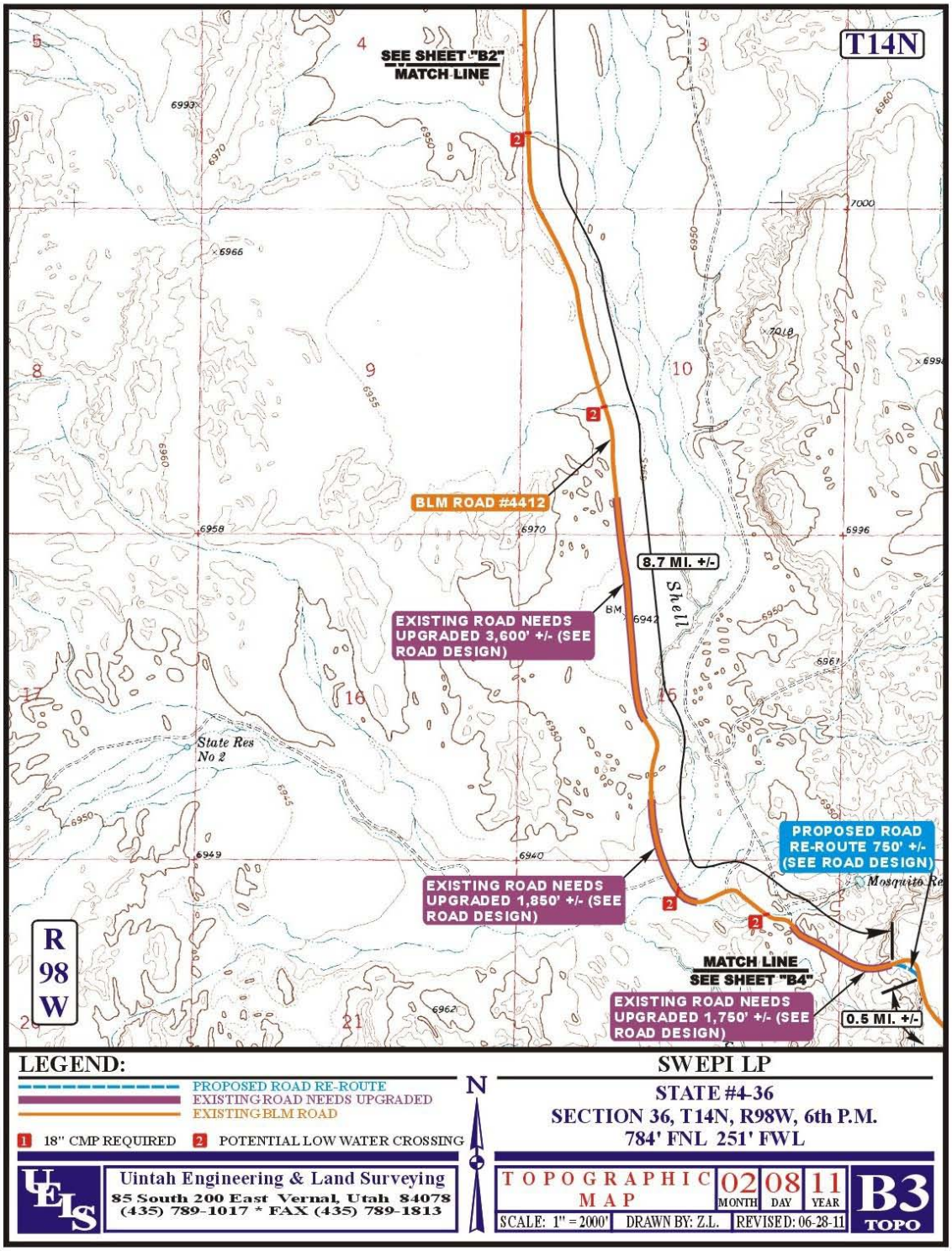
Preparer: Date:

