

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**

*Entek Focus Ranch Unit 12-1 Road Re-route.*  
**DOI-BLM-CO-N05-2015-0041-CX**

**Identifying Information**

**Project Title:** Entek Focus Ranch Unit 12-1 Road Re-route.

**Legal Description:** T.11N R.88W Section 3

**Applicant:** Entek GRB LLC

**Casefile/Project Number:** COC-63212A

**Issues and Concerns**

- There is an existing access road to this well; however, this was established prior to Entek acquiring the well/unit and the previous operator had a surface use agreement with the land owner, while Entek currently does not.
- The existing road, as well as the proposed re-route, crosses greater sage-grouse habitat and falls within 0.25-mile of a Columbian sharp-tail grouse lek.

**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:** Little Snake Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** October 2011

**Decision Language:** The proposed action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

- Allow for the availability of the federal oil and gas estate (including coalbed natural gas) for exploration and development. Objectives for achieving these goals include:

- Identify and make available the federal oil and gas estate (including coalbed natural gas) for exploration and development.
- Facilitate reasonable, economical, and environmentally sound exploration and development of oil and gas resources (including coalbed natural gas).

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Although the Proposed Action does fall within the 0.25-mile Columbian sharp-tail grouse lek NSO for oil and gas development and operation, it qualifies under the Criteria for Exceptions, Modification, or Waivers.

- Intensity and duration of surface disturbance: Exceptions are more likely to be granted for short term disturbances that have little impact on habitat quality.

## **Proposed Action**

### ***Project Components and General Schedule***

Entek GRB LLC, in order to access the FRU Federal 12-1 well (Appendix A, Figure 1), is proposing a 0.6-mile re-route of the access road. This road would be located just north of the existing access road. The re-route would leave the existing road just southeast of the FRU Federal 3-1 well and then join back with the existing road a little more than a half-mile to the east (Appendix A, Figure 2). The travel surface would be a running surface of 14-16 feet. The proposed constructed width would be approximately 40 feet, with barrow ditches and back slopes at a 3:1. The proposed road segment would have an approximate disturbance of 2.94 acres. The road would be engineered to meet BLM Gold Book and BLM Manual 9113 standards.

The well access road goes through an area within 0.25-mile of a Columbian sharp-tail grouse lek. The road re-route would be constructed outside the lekking/nesting season for both greater sage-grouse and Columbian sharp-tailed grouse, with the company having a timing limitation that does not allow them to construct, drill or undergo completion activities until July 1<sup>st</sup>. In addition, previous location Conditions of Approval for the Focus Ranch Unit Geographic Area Plan would be imposed that limit post-development well site visits to between the hours of 9:00AM and 4:00PM from March 1 to May 31.

### ***Design Features***

1. Road will be engineered and the engineered plan will be submitted to the BLM upon final completion of the necessary surveys.
2. Construction, maintenance and reclamation will not be performed when the ground or topsoil is frozen or too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil will be deemed too wet.
3. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the AO. The AO will inform the operator as to the work needed to determine the following:

- a. Whether materials appear eligible for the National Register of Historic Places;
- b. The mitigation measures the operator will likely have to undertake before the site can be used (assuming in site preservation is not necessary); and,
- c. A timeframe for the AO to complete an expedited review to acquire the State Historic Preservation Officer's concurrence that the findings of the AO are correct and that mitigation is appropriate.

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

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. 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. The applicant 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. The applicant, 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.
3. Pursuant to 43 CFR 10.4(g), the 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 must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. Due to the presence of well-developed soils in the project area, an archaeological monitor will be required during construction of the access road over its entire length.
5. 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.
6. 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 surface disturbance related to the Proposed Action is approximately 2.94 acres.*
2. Is there less than 150 acres of surface disturbance, including the Proposed Action, on the entire leasehold?  
*Federal Lease COC-059491 has approximately 17.3 acres of disturbance related to oil and gas, calculated with the use of aerial photography. When including the Proposed Action, the total disturbance on the lease is 20.24 acres - well under the 150 acres.*
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 site-specific environmental document DOI-BLM-CO-N010-2013-0016-EA analyzed APDs within the same unit, as well as potential routes to re-establish the Federal 3-1 and 12-1. The access route to the Federal 12-1 analyzed in the previous EA was not the same route as the Proposed Action and was not approved.*

