



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Las Cruces District Office
1800 Marquess
Las Cruces, New Mexico 88005
www.nm.blm.gov

IN REPLY REFER TO:
NM71526
NMNM95620
3100 (03000)

NOV 15 2005

RECEIVED

NOV 21 2005

OOD-ARTESIA

Dear Reader:

Enclosed are the Decision Record and Finding of No Significant Impact for the Environmental Assessment (EA) titled, "Flaring Bennett Ranch Unit #1-Y & 25-1 Wells, Bennett Ranch Unit, Otero County, NM", EA NM-030-2005-0021. Approval will allow flaring of gas in the Bennett Ranch Unit #1-Y and 25-1 wells for a period of 30 days.

BLM reviewed all comments received during the public comment period. Where appropriate, we have built mitigating measures into the proposal to address issues raised during the comment period.

Thank you for your continuing interest and participation in the EA process. If you have any questions, please contact Joe Torrez, Project Lead at (505) 525-4374.

Sincerely,

Tim L. Sanders
Assistant District Manager
Division of Multi-Resources

1 Enclosure

30-035-20031

Accepted for record
NMOCD

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

RECEIVED

NOV 21 2005

U.S. DEPARTMENT OF THE INTERIOR

Flaring Bennett Ranch Unit #1-Y & 25-1 Wells
Bennett Ranch Unit
Otero County, NM

Harvey E. Yates Company

Accepted for record
NMOCD

BLM

Las Cruces District Office, 1800 Marquess, Las Cruces, NM 88005



DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

DECISION:

It is my decision to implement the Proposed Action as described in the attached Environmental Assessment (EA), which is to authorize flaring of gas in the Bennett Ranch Unit #1-Y and 25-1 wells. The area has already been disturbed. Mitigation measures were identified as necessary for the Proposed Action and have been formulated into stipulations. The stipulations are incorporated by reference in this decision and they will be included as conditions of approval in the permit.

The conditions are:

- Within 15 days after production testing is completed, a copy of test results along with the total amount of gas flared will be submitted to the BLM Las Cruces District Office. This report will also be furnished to the Mineral Management Service pursuant to NTL-4A. NTL-4A allows flaring for 30 days or a production limit of 50 mmcf of gas, whichever occurs first. Flaring greater than 30 days or 50 mmcf requires approval in the form of a Sundry notice. Royalty will be due on any amount of the gas flared that exceeds this threshold.
- Two weeks prior to flaring, HEYCO will contact the BLM Las Cruces District Office to coordinate the biological survey for aplomado falcons as required by the US Fish and Wildlife Service Biological Report.
- HEYCO will also contact all affected neighbors and landowners and inform them of all activities that will take place, what to expect and what precautions will be taken to ensure the health and safety of all.
- HEYCO will ensure protection of the Butterfield Trail and cultural resources as specified in the Resource Management Plan (RMP) Amendment.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of the potential environmental impacts contained in the attached EA, and the proposed conditions of approval, I have determined that impacts on the human environment are not expected to be significant and an environmental impact statement is not required.

RATIONALE FOR DECISION:

The decision to implement the Proposed Action does not result in any undue or unnecessary environmental degradation and conforms to the *White Sands RMP*, approved on September 5, 1986 and the *RMP Amendment for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties*, approved on January 24, 2005.

Accepted for record
NMOCD

COMPLIANCE AND MONITORING:

A BLM inspector will monitor the set up and startup of the flaring operation. A BLM biologist will conduct the falcon surveys as requested.

NOTICE OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in writing at the BLM Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

APPROVED BY:


Assistant District Manager
Division of Multi-Resources

11/15/05
Date

2 Attachments:

- 1 - EA
- 2 - Map

Accepted for filing
NMOCD