Erica Pionke, Realty Specialist

Map A. SWEPI LP proposed access road to state well number 4-36




R
98
W
SEE SHEET "B1"
MATCH LINE
BLM ROAD #4412
8.7 MI. +/-
EXISTING ROAD NEEDS UPGRADED 1,000' +/- (SEE ROAD DESIGN)
T15N
T14N
MATCH LINE
SEE SHEET "B3"
Shell
Creek
BM 6967
BM 6956
LEGEND:
EXISTING ROAD NEEDS UPGRADED
EXISTING BLM ROAD
1 18" CMP REQUIRED
2 POTENTIAL LOW WATER CROSSING
N
SWEPI LP
STATE #4-36
SECTION 36, T14N, R98W, 6th P.M.
784' FNL 251' FWL
Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
(435) 789-1017 * FAX (435) 789-1813
TOPOGRAPHIC MAP
02 MONTH
08 DAY
11 YEAR
B2 TOPO
SCALE: 1" = 2000'
DRAWN BY: Z.L.
REVISED: 06-28-11


T14N
SEE SHEET "B2" MATCH LINE
BLM ROAD #4412
8.7 MI. +/-
EXISTING ROAD NEEDS UPGRADED 3,600' +/- (SEE ROAD DESIGN)
EXISTING ROAD NEEDS UPGRADED 1,850' +/- (SEE ROAD DESIGN)
PROPOSED ROAD RE-ROUTE 750' +/- (SEE ROAD DESIGN)
MATCH LINE SEE SHEET "B4"
EXISTING ROAD NEEDS UPGRADED 1,750' +/- (SEE ROAD DESIGN)
0.5 MI. +/-
State Res No 2
Shell
Mosquito Re
R 98 W
LEGEND:
PROPOSED ROAD RE-ROUTE
EXISTING ROAD NEEDS UPGRADED
EXISTING BLM ROAD
1 18" CMP REQUIRED
2 POTENTIAL LOW WATER CROSSING
N
SWEPI LP
STATE #4-36
SECTION 36, T14N, R98W, 6th P.M.
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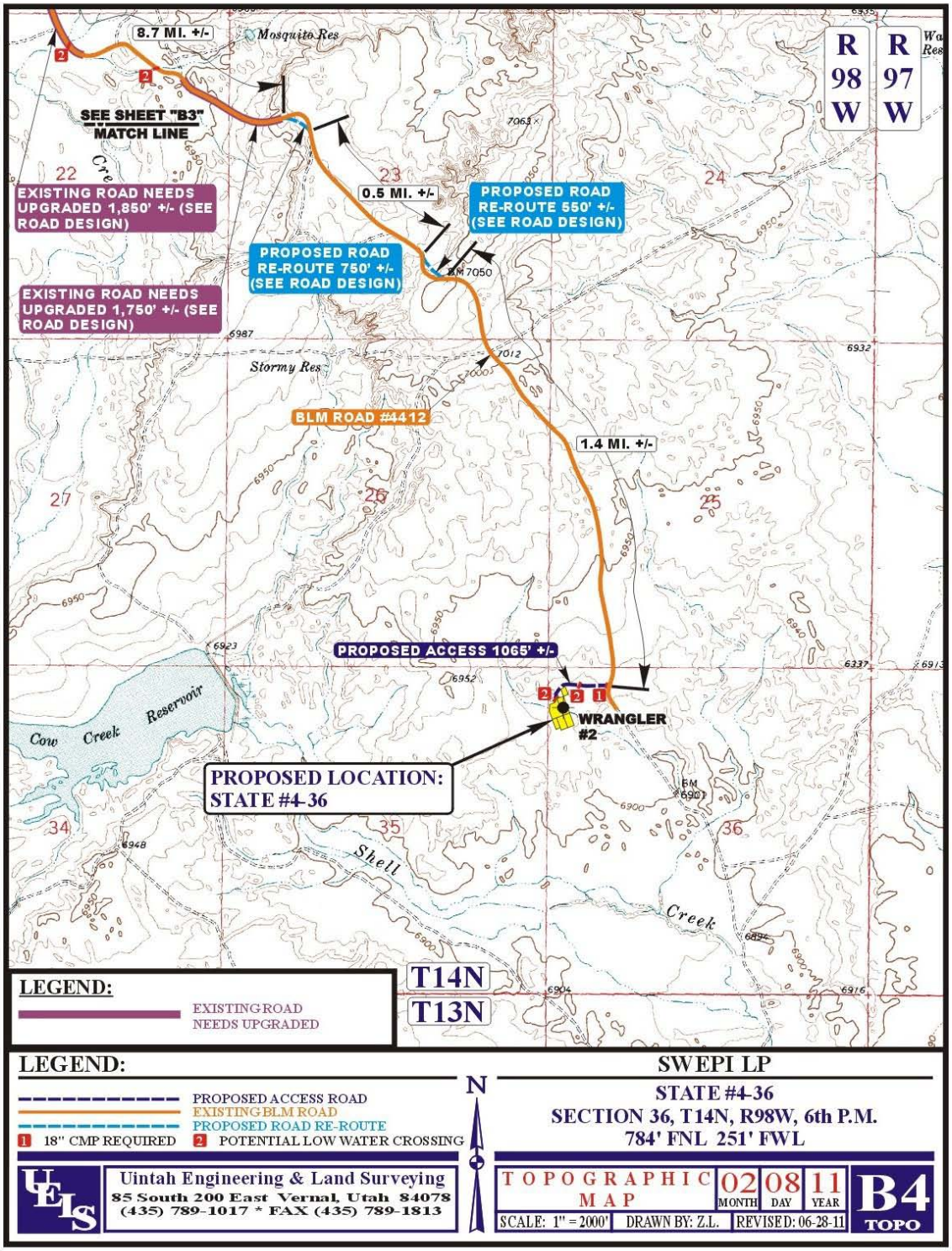

