



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Rock Springs Field Office  
280 Highway 191 North  
Rock Springs, Wyoming 82901



**FINDING OF NO SIGNIFICANT IMPACT**

**Baxter Natural Gas Exploratory Proposal**

Based on our review of the analysis in the Baxter Natural Gas Exploratory Proposal Environmental Assessment (June 2008), I have determined that the Proposed Action is in conformance with the approved land use plan and will not have any significant impacts on the human environment. Therefore, an environmental impact statement is not required. Further explanation of the finding is provided below.

The Environmental Assessment (EA) shows that adverse impacts to air quality, cultural resources, water resources, special status species, geology and minerals, paleontology, soil resources; vegetation, wildlife and fisheries, range resources, recreation, socioeconomics, visual resources, transportation, land use, fire management, and noise would all be minor and short term. Potentially positive economic impacts may result for the company as well as the local and state governments from the authorization of this proposal.

The Green River Resource Management Plan (RMP) (BLM 1997) provides for the use of these public lands for oil and natural gas development. The Proposed Action is in conformance with this land use plan, and an amendment to the RMP would not be necessary to implement the Proposed Action.

Approval:

  
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Rock Springs Field Manager

19 June 2008  
Date

**DECISION RECORD FOR  
BAXTER NATURAL GAS EXPLORATORY PROPOSAL  
EA NUMBER: WYW040EA08171**

**SUMMARY OF THE EXPLORATORY DEVELOPMENT PROPOSAL**

Devon Energy Production Company, L.P. (Devon) proposes to construct, drill, and complete the federally administered minerals located on lease numbers WYW-153235 and WYW-173891. Devon submitted two Applications for Permit to Drill (APDs) to the BLM Rock Springs Field Office (RSFO) in November, 2006 in Section 28, Township 13 North, Range 106 West, and in Section 5, Township 14 North, Range 105 West, 6th Principal Meridian. There are no production facilities associated with this proposal. Total combined potential disturbance for the well sites and access roads is estimated at 10.97 acres.

**DECISION**

It is the decision of the Rock Springs Field Manager to approve the Devon proposal as defined below. Approval allows the authorization of the necessary permits and rights-of-way on public lands administered by the BLM to implement this project. Approval is conditioned upon and subject to the following requirements:

- Devon will implement the BLM Conditions of Approval (Attachment 1) and Applicant-committed Environmental Protection Measures (Attachment 2) provided in this Decision Record,
- The Rock Springs Field Manager or designee is the Authorized Officer (AO) for this project. Mitigation and monitoring measures may be modified by the AO as necessary to further minimize impacts. Final mitigation and monitoring requirements will be determined by the AO after reviewing the results of on-site inspections conducted by BLM and the Operator, and recommendations from BLM resource specialists. BLM may require additional field studies or documentation to ensure that reclamation and other resource protection goals are met.

The decision to approve Devon's proposal takes into account important management considerations, Federal Agency missions, and the public's need for oil and gas. The decision attempts to balance these considerations with the degree of adverse impact to the natural and physical environment. The development effort will help meet the public needs for oil and gas while at the same time allowing humans to coexist with nature in a way that allows the least degree of irreversible and irretrievable commitment of resources. The long-term productivity of the area would neither be lost nor substantially reduced as a result of approving this proposal.

**RATIONALE FOR THE DECISION**

The decision to approve Devon's proposed development was based on the following factors:

### **1. Consistency with the Green River Resource Management Plan (BLM 1997):**

The lands where the proposed wells will be located are available for oil and gas leasing under the Green River RMP, and the proposed action is in conformance with the planning direction developed for this area. The objective for oil and gas management decisions described in the Green River RMP is to “provide for leasing, exploration, and development of oil and gas while protecting other resource values.”

### **2. National Policy:**

Private exploration and development of federal oil and gas leases are an integral part of the Bureau of Land Management’s oil and gas leasing program, under the authority of the *Mineral Leasing Act of 1920* and the *Federal Land Policy and Management Act of 1976*.

The United States continues to rely heavily upon foreign energy sources. Oil and gas leasing encourages development of domestic oil and gas reserves and reduces the United States’ dependence on foreign energy supplies. A primary propose of the *Energy Policy Act of 2005* is to increase domestic production of oil and natural gas.

### **3. Agency statutory requirements:**

The decision is consistent with all federal, state, and county authorizing actions required for implementing the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered.