### **Interdisciplinary Review**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on March 3, 2015. 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	5/21/2015
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	5/12/2015
Heather Woodruff	Ecologist	Special Status Plant Species	4/6/2015
Ryan Snyder	Natural Resource Specialist	Project Lead	5/26/2015
Joe David	Planning and Environmental Coordinator	NEPA Compliance	5/29/2015

**Cultural Resources:** The proposed reroute road segment has been inventoried at the Class III (100 percent pedestrian) level (Murray 2015) with no cultural resources identified within the inventoried area. However, approximately 400 meters of the road was not inventoried due to the land owners refusal to allow access for inventory. While it is unlikely that there are cultural resources on the lands that were not inventoried, there are no guarantees that no resources are present. Further, due to the potential for well-developed soils in the area, there are no guarantees that subsurface remains are not present in the project area. Therefore, the BLM will require a monitor of all ground disturbing activities associated with construction of the road over its entire length.

**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.

**Threatened and Endangered Wildlife Species:** A Columbian sharp-tailed grouse lek is located about 325 meters (0.20-mile) from the nearest point of the proposed road reroute. No surface occupancy would generally be allowed within a 0.25-mile radius of the Columbian sharp-tailed grouse lek site. The circumstances under which this action is being authorized are considered sufficient to warrant an exception to the NSO stipulation. Although about 100 meters of the proposed access encroaches the NSO buffer, it remains a minimum 325 meters from the lek. In contrast, the proposed access reroute would be more distant than about 75 percent of the established well access (517 of 678 meters), which lies as close as 175 meters to the lek. The proposed road reroute is considered the best of available alternatives and, in conjunction with the imposed timing limitation, imposes little additive influence on lek habitat conditions. Leks are central to the birds' reproductive activities, and the entire project area is encompassed by Columbian sharp-tailed grouse production habitat (i.e., nesting and early brood-rearing habitat).

The proposed project area lies within 1.9 to 2.4 miles of several active sage-grouse leks that support substantial numbers of birds (over 100 males). The project area is wholly encompassed by sage-grouse priority habitat and is mapped as production habitat (i.e., nesting and early brood-rearing habitat). The project would involve the long term occupation of about 2.8 acres of sagebrush nesting habitat.

Application of the RMP-approved timing restrictions (see mitigation below) would confine disruptive development activity to timeframes outside the nesting and early brood-rearing periods of both grouse. These measures would help prevent nest failures attributable to road construction and intensive well development activities (e.g., drilling, completions) and minimize

disruption of reproductive activity from routine maintenance and production access over the life of the well.

The project area is also located within an elk production area normally subject to a timing limitation from April 16 to June 30. This timing restriction period coincides with the grouse nesting timing limitations and is considered superfluous in application. There are no raptors known to nest in areas subject to disruptive influences attributable to proposed oil and gas development.

**Threatened and Endangered Plant Species:** There are no special status plant species issues or concerns associated with the Proposed Action.

References cited:

Murray, Susan

2015 Class III Cultural Resource Inventory Report for the Entek Energy GRB LLC focus Ranch Unit 12-1 Alternate road @ in Routt County, Colorado. Western Archaeological Services, Rock Springs, Wyoming. (12.3.2015: OAH #MF.LM.NR164)

## Mitigation

1. All vehicles and construction equipment will be cleaned using compressed air or high-pressure water spraying equipment prior to use to reduce the potential for introduction of noxious weeds or other undesirable non-native species. The wash/blow down will concentrate on tracks, feet, or tires and on the undercarriage, with special emphasis on axles, frame, cross members, motor mounts, and on underneath steps, running boards, and front bumper/brush guard assemblies.
2. An intensive weed monitoring and control program will be implemented beginning the first growing season after interim and final reclamation.
3. Monitoring will be conducted at least annually during the growing season to determine the presence of any state-listed noxious weeds. Noxious weeds that have been identified during monitoring will be promptly treated and controlled. A Pesticide Use Proposal (PUP) will be submitted to BLM for approval prior to the use of herbicides *on public land (surface) only*.
4. The BLM recommended seed mix for interim and final reclamation on the Entek Focus Ranch Unit 12-1 Road Re-route should be as follows. However, for final reclamation it is recommended that mountain sagebrush be substituted in for squirreltail at 0.05 lbs./pls.