LEGEND:

PROPOSED ACCESS ROAD
EXISTING BLM ROAD
PROPOSED ROAD RE-ROUTE
1 18" CMP REQUIRED 2 POTENTIAL LOW WATER CROSSING

N

SWEPI LP

STATE #4-36
SECTION 36, T14N, R98W, 6th P.M.
784' FNL 251' FWL

Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
(435) 789-1017 * FAX (435) 789-1813

TOPOGRAPHIC MAP | 02 MONTH | 08 DAY | 11 YEAR | B4 TOPO

SCALE: 1" = 2000' | DRAWN BY: Z.L. | REVISED: 06-28-11

Appendix 1

General Design Features

a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibits A (Map) and B (Plan of Development which incorporates the Reclamation Plan) attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

g. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.

h. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

i. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

j. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

k. Weeds shall be controlled on project disturbed areas and native areas infested as a direct result of the project. The control methods shall be in accordance with the approved weed management plan (to be submitted by the Holder), and guidelines established by the EPA, BLM, state and local authorities. Prior to the use of pesticides, the holder will obtain written approval from the BLM Authorized Officer—Weed Coordinator (meaning an approved Pesticide Use Proposal form).

l. To further reduce the spread of invasive and noxious weeds following construction activities, inspections for weeds will be conducted each year along with revegetation monitoring during the first five years following construction. Thereafter, weed surveys would be conducted at least once every three years at appropriate times as directed by the authorized officer, for the life of the project. Reports of these surveys will be submitted to the authorized officer within 30 days of the surveys.

m. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq*.) and the regulations of the Secretary of the Interior issued pursuant thereto.

n. The holder shall contact the authorized officer at least 48 hours (two days) prior to the anticipated start of construction and/or any surface disturbing activities. This can be done by logging into: **http://www.blm.gov/wy/st/en/field_offices/Rawlins/oil_and_gas.html**. Then click on **Right-of-Way Construction Notice** and fill in the form and submit it. Or, you may call the authorized officer. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plan of development.

o. The holder shall have, on-site, a qualified individual (not the dirt contractor) to serve as Compliance Coordinator. This individual will be responsible for assuring that all requirements of the Plan of Development and appropriate Additional Terms and Conditions are applied. **The holder must provide the name of the Compliance Coordinator to the authorized officer prior to any surface disturbance.**

p. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of **four (4)** inches deep, the soil shall be deemed too wet to adequately support construction equipment.

