

**DECISION RECORD  
FOR  
COLLBRAN PIPELINE PROJECT  
DOI-BLM-CO-130-2009-027 EA  
BLM Grand Junction Field Office**

**INTRODUCTION**

EnCana Oil & Gas (USA), Inc. (EnCana) has applied for a Right-of-Way (ROW) grant and Temporary Use Permit (TUP) for the construction, operation, and maintenance of a proposed 24 inch buried low pressure natural gas pipeline. The proposal is referred to as the Collbran Pipeline Project (Project). As proposed, the pipeline would be approximately 21.9 miles in length. It would gather and transport natural gas between Anderson Gulch and the Orchard Unit compressor site in Mesa and Garfield counties, Colorado (see Figure 1.1). The proposed pipeline route and potential alternatives cross federal lands managed by the BLM, Grand Junction Field Office (GJFO), BLM, Glenwood Springs Field Office, and White River National Forest (WRNF). The BLM, GJFO, has been assigned the lead office.

**PLAN CONFORMANCE AND CONSISTENCY**

The Proposed Action and alternatives have been reviewed and found to be in conformance with the following plans (43 CFR 1610.5, BLM 1617.3):

Grand Junction Resource Management Plan (RMP)

Date Approved: January, 1987

Decision Number/Page: 2-29

Decision Language: To respond, in a timely manner, to requests for utility authorizations on public land while considering environmental, social, economic, and interagency concerns. BLM lands within the Project Area are identified by a single emphasis area in the RMP/Record of Decision (ROD): “Gd – Emphasis on Land Disposal.” Identify all tracts as sensitive to public utilities. Approve only ROW applications that would not unduly depreciate the tract’s appraised values.

Decision Number/Page: 2-7

Decision Language: To make federal oil and gas resources available for leasing, except where prohibited by law or where administrative action is justified in the national interest; to make public land available for economically and environmentally sound exploration and development projects; to avoid health and safety hazards; to protect important, sensitive resource values from unacceptable impacts; and to minimize the impacts to lessees from sensitive resource protection and hazard avoidance.

Discussion: Alternative B is in conformance with the 1987 Grand Junction RMP.

## Glenwood Springs Resource Management Plan

Date Approved: January 1984

Decision Number/Page: Page 38

Decision Language: Objective: To respond, in a timely manner, to requests for utility and communication facility authorizations on public land while considering environmental, social, economic, and interagency concerns.

Decision Number/Page: Page 12

Decision Language: Objective: To maintain the maximum amount of public land available for mineral exploration and development.

Discussion: Alternative B is in conformance with the 1984 Glenwood Springs RMP. The 1984 RMP was amended in November, 1991 - *Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement* and amended in March, 1999 - *Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement (FSEIS)*. While these later amendments did not specifically address Realty authorizations, Alternative B is in general conformance with the goals and objectives.

## BLM Standards for Public Land Health

In January 1997, Colorado BLM approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. The environmental analysis must address whether Alternative B or alternatives being analyzed would result in impacts that would maintain, improve, or deteriorate land health conditions relative to these resources. These analyses are presented in the applicable resource narratives below.

## White River National Forest Land and Resource Management Plan

Date Approved: 2002 Revision (Modified March 2006)

The White River National Forest (WRNF) Forest Plan provides long-term, Forest-wide goals and objectives for NFS lands in the WRNF. The WRNF Forest Plan includes Management Area (MA) direction and prescriptions to define where different management activities may be implemented, desired conditions, and where different kinds of public use may occur. Forest-wide management requirements (also known as standards and guidelines) direct activities within the Forest and each MA. This EA is a project-level analysis that conforms to WRNF Forest Plan management direction including goals and applicable standards and guidelines. Where appropriate, this EA tiers to the Forest Plan and is hereby incorporated by reference. Alternative B was designed to be consistent with all applicable WRNF Forest Plan direction (MA and Forest-wide).

Alternative B is located in a combined Research Natural Area and MA Category 5, which primarily includes forested and rangeland ecosystems that are managed to meet a variety of ecological and human needs. Some areas are often characterized by a substantially modified natural environment. Ecological conditions are maintained while emphasizing selected biological structures and compositions. High levels of investment, use activity, facility density and vegetation manipulation evidence often characterizes areas within MA Category 5. Users of MA Category 5 areas expect to see other people and evidence of human activity. Facilities supporting the various resources and land uses are common within this MA. Motorized transportation is also common within this MA. The specific features of Alternative B are located within the Lower Battlement Research Natural Area and MA subcategory 5.42, Big Horn Sheep Habitat.

Discussion: Generally the Forest Plan guidance is to not plan utility corridors through research natural areas unless required. However, Alternative B is adjacent or within a 300 foot buffer to an existing road (NFSR 274) and would therefore be permissible.

### **FINDING OF NO SIGNIFICANT IMPACT**

Based upon review of the EA, I have determined that Alternative B will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. There are no effects described in the EA that meet the definition of significance in context or intensity as defined in 40 CR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described in the Finding of No Significant Impact (FONSI) for the project.

### **DECISION**

It is my decision to approve the request to offer a Right-of-Way grant and Temporary Use Permit for the proposed 24 inch natural gas pipeline and extra workspace as analyzed under Alternative B, with additional conditions included in the attached Special and Standard Stipulations. A Right-of-Way grant of 50 feet wide and approximately 53,328 feet long for a total of 61 acres shall be offered to the applicant. If accepted by the applicant the requested Temporary Use Permit for extra workspace would have a variable width of 25 to 75 feet in locations identified in Exhibit B. This decision authorizes the offer a Right-of-Way grant and Temporary Use Permit for the construction, operation, and maintenance of the proposed 24 inch pipeline, under the Mineral Leasing Act. The pipeline Right-of-Way will be offered for a 30 year term and the Temporary Use Permit will be offered for a 3 year term, both authorizations may be renewed before termination if approved by the BLM Authorized Officer.