Plant Species	Lbs. of Pure Live Seed (PLS)/Acre
Western wheatgrass	2
Slender wheatgrass	2
Bluebunch wheatgrass	2
Mountain brome	1
Squirreltail	1

Western yarrow	0.5
Scarlet globemallow	0.5
Arrowleaf balsamroot	0.5
<b>Total</b>	<b>9.5</b>

- Final seedbed preparation will consist of contour cultivating to a depth of 4 to 6 inches within 24-hours prior to seeding.
  - Seed Application, seeding will be conducted no more than 24 hours following completion of final seedbed preparation.
  - The application rate shown in the table is based on 45 pure live seeds (PLS) per square foot, drillseeded to a depth of 0.25 to 0.5 inch. (However, brush species will be seeded during the winter on the ground surface or preferably on top of snow.) In areas that will not be drill-seeded, the seed mix will be broadcast-seeded at twice the application rate shown in the table and covered 0.25 to 0.5 inch deep with a harrow or drag bar or will be broadcast-seeded into imprints, such as fresh dozer cleat marks.
  - No seeding will occur from May 15 to September 15. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing. Spring seeding will be conducted after the frost leaves the ground and no later than May 15.
5. All seed tags will be submitted via Sundry Notice (SN) to the designated Natural Resource Specialist within 14 calendar days from the time the seeding activities have ended. The SN will include the purpose of the seeding activity (i.e., seeding well pad, cut and fill slopes, seeding pipeline corridor, etc.). In addition, the SN will include the road identification number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his/her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, the total acres seeded, an attached map that clearly identifies all disturbed areas that were seeded, and the date the seed was applied.
6. Actions would be taken by the proponent to ensure that reclamation standards are met as quickly as reasonably practical. Reclamation monitoring would be documented in an annual reclamation report submitted to the Authorized Officer (AO) by December 31. Any time 30% or more of a reclaimed area is re-disturbed, monitoring would be reinitiated. A self-sustaining, vigorous, diverse, native plant community would be established on the site, with a density sufficient to control erosion and non-native plant invasion and able to reestablish wildlife habitat or forage production. At a minimum, the established plant community would consist of species included in the seed mix and/or desirable species occurring in the surrounding natural vegetation. No single species would account for more than 30% total vegetative composition unless it is evident at higher levels in the adjacent landscape. Permanent vegetative cover would be determined successful when the basal cover of desirable perennial species is at least 80% of the basal cover of the adjacent undisturbed area.

7. No surface disturbing activities attributable to the proposed project may be conducted from March 1 to June 30 in order to avoid disrupting Columbian sharp-tailed grouse nesting and early brood-rearing functions.
8. No surface disturbing activities attributable to the proposed project may be conducted from March 1 to June 30 in order to avoid disrupting greater sage-grouse nesting and early brood-rearing functions.
9. Routine, schedulable, and non-emergency use of the proposed access road over the life of the well would be confined on a daily basis to the hours after 9am and prior to 4pm during the Columbian sharp-tailed and greater sage-grouse lekking season (March 1 to May 31).