### **4. Relevant resource and economic considerations:**

Project environmental impacts to resources identified in the EA were determined to be minor and were deemed acceptable. Selection of the Proposed Action allows Devon to extract oil and gas from their lease as provided in 43 Code of Federal Regulations (CFR) 3101.1-2. Potential future development and production of the Proposed Action are anticipated to result in positive economic benefits, while minimizing the potential for significant impacts to the environment.

### **5. Application of measures to avoid and minimize environmental harm:**

Federal environmental protection laws such as the Clean Air Act, the Clean Water Act, the National Historic Preservation Act, and Endangered Species Act apply to all public lands and are included as part of the standard oil and gas lease terms. The adoption of the appropriate Best Management Practices, Applicant Committed Mitigation Measures, (Attachment 2 of this decision), and mineral lease stipulations represent the best means to avoid or minimize environmental impacts.

### **6. Finding of no significant impacts:**

Significance is formally defined by 40 CFR 1508.27 as having two aspects: context and intensity. Based upon the analysis of potential environmental impacts contained within the EA, the BLM Authorized Officer has determined that the Proposed Action, with implementation of the Applicant Committed Mitigation Measures and Conditions of Approval would not cause a significant impact to the quality of human environment. Therefore, an Environmental Impact Statement is not necessary.

### **7. Public comments, coordination, and consultation:**

The BLM scoping process included two public comment periods. The first was a 10-day scoping period from December 5 to December 15, 2007. The second was a 30-day public comment period from January 10, 2008 to February 10, 2008. During the two comment periods 49 letters were received, which included a total of 353 comments. Comments were received from the general public, environmental

organizations, and federal, state, and local governments. The summarized comments and BLM's responses are in Appendix C of the EA.

#### **8. Consistency with the purpose and need for the proposed action.**

The purpose of the proposed exploration is to exercise the lease holders' rights to drill for, extract, and market hydrocarbon resources. National mineral leasing policies, and the regulation by which they are enforced, recognize the statutory right of lease holders to develop the federal mineral resources to meet continuing national needs and economic demands so long as undue and unnecessary environmental degradation is not incurred.

#### **ALTERNATIVES CONSIDERED**

The EA analyzed the anticipated impacts of the proposed action and no action alternative.

**Proposed Action:** The proposed action is to drill two exploratory gas wells on BLM-administered public lands within Sweetwater County, Wyoming. The proposal includes the following actions:

- Construction of well pads;
- Construction access roads;
- Drilling, testing, and completion of the wells;
- After completion, the wells would be either shut in pending further action or plugged, abandoned, and reclaimed.

**No Action:** For this project the No Action Alternative is the denial of the drilling and development proposal submitted by Devon. Under this alternative the existing land uses would continue in the project area, with no other development proposed for the area at this time, nor any anticipated in the reasonably foreseeable future, although it is acknowledged that, with the potential for hydrocarbon resources within the analysis area, it is reasonable that the natural gas resources may be developed some time in the future. If and when such proposals are formalized, they would be subjected to analysis under the National Environmental Policy Act (NEPA).

#### **ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

No additional alternatives beyond those described in the EA were considered.

#### **COMPLIANCE AND MONITORING**

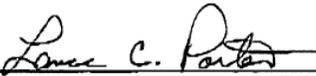
Devon and the BLM will provide qualified representatives on the ground during project implementation to validate construction, reclamation, other approved design, and compliance commensurate with the provisions of the Decision Record. Devon will be required to conduct monitoring of the project in coordination with the BLM. Devon will monitor reclamation to ensure that revegetation meets acceptable standards (Gold Book 2007). Appropriate remedial action will be taken by Devon in the event unacceptable impacts are identified.

#### **APPEAL**

This decision is subject to appeal. Under BLM regulation, this decision is subject to administrative review in accordance with 43 Code of Federal Regulations (C.F.R.) 3165. Any request for administrative

review of this decision must include the information required under 43 C.F.R. 3165.3(b) (State Director Review), including all supporting documentation. Such request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 83003, within 20 business days of the date such notice of decision was received or considered to have been received.

