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United States Environmental Protection Agency
https://www.epa.gov/tribal-air/tribal-minor-new-source-review
January 4, 2017

Part 1: Submit 30 Days Prior to Beginning Construction -- General Facility Information

FEDERAL IMPLEMENTATION PLAN FOR TRUE MINOR SOURCES IN INDIAN COUNTRY IN THE OIL AND NATURAL GAS PRODUCTION AND NATURAL GAS PROCESSING SEGMENTS OF THE OIL AND NATURAL GAS SECTOR

Registration for New True Minor Oil and Natural Gas Sources and Minor Modifications at Existing True Minor Oil and Natural Gas Sources

Please submit information to:

[Reviewing Authority Address Phone]	USEPA Region 8 1595 Wynkoop Street, Denver, CO 80202 303-312-6312

A. GENERAL SOURCE INFORMATION (See Instructions Below)

1. Company Name Berry Petroleum Company, LLC		**2. Source Name** LC Tribal 3-36D-56	
3. Type of Oil and Natural Gas Operation Oil Production		**4. New Minor Source?** ☒ Yes ☐ No **5. Minor Source Modification?** ☐ Yes ☒ No	
6. NAICS Code 211111		**7. SIC Code** 1311	
8. U.S. Well ID(s) or API Number(s) [if applicable] 43-013-52987; 43-013-52986; 43-013-52984			
9. Area of Indian Country Uinta and Ouray Reservation	**10. County** Duchesne	**11a. Latitude** 40.00645	**11b. Longitude** -110.5113

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B. CONTACT INFORMATION (See Instructions Below)

1. Owner Name Berry Petroleum Company, LLC	Title
Mailing Address 5201 Truxton Ave. Bakersfield, CA 93309	
Email Address jarmstrong@bry.com	
Telephone Number 661.616.3941	Facsimile Number
2. Operator Name (if different from owner) Same as above	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number
3. Source Contact Jon Armstrong	Title EHS Representative
Mailing Address	
Email Address jarmstrong@bry.com	
Telephone Number 661.616.3941	Facsimile Number

4. Compliance Contact Same as above	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number

C. ATTACHMENTS

Include all of the following information as attachments to this form:

- [x] Narrative description of the operations.
- [x] Identification and description of all emission units and air pollution generating activities (with the exception of the exempt emissions units and activities listed in §49.153(c).
- [x] Identification and description of any air pollution control equipment and compliance monitoring devices or activities that are expected to be used at the facility.
- [x] Estimated operating schedules.
- [x] If satisfying the requirements under §49.104(a)(1), documentation that another federal agency has complied with its requirements under the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) when authorizing the activities for the facility/activity covered under this registration. The appropriate documents shall clearly show that the other federal agency had met its obligations under both the ESA and NHPA. A simple reference to a Record of Decision or other final decision document will not be acceptable. Examples of acceptable documentation would be a letter from the U.S. Fish and Wildlife Service field office (for ESA) or a historic preservation office (for NHPA) stating they agree with the assessment conducted by the other federal agency for the subject project and that the requirements of those statutes have been met. The documentation shall be submitted within the Part 1 registration.
- [ ] If satisfying the requirements under §49.104(a)(2), the letter provided by the Reviewing Authority indicating satisfactory completion of the specified screening procedures to address threatened or endangered species and historic properties. The documentation shall be submitted under the Part 1 registration. (The procedures are contained in the following document: "Procedures to Address Threatened or Endangered Species and Historic Properties for the Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector," https://www.epa.gov/tribal-air/tribal-minor-new-source-review).
- [ ] Other.

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C. Attachments

Narrative description of the operations

The LC Tribal 3-36D-56 well site pad will be an Oil Production Facility and is planned to accommodate three producing oil wells. The wells will produce oil, water and natural gas which will be piped from the wells to a three phase separator. Separated liquids will be piped to heated storage tanks and associated gas from the separator will be sent to a gathering pipeline. Oil and produced water from the tanks will be hauled out via tanker truck. Natural gas engines will power the surface pumping units.

