

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**DOI-BLM-UT-G010-2016-0019-CX
EOG Chapita Wells 1183-10 Site Repair and Reclamation**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
170 South 500 East



Categorical Exclusion
DOI-BLM-UT-G010-2016-0019-CX
EOG Chapita Wells 1183-10 Site Repair and
Reclamation

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Vernal Utah

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Chapter 1. Categorical Exclusion Rationale

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A. Background

BLM Office:

Vernal Field Office

Lease/Serial/Case File No.: UTU-0281

Proposed Action Title

Proposed borrow area for Chapita Wells 1183-10 flood damage site repair and reclamation plan.

Location of Proposed Action:

NESW quarter of Sec 10., Township. 9 South., Range. 22 East.

Description of Proposed Action: EOG proposes to use 3.34 acres adjacent to the Chapita Wells 1183-10 well site as a borrow site to repair flood damage to the pit area of the well pad. EOG also requests to reclaim and reseed damaged site and borrow area with a seed mix appropriate to the area.

B. Land Use Plan Conformance

Land Use Plan Name: Vernal Field Office RMP/ROD (October 31, 2008)

Date Approved/Amended: October 31, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The RMP/ROD decision allows leasing of oil and gas while protecting or mitigating other resource values (RMP/ROD p. 97-99). The Minerals and Energy Resources Management Objectives encourage the drilling of oil and gas wells by private industry (RMP/ROD, p. 97). The RMP/ROD decision also allows for processing applications, permits, operating plans, mineral exchanges, leases on public lands in accordance with policy and guidance and allows for management of public lands to support goals and objectives of other resources programs, respond to public requests for land use authorizations, and acquire administrative and public access where necessary (RMP/ROD p. 86). It has been determined that the proposed action and alternative(s) would not conflict with other decisions throughout the plan.

C. Compliance with NEPA:

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment.

The applicable Categorical Exclusion, referenced in 516 DM 11.9 I(1). This reference states an EA or EIS may not be required for, *“Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management approved condition as a result of the event. Such activities shall be limited to:*

repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. .”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I have reviewed the project described above and field office staff recommendations (attached) and I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

D. Approval and Contact Information

Jerry Kenczka,
Assistant Field Manager

2/11/2016

Contact Person

Melissa Wardle
Vernal Field Office
170 S. 500 E.
Vernal Utah 84078
(435) 781-3413

Appendix A.

A.1. Extraordinary Circumstances Documentation

A.1.1. Categorical Exclusion Rationale

CX Number:	DOI-BLM-UT-G010-2015-0105-CX
Date:	12/15/2015
Lease/Case File/ Serial Number:	UTU-0281
Regulatory Authority (CFR or Law):	43 CFR Part 46.21011

Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: Public health and safety would not be affected by this action. The proponent will abide by all safety procedures for proper use of their equipment as required by law.

Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	JOSEPH ISLAS / GEOLOGIST
	X	Joseph Islas, Geologist
	X	Melissa Wardle, Natural Resource Specialist

Rationale: There are no unique geographic characteristics; historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; or other ecologically significant or critical areas within the proposed project area per cultural reports, BLM GIS database layers, and onsite observations. No lands designated as Areas of Critical Environmental Concern, Wilderness Study Areas, Monuments, or other areas of special designation are located within the proposed project area, and the proposed project would not impact any specially designated lands. Migratory birds are present in the project area; however, the proposed project is not expected to significantly impact migratory bird habitat, forage, or nesting areas.

Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: Similar projects to the proposed action have occurred in adjacent areas with similar resources present; the impacts of these projects are well-known and demonstrated in other projects that have been implemented and monitored.

Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: The proposed project is similar to many other proposed gas well drilling projects near the project area. The consequences of the proposed action can generally be predicted based on the consequences of similar actions, and these consequences are well established as insignificant.

Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: The proposed action is not connected to another action that would require further environmental analysis and would not set a precedent for future actions that would normally require environmental analysis.

Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: The proposed project is not expected to have a direct relationship to other actions that will cumulatively have a significant environmental effect. Other actions in the project area that are directly related to the proposed action also have insignificant environmental impacts, and the combined impact of these projects and the proposed action is not expected to be significant.

Section 1.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	Nicole Lohman, Archaeologist

Rationale: Previous surveys that partially cover the project area have been conducted and no cultural materials were identified within the previous survey areas. As a condition of approval, additional Class III cultural surveys will be completed covering the entire proposed project area before construction begins. Under the Greater Chapita Wells EIS (2009) the BLM consulted with the Utah State Historic Preservation Office (SHPO) on January 13, 2004. SHPO provided no comments. All appropriate mitigation measures have been applied through the Conditions of Approval for this project.

Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Christine Cimiluca, Botanist
	X	Brandon McDonald, Wildlife Biologist

Rationale:

Threatened, Endangered, Candidate, Proposed or BLM Sensitive Wildlife: Formal Section 7 Consultation has already been completed under the Greater Chapita Wells EIS (2009). A biological Opinion was received from the USFWS July 10, 2007. Threatened and Endangered Species review has occurred through the well onsite as well as BLM GIS data. All appropriate mitigation measures have been applied through the Conditions of Approval for this project. No coordination with the Utah Division of Wildlife Resources was required or requested.

Threatened, Endangered, Candidate, Proposed, or BLM Sensitive Plants: The Project Area is not within designated Critical Habitat for threatened or endangered plant species. The Project Area is within the potential habitat polygon established for threatened plant species Uinta Basin hookless cactus (*Sclerocactus wetlandicus*) and Pariette cactus (*S. brevispinus*). A clearance survey of the Project Area has not been completed; a full clearance survey and BLM review would be required before ground disturbing activities could occur. If plants are present within the survey buffer, additional avoidance and mitigation measures may be required. The nearest known population of plants is located approximately 1,700 feet from the Project Area. Suitable habitat for additional threatened, endangered, candidate, proposed or BLM sensitive plant species is not Present in the Project Area. Formal Section 7 Consultation was previously completed under the Greater Chapita Wells EIS (2009), and a Biological Opinion (BO) was received on July 10, 2007. All applicable conservation measures from the BO would be applied as Conditions of Approval (COA) on this project.

Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: The proposed action would not violate any county or state statutes. Formal Section 7 Consultation with USFWS for Threatened and Endangered species has been completed under the Greater Chapita Wells EIS (2009); the proposed project would not violate the Endangered Species Act. Onsite observations, BLM GIS, and air quality studies/modeling data have shown that the proposed project will not violate the Clean Air Act, Clean Water Act, or Migratory Bird Act.

Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: Low income or minority populations are not present in the project area. Low income or minority populations would not receive disproportionately high or adverse human health or environmental effects from the proposed action. Health and environmental statutes would not be compromised by the proposed action.

Section 1.11 Native American Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Native American religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	Nicole Lohman, Archaeologist

Rationale: Tribal consultation was conducted under the Greater Chapita Wells EIS (2009). No Traditional Cultural Properties (TCPs) are identified within the APEs. The proposed project would not hinder access to or use of Native American religious sites. A full Class III cultural survey will be completed, submitted to the BLM, and approved by the Utah State Historic Preservation Office (SHPO) as a condition of approval.

Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Melissa Wardle, Natural Resource Specialist

Rationale: Under the Greater Chapita Wells EIS (2009) the operator would control noxious/invasive weeds adjacent to applicable facilities by the application of herbicides or by mechanical removal until reclamation is considered to be successful by the authorized officer (AO) and the bond for the well is released. A list of noxious weeds would be obtained from the BLM or the appropriate county extension office. On BLM-administered land, the operator would submit a Pesticide Use Proposal and obtain approval prior to the application of herbicides, other pesticides, or possible hazardous chemicals.

Jerry Kenczka,
Assistant Field Manager

2/11/2016

Appendix B. Surface Conditions of Approval

General Conditions under Categorical Exclusion for Emergency Stabilization

- Shall be completed within one year following the event
- Shall not include the use of herbicides or pesticides
- Shall not include the construction of new roads or other new permanent infrastructure;
- Shall not exceed 4,200 acres;
- May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources;
- Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract

Cactus

- Within suitable habitat. site inventories will be conducted to determine occupancy, in adherence with all BLM and FWS protocols. A complete site inventory of the Project Area will be completed, and results of the site inventory will be submitted to the BLM botanist or Authorized Officer (AO) before ground disturbing activities can occur. Based on the site inventory results, additional mitigation measures may be applied by the BLM botanist or AO.
- Only water (no chemicals, reclaimed production water or oil field brine) will be used for dust abatement measures within all cactus habitats.
- Dust abatement will be employed in suitable *Sclerocactus ssp.* habitat over the life of the project during the time of the year when *Sclerocactus ssp.* species are most vulnerable to dust-related impacts (March through August) within all cactus habitats.
- Seed mixes used for reclamation seeding on this project will exclude introduced and non-native species.
- Erosion control measures (i.e. silt fencing) will be implemented to minimize sedimentation to *Sclerocactus ssp.* plants and populations located down slope of proposed surface disturbance activities when working in all cactus habitats.
- From one year of the date forward of 100% *Sclerocactus* clearance survey for this project, spot checks will be conducted and approved for all planned disturbance areas on an annual basis. (The *S. brevispinus* survey period is defined as mid-March to June 30, and the *S. wetlandicus* survey period is defined as anytime without snow cover prior.) Results of spot checks may require additional pre-construction plant surveys as directed by the BLM. If the

proposed action or parts thereof have not occurred within four years of the original survey, 100% clearance re-survey will be required prior to ground disturbing activities.