**SIGNATURE**

  
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Rock Springs Field Manager

19 June 2008  
Date

## ATTACHMENT 1

### Conditions of Approval

1. This authorization is contingent upon receipt of and compliance with all appropriate federal, state, county and local, permits.
2. Verbal notification shall be given to the Authorized Officer's representative at least 48 hours in advance of access road/well pad construction, seeding, and the initiation of any reclamation work, including the reduction of the drill pad to a well pad.
3. The spud date will be reported orally to the Authorized Officer's representative 48 HOURS PRIOR TO SPUDDING, unless otherwise required in site specific conditions of approval.
4. Verbal notification shall be given to the Authorized Officer's representative at least 24 hours in advance of formation tests, Blowout Prevention Equipment tests, running and cementing casing (other than conductor casing), and drilling over lease expiration dates.
5. Drilling progress reports shall be filed directly to the Rock Springs Field Office on a weekly basis.
6. All Blow-out Prevention Equipment shall be isolated from the casing and tested to stack working pressure.
7. All Blow-out Prevention Equipment tests shall be performed by a suitable test pump, not the rig-mud pumps, and recorded on a chart. The chart shall be submitted to the Rock Springs Field Office.
8. When crossing private surface 43 CFR 3814 regulations must be complied with and when crossing public surface off-lease the operator must have an approved rights-of-way agreement.
9. The operator is responsible for informing all persons associated with this project that they shall be subject to prosecution for damaging, altering, excavating or removing any archaeological, historical, or vertebrate fossil objects or sites. If archaeological, historical, or vertebrate fossil materials are discovered, the Operator is to suspend all operations that further disturb such materials and immediately contact the Authorized Officer. Operations are not to resume until written authorization to proceed is issued by the Authorized Officer.

Within five (5) working days, the Authorized Officer will evaluate the discovery and inform the Operator of actions that will be necessary to prevent loss of significant cultural or scientific values. The Operator is responsible for the cost of any mitigation required by the Authorized Officer. The Authorized Officer will provide technical and procedural guidelines for the implementation of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the Operator will be allowed to resume operations.

10. The Operator shall notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. The Operator shall immediately stop all activities in the vicinity of the discovery and protect it until notified to proceed by the Authorized Officer

11. The operator shall be responsible for the prevention and suppression of fires on public lands caused by its employees, contractors or subcontractors. During conditions of extreme fire danger, surface use operations may be limited or suspended in specific areas.
12. A Sundry Notice must be submitted and approved prior to cuttings pit closure or reclamation work. An additional Sundry Notice (subsequent report) must be submitted including the date of initial seeding and a copy of the seed tags used for each well location.
13. The Operator must comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Materials (Hazmat), as defined in this paragraph, that will be used, produced, transported, stored on or within any of the area affected by this proposal, or used in the construction, operation, maintenance, or termination of operations. "Hazardous Materials" means any substance, pollutant, or contaminant that is listed as hazardous under the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq. The definition of hazardous substance under CERCLA includes any "Hazardous Waste" as defined in the Resource Conservation and Recovery Act of 1976, and also includes any nuclear or byproduct as defined by the Atomic Energy Act of 1954, as amended. 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

The Operator 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 CERCLA, 42 U.S.C. 9601, et seq. or RCRA, 42 U.S.C. 6901 et seq.) resulting from the Proposed action (unless the release or threatened release is wholly unrelated to the Proposed Action). This agreement applies without regard to whether a release is caused by the Operator, its agent, or unrelated parties.

14. Construction activity shall not be conducted using frozen or saturated soil material, or during periods when watershed damage is likely to occur.
15. Rat and mouse holes shall be filled and compacted from the bottom to the top immediately upon release of the drilling rig from the location.
16. All vehicles shall use only authorized access roads, as depicted in this approval. Vehicles shall not use any other access route into the drill/well pad and any ancillary facilities including, but not limited to any two-tracks and pipeline rights-of-way.
17. The lease holder shall be responsible for control of all invasive/noxious weed species on any and all disturbed sites. The lease holder is responsible for consultation with the BLM Authorized Officer and/or local authorities for acceptable weed control methods, and shall comply with the following:

Use of pesticides/herbicides shall comply with all applicable Federal and State laws. Pesticides/herbicides shall be used only in accordance with their registered uses, within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides/herbicides, the lease holder shall obtain from the Authorized Officer, written approval of a Pesticide/Herbicide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) of chemicals used must have completed the pesticide/herbicide certification training and have a current up-to-date Certified Pesticide/Herbicide Applicator's License.