### **Special and Standard Stipulations**

Several protective/mitigation measures were described in Chapter 4 of the EA. Many of the measures are requirements, stipulations, and conditions included in other permits and/or approvals. A list of authorizing actions is provided in Chapter 1 of the EA. All stipulations and conditions included in other permits and approvals are not necessarily repeated here in this

Decision. The Special and Standard Stipulations that BLM has chosen to include in this Decision are included as Attachment D.

### **Compliance, Monitoring, and Reporting**

The EA describes compliance, monitoring, and reporting requirements that are required to ensure that areas with sensitive resource values are protected. These requirements are provided in Appendix 2.

### **Alternatives Considered**

The EA considered three alternatives: the No Action Alternative-Alternative A, Alternative B, and Alternative C. Alternative B has been selected.

The No Action Alternative was not selected because the No Action Alternative does not meet the purpose and need of this project. Alternative B was selected based on the decision to avoid highly sensitive cultural resources within the Alternative A alignment. The analysis shows that development under Alternative B with BLM required conditions of approval and compliance, monitoring, and reporting requirements can be achieved without unnecessary or undue degradation excluding the need to select the No Action Alternative.

### **Rationale for Decision**

The decision to authorize construction of the Collbran Pipeline under Alternative B has been made in consideration of the environmental impacts analyzed in the EA. The action is in conformance with the Land Use Plans for the Grand Junction and Glenwood Springs field offices and White River and GMUG Forest Plans.

Approval of the Collbran Pipeline Project was not found to significantly add to existing impacts in the project area. Alternative B was selected to reduce the amount of potential damage to resources in the project area. The project would increase short term impacts to visual resources along the route. The project may also cause short term increases in soil erosion during construction. Proper construction techniques and placement of erosion control devices would reduce off site sediment transport. Proper reclamation practices would restore vegetation within the disturbed area back to prior conditions.

The proposed off-site mitigation described in section 2.5, proposed design features, and required mitigation/protective measures would mitigate short and long term impacts to wildlife populations within the project area.

A Biological Assessment has been prepared and a not likely to jeopardize the continued existence of the Colorado hookless cactus Biologic Opinion has been given based upon the proposed mitigation and protective measures.

A Biological Assessment has been prepared and a not likely to jeopardize the continued existence of the Colorado hookless cactus Biologic Opinion has been given based upon the proposed mitigation and protective measures.

SIGNATURE OF PLANNING AND ENVIRONMENTAL COORDINATOR:

Matt Anderson  
Planning and Environmental Coordinator

12-09-09  
Date

SIGNATURE OF AUTHORIZED OFFICIAL:

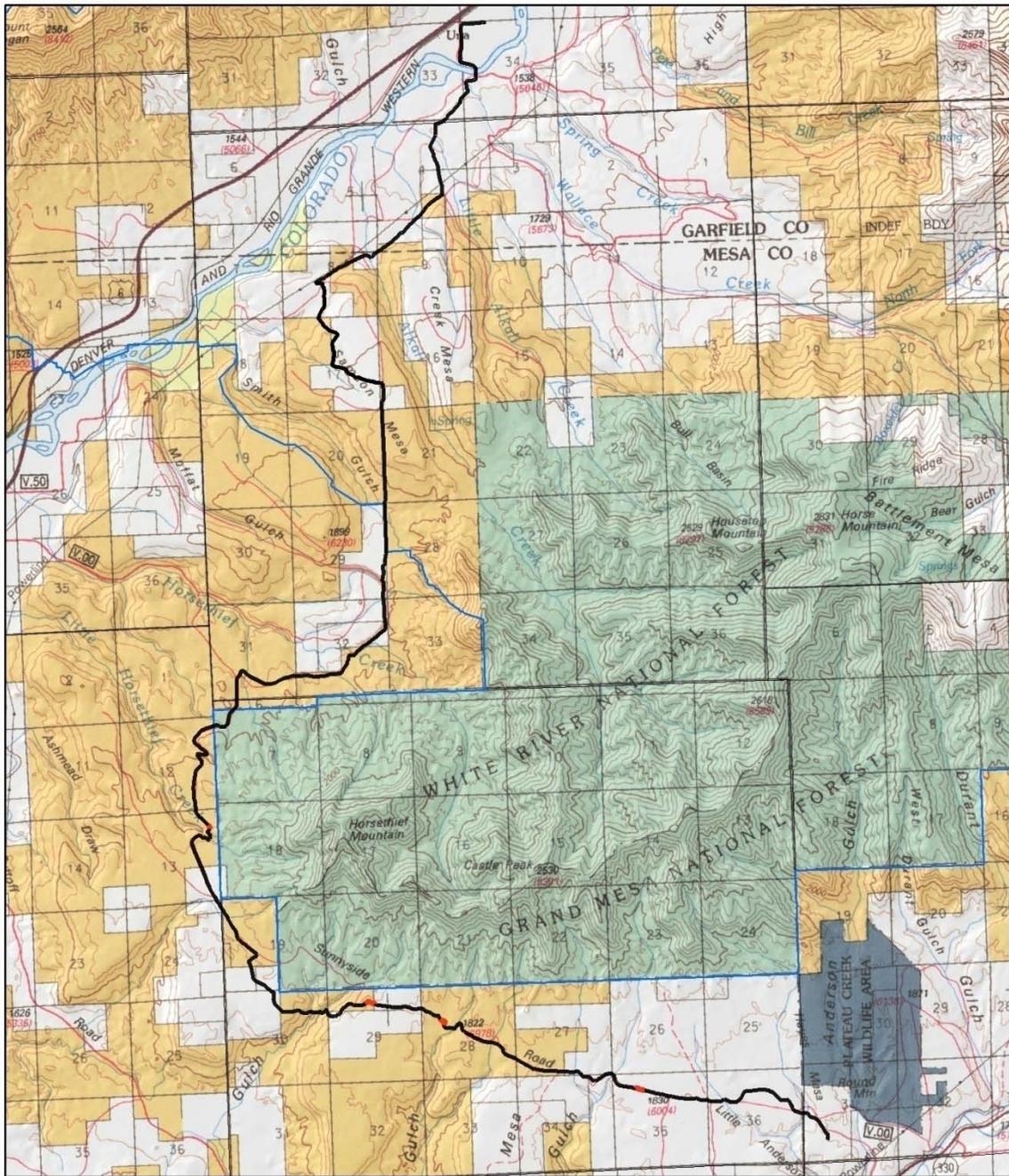
Catherine Reiman

12/19/08

EXHIBITS:

- A) Right-of-Way Map
- B) Temporary Use Permit Map
- C) Restricted Construction Space (Stovepipe) Map
- D) Special and Standard Stipulations
- E) Plan of Development

**EXHIBIT A: Right-of-Way (50' wide)**



Colorado USGS Quadrangles:  
DeBeque,  
Horsetop Mountain,  
Mesa,  
Molina,  
& Parachute

Garfield & Mesa County, Colorado

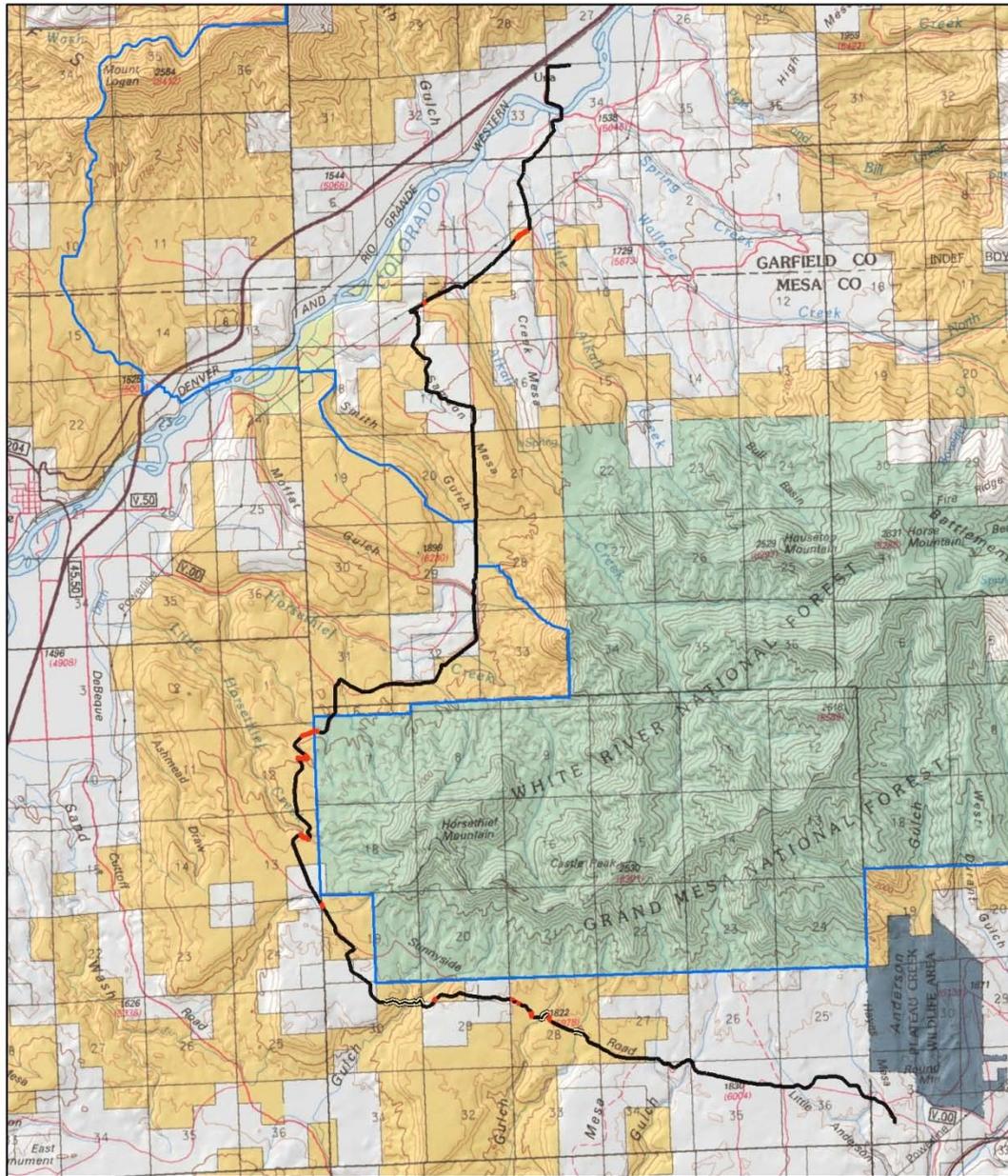
**EnCana Oil & Gas (USA), Inc.**  
**Collbran Pipeline Project**  
**DOI-BLM-CO-130-2009-0027-EA**  
**COC 72189**