q. Within 90 days of completion, the holder will submit to the authorized officer, as-built drawings and a certification of construction verifying that the access road has been constructed (and tested) in accordance with the design, plans, specifications, and applicable laws and regulations.

r. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

s. The holder shall inform the authorized officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.

t. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et seq*.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

u. The holder of Right-of-Way No. WYW-170554 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq*. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq*.) on the right-of-way (unless the release or threatened release is wholly

unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

v. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

w. A litter policing program shall be implemented by the holder, and approved of in writing by the authorized officer, which covers all roads and sites associated with the right-of-way.

x. For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the road. Holder shall provide the authorized officer, within 30 days from the date of the grant, with the names and addresses of all parties notified, dates of notification, and method of notification. Failure of the holder to share proportionate maintenance costs on the common use access road in dollars, equipment, materials, or manpower with other authorized users may be adequate grounds to terminate the right-of-way grant. The determination as to whether this has occurred and the decision to terminate shall rest with the authorized officer. Upon request, the authorized officer shall be provided with copies of any maintenance agreement entered into. Authorized users are as follows:

WYW-117938A: Williams Natural Gas, P.O. Box 3288, Tulsa, OK 74101-3288
WYW-148722: Encana O&G (USA) Inc., 370 17th St., Suite 1700, Denver, CO 80202-5632
WYW-158963, WYW-160475: Yates Petroleum Corp., P. O. Box 1908, Rock Springs, WY 82902-1908
WYW-117938: Questar Pipeline Co., P.O. Box 45360, Salt Lake City, UT 84145-0360

y. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the existing reclamation plan and termination provisions of the grant or agree to a new updated reclamation plan.

Additional Terms and Conditions:

Wildlife Resources*:

a. Surface disturbing and disruptive activities potentially disruptive to nesting raptors are prohibited from February 1 to July 15.

Surface disturbing and disruptive activities potentially disruptive to nesting raptors are prohibited March 1 to July 31.

Please note that the above raptor stipulation(s) may differ from past raptor stipulations as a result of the signing of the Record of Decision for the new Rawlins Resource Management Plan on December 24, 2008.

Surface disturbing and disruptive activities potentially disruptive to Western yellow-billed cuckoos are prohibited within one-half mile of identified habitat from April 15 to August 15 for the protection of nesting Western yellow-billed cuckoos.

Avoid surface disturbing and disruptive activities, geophysical surveys, and organized recreational activities (events) that require a special use permit within 2 miles of the perimeter of an occupied greater sage-grouse lek, within 1 mile of the perimeter of a sharp-tailed grouse lek, or in greater sage-grouse and sharp-tailed grouse nesting and early brood rearing habitat from March 1 to July 15.

Surface disturbing and disruptive activities located in potential mountain plover habitat are prohibited during the

reproductive period of April 10 to July 10 for the protection of nesting plover. Additional protection measures may be applied if this area is later determined to be within occupied habitat.

Avoid Wyoming pocket gopher habitat where possible, or minimize disturbance in dry gravelly, shallow-soil ridge tops rather than deeper soiled swales and valley bottoms.

Any exceptions to these requirements must have prior written approval from the authorized officer.

***Please be advised that due to limits on the available time of qualified personnel, the unpredictability of wildlife, and future weather conditions, requests for exceptions to impending wildlife stipulations will only be considered in the event of extraordinary and unavoidable occurrences over which the company has little or no control. Additionally, construction of the facility needs to be started in a time frame which would allow for reasonably normal completion prior to the beginning date of wildlife protection stipulations.**

b. If any dead or injured threatened, endangered, proposed, or candidate animal species is located during construction or operation, the U.S. Fish and Wildlife Service's Wyoming Field Office (307-772-2374), their law enforcement office (307-261-6365), and the BLM Rawlins Field Office (307-328-4200) shall be notified within 24 hours. If any dead or injured sensitive species is located during construction or operation, the BLM Rawlins Field Office shall also be notified within 24 hours.

c. The holder and holder's sub-contracted personnel shall not intentionally harm or harass wild horses, other wildlife, or domestic livestock.