### **Tribes, Individuals, Organizations, or Agencies Consulted**

Colorado SHPO, 5/2015

### **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.

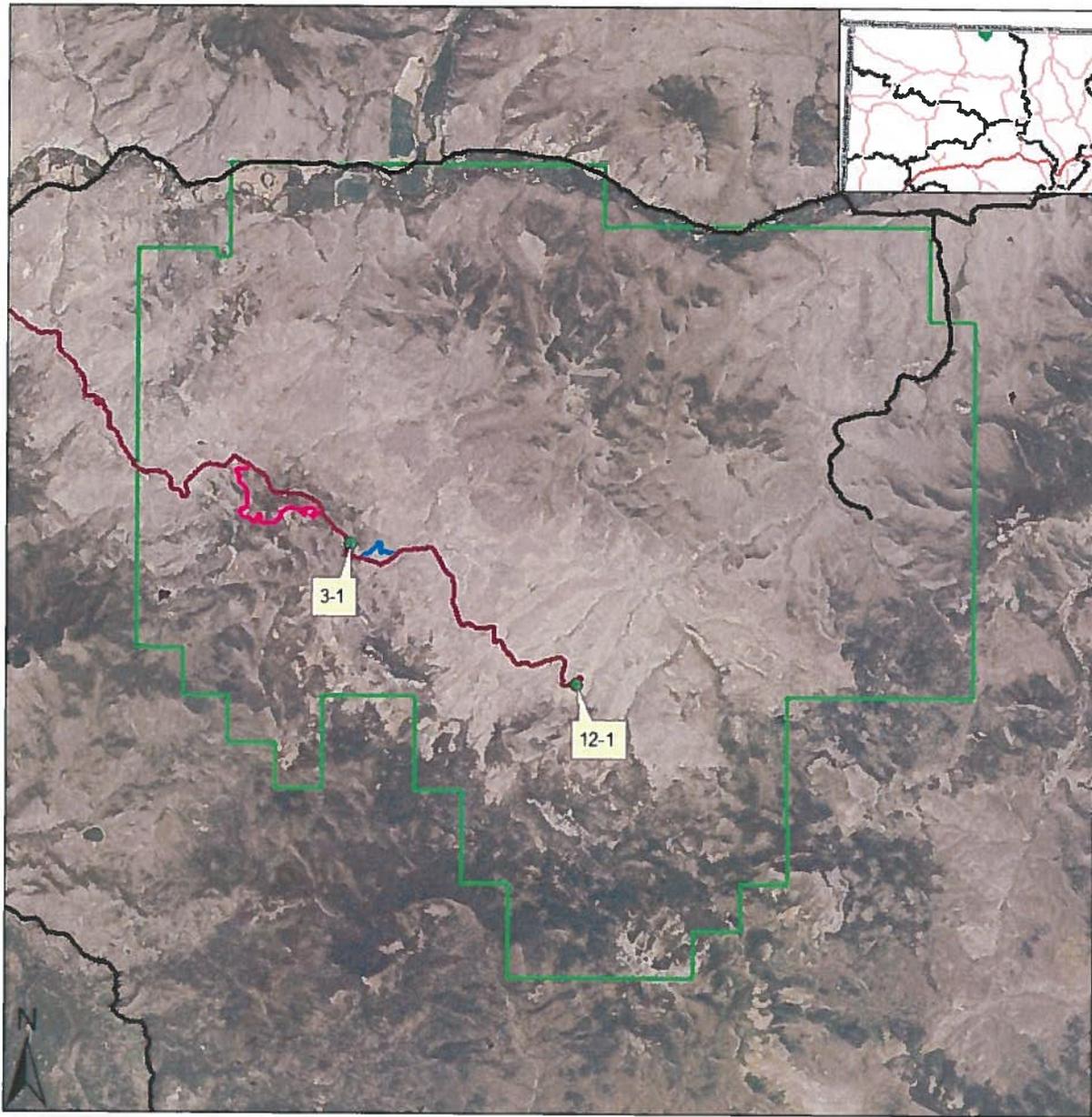
*Kent E. Walter*

Field Manager

*06/02/2015*

Date

# Appendix A. Figures



### Legend

- Preferred Reroute
- 2013-14 Re-Route
- Existing Road
- County Roads
- Focus Ranch Unit

0 1 2 4 Miles

NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATION USE WITH OTHER DATA.