- Stovepipe
- Pipeline ROW
- GJFO Boundary
- BLM
- BOR
- USFS
- Private



December 8, 2008

**EXHIBIT B: Temporary Use Permit**



Colorado USGS Quadrangles:  
DeBeque,  
Horsetop Mountain,  
Mesa,  
Molina,  
& Parachute

Garfield & Mesa County, Colorado

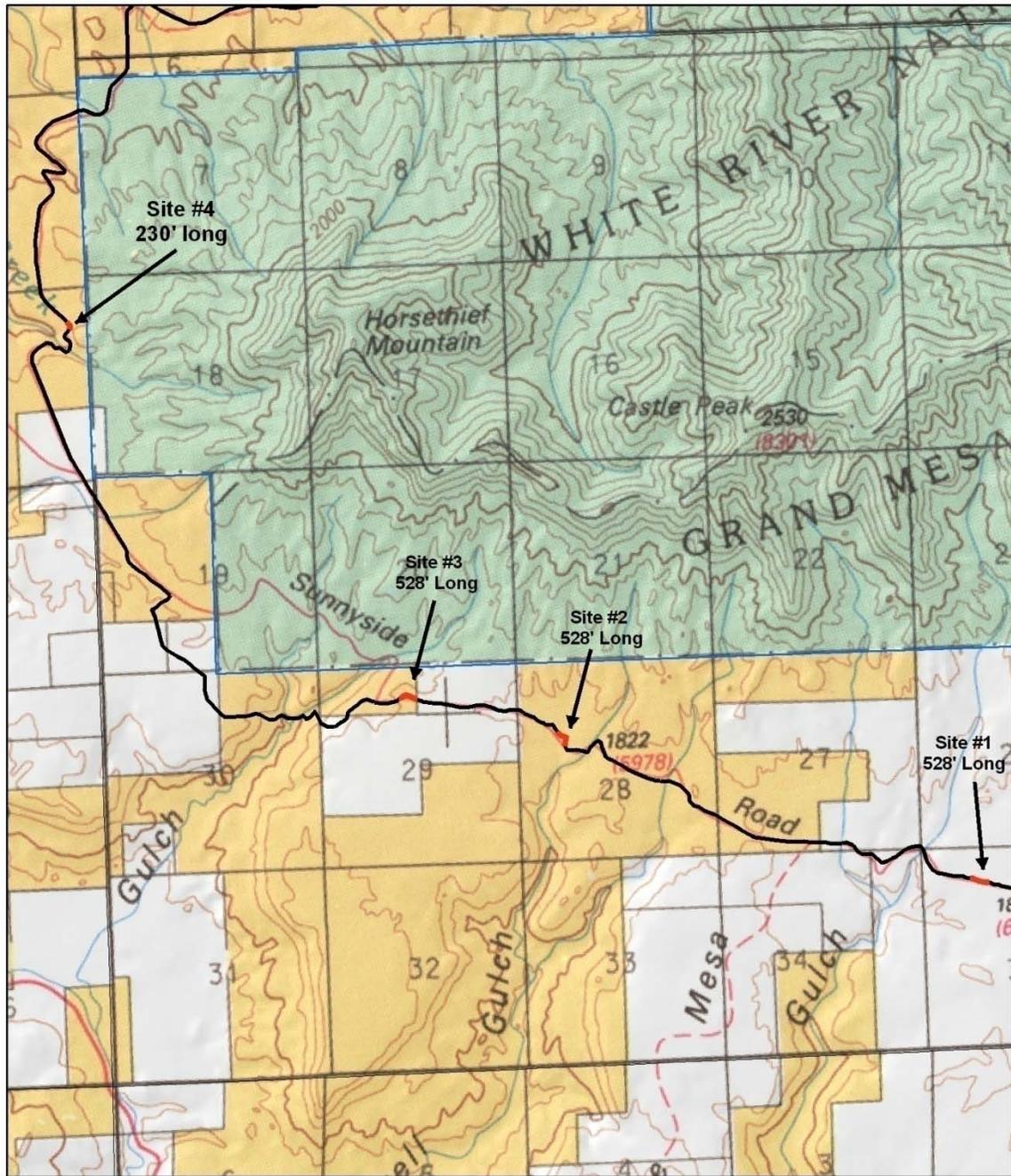
**EnCana Oil & Gas (USA), Inc.**  
**Collbran Pipeline Project**  
**DOI-BLM-CO-130-2009-0027-EA**  
**COC 72189-01**



- 75' Wide TUP
- 50' Wide TUP
- 25' Wide TUP
- GJFO Boundary
- BLM
- BOR
- USFS
- Private

December 8, 2008

**EXHIBIT C: Restricted Workspace (stovepipe sections)**



Colorado USGS Quadrangles:  
DeBeque,  
Horsetop Mountain,  
Mesa,  
Molina,  
& Parachute

Garfield & Mesa County, Colorado

**EnCana Oil & Gas (USA), Inc.**  
**Collbran Pipeline Project**  
**DOI-BLM-CO-130-2009-0027-EA**  
**COC 72189**



0 0.2 0.4 0.8 1.2  
Miles

- |  |   |
|--|---|
|  Stovepipe      |  BLM     |
|  Pipeline Route |  BOR     |
|  GJFO Boundary  |  USFS    |
|  |  Private |

