

**UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management**

Lander Field Office  
1335 Main Street  
Lander, Wyoming 82520

**CATEGORICAL EXCLUSION**

DOI-BLM-WY-R050-2025-**XXXX**-CX

**A. BACKGROUND**

**Proposed Action Title/Type:** Contango CO2 Pipeline to Big Horn 6-27

**Location of Proposed Action:** Sec 2, T. 38 N., R. 90 W., 6PM and Sec. 27 &35, T. 39 N., R. 90 W., 6PM.

**Lease/Serial/Case File No (if any):** WYWY106724044

**Applicant:** Contango Resources INC

**B. PURPOSE AND NEED**

The purpose of this project is the issuance of a 30-year right-of-way (ROW) to Contango Resources, LLC for approximately 3.19 miles of Bureau of Land Management (BLM) managed land for development of a subsurface Carbon Dioxide (CO2) pipeline. The pipeline is needed to transport and safely inject up to 80 mmcf/d of CO2 into the Bighorn 6-27. This injection of CO2 will serve as enhanced gas recovery for the Madison reservoir and will allow for the utilization of up to 80 mmcf/d of CO2 that would normally be vented in the state of Wyoming. This is a right of way completely internal to the Madden Deep Unit which is a highly developed field with significant number of existing ROW pipelines installed and with over 300 gas and oil well locations.

The need is dictated by the Federal Land Policy and Management Act (FLPMA) Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) which authorizes the BLM to grant rights-of-way to approved applicants and activities and the Lander Field Office's Resource Management Plan goal to "provide opportunities to meet the needs of right-of-way customers."

**C. DESCRIPTION OF PROPOSED ACTION:**

The BLM would authorize the right-of-way for the development and operation of a subsurface pipeline for transporting CO2 from Lost Cabin Gas Plant to the Bighorn 6-27 for injection back into the reservoir. Approximate total length of pipeline is 3.64 miles, and 6" diameter of carbon steel line. The requested right of way would be 3.19 miles long and 50' feet wide.

Proposed pipeline right-of-way would be staked by a survey crew. Excavation depth of 6' would be opened and closed by excavators and road grader. Approximately 3/64 miles of 6" carbon steel line would be welded onsite then set in trench. Access to construction site is available via existing lease roads which would have access temporarily restricted during construction based on project requirements. Restoration of excavated trench would return and compact topsoil to the trench followed by BLM specified seeding of disturbed area. Personnel and equipment include 20 people, 12 vehicles, and 4 excavators.

#### **D. LAND USE PLAN CONFORMANCE**

Land Use Plan Name: Lander Field Office Resource Management Plan

Date Approved: June 2014

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5-3. The RMP provides that the planning area is open to consideration for development activities, and it is specifically provided for in the following objectives: "LR: 3.1 Provide opportunities to meet the needs of ROW customers."

The specific management records of the Lander RMP can be found here: [EplanningUi \(blm.gov\)](http://EplanningUi.blm.gov).

Mineral Leasing Act of 1920 (MLA) – enables leasing of public lands for developing deposits of coal, petroleum, natural gas, and other hydrocarbons as is proposed.

Federal Land Policy and Management Act of 1976 (FLPMA) – enables the BLM to consider the development, disposal and sale of public lands through different mechanisms.

#### **E. COMPLIANCE WITH NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

The Infrastructure Investment and Jobs Act (Pub.L. 117-58)- Section 11318

Section 11310. Certain Gathering Lines Located on Federal Lands and Indian Land.

*Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The [bureau] verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.*

Commented [AD1]: [@Patrikus, Paul H](#)

Hi Paul, Can you double check and correct my citation of the CX. thanks

## **F. EXTRAORDINARY CIRCUMSTANCES REVIEW**

### **1. Have significant impacts on public health or safety.**

No. This project would not have significant impacts on public health because there are project design features implemented specifically for protection of public health and safety, or because of the nature of the action, this project could not pose a significant impact on public health or safety.

### **2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.**

No. There are no natural resources related significant impacts associated with this project because BLM resource specialists have determined during review of the action that their resource is either not present, not significantly impacted, or project design features have been implemented specifically to reduce the impact of the project.

### **3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].**

No. There would be no highly controversial environmental effects and there are no unresolved conflicts in this project because BLM resource specialists have determined during review of the action that these effects or unresolved conflicts are either not present, not significant, or there are project design features added specifically to address the impact.

### **4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

No, the proposed action has predictable consequences established as insignificant and would not have significant environmental effects or risks because BLM resource specialists have determined during review of the action that these effects or risks are either not present, not significant or project design features have been implemented specifically to address these effects or risks.

