

memorandum

DATE : July 25, 2005

REPLY TO

ATTN OF : FE-472 (Michael J. Taylor)

Serial No: MJT/04.082

SUBJECT : FONSI for Veritas 3D Seismic Project (**DOE/EA-1544**)

TO : File

INTRODUCTION :

Veritas DGC Land Inc. (Veritas) has notified the Department of Energy (DOE) through the Rocky Mountain Oilfield Testing Center (RMOTC) of their intent to conduct a 3D Vibroseis acquisition project in Natrona County, Wyoming. The proposed property is contained in Sections 20, 21, 22, 28, and 28 of T 39 N, R 78 W, at Naval Petroleum Reserve No. 3 (NPR-3). Veritas is the seismic contractor for the Salt Creek 3D Project. A verbal Notice of Intent (NOI) to Conduct Oil and Gas Geophysical Exploration Operations was received from Veritas on May 23, 2005. The Veritas / RMOTC Letter Agreement (No. 05-016) was signed on 7/28/05.

The processing of an NOI is a Federal action subject to environmental consideration under the National Environmental Policy Act of 1969 (NEPA). In compliance with NEPA, the DOE is required to review the environmental impacts of the proposed action. DOE has conducted an environmental analysis of the proposed property. The analysis included the review and evaluation of the DOE Raptor Nesting Survey, the DOE Prairie Dog Colony Inventory, the DOE Class III Cultural Resource Inventory, the draft USDOE RMOTC Naval Reserve #3 Wetlands Delineation report (January 23, 2005), and the BLM Environmental Assessment (EA WY060-EA05-95).

FINDING OF NO SIGNIFICANT IMPACT :

As per 40 CFR 1508.13, Finding of No Significant Impact, DOE has determined that the proposed action to conduct the seismic survey (as stated in BLM EA WY060-EA05-95) with the implemented mitigation measures will not significantly affect the quality of the human environment, and an Environmental Impact Statement is not required.

RATIONALE FOR DECISION :

The approval of the proposed action with the incorporated mitigation measures will provide geophysical data that will be valuable to DOE and to BLM for their contiguous Salt Creek property. This will assist BLM's mission to promote the exploration and development of oil and gas reserves on public lands while adequately protecting the environment.

The proposed action supports RMOTC's Strategic Planning Mission to serve the petroleum exploration and production industry, other energy and environmental industries pertinent to oil and gas field operations, universities, federal laboratories, inventors, DOE, and other government agencies by providing facilities and necessary support at NPR-3 for field testing and evaluating new

technologies that can increase petroleum production and reserves, decrease operating costs, and improve environmental protection, and then by transferring the results to industry.

Under the No Action Alternative, a decision to not authorize operations on the DOE's portions of the project would result in disruption of the data acquired in the overall project.

Under the Change of Season Alternative, scheduling project operations to the winter months can not be projected to appreciably alter environmental impacts of the undertaking. Conducting project operations earlier in the spring months would generally conflict with the sensitive birthing / rearing season of wildlife species inhabiting the area and is not advantageous from a natural resources standpoint. In sum, various permutations of the Change of Season Alternative yield equal or worse environmental results. For these reasons, detailed analysis of the Change of Season Alternative is not further pursued.

Under the Heliportable Drilling Alternative for the Proposed Action, selection of this alternative would most likely result in cancellation of the project, and environmental consequences of this alternative would be the same as for the No Action Alternative, which is analyzed in detail. Full analysis of this alternative was deemed unwarranted.