December 8, 2008

## **SPECIAL STIPULATIONS**

### General:

1. The holder shall notify the U.S. Bureau of Land Management (BLM) Authorized Officer (AO) at least 24 hours prior to the commencement of any surface disturbing activities under this grant. The BLM contact person is Christina Stark, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506, phone: (970) 244-3022.
2. The holder shall construct, operate, maintain and reclaim the pipeline and all work areas in strict conformity with the submitted application and POD for the right-of-way (ROW) and Temporary Use Permit (TUP), and according to BLM and Forest Service stipulations. Inconsistencies between the POD and the agencies will be resolved in accordance with the agencies' Special and Standard Stipulations.
3. Copies of the ROW grant/TUP with the stipulations shall be kept on site during construction and maintenance activities. All construction personnel shall review the grant and stipulations before working on the ROW/TUP.
4. The holder shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities. It is the holder's responsibility to coordinate with all other ROW holders and resolve any conflicts.
5. The holder shall obtain an agreement with any existing ROW holders or other parties with authorized facilities that cross or are adjacent to those of the holder to assure that no damage to an existing ROW or authorized facility will occur. The agreement(s) shall be obtained prior to any use of the ROW or existing facility.
6. The BLM AO shall be notified at least 30 days prior to any non-emergency related surface disturbance or maintenance activities. The AO may require the completion of a special status plant species survey by a third party contractor at the expense of the holder, or the BLM may choose to complete the survey. The BLM may take actions or make recommendations to protect any special status plant populations identified near or on the ROW/TUP.
7. Sixty days prior to termination of the ROW/TUP, the holder shall contact the AO to arrange a joint inspection of the ROW/TUP. This inspection will be held to agree to an acceptable termination and reclamation plan. This plan shall include removal of facilities, recontouring and seeding at the discretion of the AO. The AO must approve the plan in writing prior to the holder's commencement of any termination activities.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. Applicant shall comply with all County regulations and permit requirements.
10. Pipeline location warning signs shall be installed within five days of construction completion. Each sign shall be permanently marked with the ROW serial number and applicant's contact information. Signs will be maintained as deemed necessary by the AO.

### Construction:

1. A preconstruction conference will be held with the AO prior to any surface disturbing activities. The purpose of the conference will be to review and clarify specific requirements and thereby facilitate better compliance and successful mitigation.
2. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way/Temporary Use Permit areas without prior written authorization of the authorized officer. Such authorization shall be a written Notice to Proceed issued by the Authorized Officer. Any Notice to Proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described. A winter construction plan must be submitted and approved by the AO before a Notice to Proceed will be authorized. The applicant shall also be required to submit complete engineering and reclamation plans for the Shire Gulch area (6<sup>th</sup> PM, T. 9 S., R. 96 W., Sections 19, 20, 29, and 30) that must be reviewed and approved by the Authorized Officer before construction before a Notice to Proceed will be authorized.
3. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in their judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
4. The exterior boundaries of the construction area shall be clearly flagged prior to any surface disturbing activities.
5. The holder shall disturb and remove only the minimum amount of soils and vegetation within the authorized ROW/TUP necessary for the construction of structures and facilities.
6. Vegetation removed from the ROW/TUP will not be placed in piles or windrows.
7. Construction width shall include the existing road where the pipeline ROW and road are coincident. The pipeline shall be located 2 to 3 feet from the edge of the ditch along the existing road. The existing road shall be on the working side of the trench. Short sections may deviate from this general requirement in order to protect environmentally sensitive resources (e.g.: threatened, endangered and sensitive plants) and will be identified in the field.
8. In environmentally sensitive areas designated by the AO, stove piping construction techniques may be required to limit new surface disturbance impacts.
9. Open trenches shall be maintained in a safe condition. Trenches adjacent to access roads shall be covered and/or warning barriers erected upon completion of daily construction or at anytime personnel are not present on the construction site.
10. The pipeline will be buried to provide a minimum cover of 36 inches through normal terrain. The pipeline will be buried deep enough to avoid problems with irrigation ditches, canals, potential irrigation areas, existing pipelines and drainages, as designated by the AO. In

rocky areas, a minimum cover of 24 inches will be provided. In areas adjacent to or crossing access roads, the pipeline shall be buried with a minimum of 4 feet of cover in alluvial areas and 3 feet of cover in rocky areas, unless the road crossing is in a drainage.

11. The operator shall implement dust abatement measures as needed or directed by the BLM AO. The level and type of treatment (watering or application of various dust agents, surfactants, and road surfacing material) may be changed in intensity and must be approved by the BLM AO. Dust control is needed to prevent heavy plumes of dust from road use that create safety problems and disperses heavy amounts of particulate matter on adjacent vegetation. Dust abatement measures during construction in identified essential sites for special status plant species will not allow magnesium chloride to be applied.
12. Stormwater Best Management Practices (BMPs) identified in the Storm Water Management Plan shall be in place prior to any earth-disturbing activity. Additional BMPs will be installed as determined necessary by the AO.
13. No discharge of hydrostatic testing waters should occur in Jerry Gulch. All test water discharged must meet state water quality standards. Discharge into Shire, Atwell and Little Anderson Gulch would be preferable. The discharge points should be appropriately armored to dissipate energy.
14. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers (COE) prior to discharging fill material into waters of the United States in accordance with Section 404 of the Clean Water Act. Waters of the United States are defined in 33 CFR Section 328.3 and may include wetlands as well as perennial, intermittent, and ephemeral streams. Permanent impacts to waters of the United States may require mitigation.

