

XTO – Jicarilla Compressor Station – NSR Application Update – Nov. 2016

Attachment 7 – Updated ESA and NHPA Evaluation Description;

Attachment 7.A – EPA ESA / NHPA Evaluation;

Attachment 7.B – Jicarilla Apache 14G – ESA/NHPA Supporting Documentation; and

Attachment 7.C – Jicarilla Apache 16F – ESA/NHPA Supporting Documentation.

Attachment 7
XTO Energy, Inc.
Jicarilla Compressor Station and Aggregated Wellsites
36.43905, -107.34797 (Rio Arriba County, NM)
Endangered Species (ESA) / NHPA Review – Updated Nov. 2016

In February of 2012, XTO Energy Inc. submitted a NSR Synthetic Minor Air Permit application in accordance with 40 CFR 49, Indian Country: Air Quality and Management Regulations. The application includes the XTO Jicarilla Compressor Station and the wells that became subject to source aggregation within ¼ mile of the Station due to the EPA’s Source Determination Rule. In accordance with addressing the ESA / NHPA Screening requirements, XTO is submitting the accompanying U.S. Department of the Interior – Bureau of Indian Affairs, Jicarilla Agency concurrence letters and applicable Finding of No Significant Impact (FONSI) documentation for the affected XTO Jicarilla wellsites and the associated infrastructure development.

The attached letters of concurrence from the Federal BIA – Jicarilla Agency and the associated Environmental Assessment information are included with this submittal. In addition, the EPA ESA/NHPA Evaluation is also attached (Attachment 7.A).

The following information is applicable to the evaluation attached as a part of this submittal:

LOCATION	ESA CRITERIA	NHPA CRITERIA	DOCUMENTATION INCLUDED
Jicarilla Compressor Station	Existing Site – pre-2002*	Existing Site – pre-2002*	NO
Jicarilla Apache 14 Wellsite	Existing Site – 1968**	Existing Site – 1968**	NO
Jicarilla Apache 14G Wellsite	A	No historic properties affected.	YES – Attachment 7.B
Jicarilla Apache 16F Wellsite	A	No historic properties affected.	YES – Attachment 7.C

All of the sites and associated operations related to this application were constructed and in operation prior to EPA’s promulgation of the Tribal NSR permitting process and prior to EPA’s requirement to provide detailed ESA/NHPA information. In addition, the following information applies to the Jicarilla Compressor Station and the Jicarilla Apache 14 Wellsite:

*The Jicarilla Compressor Station was acquired by XTO from Marathon Oil in 2002. The site was already constructed and operating in its current location. Since the site construction was coordinated between the previous owner and the Jicarilla Tribe prior to being purchased by XTO, ESA/NHPA evaluations and impacts were completed prior to XTO’s involvement with the location.

**The Jicarilla Apache 14 Wellsite was originally drilled and operated in 1968, prior to the Federal NEPA process. In addition, XTO acquired the site from a previous owner.

XTO – Jicarilla Compressor Station – NSR Application Update – Nov. 2016
Attachment 7.A – EPA ESA / NHPA Evaluation Form

Summary of Evaluation of Threatened and Endangered Species and Historic Properties for New or Modified True Minor Sources in Indian Country Seeking Air Quality Permits by Rule

Section 1: Contact Information

Business Name: XTO Energy Inc.	Site Address: Jicarilla Apache Reservation Rio Arriba County, NM Lat. 36.43905; Long. -107.34797
Send all correspondence regarding this evaluation to (mailing address): Craig Allison - XTO Energy, Inc. 810 Houston Street Fort Worth, TX 76102	Contact for this notification: Name: Craig Allison Phone: 817-885-2672 Email: craig-allison@xtoenergy.com

Section 2: Evaluation of Threatened and Endangered Species and Historic Properties

1. Threatened or Endangered Species * See attached detailed information.

Please indicate under which criterion in Appendix A you satisfy after evaluating the effects on threatened and endangered species as a result of your construction, modification or operation of your new or modified minor source of air pollutants. Be sure to include all documentation identified in Appendix A with this evaluation.

A B C D E

2. Historic Properties * See attached detailed information.

Please indicate under which criterion in Appendix B you satisfy after evaluating the effects to historic properties as a result of your construction, modification or operation of your new or modified minor source of air pollutants? Be sure to include all documentation identified in Appendix B with this evaluation.