18. All graveling of roads and well pad turn-around areas must be completed no later than one (1) year, after the completion of drilling activities.
19. Any disturbance outside of the construction corridors for roads must have prior written approval.
20. Prior to any new surface-disturbing activities between February 1 and July 31, Devon or their contractor would survey all areas within one mile of proposed surface disturbance for the presence of raptor nests. If occupied/active raptor nests are found, construction would not occur between a ½ to 1-mile radius during the critical nesting season, depending on raptor species.
21. There is a no surface disturbance stipulation for the South Well from November 15 to April 30 for big game crucial winter range.

The lease holder may request an exception in writing to the above stipulation. Any exceptions to the stipulation must be approved in writing by the AO prior to conducting any surface disturbing activities or prior to conducting activities disruptive to wildlife. The exception request must explain the reason(s) for the exception, why the proposed activities will not impact the species or their habitat, and the dates for which the exception is requested. Data supporting the exception must accompany the written request.

22. The recommended seed mix for the proposal area is shown below. These species are suitable to the area and have the best chance to successfully revegetate disturbed areas. Reseeding should be completed after September 1 and prior to ground frost, or after frost has melted and prior to May 15. Fall seeding after the potential for germination is the preferred method. Additional seeding may be necessary in order to attain successful revegetation where soils are stable and vegetative composition and establishment are similar to other naturally occurring disturbances. At that time BLM determines the reclamation is acceptable for bond release.

**SEED MIX A – Loamy Clay**

Grasses – USE ALL

	lbs/acre
Thickspike wheatgrass	6
Indian ricegrass	2
Sandberg bluegrass or Bluebunch wheatgrass	6
Bottlebrush squirreltail	2

Shrubs – USE TWO, (in winter range – use big sagebrush)

	lbs/acre
Basin or Wyoming big sagebrush	1
shadscale	1
winterfat	2
Gardners saltbush	2
Four wing saltbush	2

Forbs – USE TWO

	lbs/acre

scarlet globemallow	½
lupine	½
blue flax	¼
Rocky Mountain penstemon	1/2

**SEED MIX B – Sandy**

Grasses – USE ALL

	lbs/acre
Needle and thread grass	6
Thickspike wheatgrass	6
Indian ricegrass	3
Bottlebrush squirreltail	2
Bluebunch wheatgrass	2

Shrubs – USE TWO, (in winter range – use big sagebrush)

	lbs/acre
shadscale	1
spiny hopsage	1

Forbs – USE TWO

	lbs/acre
Northern Sweetvetch	½
Louisiana (Prairie) sagebrush	½

23. All reclamation shall be completed in accordance with Onshore Order No. 1.

The lease holder may request an exception in writing to the above Conditions of Approval. Any exceptions to the Conditions of Approval must have prior written approval from the AO. The exception requests must explain the reason(s) for the exception, and the conditions that exist that would no longer require the Conditions of Approval. All data supporting the exception must accompany the written request.

Decisions on waivers, exceptions, or modifications submitted after drilling has commenced are final and are not subject to administrative review by the State Director or appeal pursuant to 43 CFR part 4.

## ATTACHMENT 2

### **Applicant-Committed Environmental Protection Measures**

The following list summarizes applicant-committed environmental protection measures that would be implemented by Devon to avoid or minimize environmental impacts.

#### **Air Quality**

- Members of the construction and drilling crew would be encouraged to car pool to and from surrounding towns to minimize vehicle emissions.
- Devon would comply with EPA and Wyoming Department of Environmental Quality standards for drill rig engines.

#### **Cultural/Paleontological Resources**

- If cultural or paleontological resources are discovered during construction and drilling activities, all activity within the immediate area of impact would cease. Devon would immediately notify BLM of the find. The BLM and Wyoming State Historic Preservation Office representatives would then determine how to avoid impacting the site or artifact.
- The North Well pad and associated equipment will be placed in an area where it is not visible from the Cherokee Trail.

#### **Water Quality**

- Devon has agreed to use a closed-loop system at the two proposed well locations, since the well sites are located in groundwater recharge areas.
- Drilling cuttings will be buried onsite, in accordance with state and federal regulatory requirements.