#### Soils:

1. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation. Topsoil shall only be used for reclamation and shall not be used to bed or pad the pipe during backfilling.
2. The grantee shall construct water bars, or kicker dikes, on all of the ROW/TUP, as directed by the AO. The water bars or dikes shall be constructed across the full width of the disturbed area.
3. When saturated soil conditions exist on or along the ROW/TUP, construction shall be halted until soil material dries out sufficiently for construction to proceed without undue damage and erosion to the ROW/TUP.
4. Top soil segregation may not occur when soils are saturated or frozen unless special authorization is granted by the AO.
5. All soil erosion associated with the operation must be stabilized to a condition at least equal to that present before disturbance. Silt fences or other erosion control measures shall be installed at all drainage crossings. Pipeline construction shall not block, dam, or change the

natural course of any drainage. Suspended pipelines will provide adequate clearance for runoff.

Cultural Resources:

1. The implementation of the approved mitigation and treatment plan for monitoring and data recovery is required for sites as directed by the AO. On-site monitoring shall be conducted during construction at all sites identified for monitoring or data recovery. A temporary snow fence barrier must be erected at all eligible sites and a third party archaeologist present to supervise the placement of the fence, to monitor construction activities, and to supervise the removal of the fence. In addition, due to the high number of cultural resources recorded by the inventory, third party archaeological monitoring shall occur. An archaeologist must be available and in communication with the operator or their subcontractor on the project during all construction or while any surface disturbing activity is occurring.
2. EnCana is responsible for ensuring that all persons working in the project area under this authorization, including the operator, its contractors or subcontractors, or the employees of any of them, are informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361).
3. If in connection with any operations under this contract, the operator, its contractors or subcontractors, or the employees of any of them, discovers, encounters or becomes aware of any objects or sites of cultural value or scientific interest such as historic ruins or prehistoric ruins, graves or grave markers, fossils, or artifacts, the operator shall immediately suspend all operations in the vicinity of the cultural resource and shall notify the BLM AO of the findings (16 USC 470h-3, 36 CFR 800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the BLM AO. Approval to proceed will be based upon evaluation of the resource. Evaluation shall be by a qualified professional selected by the BLM AO from a Federal agency insofar as practicable. When not practicable, the operator shall bear the cost of the services of a non-Federal professional.

Within five working days, the BLM AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places
- what mitigation measures the holder will likely have to undertake before the site can be used (assuming that *in-situ* preservation is not necessary)
- the timeframe for the BLM AO to complete an expedited review under 36 CFR 800.11, or any agreements in lieu thereof, to confirm through the State Historic Preservation Officer (SHPO) that the findings of the BLM AO are correct and that mitigation is appropriate

The operator may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately cleared of resources and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible

for mitigation costs. The BLM AO will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM AO that the required mitigation has been completed, the operator will be allowed to resume construction.

4. Pursuant to 43 CFR 10.4(g), the BLM AO must be notified by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), activities shall stop in the vicinity of the discovery, and the discovery shall be protected for 30 days or until notified by the BLM AO to proceed.
5. Pursuant to Colorado State Statutes CRS 24-80-1301 for Historic, Prehistoric, and Archaeological Resources, and for Unmarked Human Graves, unless otherwise addressed as stipulated above, all provisions apply as cited in Part 13 -Unmarked Human Graves Office Of Archaeology & Historic Preservation.

#### Weeds:

1. On the ROW/TUP, the holder shall monitor and promptly control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County and as set forth in the Glenwood Springs Energy Office *Noxious and Invasive Weed Management Plan for Oil and Gas Operations* dated March 2007. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. A Pesticide Use Proposal (PUP) must be approved by the AO prior to the use of herbicides. Emergency use of pesticides shall be approved in writing by the AO prior to such use. Herbicide application to thistle will be avoided in sites known to be occupied by the rare Rocky Mountain Thistle.

#### Migratory Birds:

1. In order to reduce potential impacts to nesting birds, the BLM recommends that no vegetation be removed or altered between April 1 and July 31.

#### Native American Concerns:

1. The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity shall cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM AO, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).

#### Special Status Plant Species:

1. Construction and surface disturbing activities shall be limited to the existing road surface at three SCGL3 sites. The pipeline corridor and disturbance shall be restricted to the existing roadbed in areas identified in attachment B, or as directed by the BLM AO. Side casting of soils shall not occur in areas of critical habitat identified in Attachment B or other critical

areas determined by the AO.

2. Stove pipe construction techniques to limit construction widths primarily to existing disturbance will also be utilized in areas identified as a potential PHSCS3 site (6<sup>th</sup> PM, T. 9 S., R. 97 W., Sec 13 NE¼). In section 13 the pipeline must be moved to the west side of the road for approximately 230 feet from mile marker 9.38 to 9.42, to limit any additional disturbance of the occupied *Phacelia* habitat immediately adjacent to the road. No new surface disturbance beyond the existing road surface may occur on the east side of the road. The pipeline will be placed on the west side of the Sunnyside Road in the area identified in Attachment B, and no new surface disturbance may occur to the east of this location.
3. Use conventional BMPs during construction to decrease erosion and dust and facilitate successful reclamation.
4. Sensitive sites potentially affected by construction shall be well marked on the ground with flagging or plastic snow fencing. All exclusion areas shall be identified and monitored with use of a GPS device by the compliance monitor. Temporary plastic webbed fencing shall be placed through areas supporting cacti to restrict vehicles and machinery in the pipeline corridor and Sunnyside Road to avoid the disruption of individual or groups of plants.
5. Individual plants shall be covered with protective enclosures (square boxes: wood or metal) that are well ventilated to prevent overheating if determined necessary by the AO to provide added protection from excavated sidecast exposure. These measures shall be applied for time periods recommended by the AO and enforced by compliance monitors or BLM staff.
6. Monitors shall be present during pre-construction activities such as the placement of exclusion fences and during construction, reclamation, and maintenance activities that are within 100 meters of sensitive species, or as determined necessary by the AO.
7. Magnesium chloride may not be applied for dust abatement in areas identified in Attachment C or as directed by the AO.
8. The upper zones of topsoil shall be segregated from surrounding topsoil during construction in areas identified in Attachment C or as directed by the AO. These soils shall not be mixed with nearby soils and must be placed back in their pre-construction location.
9. A monitoring plan shall be developed in conjunction with the USFWS and approved by the Authorized Officer for the evaluation of specie health and condition. The monitoring plan must be submitted to the AO annually for the first five years following construction and as determined necessary by the AO following the first five years of construction.
10. Permanent protective fencing would be constructed along both sides of Sunnyside Road through the occupied plant habitat after completion of construction. The fence would help reduce off-road vehicular traffic. Fencing would be one-strand, steel cable threaded through steel pipe and be approximately 40 inches high.