Identification and description of all emission units and air pollution generating activities

Emisison Units	Emission Source Description
Oil Storage Tanks	(3) 400 bbl tanks
Produced Water Tank	(1) 400 bbl tank
Separator Burner	natural gas fired, 1.0 MMBtu/hr
Pump Jack Engines	Natural gas fired, 65 hp engine
Truck Loading	Oil and produced water, submerged loading
Pneumatic controlers	Intermittent or low bleed devices less than 6 scfh
Fugitives	Fugitive equipment leaks

Identification and description of any existing air pollution control equipment and compliance monitoring devices or activities

Air Pollution Control Equipment

An enclosed combustor will be used to control emissions from the oil storage tanks and will have a minimum control efficiency of 95%

Compliance Monitoring Devices or Activities

The combustor will be a manufacturer certified model equipped with an autoigniter. Semi-annual FLIR camera inspections will be conducted in compliance with NSPS OOOOa well site leak detection requirements. Monthly AVO inspections will also be conducted.

Estimated operating schedule

The Oil Production Facility will operate 8,760 hours per year

Proof of Endangered Species Act and National Historic Preservation Act Compliance

Copy of the Finding of no Significant Impact letter from the Bureau of Indian demonstrating compliance with NHPA and ESA requirements is attached.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
UINTAH AND OURAY AGENCY
P.O. Box 130
1400 South 7002 East
Fort Duchesne, Utah 84026
Phone (435) 722-4300 Fax (435) 722-2323

TAKE PRIDE IN AMERICA

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In Reply Refer To:
Natural Resources – MS 460

Decision Record and Finding of No Significant Impact
Environmental Assessment
No. U&O-FY14-132

Berry Petroleum Company's
Eight Well Pad, Thirty-two Well Bore
West Brundage Canyon Oil and Gas Infill Drilling Program
Environmental Assessment

DECISION OCT 09 2014

I have reviewed Berry Petroleum Company's (Berry) *8 Well Pad, Thirty-Two Well Bore West Brundage Canyon Oil and Gas Infill Drilling Program Environmental Assessment* (), National Environmental Policy Act (NEPA) No. U&O-FY14-132.

Based upon my review of the 8 Well Pad EA and the Administrative Record, I have decided to approve and implement the Proposed Action, together with general Bureau of Indian Affairs (BIA) generated mitigation measures and applicant-committed environmental protection measures (ACEPMs) outlined in the EA. Site specific mitigations and stipulations were determined during the site-specific onsite inspection process.

The Proposed Action analyzed the construction of 8 well pads and the drilling, completion, operation, and ultimate reclamation of up to 32 well bores, as well as the construction and maintenance of associated pipeline and access road rights-of-way, which would occur in Berry's West Brundage Canyon oil and gas field project areas:

Proposed Action

Well Pad / Well Bore Names[1]	Surface Location by Section, Township, and Range[2]	Description of Proposed Facilities
Pad No. 1 LC Tribal 1-35D-56 LC Tribal 2-35D-56	NW1/4 NE1/4, Section 35, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline right-of-way (ROW).

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Well Pad / Well Bore Names[1]	Surface Location by Section, Township, and Range[2]	Description of Proposed Facilities
Pad No. 2 LC Tribal 3-35D-56 LC Tribal 4-35D-56 LC Tribal 5-35D-56 LC Tribal 6-35D-56	SW1/4 NW1/4, Section 35, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 3 LC Tribal 7-35D-56 LC Tribal 8-35D-56 LC Tribal 10-35D-56	SW1/4 NE1/4, Section 35, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 4 LC Tribal 9-35D-56 LC Tribal 15-35D-56 LC Tribal 16-35D-56	SE1/4 SE1/4, Section 35, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 5 LC Tribal 11-35D-56 LC Tribal 12-35D-56 LC Tribal 13-35D-56 LC Tribal 14-35D-56	SE1/4 SW1/4, Section 35, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 6 LC Tribal 1-36D-56 LC Tribal 2-36D-56 LC Tribal 7-36D-56 LC Tribal 8-36D-56	SE1/4 NE1/4, Section 36, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 7 LC Tribal 3-36D-56 LC Tribal 4-36D-56 LC Tribal 5-36D-56 LC Tribal 6-36D-56	SE1/4 NW1/4, Section 36, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW
Pad No. 8 LC Tribal 9-25D-56 LC Tribal 10-25D-55 LC Tribal 15-25-56 LC Tribal 16-25D-56	SW1/4SE1/4, Section 25, Township 5 South, Range 6 West	Construct 1 pad, drill up to 4 well bores, to include well pad, cutting's pit and damage areas; install access/pipeline ROW