Cultural Resources:

a. The holder will employ archaeological monitors during any surface disturbing activities.

Geological/Paleontological Resources:

a. The holder will employ paleontological monitors during any surface disturbing activities.

Recreation:

a. Minimize conflicts between project vehicles and equipment and recreation traffic by posting appropriate warning signs and speed limits, conducting operator safety training, and requiring project vehicles to adhere to low speed limits, refrain from littering, and drive only on approved project roads. Operators will inform their employees, contractors, and subcontractors that long term camping (greater than 14 days) on federal lands or at federal recreation sites is prohibited. Operators will direct their employees, contractors, and subcontractors to abide by all state and federal laws and regulations regarding hunting and artifact collecting.

Range/Weed/Soils:

a. Prior to any surface disturbing activity, a reclamation plan shall be approved. The reclamation plan shall address short-term stabilization to facilitate long-term reclamation. The reclamation plan is considered complete when all the reclamation requirements (described in the BLM and/or RFO Reclamation Policy, the Approved Rawlins Resource Management Plan (RMP) Record of Decision (ROD), and Appendix 36 of the RMP ROD) have been addressed, the techniques to meet the reclamation requirements are described in detail, and the BLM concurs with the reclamation plan.

b. The annual monitoring report will be submitted by March 1 of each year. This report shall include reclamation and restoration efforts, including seeding/re-vegetation, invasive plant treatment/control, and soil stabilization and erosion prevention. The report shall be in accordance and consistent with the BLM and/or RFO Reclamation Policy, RMP (ROD) and Appendix 36, and the field/project level EA/EIS, as applicable. The yearly operator report would include surface disturbance and reclamation data for the previous calendar year, utilizing the BLM RFO Disturbance (As-Built) Reclamation Database. The RFO surface disturbance and reclamation database, as well as information on the database and submission of the data, will be available at: http://www.blm.gov/wy/st/en/field_offices/Rawlins/oil_and_gas.html, or by contacting the RFO, Lands and Realty, at 307-328-4200 for further information.

c. Pesticide Use Proposals shall be submitted to and approved by the BLM Authorized Officer-Weed Coordinator, prior to the application of any herbicide on the BLM lands. Pesticide Use Proposals will be tiered to the approved Reclamation Plan/Weed Management Plan.

d. Copies of daily Pesticide Application Records (required by the State of Wyoming) and Summary Herbicide Use Reports are due monthly to the BLM Authorized Officer-Weed Coordinator.

Construction:

a. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

b. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.

c. The holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way.

d. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

e. Construction over and/or immediately adjacent to existing pipelines shall be coordinated, and in accordance with, the relevant pipeline companies' policy.

f. Construction-related traffic shall be restricted to routes approved by the AO. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the AO. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the AO.

g. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the AO.

h. Fences, gates, and brace panels shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the AO.

i. When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the AO and fenced by the holder as per instruction of the AO.

j. Accumulated snow present on the ground at the outset of construction, maintenance, or reclamation activities shall be removed before the soil is disturbed and piled downhill from the disturbed area. Equipment used for any non-construction snow removal operations will be equipped with 6" shoes to ensure blades do not remove topsoil or vegetation and written approval must be obtained before snow removal related to a federal action **but** outside of designated areas is undertaken.

k. Prior to fill construction, the existing surface shall be sloped to avoid sharp banks and allow equipment operations. No fills shall be made with frozen or water saturated soils. Construction equipment shall be routed evenly over the entire width of the fill to obtain a thorough compaction.

l. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.

m. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the AO in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the AO in advance of use.

n. Remove, and clearly segregate from all other spoil, all available topsoil from constructed locations, including areas of cut and fill, and stockpile at the site for use in reclamation on all other areas of surface disturbance (roads, pipelines, etc.).

o. Drainage and runoff shall be diverted away from all new construction. All drainage structures shall simulate topographic contour lines, have a grade no greater than .5 - 1 percent, and shall release water onto undisturbed ground without causing additional and/or accelerated erosion.

p. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued and signed by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

Operations:

a. The holder shall meet Federal, State, and local emission standards for air quality.

b. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

c. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the AO.

d. The holder must be prepared to provide BLM copies of applications for and approved federal, state, and local operating permits.

e. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade six-inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.

f. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.