11. Herbicide application to thistle will be avoided in sites known to be occupied by the rare Rocky Mountain Thistle.

Special Status Fish Species:

1. Screens will be placed on intake hoses used to acquire water to prevent the entrapment of fish or other aquatic species. The holder will monitor the appropriation rate (uptake of water in hoses) of water to ensure that an adequate river flow is maintained to support aquatic life. A report of the volume of water used will be provided to the Authorized Officer to facilitate the reporting of depletion volumes to the USFWS.
2. Installation of a shutoff valve set prior to the Una Bridge crossing that in the event of a pipeline breach would prevent/minimize flows of natural gas and liquids into the Colorado River.

Wastes:

1. The holder shall promptly remove and dispose of all waste, caused by its activities. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes and equipment. No burning of trash, trees, brush, or any other material shall be allowed.
2. The Contractor will not store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 200 feet of any water body or dry drainage. Equipment or vehicles that are crossing or working within 200 feet of water bodies will not be refueled unless the Environmental Inspector gives a specific exception. If any hazardous material must be temporarily stored or transferred within 200 feet of a water body (i.e. stationary pumps), then it must be placed within a secondary containment structure that is capable of containing 110 percent of the volume of the stored material.

Hazardous Materials:

1. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 et seq.), with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117, shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
2. The holder shall submit its Spill Prevention Containment and Countermeasure (SPCC) plan to the Authorized Officer prior to scheduled start up. The SPCC plan should:

- a. Include provisions for oil or other pollutant spill control.
- b. The agencies responsible for contingency plans and BLM shall be among the first to be notified in the event of any pipeline system failure resulting in a spill of oil or other pollutant. Include a list of notification contact information.
- c. Provide for restoration of the affected resource with guidance from the BLM.
- d. Provide that the Authorized Officer shall approve any materials or devices used for oil spill control and any disposal sites or techniques selected to handle oil, matter, or other pollutants.
- e. Include separate and specific techniques and schedules for cleanup of spills of oil or other pollutants on land or waters

**Reclamation:**

1. All disturbed areas shall be re-contoured to blend with the natural topography to the satisfaction of the AO within 30 days of project completion, or cessation of construction activity.
2. As part of the required reclamation, all disturbed areas on lands managed by the BLM **GJFO** shall be seeded with a seed mixture suitable to specific site conditions, except in areas with phacelia habitat. This mixture shall be approved prior to reclamation by the authorized officer. All seed mixtures must be certified to be weed-free. Application rates are for pure, live seed (PLS). Certification and seed tags must be submitted to the Field Manager within 30 days of seeding. The following seed mix is an example of the of the species and application rate that may be required for reclamation:

**Recommended Seed Mixes:**

Mid-Elevation Sage Grouse Seed Mix		
Species	Rates (lbs PLS/acre)	Application Area
Western wheatgrass (Rosanna)	1.0	South of and including T9S, R97W, Sec 12 SWSW  N 4353187 W227209
Indian ricegrass (Rimrock)	1.0	
Bluebunch wheatgrass (Whitmar)	1.0	
Thickspike wheatgrass (Critana)	1.0	
Letterman needlegrass	1.0	
Blue flax (Maple Grove)	.5	
Rocky Mountain Penstemon	.5	
Utah or Northern sweetvetch	1.0	

Standard Seed Mix		
Species	Rates (lbs PLS/acre)	Application Area
Western Wheatgrass (Rosanna)	3	North of and including T9S, R97W, Sec 12 NWSW to the GSFO boundary
Pubescent Wheatgrass (Luna)	3	
Indian ricegrass (Rimrock)	3	

Bottlebrush Squirreltail	2	N 4353187 W227209
Blue flax (Maple Grove)	.5	
Western Yarrow		
Four-wing Saltbush (Rincon)	2	

Badlands Seed Mix (Badlands Range Site)		
Species	Rates (lbs PLS/acre)	Application Area
Siberian Wheatgrass (P27)	3	Badlands Soil types as shown on SCS Soil Survey maps in the GJFO
Russian Wildrye (Bozoiisky)	2	
Crested Wheatgrass (Hycrest)	3	
Blue Flax	.5	
Four-wing Saltbush (Rincon)	2	

3. Portions of the pipeline within the **GSFO** shall be reclaimed in accordance with the reclamation requirements described in the GSEO May 1, 2008 Revisions to BLM Energy Office Revegetation Requirements Letter. Reclamation procedures shall be approved by the GSFO Authorized Officer prior to the commencement of any reclamation activities associated with the Collbran Pipeline within the GSFO.
4. Reclamation on the White River National Forest (WRNF) shall be conducted in accordance with the requirements of the WRNF. The WRNF AO must give authorization before reclamation activities shall not begin on the lands managed by this agency.
5. The grant holder shall provide satisfactory reclamation of all sites disturbed by their activity. This may include installation of erosion control devices and seeding at the discretion of the AO. All erosion control devices such as silt fences, straw bales, water bars, etc shall be removed as directed by the BLM AO.
6. Pinyon/juniper shall be purchased from the BLM prior to the start of construction. (Estimated volume in cords is: Preferred Alt. 187.8 cords, Alts. A and B, 131 cords for an estimated value of \$4,695.00 and \$3,285.00 respectively.)
7. The applicant shall be required to submit a reclamation monitoring plan to the Authorized Officer. Reclamation success shall be monitored until reclamation objectives determined by the BLM GJFO are met.