[1] In Berry's well naming convention "D" means directionally drilled, all others indicate vertically drilled wells
[2] Uintah Special Base and Meridian

To mitigate impacts under the Proposed Action, Berry would follow the mitigation measures described in the ACEPMs described in § 2.2.9 of the EA as well as all mitigation measures outlined in Chapter 4.

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Approval and implementation of the Proposed Action would include the following primary components and estimated surface damages which would occur on lands owned by the Ute Indian Tribe (Tribe/Tribal):

- Issuance of BIA Grant of Easement for Right-of-Way for eight oil and gas well pads, consisting of approximately 20.3 acres, more or less;
- Issuance of a eight Grants of Easement for right-of-way, including the construction of eight access roads supporting the new well pads, which would be approximately 30-foot in width and 11,206.12 feet in length, collectively being approximately 7.7 acres, more or less; and,
- Issuance of eight Grants of Easement for right-of-way, including the construction of eight pipelines, which would be approximately 30-foot in width and 11,000.8 feet in length, collectively being approximately 7.6 acres, more or less.

REASONS FOR THE DECISION

I have reviewed the 8-Well EA decided to implement the Proposed Action because of the following:

1. It meets the intent of the Indian Mineral Development Act (25 *United States Code* [U.S.C.] Section 2102).
2. Agency and Tribal input were obtained and the environmental issues related to the Proposed Action were identified and analyzed.
3. The EA disclosed the environmental consequences of the Proposed Action and No Action alternatives.
4. Compliance will be met with all relevant federal, state, and local laws, as well as county and Tribal regulations and policies. Berry will follow strict procedures during construction, operation and maintenance activities.
5. The EA provides for protection of affected resources before, during, and after the planned construction, drilling, operation, and reclamation activities associated with the Proposed Action.
6. The Proposed Action allows for the continued exploration and production of natural gas and oil activities in the surrounding fields, which in turn keeps Berry, the Tribe, and BIA in compliance with their approved West Brundage Canyon Exploration and Development Agreements and associated Tribal leases.
7. The project will contribute to the economic development of Indian land and will assist in the self-determination objectives of the Ute Indian Tribe through job opportunities, lease revenue, and fees.
8. The project will contribute to the economy of the Uintah Basin through the purchase of goods and services.

SCOPING AND PUBLIC INVOLVEMENT

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Due to the small scale the Proposed Action no external public scoping was conducted for this project. An onsite inspection was conducted on November 19, 2013, May 15, 2014, and May 19, 2014. At the onsite an evaluation of potential impacts to individual resources was conducted. Participants at the onsite meeting are listed in the table below.

Participants at Onsite Inspections

Name	Representing	Responsibility
Matt Clements[1]	Tri-State Land Surveying	Land Surveyor
Shawn Hawk[1,2,3]	Berry Petroleum Company	Berry Landman
Brian Barnett[1,2,3]	Bureau of Land Management, Vernal Field Office	Natural Resource Specialist, Environmental Scientist
Jordan Christopher[1]	Bureau of Indian Affairs, Uintah and Ouray Agency	Environmental Specialist
Ataya Cesspooch[1,2,3]	Bureau of Indian Affairs, Uintah and Ouray Agency	Environmental Specialist
Ty Navanick[1,2,3]	Ute Indian Tribe, Energy and Minerals Department	Compliance Officer
Randy Freston II[1,2]	Outlaw Engineering	NEPA/Engineering Consultant
Debra Schultz[2]	Bureau of Land Management, Vernal Field Office	Natural Resource Specialist
Shay Young[2,3]	Tri State Land Surveying	Survey Crew Chief
Brad Mecham[2,3]	Berry Petroleum Company	Berry Landman
Lonnie Favel[2]	Ute Indian Tribe, Energy & Minerals Department	Compliance Officer
Doug Bryce[2,3]	Bureau of Indian Affairs, Uintah and Ouray Agency	Forestry Supervisor
Brock Chapoose[2,3]	Ute Indian Tribe, Cultural Rights	Compliance Officer
McCoy Anderson[3]	Outlaw Engineering	Survey Crew Chief

