

Appendix A
Summary of Authorizing Actions

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SUMMARY OF AUTHORIZING ACTIONS

A series of statutes establish and define the authority of the Secretary of the Interior to make decisions regarding fluid minerals leasing and development. The major relevant statutes are briefly described below.

Agency and Permit/Approval	Nature of Action	Authority	Application
BLM			
Decision Record for proposed action	Evaluate environmental impacts of proposed action	National Environmental Policy Act (NEPA)	Proposed Federal Action
Permit to Drill	Provide for compliance with regulations and requirements during drilling and completion phases of the well	Mineral Leasing Act of 1920; Federal Oil and Gas Royalty Management Act of 1982; Secretarial Order No. 3087; Amendment No. 1, February 7, 1983; Regulatory controls under 43 Code of Federal Regulations (CFR) 3160	Proposed injection wells and oil and gas wells
Rights-of-way	Grant right-of-way and potentially evaluate the environmental impacts of proposed action	NEPA, Federal Land Policy and Management Act (FLPMA), Mineral Leasing Act of 1920	Pipeline, electrical lines, access roads
Notice of Intent to conduct geophysical exploration	Protect resource values during geophysical exploration activities	FLPMA, Mineral Leasing Act of 1920	Proposed action
Approval to dispose of produced water	Controls disposal of produced water from Federal leases	Mineral Leasing Act of 1920, Regulatory controls under 43 CFR 3160	Well
Permit to use earthen pit (part of Application for Permit to Drill)	Regulates reserve pits on drilling location	Mineral Leasing Act of 1920, Regulatory controls under 43 CFR 3160	Well
Authorization for flaring and venting of gas	Regulates flaring and venting of gas	Mineral Leasing Act of 1920, Regulatory controls under 43 CFR 3160	Well testing and Evaluation
Temporary abandonment of a well	Regulates temporary abandonment of wells	Mineral Leasing Act of 1920, Regulatory controls under 43 CFR 3160	Successful well
Plugging and abandonment of a well	Establishes procedures for permanent abandonment	Mineral Leasing Act of 1920, Regulatory controls under 43 CFR 3160	Dry hole

Agency and Permit/Approval	Nature of Action	Authority	Application
U.S. Army Corps of Engineers			
Section 404 permit	Issue a permit for placement of fill or dredge materials in waters of the United States or adjacent wetlands	Section 404, Clean Water Act (CWA)	Pipeline, road, proposed actions in waters of the United States
U.S. Fish and Wildlife Service			
Consultation process, threatened or endangered species	Review potential impacts on Federally listed and candidate threatened and endangered species	Section 7 of the Endangered Species Act	Federal action
U.S. Environmental Protection Agency			
(Administered by New Mexico Water Quality Control Commission) Stormwater discharge permits (National Pollutant Discharge Elimination System permits)	Regulate discharge to surface waters from point sources	Federal Water Pollution Control Act Amendments and Section 404(p) of CWA	Construction activities disturbing one or more acres
Permit for approval to dispose produced water (also must be approved by the surface management agency)	Issue permit to allow underground injection of produced water	Federal Safe Drinking Water Act, 40 CFR Parts 144 and 147	Underground injection control
(Administered by the Oil Conservation Division of the New Mexico Energy and Minerals Department) Underground Injection Control permit	Ensure potable aquifers are not adversely affected by injection of produced water	Federal Safe Drinking Water Act Underground Injection Control program (40 CFR Parts 144 and 146.22 and 40 CFR Parts 100 to 149, July 1, 1991 revision), Onshore Order No. 7	New injection well
Spill prevention, control, and countermeasure plan	Pollution control	40 CFR Part 112	Drilling operations
New Mexico State Historic Preservation Officer			
Cultural resource Clearance	Review and consultation	Historic Preservation Act of 1966, State Cultural Properties Act of 1977	All proposed action components
New Mexico State Engineer Office			
Permit to appropriate groundwater within declared groundwater basins; approval to use surface water rights	Regulate groundwater use, permit for water wells; regulate surface water use, surface water right	New Mexico Oil and Gas Act, Water Quality Act, NM State Constitution (surface water rights)	All well development

Agency and Permit/Approval	Nature of Action	Authority	Application
New Mexico Energy, Minerals, and Natural Resources Department – Oil Conservation Division			
Permit to drill, re-enter, deepen, plugback, or add a zone (Form C-101)	Permit new wells	New Mexico Oil and Gas Act	New well development
Request for allowable and authorization to transport oil and natural gas (Form C-104)	Permit new wells	New Mexico Oil and Gas Act	New well development
Spill report	Notification of fire, breaks, leaks, spills, and blowouts	OCD Rule 116	In the event of fire, breaks, leaks, spills, and blowouts at drilling operations
New Mexico Environment Department – Air Quality Bureau			
Air emission permits	Permit new sources	Clean Air Act	Combustion sources, compressors, volatile chemical handling, storage piles, and storage tanks

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