Reclamation:

a. The holder shall submit, in accordance with relevant EIS or AO determined dates, an annual report detailing the status of interim or final reclamation work and associated action for this ROW during the previous calendar year.

b. The holder shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts shall be removed from drainage channels as directed by the AO.

c. The holder shall construct waterbars on all disturbed areas. Waterbars are to be constructed to: (1) simulate the imaginary contour lines of the slope **(ideally with a grade of one or two percent)**; (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.

d. Temporary fencing of the reclaimed well/facilities locations for the first two growing seasons after either interim or final seeding may be required to exclude livestock and wildlife and to help ensure better re-vegetation success. Similarly, off-road vehicle prevention measures shall be employed on reclaimed locations.

e. All practicable measures will be utilized to minimize erosion and stabilize disturbed soils. Should the use or storage of hay, straw, or mulch be necessary, the holder is required to use certified weed-free hay, straw, and mulch on BLM lands.

Access Roads:

a. The holder shall furnish and install culverts of the gauge, materials, diameter(s), and length(s) indicated and approved by the authorized officer. Culverts shall be free of corrosion, dents, or other deleterious conditions. Culverts shall be placed on channel bottoms on firm, uniform beds which have been shaped to accept them and aligned to minimize erosion. Backfill shall be thoroughly compacted. No equipment shall be routed over a culvert until backfill depth is adequate to protect the culverts.

b. Surfacing shall be designed to accommodate anticipated loading and traffic volumes and shall provide for future maintenance.

c. All vehicles shall use only authorized travel routes and shall not use any other access route, such as two-track roads, trails, and pipeline rights-of-way to the drill/well pad and any ancillary facilities.

d. Two-track roads shall not be cut-off as a direct result of construction, maintenance, or reclamation of the well access road or associated well facilities.

e. All access roads and drainage control structures, whether existing or newly-constructed, shall be both constructed to resource road standards and regularly maintained in a safe and usable condition as outlined in BLM Manual, Section 9113. A regular maintenance program may include, but is not limited to: blading, ditching, culvert installation, dust control, and gravel surfacing or other activities as specified by the AO.

f. Prior to construction, road(s) shall be surveyed and staked with construction control stakes set continuously along the centerline at maximum 100-foot intervals (less where needed to be inter-visible) and at all tangent and curve control points, fence or utility crossings, and culverts. In addition to centerline stakes, slope stakes shall be placed at the top of the cut and the bottom of the fill for those portions of the road that are engineered.

g. Before proposed road construction activities begin, the topsoil must be bladed to the side of the road and stockpiled. The topsoil stockpile shall be contoured so as to prevent water ponding or flow concentration. Once the barrow ditch and the cut slopes are constructed, cleared vegetative material and topsoil that is windrowed shall be spread back onto the cut/fill slopes of the road, removing any windrows or berms remaining at the edge of the road.

h. The minimum travel-way width of the immediate access road will be 14 feet with turnouts at least 10 feet in width. No structure will be allowed to narrow the road top. The inside slope will be 4:1. The bottom of the ditch will be a smooth V with no vertical cut in the bottom. The outside slope will be 2:1 or shallower. After the road is crowned and ditched with a .03 - .05 ft/ft crown the topsoil and windrowed vegetative material shall be pulled back down on the cut slope so there is no berm left at the top of the cut slope. Turnouts will be spaced at a maximum distance of 1000 feet and will be intervisible. If the access road crosses a floodplain, the ditch shall be flat-bottomed so as to provide material to raise the road.

i. If soils along the access road route are dry during road construction, use, and/or maintenance, fresh water shall be applied to the road surface to facilitate soil compaction and minimize soil loss as a result of wind erosion.

