

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

SECTION 390 CATEGORICAL EXCLUSION FOR OIL AND GAS DEVELOPMENT

Mesa's 6 New Wells on the F01 Location.

DOI-BLM-CO-N05-2015-0010-CX
DOI-BLM-CO-N05-2015-0011-CX
DOI-BLM-CO-N05-2015-0012-CX
DOI-BLM-CO-N05-2015-0013-CX
DOI-BLM-CO-N05-2015-0014-CX
DOI-BLM-CO-N05-2015-0015-CX

Identifying Information

Project Title: Mesa's 6 New Wells on the F01 Location.

Legal Description: T1S R99W Section 1 Lot 7

Applicant: Mesa Energy Partners

Casefile/Project Number: COC-62815

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values." (page 2-5)

Proposed Action

Project Components and General Schedule

Mesa Energy Partners (Mesa), the operator of the Buckhorn Draw unit, is proposing to add an additional six wells to the 6606A F01 199 location on federal surface lands (Figure A). This location currently has two producing gas wells on the location: Buckhorn Draw Unit (BDU) 6606A F01 199 and the BDU 1-2-199. The addition of the six wells would not require any additional disturbance outside the original disturbance of the existing location (which is approximately 4.3 acres). Pipeline and road infrastructure also already exist for the location. A closed loop system would be used for drilling with a dry cuttings trench. The interim reclamation was initiated for the location at approximately 1.6 acres with vegetation established. Two out of the six APDs have been submitted, BDU 1-4-199 and BDU 1-8-199. The other four wells will be submitted in the near future, BDU 1-3-199, 1-1-199, 1-1B-199, and 1-7-199. Drilling is anticipated to start the beginning of March with fracking and completion operations to follow potentially in the fall.

Design Features

1. Mesa will treat the access road and well pad with fresh water during construction and drilling activities so that there is not a visible dust trail behind vehicles. Mesa Energy has identified about 1,000 barrels of water per year for this purpose. A Mesa representative will monitor the condition of the access road and well pad during construction and drilling activities and order fresh water applications as needed, so that there is not a visible dust trail behind vehicles. The use of chemicals as a dust suppressant on BLM lands will require prior written approval from BLM.
2. If any fossils are discovered during construction, the operator shall cease construction immediately and notify the AO so as to determine the significance of the discovery.
3. Mesa is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. Mesa will make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. Mesa, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
4. Pursuant to 43 CFR 10.4(g), the operator/holder/applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43

CFR 10.4(c) and (d), the operator/holder/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

5. Comply with all Federal, State and/or local laws, rules, regulations, statutes, standards and implementation plans. This includes, but is not limited to, Onshore Orders, Surface Use Plans, State and Rio Blanco County permits.
6. Effectively coordinate with existing facility ROW holders.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

If already committed to by the operator in Design Features or SUPO then removed from the below list.

1. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
2. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Categorical Exclusion Review

The Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #1: *“Individual surface disturbances of less than five acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to the NEPA has been previously completed.”*

The BLM NEPA Handbook (H-1790-1) provides specific instructions for using this CX.

1. Is surface disturbance associated with the Proposed Action less than five acres?

The disturbance will all be within the original footprint of the pad (approximately 4.3 acres). Interim reclamation had been initiated (approximately 1.6 acres). No new surface disturbance beyond the original footprint. The approximate acreage that had initiated interim reclamation to be disturbed again is approximately 2.7 acres.

2. Is there less than 150 acres of surface disturbance, including the Proposed Action, on the entire leasehold?

Acreage for COC-62815 disturbance was calculated using GIS and 2013 NAIP imagery on November 17, 2014. The total disturbance was approximately 17.6 acres, well below the 150-acre limitation.

3. Is the Proposed Action within the boundaries of an area included in a site-specific NEPA document? (The NEPA document must have analyzed the exploration and/or development of oil and gas (not just leasing) and the action/activity being considered must be within the boundaries of the area analyzed in the environmental assessment (EA) or environmental impact statement (EIS). The NEPA document need not have addressed the specific permit or application being considered.)

The original site-specific NEPA (DOI-BLM-CO-110-2009-0174-EA) was signed on October 26, 2009 for the 6606A F01 199 well. Then, for the other producing well on the location, BDU 1-2-199, a Section 390 CX was completed on July 7, 2010. The disturbance does not go outside the boundaries from the original disturbance.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on November 18, 2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	11/28/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	11/18/2014
Heather Woodruff	Ecologist	Special Status Plant Species	12/3/2014
Joseph David	Planning and Environmental Coordinator	NEPA Compliance	2/2/2015

Cultural Resources: The well pad location has been inventoried at the Class III (100 percent pedestrian) level (Conner *et al.* 2009 compliance dated 6/14/2009), with no cultural resource identified on the well pad location. There should be no new impacts to any known cultural resources within 1,000 feet (305 meters) of the new wells.

