

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

Upgrade Stormwater Controls on Whiting's Equity Federal 1-7 Well DOI-BLM-CO-N05-2015-0112-CX

Identifying Information

Project Title: Upgrade Stormwater Controls on Whiting's Equity Federal 1-7 Well

Legal Description: T2N R102W Section 7

Applicant: Whiting Oil and Gas Corporation

Casefile/Project Number: COC 028490

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), as amended by the White River Field Office Oil and Gas Development Approved Resource Management Plan Amendment (ROD/RMPA)

Date Approved: July 1997, amended August 2015

Decision Language: "Make federal oil and gas resources available for leasing and development in a manner that provides reasonable protection for other resource values." (ROD/RMPA, page 2-34)

Proposed Action

Project Components and General Schedule

Surface inspections of Whiting Oil and Gas Corporations' Equity Federal 1-7 have shown evidence of erosion gullies and head cuts along the edge of the well pad and access road, threatening the stability of the production pad. Whiting proposes to construct stormwater control features to minimize surface erosion on and off the location. This well is on BLM surface in Rio Blanco County, CO (Figure 1).

Stormwater features to be installed include a rice mat geotextile, detention basins, riprap and berms. This work would take place on approximately 1.1 acres, just outside of the existing production pad (Figure 2).

Whiting would like to construct the features in the fall of 2015, although construction could take place anytime allowed by the permit.

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. 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.
5. 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, #5: “*Maintenance of a minor activity, other than any construction or major renovation of a building or facility.*”

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on August 4, 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	9/30/2015
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	8/11/2015
Heather Woodruff	Ecologist	Special Status Plant Species	8/5/2015
Tracy Perfors	Natural Resource Specialist	Project Lead	9/30/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	9/30/2015

Cultural Resources: The well pad area has been inventoried at the Class III (100 percent pedestrian) level with no cultural resources identified within a ten acre area (Shanks 2015 compliance dated 9/28/2015). There will be no impacts to any known cultural resources. However, there is always a potential for previously unidentified subsurface remains that might be impacted though the probability in this area is quite low.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by 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: There are no wildlife-related issues or concerns that pertain to the proposed action. The project site is largely barren or heavily entrenched with invasive annuals. Prairie dogs, as a BLM-sensitive species and habitat base for BLM-sensitive burrowing owl or reintroduced black-footed ferret, are not known to occupy the immediate project vicinity. The proposed work is low intensity, localized, and short term and

represents typical ongoing field maintenance activities that pose no cumulative influence on big game distribution or seasonal habitat use.

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

Reference Cited

Shanks, Bryan

2015 Class III Cultural Resource Survey of Whiting Oil and Gas Corporation’s existing Equity Federal #1-7, Rio Blanco County, Colorado. Woods Canyon Archeological Consultants, Inc., Cortez, Colorado. (15-71-01: OAH # RB.LM.NR2433)

Mitigation

1. The Operator will submit a sundry notice via the Well Information System (WIS) a minimum of 48-hours prior to commencing construction and/or reclamation work.
2. The operator must coordinate with the livestock grazing permittee (Morapos Sheep Co) authorized to graze livestock within the project area a minimum of 72 hours prior to construction activities associated with this permit. Livestock grazing permittee contact information may be found at www.blm.gov/ras/ or by contacting the WRFO Range staff (970-878-3800). The operator will provide the grazing permittee the location, nature, and extent of the anticipated activity being completed.
3. All culverts will be 18 inches (or larger) corrugated steel or corrugated plastic. Only undamaged culverts are to be used, and the operator will inspect any culvert for damage prior to installation.
4. All disturbed areas shall be promptly (at the first appropriate seeding window between September 1 and February 29) seeded with Native Seed Mix #1 (see below). The elevation and vegetation community for this location are: alkaline slopes and 5,400 ft in elevation. It is recommended that this site be seeded in accordance with the WRFO Surface Reclamation Plan (Appendix D). If an alternate date of seeding is requested, contact the designated Natural Resource Specialist prior to seeding for approval. Seed mixture rates are Pure Live Seed (PLS) pounds per acre. Drill seeding is the preferred method of application and drill seeding depth shall be no greater than ½ inch. If drill seeding cannot be accomplished, seed should be broadcast at double the rate used for drill seeding, and harrowed or raked into the soil.