### **5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.**

No, this action is limited to the proposed action and does not set a precedent for future actions. Any future actions would undergo a site-specific environmental review.

### **6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.**

No. There are no other actions present or planned in the project area or related to this action.

### **7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the Bureau.**

No. There are no significant impacts to cultural or heritage resources because BLM heritage specialists have determined during review of the action that cultural resources are either not present, not significantly impacted, or there are project design features specifically implemented to reduce impact.

**8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.**

No, there are no significant impacts to listed or proposed threatened and endangered species, or their critical habitat because BLM wildlife specialists have determined during review of the action that listed or proposed threatened and endangered species are either not present, not significantly impacted, or there are project design features implemented specifically to reduce impact significance.

**9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.**

No. this project in compliance with, and would continue to follow Federal, State, local and tribal laws relating to environmental protection.

**10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

The President has revoked Executive Order 12898.

**11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

No. This project would not limit access or cause significant impact to sacred sites on federal lands because such sites are either not present, not significantly impacted, or there are project design features specifically implemented to reduce the impact of this project.

**12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

No. This project would not contribute to the introduction, continued existence, or spread of noxious or non-native invasive species in the area because these concerns are either not present, or project design features have specifically been implemented to prevent the spread of invasive species.

**G. CONCLUSION**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

**H. SIGNATURE**

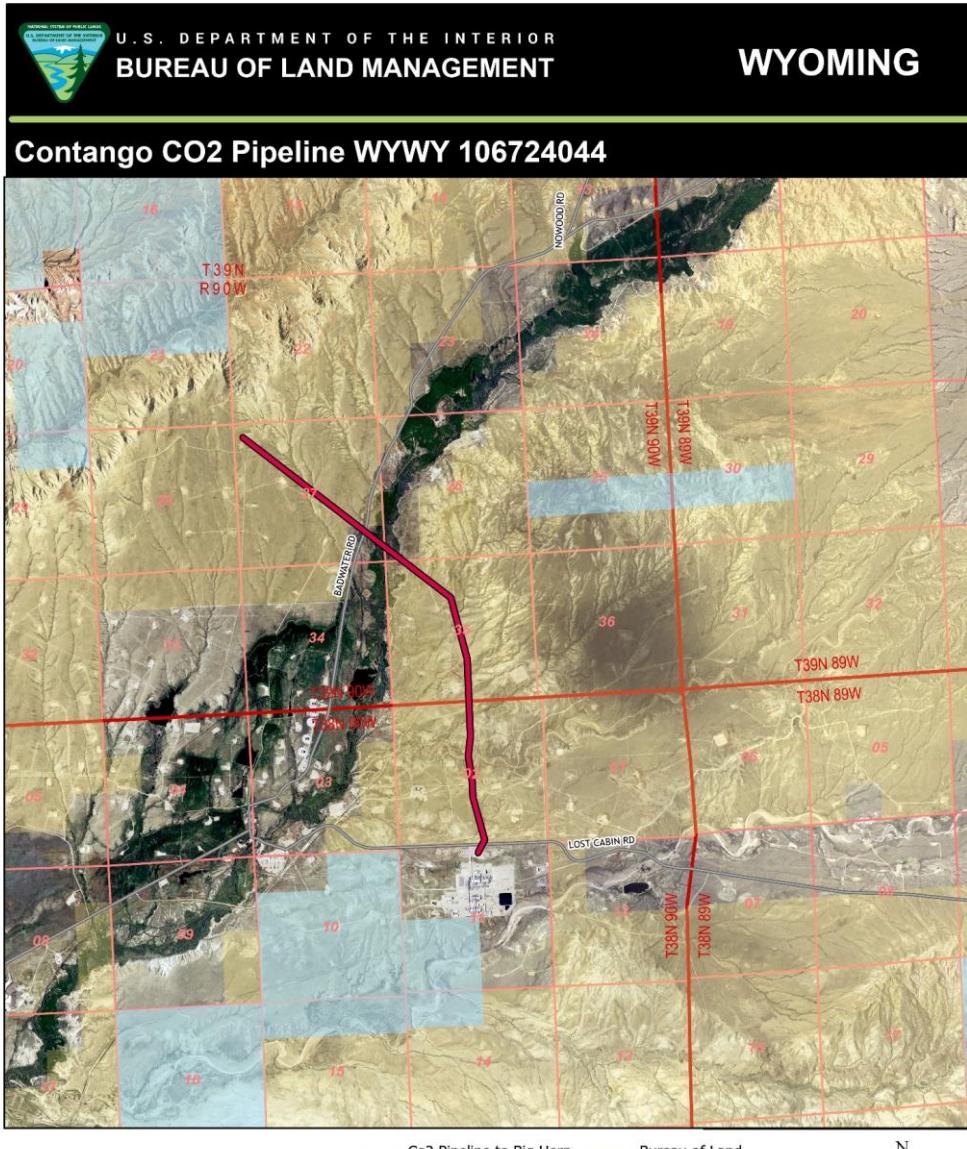
Responsible Official: \_\_\_\_\_  
Ruth A. Miller - Field Manager

**Contact Person**

For additional information concerning this CX review, please contact Letitia Black, Realty Specialist, Lander Field Office 1335 Main St Lander, WY 82520, (307)-332-8405.