Bureau of Land Management  
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Figure 1: Overview map of the Focus Ranch Unit with the Proposed Action.

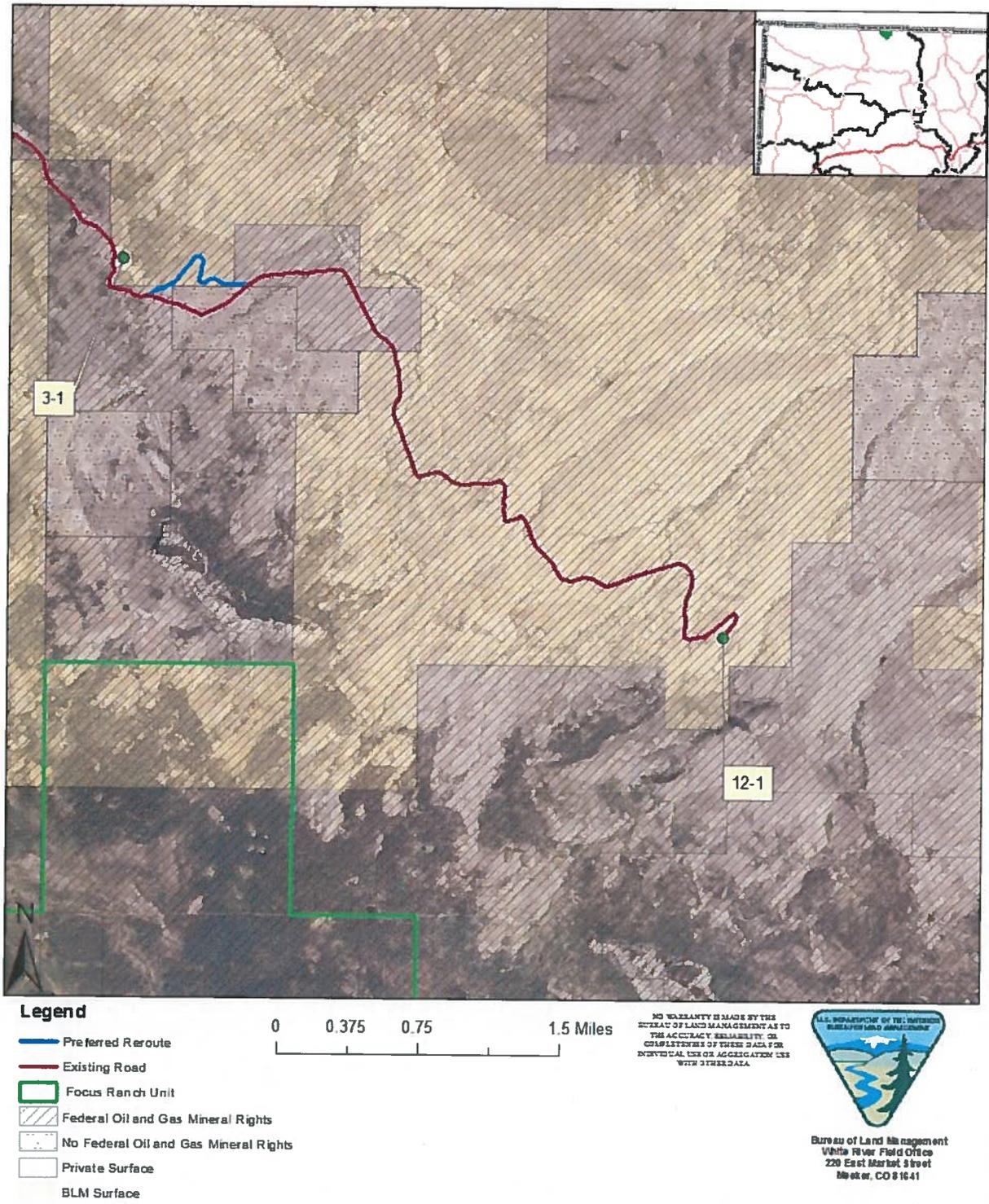


Figure 2: Map depicting the location of the Proposed Action.