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resource Concerns: The proposed cuttings trenches for the new wells are located in an area generally mapped as the Uinta Formation (Tweto 1979), which the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation, indicating that it is known to produce scientifically noteworthy fossil resources (c. Armstrong and Wolny 1989). Excavation of cuttings trenches into the underlying sedimentary rock has the potential to impact fossil resources. Any impacts to the fossil resources that might be present could represent a permanent, long term, irreversible and irretrievable loss of individual fossil resources and loss of data from the regional paleontological database. The potential loss is proportional to the surface area excavated for the cuttings trenches.

Threatened and Endangered Wildlife Species: Wildlife-related effects determinations and the wildlife species/habitat evaluated in the parent document (DOI-BLM-CO-110-2009-0174-EA) remain valid and current. Mitigation strategies imposed on pad, pipeline, and access activities also remain relevant, although the timing limitation buffer applied to this Proposed Action has been modified to reflect the use of the existing pad and access.

Threatened and Endangered Plant Species: The original parent NEPA document (DOI-BLM-CO-110-2009-0174-EA) addressed Special Status Plant Species (SSPS) concerns in the area of the F01 location. However, since 2009, there have been updates to White River Field Office (WRFO) SSPS GIS data and there have been updated SSPS surveys for the area surrounding the F01 location.

The Proposed Action occurs in the vicinity of mapped occupied and suitable SSPS habitat, as well as potential habitat. The SSPS that occur in the area are *Physaria congesta* Dudley Bluff bladderpod and *Physaria obcordata* Dudley Bluffs twinpod, both are protected by the Endangered Species Act. Portions of the existing access road are directly adjacent to recently mapped suitable habitat that was mapped in 2012 by WestWater Engineering (WestWater 2012). There is additional mapped suitable habitat 926 meters to the south of the F01 location that was surveyed in 2014 by a BLM summer employee. The nearest occupied habitat is 2,447 meters to the southeast of the F01 location. The drainage area to the west of the F01 location shows no past or present SSPS surveys and that area is mapped as potential habitat for *Physaria* spp. It is unknown at this time whether either of the *Physaria* spp. inhabits the area west of the F01 location.

At this time, no additional surveys for SSPS are required, because Mesa Energy Partners depicted no additional disturbance would be occurring outside the original footprint of the F01 location and they agreed to increase dust mitigation for the project. However, if ground disturbance does expand outside of the original F01 location or access road footprint, operations must cease until SSPS surveys can be performed during the proper survey window, which will be during the blooming season.

References cited:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Conner, Carl E., Nicole Darnell, Barbara J. Davenport, and Dakota Smith

2009 Class III Cultural Resource Inventory Report: Seven Proposed Well Locations and Related Linear Routes in the Buckhorn Draw Unit (F01-199, F11-199, Ho7-198, G26-199, J15-199, M09-299, G11-199) in Rio Blanco County, Colorado for EnCana Oil and Gas (USA) INC. Grand River Institute, Grand Junction, Colorado. (09-11-23: OAH #RB.LM.R1162)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

WestWater Engineering

2012 Biological Survey Report WPX Energy BCU 24-36-199 Well Pad and Adjoining Pipeline. Report submitted to the Bureau of Land Management – White River Field Office.

Mitigation

1. Gate on the access road of the location is to remain locked at all times except during times of high activity on the location.
2. Retention and maintenance of a permanent travel lane is not authorized along the pipeline corridor from its intersections with RBC Road 24X northeast to its intersection with the RBC Road 122 corridor. On these segments, the proponent will be responsible for installing physical controls to effectively deter unauthorized vehicle use along the right-of-way, as well as the controls' continuous maintenance, and, at a minimum, annual monitoring to assess the controls' efficacy and/or need for enhancing the means for vehicle control. Annual monitoring reports and documentation of maintenance activity will be forwarded to the BLM WRFO Authorized Officer by September 30 of each year.
3. No well, pad, road, or pipeline development, including clearing, construction, drilling, fracking, and completion activities, are allowed on the F01 location between 1 April and 15 May, unless it is established that no raptor nests exist within 150 meters of the existing pad margins. WRFO raptor nest timing limitations (TL-04, April 1-15 August) may be applied to lands within 200 meters of any nest that is occupied by 15 May.
4. If ground disturbance does expand outside of the original F01 location or access road footprint, operations must cease until SSPS surveys can be performed during the proper survey window, which will be during the blooming season.