**ATTACHMENTS:**

- 1- Map
- 2- STIPS



Map  
3/04/2025

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for the purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

## **2. Wildlife Stipulations:**

### *Raptors*

Surface disturbing and disruptive activities are prohibited within 0.75 mi of active raptor nests (or 1.0 mi of active ferruginous hawk) from February 1 - July 31. A survey in accordance with BLM standards will be required within the area 1.0 mi from the project to determine if timing limitations should apply and to support NEPA analysis. (Decision 4071: BR: 8.2, 2014 Lander RMP)

### *Burrowing owl*

Surface disturbing and disruptive activities are prohibited within 0.75 mi of occupied burrows from April 1 - September 15 or until young have fledged. A survey in accordance with BLM standards will be required within the area 0.75 mi from the project to determine if timing limitations should apply and to support NEPA analysis.

### *Big game crucial winter range*

The project is within crucial winter range for big game. Surface disturbance and disruptive activities are prohibited in the project area from November 15 - April 30. (Decision 4061: BR 7.2; 4062: BR 8.2, 2014 Lander RMP)

### *Swift fox*

The BLM prohibits the operator from surface disturbing and/or disruptive activities during the period of March 1 to August 31. A survey of the proposed disturbance area(s) may be conducted within a 1/4 mile buffer of the project area by the proponent to determine the presence/absence of denning swift fox. If the survey locates an active den, then surface disturbing and/or disruptive activities would be delayed until the pups leave the den. If the survey fails to identify any active/occupied dens, the BLM would consider granting an exception to this timing restriction. The survey must be conducted by a wildlife biologist using standardized methods. Exceptions to this limitation may be applied for and would be specified in writing by the Lander Field Office.

From September 1 to February 28, the operator must immediately report to the authorized officer any suspected swift fox dens encountered by the operator, or any person working on their behalf. The operator must suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of this sensitive species. The authorized officer will make any decision as to proper mitigation measures after consulting with the operator. (Decision 4073: BR 11.2, 11.5, 2014 Lander RMP)

*Migratory birds including sagebrush-obligate songbirds*

The project area is within suitable nesting habitat for a variety of migratory birds. For activities from May 1 – July 15, a survey must be conducted 7 days prior to surface disturbing and/or disruptive activities by a wildlife biologist using standardized methods. If surface disturbing and/or disruptive activities cannot be initiated within 7 days after survey, an additional survey will be necessary before activities can commence during the stipulated nesting period. If the proponent desires to operate during the timing restriction, a survey of the proposed disturbance area(s) will be conducted by the proponent to determine the presence/absence of nesting migratory birds. If the survey locates an active nest or finds signs to indicate that active nest is likely to be present, then surface disturbing and/or disruptive activities would be delayed until chicks have fledged. Nest surveys should include a 10-meter buffer around any area of surface disturbance. For activities with more than a single connected site, clearance surveys would be required for each individual disturbance area. Survey data forms and results will be provided to BLM Lander Field Office before disturbance activities are authorized. Disturbances necessary to deal with emergency situations, public safety concerns or risks, or uncontrollable natural events are exempted from the COA. (Decision 4034: BR: 7.3; Decision 4077: BR: 11.2, 11.4; 2014 Lander RMP)

*Mountain plover*

The project is within 0.25 mi of mountain plover breeding and nesting habitat. Surface disturbing activities are prohibited from April 10 – July 10. A survey in accordance with BLM standards is required within the area 0.25 mile from the project to determine if timing limitations should apply. (Decision 4094: BR:11.2, 2014 Lander RMP)

If the proponent submits a request for an exception to a COA or stipulation, the request must be received in writing by the Assistant Field Manager for Minerals and Lands 7-14 days in advance of the period wanted for the exception. This will allow time for the Wildlife Biologist to make a recommendation to the Field Manager regarding the request. Depending on the Field Manager's decision, the Minerals and Lands Specialist will draft a decision letter to the proponent.