Seed Mix	Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
1	Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4.5
	Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>	3.5
	Toe Jam Creek	Bottlebrush Squirreltail	<i>Elymus elymoides</i>	3

	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5
	Winterfat	<i>Krascheninnikovia lanata</i>	1

5. Use seed that is certified and free of noxious weeds. 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 notification will include the purpose of the seeding activity (i.e., seeding well pad cut and fill slopes, seeding pipeline corridor). In addition, the notification will include the well or well pad number or right-of-way case file number associated with the seeding activity, if applicable, the name of the contractor that performed the work, his or 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. The operator must meet the following reclamation success criteria, and these standards apply to both interim and final reclamation:
 - a) Self-sustaining desirable vegetative groundcover consistent with the site Desired Plant Community (DPC) (as defined by the range site; WRFO Assessment, Inventory, and Monitoring (AIM) protocol site data (BLM TN 440); ecological site; or an associated approved reference site) is adequately established, as described below, on disturbed surfaces to stabilize soils through the life of the project.
 - b) Vegetation with 80 percent similarity of desired foliar cover, bare ground, and shrub and/or forb density in relation to the identified DPC. Vegetative cover values for woodland or shrubland sites are based on the capability of those sites in an herbaceous state.
 - c) The resulting plant community must have composition of at least five desirable plant species, and no one species may exceed 70 percent relative cover to ensure that site species diversity is achieved. Desirable species may include native species from the surrounding site, species listed in the range/ecological site description, AIM data, reference site, or species from the BLM approved seed mix. If non-prescribed or unauthorized plant species (e.g., yellow sweetclover, *Melilotus officinalis*) appear in the reclamation site, BLM may require their removal.
 - d) Bare ground does not exceed the AIM data, range site description, or if not described, bare ground will not exceed that of a representative undisturbed DPC meeting the Colorado Public Land Health Standards.
7. Application of herbicides shall comply with the WRFO Integrated Weed Management Plan.
8. All equipment that may act as a vector for weeds must be cleaned before entering the project area.

9. Pesticide Use Proposals (PUPs) will be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds.
10. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
11. All seed, straw, mulch, or other vegetative material to be used on BLM lands will comply with United States Department of Agriculture (USDA) state noxious weed seed requirements and must be certified by a qualified Federal, State, or county office as free of noxious weeds. Any seed lot with test results showing presence of State of Colorado A or B list species will be rejected in its entirety and a new tested lot will be used instead. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis for the life of the project until Final Abandonment has been approved by the Authorized Officer.
12. In order to track reclamation of actions related to the development of Federal mineral resources, the operator shall provide the designated Natural Resource Specialist (NRS) or Realty Specialist with geospatial data in a format compatible with the WRFO's geographic information system (GIS) (i.e., point or polygon features). These data will be used to accurately locate and identify all geographic as-built (i.e., constructed and design implemented) features associated with this project.
 - a. These data shall be submitted within 60 days of construction completion. If the operator is unable to submit the required information within the specified time period, the operator shall notify the designated NRS or Realty Specialist via email or phone, and provide justification supporting an extension of the required data submission time period.
 - b. GIS polygon features may include, but are not limited to: full well pad footprints (including all stormwater and design features), constructed access roads/widths, existing roads that were upgraded/widths, temporary use areas, and pipeline corridors.
 - c. Acceptable data formats are: (1) corrected global positioning system (GPS) files with sub-meter accuracy or better; (2) ESRI shapefiles or geodatabases; or (3) AutoCAD .dwg or .dxf files. If possible, both (2) and (3) should be submitted for each as-built feature. Geospatial data must be submitted in UTM Zone 13N, NAD 83, in units of meters. Data may be submitted as: (1) an email attachment or (2) on a standard compact disk (CD) in compressed (WinZip only) or uncompressed format. All data shall include metadata, for each submitted layer, that conforms to the Content Standards for Digital Geospatial Metadata from the Federal Geographic Data Committee standards. Questions shall be directed to WRFO BLM GIS staff at (970) 878-3800. If the operator is unable to send the data electronically, the operator shall submit the data on compact disk(s) to the designated NRS or Realty Specialist.
 - d. Internal and external review of the reporting process and the adequacy of the

associated information to meet established goals will be conducted on an on-going basis. New information or changes in the reporting process will be incorporated into the request, as appropriate. Subsequent permit application processing may be dependent upon successful execution of this request, as stated above.

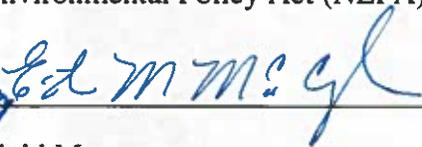
13. Surface disturbance and vehicular travel will be limited to the approved location and approved access route. Any additional area needed will be approved in advance via Sundry Notice (Form 3160-5).
14. All access roads and the pipeline ROW will be treated with water and/or a BLM-approved chemical dust suppressant during construction and drilling activities so that there is not a visible dust plume behind vehicles. All vehicles will abide by company or public speed restrictions during all activities. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Only water needed for abating dust should be applied; dust abatement should not be used as a water disposal option under any circumstances.
15. Any erosion features (e.g., rilling, gullyng, piping, or mass wasting) that are the result of this action and are located either on or adjacent to the surface disturbance will be addressed immediately after observation by contacting the Natural Resource Specialist/Realty Specialist and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

Tribes, Individuals, Organizations, or Agencies Consulted

History Colorado (State Historic Preservation Office) 10/2/2015

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.