#### **Erosion and Sedimentation Control**

- Erosion-control measures would be implemented, as needed, during construction to prevent soil movement into nearby drainages.
- No cross-country travel would be allowed; and all vehicles would be restricted to permitted roads and approved ROWs.
- Employees and contractors would be instructed to travel at appropriate speeds to limit disturbance to soils and vegetation, and to minimize the potential for vehicle-wildlife and vehicle-vehicle collisions.
- Devon would apply water to access roads and well pads, as directed by the BLM Authorized Officer to reduce dust (Also applicable for air quality).
- At the end of well completion and testing, all surface facilities would be removed and all disturbed areas that are not used would be re-contoured and reseeded.

- Devon will prepare and follow a Storm Water Pollution Prevention Plan and Surface Use Plan. A copy of the approved plan would be available at the RSFO, and will be available on site. (Also applicable to water quality).

### **Vegetation Resources**

- To reduce the spread/introduction of noxious and invasive weed species from vehicles and equipment to the well sites, employees and contractors would not be allowed to drive off-road (unless on approved ROWs).
- A noxious weed control management program would be implemented to prevent or control the spread of noxious weeds at the proposal site.

### **Wildlife Protection**

- Devon would comply with all BLM decisions / approvals concerning the restriction of construction and drilling activities, as designated by BLM wildlife stipulations.
- To reduce the potential for wildlife-vehicle collisions, Devon would require their employees and contractors to always drive at safe speeds.
- No dogs / pets would be allowed at the well sites.
- No firearms would be allowed at the well sites.
- Employees and contractors are prohibited from harassing, shooting, maiming, or killing wildlife in the proposal area.

### **Public/Crew Safety**

- Devon would take all necessary precautions for the protection and safety of the public during construction and drilling. Warning signs would be posted along roads to inform the public of construction activities.
- To further facilitate coordination with local emergency services, Devon would provide mapped locations of the proposed drilling locations and times to the respective emergency services personnel, as applicable, in advance of any exploration drilling activities. In addition, Devon would have cell phones or radios onsite, as appropriate, to provide immediate communication to emergency services.
- Local emergency telephone numbers and GPS coordinates would be posted at drilling locations.
- Vehicle traffic would be limited to existing roads and trails and approved ROWs. Vehicles would travel within set speed limits of main access roads and at slower speeds appropriate for conditions on more remote roads and trails.
- At a minimum, all crew members would comply with the Occupational Safety and Health Administration (OSHA) rules and regulations.

### **Road Maintenance**

- Devon will be responsible for road repair and/or improvements as needed on the existing BLM access roads in accordance with BLM road standards.

### **County Road Maintenance**

- Devon will provide maintenance services to County Road 34 and 36, in addition to those services already provided by the County, as needed, to prevent problems from developing associated with this proposal.
- There is currently no gravel on these roads, which receive very little traffic. The time of year, weather conditions, and amount of traffic will determine if Devon will place gravel along portions of the county roads to maintain access.
- Devon will maintain the condition of the County Roads during construction, drilling, completion and other associated activities. Devon will return the condition of the road to original or better condition with maintenance or repair.
- Devon will place erosion control features at key points along the road in order to prevent sediment movement into nearby streams as associated with this proposal, if road/weather conditions require it during implementation of the proposal.
- Devon will provide dust control to the county roads, if needed.
- Devon will be required to place signage along County Road 34 to alert local traffic to "Heavy Truck Traffic" near the entrance to the proposed access road for Rubicon 16-5-14-105 (North Well).
- Devon will provide snow removal as it relates to the proposed activity in addition to the regularly scheduled snow removal provided by the county.
- All services provided by Devon will be coordinated with and approved by Sweetwater County through a permit. If requested, road maintenance services will be coordinated with Sweetwater County.

### **Fire Protection**

- Vehicles with catalytic converters would be restricted to existing roads and trails. Parking or idling would not be permitted in portions of roads or trails with tall vegetation.
- The following operational procedures would be followed to prevent fires:
  - All brush build-up around mufflers, radiators, heater-treaters, and other engine parts would be avoided; periodic checks would be conducted to prevent this build-up.
  - All personnel would be advised that smoking is only allowed in company vehicles and/or designated smoking areas; and that all cigarette butts should be placed in appropriate containers and not thrown on the ground or out windows of vehicles.
  - All personnel would be advised that campfires or uncontained fires of any kind are prohibited.

- The crew contingency plan would include a fire communications protocol for contacting fire-fighting personnel.

**Noise**

- All vehicles and construction equipment would be appropriately muffled to minimize construction- and drilling-related noise.