No historic properties affected No adverse effects Adverse effects

Section 3: Signature

Name: <u></u> (Signature)	Name: <u>Craig Allison</u> (Print or Type)
Title: <u>EH & S Advisor</u>	Date: <u>11/17/16</u>

XTO – Jicarilla Compressor Station – NSR Application Update – Nov. 2016
Attachment 7.B – Jicarilla Apache 14G – ESA/NHPA Supporting Documentation



IN REPLY REFER TO
Branch of Real
Property Management

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Jicarilla Agency
Dulce, New Mexico 87529

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Mr. Jim Lovato 
Bureau of Land Management
Farmington Field Office
1235 La Plata Highway
Farmington, New Mexico 87401

Dear Mr. Lovato:

On June 09, 2005, nine (9) proposed well locations and their pipeline Right-of-Ways were On-Sited for XTO Energy. In correlation to the Jicarilla Apache Nation, Oil and Gas Administration letter of concurrence. This letter in conformity with the Bureau of Indian Affairs, Trust Responsibilities, to promote Self-Determination and accordance with the Code of Federal Regulations relevant to Oil and Gas is subject to 43 C.F.R. 3160 On-Shore Orders, 25 C.F.R. 169.25 Oil and Gas Pipeline Lines, 25 C.F.R. 211.7 Environmental Studies (Environmental Assessment) and 25 C.F.R. 211.55 Penalties of Non-Compliances shall and will strictly be adhere to by all Operators, Contractors and Sub-Contractors.

Therefore, this concurrence letter fully supports and ratifies the Jicarilla Apache Nation, Oil and Gas Administration letter of concurrence and stipulations, which is included. To approve all attached proposed well locations and related access roads, pipeline right-of-ways and calculated surface damage fees, location plats, and Regional Archeological Survey concurrence letter.

LOCATIONS ARE AS FOLLOWS:

	<u>Well Name & No</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
1.	Jicarilla Apache #16G	34	T26N	R5W
2.	Jicarilla Apache #16F	34	T26N	R5W
3.	Jicarilla Apache #14G	34	T26N	R5W
4.	Jicarilla Apache #8G	27	T26N	R5W
5.	Jicarilla Apache #9F	28	T26N	R5W
6.	Jicarilla Apache #14F	34	T26N	R5W
7.	Jicarilla Apache #12G	33	T26N	R5W
8.	Apache Federal #16	07	T24N	R5W
9.	Apache Federal #17	18	T24N	R5W

Surfaces Damages include the Well Pad, Pipeline and Access Road:

The total acreage encumbered for well pads = 21.42 acres x \$1,100.00 = **\$23,562.00**

The total acreage encumbered by the pipeline & access roads = 4.21 acres x
\$1,100.00 = **\$4,631.00**

The Branch of Forestry has assessed the following amount for damages;
Total Assessment: **\$0.00**

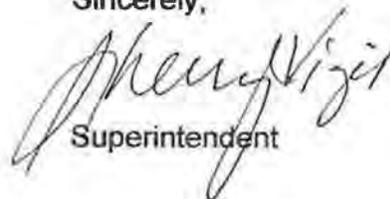
Total Assessment: **\$28,193.00**

Please make payment payable to the Jicarilla Apache Nation and remit payment to the Bureau of Indian Affairs, Jicarilla Agency, Branch of Real Property, P.O. Box 167, Dulce, New Mexico 87528.

In closing, our approval took into consideration, to address on-site participants, questions and concerns. Also, our obligation to the Jicarilla Apache Nation to implement, promote and develop the Nations natural resources and yet adequately protect valuable trust land surfaces and sub-surfaces. In regards to the Leasing and Development of natural resources within the Exteriors boundaries of the Jicarilla Apache Indian Reservation in accordance to the 25 CFR, National Environmental Policy Act (NEPA), and the 1994 Programmatic Environmental Assessment.

If you have any questions, contact Manuel Myore, Realty Officer, or George Loretto, Sr., Realty Specialist, at (505) 759-3976.

Sincerely,



Superintendent

Attachment(s)

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Patina San Juan Inc.

This FONSI was completed in accordance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality Regulations, Department of Interior Procedures and Bureau of Indian Affairs NEPA Manual.