5. Any excavations into the underlying native sedimentary rock must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

Tribes, Individuals, Organizations, or Agencies Consulted

Colorado SHPO 6/26/2009

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy of 2005.

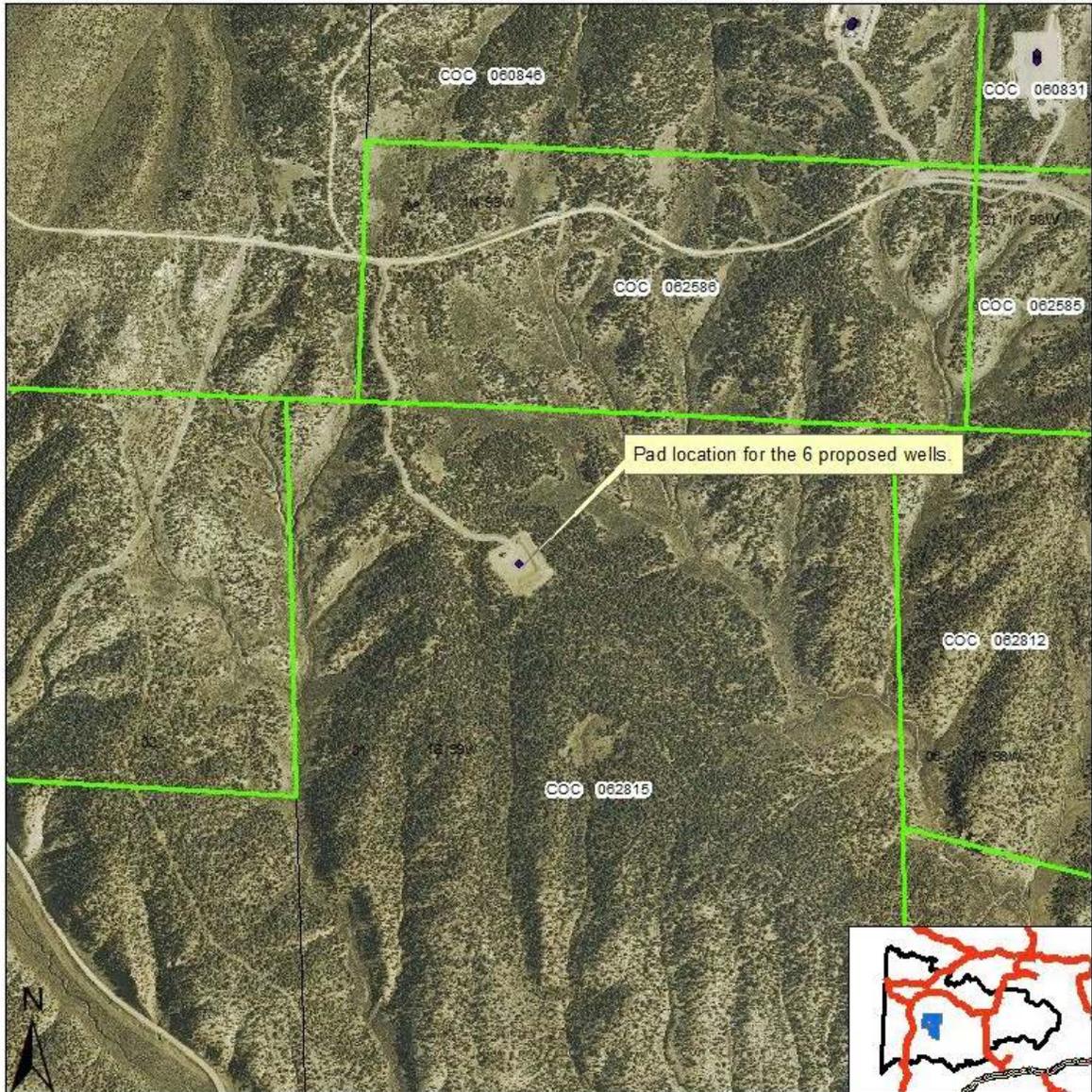


Field Manager



Date

Appendix A - Figure



Legend

 Lease Boundaries

0 0.275 0.55 Miles



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Figure 1: Map depicting the location of the proposed wells.