- *Discovery Stipulation:* Re-initiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for Pariette cactus or Uinta Basin hookless cactus is anticipated as a result of project activities.

Cultural

- Prior to ground disturbing activities in the proposed borrow pit location, a Class III inventory of the portion of the APE not surveyed as part of U-06–MQ-0254 will be conducted by either BLM cultural staff or an approved contractor. The associated project report will be completed and submitted to the Utah SHPO for concurrence. After SHPO concurrence the project may proceed.

Paleo

Ground excavation activities will be monitored by a qualified paleontologist with emphasis of exposed sections of the Uinta C (Myton) member outlined in yellow (figure 1). Discoveries affecting paleontological resources will result in suspension of operation activities and the discovery reported promptly to the BLM Authorized Officer and the office of the State Paleontologist. The operator is responsible for informing all parties involved in excavation and infilling activities of the requirements for protecting paleontological resources. Paleontological remains found on public lands area recognized by the BLM as a fragile and nonrenewable scientific record of the history of life on earth and protected under 43 CFR 3802, 3809.

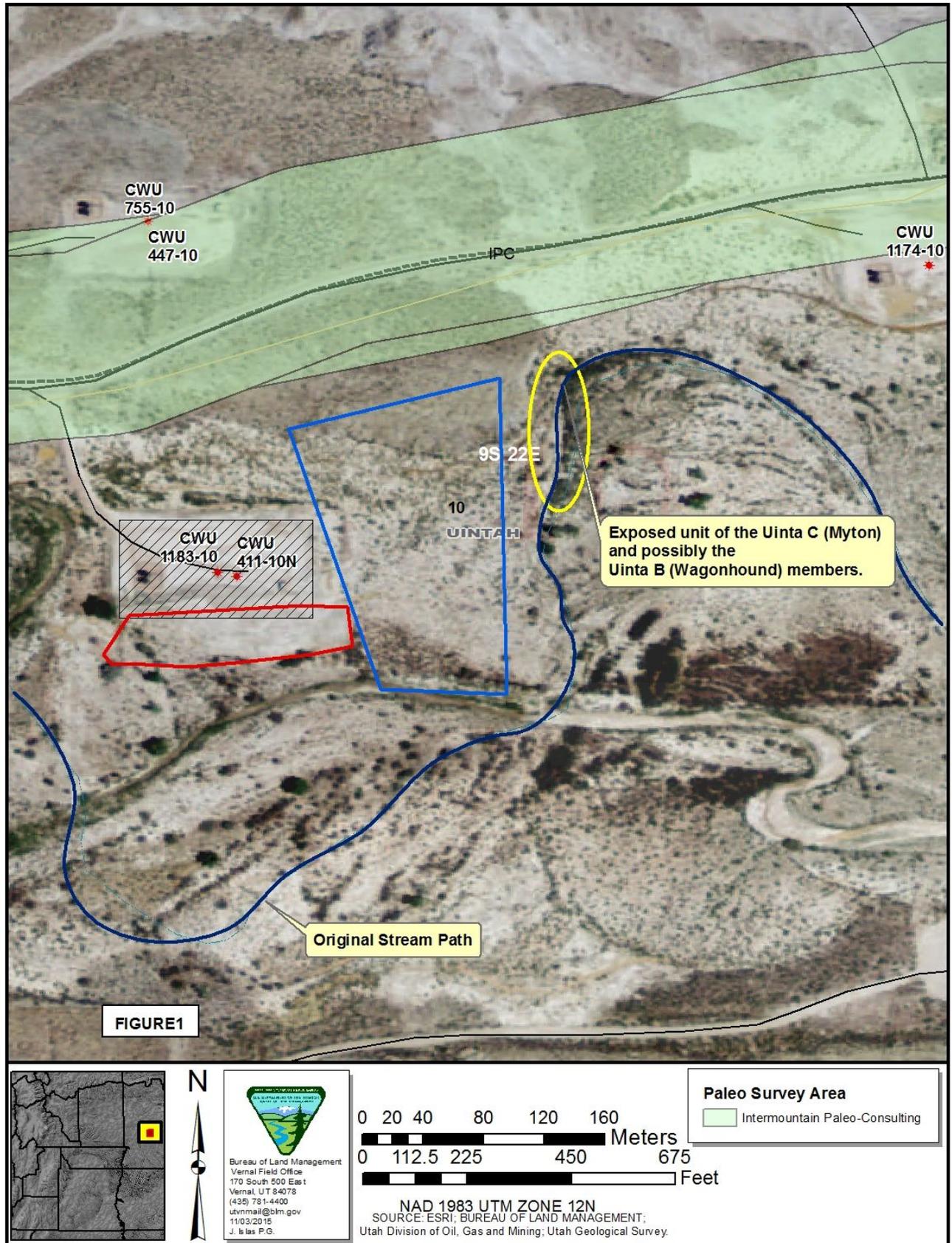


Figure B.1. Paleo Map