ACTING
Field Manager

10/1/15

Date

Appendix A. Figures

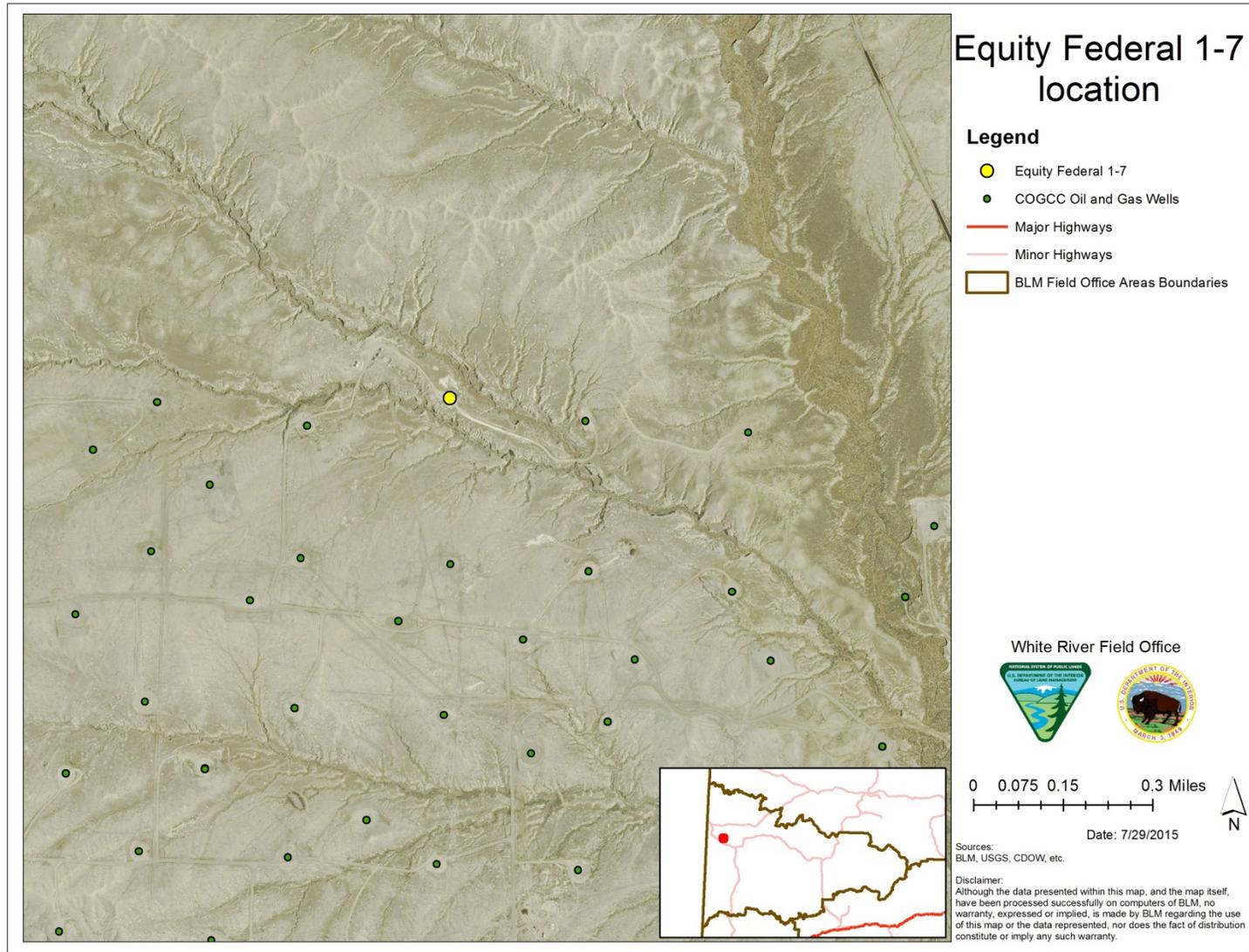


Figure 1: Map depicting location of the Equity Federal 1-7 well.

