

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 E. Idaho Street
Elko, Nevada 89801

http://www.blm.gov/nv/st/en/fo/elko_field_office.html

In Reply Refer To: 3160/7192; APD-2007-002 (NV 013)

To: Deputy State Director, Minerals (NV-920)
Attn: John Menghini

From: Kenneth E. Miller, District Manager

Subject: Bruffey Canyon #1-14 Oil Well (NV-010-APD-2007-002; Lease No. N-78583)
Environmental Assessment (BLM/EK/PL-2007/017)

To comply with the National Environmental Policy Act (NEPA), the Elko Field Office has completed an environmental assessment (EA) for the application for a permit to drill (APD) the subject well from Cleary Petroleum Corp. My review of the EA resulted in a finding of no significant impact (FONSI). Copies of the NEPA documents are attached.

It is our understanding that, in Nevada, no Field Manager has been delegated authority to approve an APD. Consistent with the Onshore Oil and Gas Order Number 1 that was published in the Federal Register and effective on May 7, 2007, the EA analyzes the Surface Use Plan of Operations, which is only one of the components of an APD that BLM reviews for approval. Therefore, the Elko Field Office will not prepare a decision record. Instead, we have made the "NEPA decision" (i.e., we prepared the EA and signed the FONSI), so that they are available for reference (and public review) as part of the rationale for the decision.

The Elko Field Office is not aware of anyone except the Nevada Clearinghouse (specifically the Nevada Division of Environmental Protection) who should receive notice of the availability of the NEPA documents. To make them available for public review, we are posting links to the EA and FONSI on the Elko Field Office NEPA webpage at www.blm.gov. The pathname to this webpage is http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_information/nepa.html. The names of the documents are "Bruffey Canyon 1-14 EA (07-15)" and "Bruffey Canyon 1-14 FONSI (08-21)." We will keep the NEPA documents posted on the public website for at least thirty days following issuance of a decision by the responsible BLM official to approve the APD for appeal. To internally share access to the NEPA documents, the files will also be stored in [\\blm\dfs\nv\el\Pub\NEPA\Energy\Library](http://blm\dfs\nv\el\Pub\NEPA\Energy\Library).

Please note that pages 21-24 of the EA identifies mitigation and monitoring measures that the Elko Field Office recommends be committed to as a condition of approving the APD. We are including these for your consideration and use in issuing the decision for the applicant.

If you have any questions, call Jim Lindsay (Project Lead, 775-753-0342) or Lorrie West (NEPA Coordinator, -0266).

Bruffey Canyon 1-14 Oil Well (NV-010-APD 2007-002)

Cleary Petroleum Corp. holds the oil and gas lease (NVN-78583), and submitted an application for a permit to drill (APD) the Bruffey Canyon 1-14 well. The parcel has been leased subject to standard lease terms, and with the special stipulation for sage grouse. Section 6 of the standard federal oil and gas lease (Form 3100-11) provides the BLM with authority to require reasonable measures to minimize adverse impacts to cultural and natural resources, consistent with lease rights granted.

The BLM, Elko Field Office, reviewed the surface use plan from the APD in an environmental assessment (EA) that was completed in August 2007 (BLM/EK/PL-2007/017). As a result, the Elko Field Office, recommends the APD be approved conditioned on a commitment for implementation of the following mitigation measures and monitoring requirements, as discussed in the EA.

Stipulations and Conditions of Approval

Cultural Resources and Native American Religious Concerns

1. Coordination and Consultation (OG-010-05-03). If historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E. O. 13007 [Sacred Sites], or other statutes and executive orders, the BLM will not approve any ground disturbing activities that may affect any such properties or resource until it completes its obligation under applicable requirements of NHPA and other authorities. The BLM may require modifications to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.
2. Inadvertent Discovery. During the project activities, if any cultural properties, items, or artifacts (stone tools, projectile points, etc...) not previously recorded by BLM are encountered, it must be stressed that such items are not to be collected and that the BLM, Elko Field Office must be notified of the discovery (775-753-0200). Cultural and archaeological resources are protected under the Archaeological Resources Protection Act and the Federal Land Policy and Management Act. Although the possibility of disturbing Native American gravesites within the project area is extremely low, inadvertent discovery procedures must be noted. The Native American Graves Protection and Repatriation Act, section (3)(d)(1), requires that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the land manager can respond to the situation.

Water Resources, Wetlands and Riparian Areas

3. Implementation of Best Management Practices would minimize soil lost from the site. Installation of sediment filters such as straw waddles at key locations below the drill pad would prevent sediment from entering surface water. Waddles placed across areas where water is likely to concentrate including trails, roads, disturbed areas and headwaters of gully channels will reduce flow velocities and opportunities for sediment transport to wetland and riparian areas along Pearl Creek.

Wildlife

4. Sage Grouse (OG-010-05-08) - Brood rearing may occur in habitat near the access road or well pad site. Approval of the surface use plan, including construction of the access road and drilling of the well, should be conditioned upon the following: *Seasonal restrictions from disturbance in sage grouse brood rearing areas apply within 0.5 miles or other appropriate distance based on site-specific conditions from 5/15 to 8/15, inclusive. This restriction does not apply to operating facilities.*
5. Raptor Nests (OG-010-05-01) – Disturbance is planned after August, outside of the period preceding raptor nesting activity and after young have fledged. If construction of the access road or well site is [re]scheduled during the raptor nesting period as listed by OG-010-05-01 (generally January 1 through July 31), then the operator must employ a qualified biologist to inventory the areas prior to disturbance for active nests (1987 Elko RMP Record of Decision; p. 25). Any nesting activity should be reported to the BLM Field Manager for a determination of appropriate mitigation measures. OG-010-05-1 reads: Active raptor nesting sites are subject to seasonal protection from disturbance to avoid displacement and mortality of raptor young. Restrictions apply up to a 0.5 mile radius around the active nesting sites of the following species during the period described below.
 - a) Golden Eagles and Great Horned Owls during the period 1/1-6/30.
 - b) Long-eared Owls during the period 2/1-5/15.
 - c) Prairie Falcons during the period 3/1-6/30.
 - d) Ferruginous Hawks, Northern Harriers and Barn Owls during the period 3/1-7/31.
 - e) Goshawk and Sharp-shinned Hawks during the period 3/15-7/15.
 - f) Cooper’s Hawks, Kestrels, and Burrowing Owls during the period 4/1-6/30.
 - g) Red-tailed and Swainson’s Hawk during the period 4/1-7/15.
 - h) Short-eared Owls during the period 2/1-6/15.
6. Other Species of Concern -- In addition to nesting raptors, the above biological survey shall report any observations of other wildlife species of concern to the BLM, Elko Field Office. This includes bald eagle, sage grouse and any other BLM-sensitive birds and mammals (see EA, page 13) as well as migratory birds (page 18). The nesting season for migratory birds is generally April 1 – July 31. Any take of a migratory bird must be avoided.

Vegetation/Noxious Weeds/Reclamation

7. Blading during road construction operations could spread noxious weeds into the disturbed areas. Washing the construction equipment prior to road construction will reduce the chance of spreading noxious weeds.
8. The BLM approved reclamation seed mixture (EA, page 7) shall be sown during the fall or early winter season, immediately following the seedbed preparation. Following seeding, a fence meeting BLM specifications must be constructed around the drill pad area. This fence shall remain in place for a period of three growing seasons to promote successful revegetation of the disturbed area, and be removed following BLM’s determination that the reclamation is successful.