Proposed Action:

XTO Energy Inc. proposes to drill one (9) individual well location:

The **Jicarilla Apache 16G** staked 2300 feet from the north line and 670 feet from the east line and a 444.27' access road and pipeline tie-in, in Section 34, Township 26 North, Range 5 West, **Jicarilla Apache 16F** staked 665 feet from the south line and 2000 feet from the east line with a 686.94 access road and pipeline tie-in, in Section 34, Township 34 North, Range 5 West, **Jicarilla Apache 14G** staked 2140 feet from the south line and 2135 feet from the west line 2369.98 access road and pipeline tie-in, in Section 34, Township 26 North, Range 5 West, **Jicarilla Apache 8G** staked 855 feet from the south line and 2135 feet from the west line 545.18 access road and pipeline tie-in, in Section 27, Township 26 North, Range 4 West, **Jicarilla Apache 9F** staked 1700 feet from the south line and 665 feet from the east line with a 265.72 pipeline Right-of-Way and tie-in, in Section 28, Township 26 North, Range 5 West, **Jicarilla Apache 14F** staked 950 feet from the north line and 1105 feet from the west line with a 64.59 pipeline Right-of-Way tie-in, in Section 34, Township 26 North, Range 5 West, **Jicarilla Apache 12G** staked 2000 feet from the north line and 700 feet from the east line with a 129.41 foot access road and pipeline tie-in, in Section 33, Township 26 North, Range 5 West, **Apache Federal 16** staked 1585 feet from the south line and 1435 feet from the east line with a 30 foot access road and pipeline tie-in, in Section 7, Township 24 North, Range 5 West, **Apache Federal #17** staked 1970 feet from the north line and 1790 feet from the west line with a 38.95 foot access road and pipeline Tie-in, in Section 18, Township 24 North, Range 5 West, N.M.P.M., Rio Arriba County, New Mexico all encumbrances lay within the boundaries of the Jicarilla Apache Indian Reservation.

Based on the Environmental Assessment dated and October, 2005 for the above mentioned one (1) Oil & Gas Well sites and associated Pipeline and Access Roads. The Environmental Assessments were prepared by Velarde Energy Services of Dulce, New Mexico and reviewed in context with the 1994 Programmatic Environmental Assessment for Leasing Exploration and Development of Oil & Gas Resources on the Jicarilla Apache Indian Reservation, it was determined that the proposed action will not have a significant impact on the human environment, therefore an Environmental Impact Statement is not required.

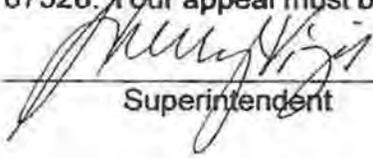
This Determination is supported by the following:

1. No significant impacts on vegetation, soil, water, resources or air quality are anticipated.

- 2. No effects to water resources, wildlife and resource-patterns in the projects expected to occur.
- 3. No effects to Federal-listed threatened and endangered species are anticipated.
- 4. No effects to cultural/archaeological resources in the project area.
- 5. Positive impacts to socio-economic and environmental justice are anticipated.

For these reasons, the Bureau of Indian Affairs, Jicarilla Agency declares a Finding of No Significant impact (FONSI) to human environment resulting from the proposed project. The Environmental Assessment for the project is on file at the Jicarilla Agency and will be made available for review upon request.

You may appeal the decision to proceed with the Bureau of Indian Affairs approval of the lease between the Jicarilla Apache Nation and Velarde Energy Services by writing to the Jicarilla Agency, Branch of Real Property, P O Box 167, Dulce, New Mexico 87528. Your appeal must be received no later than thirty (30) days of date below.



Superintendent

12/05/05

Date

XTO – Jicarilla Compressor Station – NSR Application Update – Nov. 2016
Attachment 7.C – Jicarilla Apache 16F – ESA/NHPA Supporting Documentation



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Jicarilla Agency
Dulce, New Mexico 87528

IN REPLY REFER TO:
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DEC 05 2005

2005 DEC 12 AM 11 25
RECEIVED
070 FARMINGTON NM

[Handwritten signature]
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Bureau of Land Management
Farmington Field Office
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Farmington, New Mexico 87401

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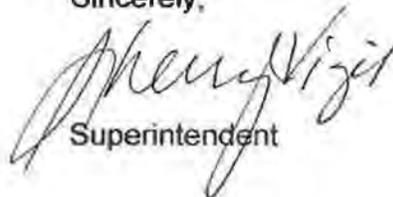
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NM 210-06-235

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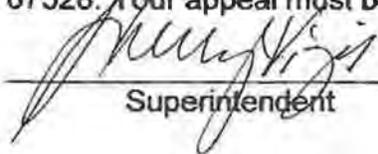
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Date