j. Construction and surfacing of the new access road shall be complete prior to moving drilling equipment onto the well pad and the presence of heavy vehicular traffic. Compact the top foot of sub-grade to a 95% maximum density as determined by AASHTO T-99. Surface with an appropriate grade of gravel to a minimum depth of four (compacted) inches.

k. As directed by the authorizing officer, all road segments shall be winterized by providing a well-drained roadway by water baring, maintaining drainage, and any additional measures necessary to minimize erosion and other damage to the roadway or the surrounding public lands.

l. Culverts shall have a minimum of 12" of fill or 1/2 the pipe diameter, whichever is greater, placed on top of the culvert, and shall be of length sufficient to allow at least 24" of culvert to extend from the fill slope face. The inlet and outlet shall be set on grade. No rocks shall be used in the bed material and no rocks greater than 2" in diameter will be immediately adjacent to the culvert. The entire length of pipe shall be bedded on native material before backfilling, which shall be completed using unfrozen material and rocks no larger than two inches in diameter; compact the backfill evenly in 6" lifts on both sides of the culvert. A permanent marker shall be installed at both ends of the culvert to help prevent traffic from damaging the culvert. Additional culverts will be placed in the new access road as the need arises or as directed by AO. If needed, inlets and outlets of culverts will be armored with rip rap.

m. Wing-ditches shall be staked and constructed at a slope of .5 to 1.0 percent down slope unless otherwise approved by the AO. In no case shall wing-ditches discharge adjacent to a channel bank.

n. All drainage ditches and culverts shall be kept clear and free-flowing, and shall also be maintained in accordance with the original construction standards.

o. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this pipeline is **Shale Green (5Y 4/2)**.

p. No construction and/or reclamation would block or change the natural course of any drainage, nor would topsoil, waste, or fill material be deposited below high water lines in riparian areas, flood plains, or in natural drainage ways. The lower edge of soil or other material stockpiles would be located outside active floodplains. All spoils would be placed where they can be retrieved without creating additional surface disturbance and where they do not impede and/or contribute sediment to watershed and drainage flows. The holder would also reconstruct and stabilize stream channels, drainages, and ephemeral draws to exhibit similar hydrologic characteristics that were found in stable, naturally occurring and functioning systems.

q. Drainage and run-on/run-off would be diverted away from all new construction naturally or through the use of spoil material to create berms. All drainage structures would approximate topographic contour lines, have a grade no greater than 0.5 - 1 percent, would release water onto natural undisturbed ground without causing additional accelerated erosion. The use of riprap or other armoring to prevent erosion may be necessary (BLM Manual 9113). Drainage structures shall not discharge directly into/onto natural drainages/channels. Water-bars, waddles, hay bales, and/or silt fences would be used as needed to reduce surface runoff velocity and promote upland sediment deposition, thus reducing drainage/channel sedimentation and erosion.

r. Silt fences, if needed, would be installed after topsoil removal and must remain in place until reclamation is complete and there is adequate vegetation present to stabilize the soil. Silt fences would be constructed in locations where surface erosion is evident or potential for surface erosion exists such as areas of steep slopes or highly erosive soils. Fences would be installed at the inside edge of disturbance.

s. Silt fences would be constructed using metal posts that are at least 5 feet long with at least 2 feet in the ground (3 feet above ground) with 8 feet spacing if a wire re-enforcement backing is used or 6 feet spacing if no wire backing is used. The fabric is to be toed into the ground at the base of the fence a minimum of 8 inches deep and an 18 inch overlap is required when splicing two fences together. The fabric is to be installed on the uphill side of the metal posts and attached to the posts at least every 6 inches along the length of the post. Silt fences are to be inspected at least once a month or 48 hours after a rain storm event. If holes in the fence or undercutting of the fence are found, repair is required within 48 hours of discovery. When silt accumulates to a height equal to two-thirds the height of the fabric, the silt is to be cleaned out and deposited on the excess spoils pile.

t. Sediment fences, straw wattles, erosion mats, and other erosion and sediment controls would be used to minimize erosion and sediment transport on disturbance area.