DECISION RECORD :

DOE's decision of record is to ADOPT the proposed action as described in EA WY060-EA05-95, with BLM's mitigative measures identified for the proposed action in the environmental impact section of the EA. {Mike Taylor is DOE's Authorized Officer.}

This decision additionally imposes **DOE's Conditions of Approval** which are included in the list that follows:

1. Prior to initiating recording operations, a **pre-work meeting** shall be held between DOE and the Veritas field managers. Project procedures relating to fire, hazard spills, trash, slopes, seasonal restrictions, off- road travel, archaeological resources, and raptor nest, sage grouse lek, and prairie dog town avoidance shall be reviewed at the meeting. A map showing access routes to the project area and staging areas within the project area should be provided to the DOE at that time if it has not been provided previously.
2. Except for areas of highly erodible soil where **off-road vehicle traffic** will be limited to slopes of 25% or less and sparsely vegetated slopes, up-hill buggy vibe operations are permitted on slopes of 35 percent (19 degrees) or less, and down-hill buggy vibe operations are permitted on slopes of 45 percent (22 degrees) or less. Conventional vehicle operations (e.g., pick-up trucks) are limited to slopes of 25 percent (14 degrees) or less. ATVs may be used on steeper slopes which can be safely negotiated, providing no undue environmental damage is caused. Should DOE's Authorized Officer determine that any vehicle operations on slopes between 25 and 45 percent is causing undue vegetative or soil disturbance, such operations will be immediately suspended.
3. If vertebrate paleontological resources (**fossils**) are discovered on land administered by the DOE during project operations, the operator will suspend operations that could disturb the materials, and immediately contact the DOE's Authorized Officer. The DOE Authorized Officer will arrange for evaluation of the find and determine the need for any additional actions which may be necessary.

4. The operator shall conduct no vehicle operations during periods of **saturated ground conditions** when surface rutting could occur.
5. To **protect riparian** dependent special status species of wildlife and plants, riparian habitat, and water quality, **vehicle travel** will not be allowed within 300 feet of surface water, flowing streams, or riparian areas, except at existing crossings, unless on established roads. This stipulation applies to the entire project area regardless of surface ownership.
6. To protect **subsurface water flow, source points** on federal lands shall be located a minimum of 300 feet from surface water, flowing streams, seeps, springs, or riparian areas.
7. If off-road vehicle operations are to be conducted during the period between February 1 and July 31, Veritas shall have a qualified biologist provide the DOE with a current **raptor nest survey**. Once an active nest is identified, the size of the buffer zone for no vehicle operations will be determined on a case by case basis by DOE's Authorized Officer, who will consider topography and raptor prey habitat surrounding the nest site. Usually the buffer zone will be ¼ to ½ mile as determined by the authorized officer. No source points or no sustained activity is permitted within 1/8 mile of any of the occupied raptor nests. Source point activities will be limited to 24 hours within ½ mile of any active raptor nest.
8. Veritas shall have a qualified biologist provide DOE with a current **prairie dog survey** report covering all DOE surface to be affected. To the maximum extent practical, prairie dog colonies should be avoided by vibroseis activities. No vibroseis source points will be located on active burrows. If colonies cannot be avoided, source points placed within a colony shall be located in an area of low burrow density.
9. To protect potentially-sensitive plant habitat, off-road vehicle operations shall be limited to slopes of 25% or less in areas where vegetative cover is sparse, less than 30% ground cover.
10. Particular attention should be paid to the **prevention of the introduction of new weeds** to the area. The operator shall thoroughly power-wash all field vehicles (helicopter, buggy, vibes, pick-ups, ATVs, etc). Should crew members encounter existing noxious weeds within the project area, equipment and vehicles exposed to the weed shall be washed before moving to another area.
11. Within 30 days of disturbance, the operator shall **reclaim and reseed** any areas where their operations have caused surface rutting or have otherwise removed all of the surface vegetation, as directed by the DOE Authorized Officer. Only certified weed-free seed shall be used. Reclamation efforts may include disking or ripping the ground surface, reseeding and mulching.
12. The operator shall provide a **Class III Cultural Resource Inventory** for all DOE lands where vehicle traffic will occur. The inventory shall cover 50 feet either side of the flagged centerline of travel routes, for total inventory coverage of 100 feet. Such inventory will not be required on upgraded roads or for areas covered by previous inventories, provided those inventories meet current standards. The inventory will be designed to locate and prescribe avoidance routes or other mitigation for all significant sites, previously recorded as well as newly discovered. Standard site avoidance entails a 32.8 meter (100 foot) or more buffer zone around all eligible and unevaluated sites. Sites of potential Native American concern discovered during inventory are subject to special measures.