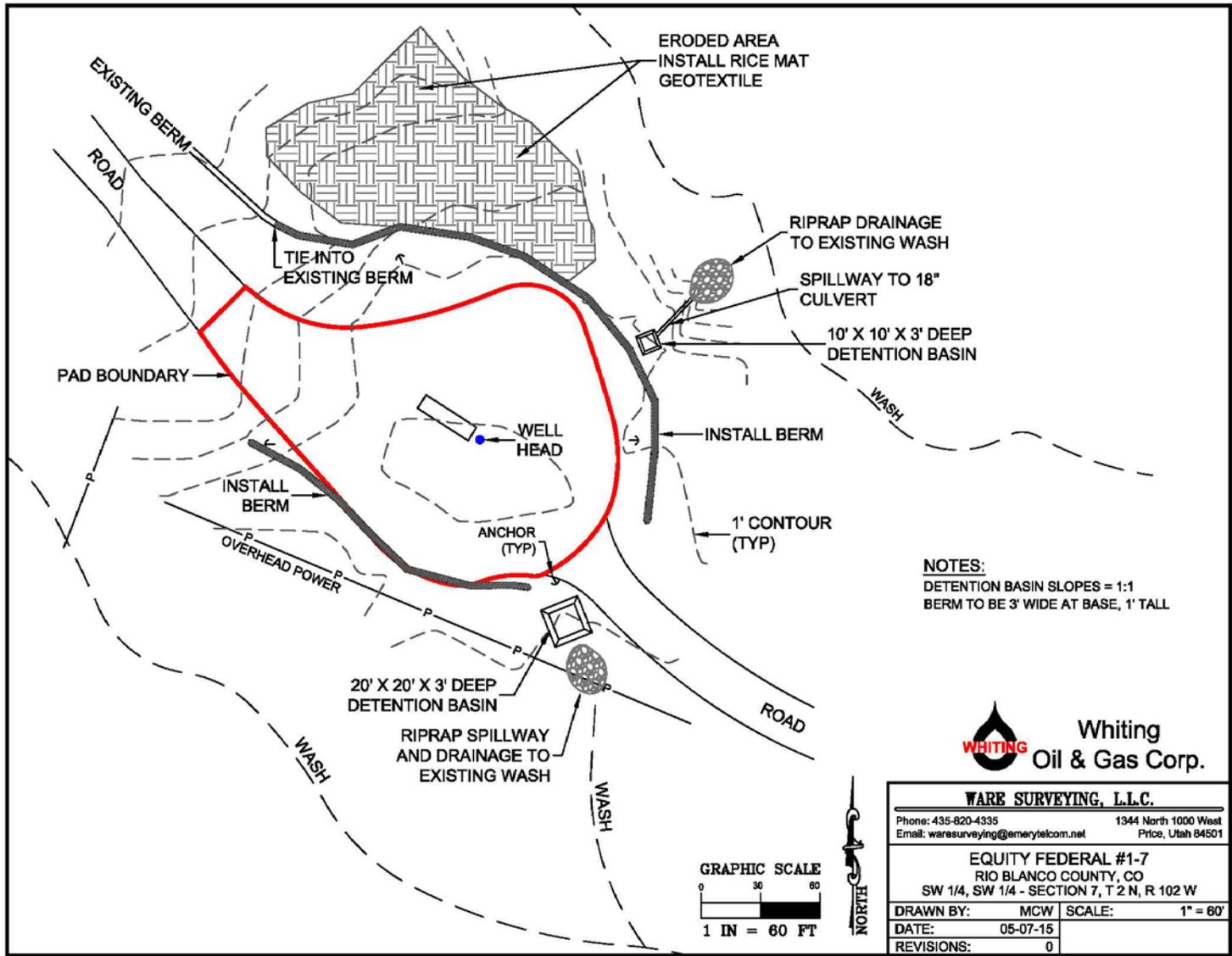


Figure 2: Diagram depicting stormwater features proposed for construction.

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DECISION RECORD

Upgrade Stormwater Controls on Whiting's Equity Federal 1-7 Well **DOI-BLM-CO-N05-2015-0112-CX**

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0112-CX, authorizing the construction, operation and maintenance of stormwater control features around Whiting's Equity Federal 1-7 well.

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

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Mitigation Measures

1. The Operator will submit a sundry notice via the Well Information System (WIS) a minimum of 48-hours prior to commencing construction and/or reclamation work.
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 15. Any erosion features (e.g., rilling, gully, piping, or mass wasting) that are the result of this action and are located either on or adjacent to the surface disturbance will be addressed immediately after observation by contacting the Natural Resource Specialist/Realty Specialist and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Public Involvement

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on August 4, 2015. No comments or inquiries have been received.

Rationale

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. Installation of stormwater controls should decrease erosion and increase reclamation success around the Equity Federal 1-7 well pad.

Monitoring and Compliance

On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CRF Part 4.

Signature of Authorized Official

Est M Mcgil
Field Manager

10/1/15
Date