U.S. Department of the Interior
Bureau of Land Management
Rawlins Field Office

August 2011

Finding of No Significant Impact (FONSI)

for

SWEPI LP
Access Road to State Well Number 4-36
Right-of-Way No.: WYW-170554
DOI-BLM-WY-030-2011-0225-EA

Finding of No Significant Impact:

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (DOI-BLM-WY-030-2011-0225 EA; August 2011), I have determined that the impacts of the Proposed Action are not expected to be significant and that an environmental impact statement is not required. The Proposed Action, which incorporates the BLM required Standard Operating Procedures and Best Management Practices, would not create effects which have sufficient context and intensity, as defined in section 7.3 of the BLM National Environmental Policy Act Handbook (Manual H-1790-1, page 70), to be considered significant.

The considerations listed in 40 CFR 1508.27(b) (1-10) were used to evaluate the intensity of the effects described in the EA:

1) There would not be an offset of potential significant adverse as a result of beneficial effects by approving the proposed action.

2) Health and safety would not be adversely affected. Solid wastes would be disposed of properly. Air and water quality would not be adversely affected (monitoring would continue and would identify any exceedance of standards). There would be no adverse Social or Economic effects.

3) Neither the Rawlins Resource Management Plan (RRMP) and the Green River Resource Management Plan (GRRMP) review nor interdisciplinary review found unique characteristics in the geographic area which would be adversely affected.

4) Interdisciplinary review found no indication to which the effects on the quality of the human environment would likely be highly controversial.
5) The effects of constructing an access road, well pad, pipeline, and drilling a well as

the Proposed Action describes are well known. There would not be high uncertainty of the effects, nor unique or unknown risks.

6) The degree to which the proposed action would establish a precedent for future actions with significant effects or would represent a decision in principle about a future consideration would be minimal.

7) The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

8) There would be no significant adverse effects to resources with scientific, cultural, or historic value.

9) There would be no significant effect to habitat for threatened or endangered species. Construction timing restrictions would minimize or prevent adverse effects to other wildlife species and their habitat.

10) Approving the Proposed Action would not violate any Federal, State, or local laws or regulations imposed for the protection of the environment.

Authorized Official: *DRAFT* Date: _____
Rawlins Field Manager

Decision Record

for

SWEPI LP
Access Road to State Well Number 4-36
Lease No.: WYW-170554
DOI-BLM-WY-030-2011-0225-EA

Decision:

I have reviewed this Environmental Assessment (EA) including the analysis and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below would not have a significant impact on the human environment (see FONSI for this EA (DOI-BLM-WY-030-2011-0225-EA)). It is my decision to select the proposed action, with the mitigation measures identified below.

Rationale for Decision:

The proposed action meets the standards and direction of the various guiding laws, regulations, and directives that apply, including the Federal Land Policy and Management Act (43 USC 35).The proposed action meets the decisions from, and is in conformance with, the Rawlins Resource Management Plan (RRMP) approved on December 24, 2008 and the Green River Resource Management Plan (GRRMP) approved on August 8, 1997. Adoption of the proposed action would allow the applicant to develop their fluid mineral leases.

Mitigation Measures/Remarks:

This project would be implemented with all Standard Operating Procedures (SOP's), Best Management Practices (BMP's), and mitigation measures as described and/or referenced in the EA. All required SOP's, BMP's, and mitigation measures are part of the proposed action and can be located in the application for the Proposed Project, Plan of Development (POD), and Terms and Conditions in the grant for the Access Road to State Well Number 4-36.

Compliance and Monitoring:

Designated Bureau of Land Management personnel would monitor and review operations as needed to ensure compliance with the terms and conditions of the application, POD, and Terms

and Conditions.

Appeal:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining A Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.

2. The likelihood of the appellant's success on the merits.

3. The likelihood of immediate and irreparable harm if the stay is not granted.

4. Whether the public interest favors granting the stay.

Authorized Official: *Draft* Date: _____
Rawlins Field Manager