13. The operator's archeological consultant shall obtain a **cultural resource files search** from the SHPO Cultural Records Office shortly before commencing fieldwork. Based on this, the consultant will identify significant and unevaluated previously recorded cultural resource sites on federal and non-federal lands in the project area. Using site form copies obtained from SHPO, the consultant will plot these sites onto the project map for the operator, who is requested to arrange avoidance for these properties.
14. All **off-road vehicular traffic** on federal land shall be confined to a corridor 100 ft wide (50 feet either side of centerline) along routes which have been inventoried for **cultural resources**.
15. Regardless of surface ownership, all sites containing **prehistoric cairns or stone circles** will be avoided by a distance of 350 feet or more.
16. Regardless of surface ownership, all sites containing **prehistoric rock art** shall be avoided by a distance of 0.25 miles or by the distance agreed to via project specific DOE and Native American consultation.
17. If any additional sites of potential **Native American religious concern** (e.g., vision quest structures, human burial sites, prehistoric cairns, stone circles) are identified by project personnel within 500 feet of any proposed off-road travel route regardless of surface ownership, the DOE Authorized Officer shall be promptly notified. The DOE Authorized Officer shall determine the need for special mitigative measures and/or additional Native American consultation.
18. Veritas is charged with the responsibility of notifying **grazing lessees** prior to entering upon their allotments. (At this time, there are no established grazing leases.)
19. **Vibroseis (source) points** on DOE land shall be located a minimum of 50 feet from water wells, oil/gas wells, standing structures, pipelines, power lines, buried cables and other sensitive built facilities, unless written permission to encroach closer has been given by the owner/operator.
20. The geophysical operator shall ensure that **off-road vehicle traffic** does NOT drive the same track as another vehicle, terrain permitting.
21. **Cable crossings** will be signed by Veritas.
22. Veritas shall **clean up all diesel or hydraulic fuel spills**, including contaminated soils. All spill-related material should be hauled to a Wyoming DEQ approved disposal site. Spills resulting from ruptured pipelines or well casings shall be cleaned up as directed by DEQ and the facility owner/operator.
23. Veritas shall prepare a brief but specific instruction plan for **emergency response** and submit it to the DOE Authorized Officer for concurrence.
24. Veritas shall **comply with all applicable Federal laws and regulations**, existing or enacted or promulgated hereafter. In any event, the operator shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by, or stored within the authorized geophysical activity boundaries. (See 40 CFR, 702-799 and especially the provisions on polychlorinated

biphenyls at 40 CFR 761.1 thru 761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the report(s) to the involved Federal agency or State government.

25. Veritas shall **reimburse RMOTC for construction costs** associated with the installation and removal of a temporary crossing on Little Teapot Creek, approximately 20 feet downstream of the washed-out culvert crossing in Section 21, Township 39 N, Range 78 W. The “estimated” cost of construction is \$1,000.
26. Veritas shall **reimburse RMOTC for escorts** of Veritas Foreign Nationals, who will be working outside of RMOTC’s normal business hours of operation of 6:30 A.M. to 5:00 P.M., Monday through Thursday. RMOTC’s “estimated” labor rate is \$50.00 per hour.

Michael J. (Mike) Taylor
Technical Assurance Manager

Attachments : BLM’s Environmental Assessment (EA WY060-EA05-95)
BLM’s Decision Record and FONSI
BLM’s Nesting Survey
BLM’s Prairie Dog Colony Inventory
DOE’s Wildlife Surveys
DOE’s Class III Cultural Resource Inventory
DOE’s Wetlands Delineation Map of NPR-3

Cc: Mark Matarrese (attachments)
Carolyn Osborne (attachments)
Connie Lorenz (no attachments)

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