1. Participants at Onsite Meeting: November 19, 2013 (for LC Tribal 9, 10,15,16-25-56)
2. Participants at Onsite Meeting: May 15, 2014 (for LC Tribal 7,8,10-35D-56, LC Tribal 9,15,16-35D-56, LC Tribal 11,12,13,14-35D-56, and LC Tribal 3,4,5,6-36D-56)
3. Participants at Onsite Meeting: May 19, 2014 (for LC Tribal 1,2-35D-56, LC Tribal 3,4,5,6-35D-56, and LC Tribal 1,2,7,8-36D-56)

OTHER ALTERNATIVES CONSIDERED IN DETAIL

No Action Alternative

The Council on Environmental Quality (CEQ) regulations require the consideration of the alternative of no action (40 CFR 1502.14). Under the No Action Alternative, Berry would not drill the above listed wells to include the additional support access and pipeline ROW infrastructure. Lacking federal approval, the operator's purpose and need for the Proposed Action would not be realized, and therefore, the proposed project would not be realized. Other

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oil and gas development in the area would also continue. Other current resource trends and land use practices would also continue. The No Action Alternative effectively constitutes denial. Other surface land uses in the area would continue at their current rates.

Selection of this alternative would ensure that no American Indian lands and minerals resources, held in trust by the United States, would be developed and economic recovery of these interests would not take place.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have considered both the beneficial and potential adverse effects of concurring with the approval of the modified Proposed Action. Based on experience and the results of the conceptual analyses contained in the *Eight Well, Thirty-Two Well Bore West Brundage Canyon Environmental Assessment* I have determined that the effect of implementation will be limited in scope and intensity. Any effect that may occur will be within an acceptable range, in and of themselves, or by using the mitigation measures described in the ACEPMs, and will result in no significant adverse environmental impact(s) either individually or cumulatively, to the physical or biological components of the environment, as defined in 40 *Code of Federal Regulations* (C.F.R.) 1508.27. My finding is based on the following determinations:

1. Both beneficial and adverse effects were considered, and this action will not have a significant effect on the quality of the human environment.
2. The project will not adversely affect any unique characteristics of the geographic area (historic, heritage resources, prime farm lands, wetlands, etc.).
3. Based on the lack of information received from public participation, the scientific, social, and economic effects on the quality of the human environment are not likely to be highly controversial by implementing the Proposed Action.
4. There are no known effects on the human environment that are highly uncertain, involve unique or unknown risks.
5. The actions in this decision will not establish a precedent for future actions with significant effects, nor do they represent a decision in principle about a future consideration.
6. There are no known significant local cumulative effects from this project and other projects implemented or planned on areas separated from the affected area of this project.
7. The actions planned will not adversely affect any sites listed in, or eligible for listing on, the National Register of Historic Places, nor will they cause the loss or destruction of any other significant scientific, cultural, heritage, historic, or prehistoric resources. This finding is based upon the commitment to survey all areas and to satisfactorily complete the Section 106 Consultation process prior to surface disturbance in all areas to be disturbed.

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8. The decided actions are not likely to adversely affect any listed or proposed endangered, threatened, or sensitive plant or animal species, critical habitats, or unique natural communities.
9. The actions do not constitute, nor will they lead to, a violation of any federal, state, or local law, ordinance, or requirement imposed for the protection of the environment.

Authority: This finding and decision is made in accordance with section 1503.1 of the CEQ regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4321 et seq.), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary-Indian Affairs (209 DM 8) to the Director of Indian Affairs (230 DM 1) to Regional Directors (3 IAM 4) to Agency Superintendents (10 BIAM).

Any questions regarding this Decision Record and Finding of No Significant Impact, please contact Ataya Cesspooch, Environmental Specialist- Tribal Contractor, at ataya.cesspooch@bia.gov or (435)722-4354.

Responsible Official:

Acting Superintendent
Uintah and Ouray Agency

Date 10-9-2014