Fire:

1. Welding, acetylene or other torch, with open flame, shall be operated in an area barren or cleared of all flammable materials at least ten feet on all sides from equipment. Internal combustion engines must be equipped with an approved spark arrestor which meets either:
  - a. Department of Agriculture, Forest Service Standard 5100-1a; or
  - b. Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).

2. Special fire control stipulations may be in affect depending on when construction takes place. The grant holder shall coordinate with the BLM AO and comply with any applicable fire control measures.

Paleontological Resources:

1. All persons associated with operations under this authorization shall be informed that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered, the operator shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM AO of the findings. The discovery must be protected until notified to proceed by the BLM AO.
2. The operator shall suspend ground-disturbing activities at the event of a paleontological resource discovery and immediately notify the BLM AO of any finds. The BLM AO will, as soon as feasible, have a BLM-permitted paleontologist evaluate the site, and record and collect it, if warranted. If ground-disturbing activities cannot be immediately suspended, the operator shall work around or set the discovery aside in a safe place to be accessed by the BLM-permitted paleontologist.

Range:

1. Any range improvements (i.e., fences and cattle guards) that are removed by the pipeline construction will be repaired as soon as possible. During construction, the trench will be backfilled as soon as possible to minimize the hazard to livestock and measures will be taken to ensure cattle stay within their prescribed areas. When cattle are present, the Authorized Officer may direct that measures be taken to allow access to forage on either side of the fence. Reseeding the disturbed areas should be coordinated with the permittees to avoid cattle grazing new seedlings until the revegetation is established.

Access and Transportation:

1. The holder shall place rocks or other barriers as necessary to deter off road motorized vehicle traffic onto the pipeline corridor.
2. If traffic is disrupted during construction then suitable traffic control measures will be implemented. Traffic control measures will include warning signs, barriers or flagmen unless otherwise approved by the AO.
3. All existing authorized roads used for construction shall be maintained in as good as, or in better than existing condition. This may include, but is not limited to, roadway surface repairs (blading the roadway), cleaning ditches and drainage facilities, and dust abatement.

After construction, existing roads shall be restored to meet or exceed conditions existing prior to construction. All road maintenance activities must be approved by the AO.

Visual:

1. The following mitigation measures shall be applied to pipeline construction in Section 17, T. 8 S., R. 96 W., 6th PM.
  - Efforts shall be made to feather the edge of vegetation clearing to reduce straight line contrasts.
  - Efforts shall be made to leave as much existing vegetation as possible to screen the excavated disturbances.
  - Upright vegetation should be thinned and given an undulating edge to emulate the transitional edges of adjacent upright vegetation.
  - During reclamation, vegetation debris and rocks shall be scattered intermittently throughout the corridor to break up color, texture, and form contrasts.
  - Final reclamation shall include the breaking up of monocultures of vegetation and/or soil caps.
  - During the reclamation, slopes shall be re-contoured to approximate the natural topography.
  - Any remnant cut and fill slopes should have undulating contours which emulate the slopes in the adjacent landscape.
2. Any surface exposed pipeline and all other surface facilities shall be painted a non-reflective Shale Green color that blends with the natural environment, or another color as determined by the AO.

Raptor Nesting:

1. Although BLM considers surveys conducted for a NEPA Environmental Assessment to be valid for 2 years, new nests may be built and occupied between the initial surveys and project implementation. To ensure compliance with the Migratory Bird Treaty Act, the Operator shall schedule surface disturbance activities outside the raptor nesting season (February 1 to August 15). If nest sites are unoccupied by May 15, the remainder of this seasonal limitation period may be suspended. If initiation of construction or drilling during these dates cannot be avoided, the Operator is responsible for complying with the Migratory Bird Treaty Act, which prohibits the “take” of birds or active nests (those containing eggs or young), including nest failure caused by noise and human activity.

Big Game Winter Timing Limitation:

1. To protect winter wildlife habitat, no pipeline construction, maintenance, reclamation, or operations considered to be intensive by the AO shall be allowed on BLM administered lands from December 1 to April 30. A winter timing exemption for construction activities from December 1, 2008 to April 30, 2009 has been authorized only on public lands managed by

the BLM based upon proposed mitigation. Exception: Under mild winter conditions, the last 60 days of the seasonal limitation period may be suspended after consultation with the Colorado Division of Wildlife (CDOW).

2. Winter construction and maintenance activities on the National Forest Lands must be approved by the National Forest AO responsible for managing the affected lands.

Big Game Winter Construction on Public Land managed by the BLM:

1. The following mitigation measures shall be used to minimize the impacts to big game winter habitat:
  - Install wildlife crossovers (trench plugs), with ramps on either side of the open trench, at maximum 1- mile intervals and at well-defined livestock and wildlife trails to facilitate passage of big game across the right-of-way and to prevent wildlife from being trapped in the trench.
  - Complete construction (pipe installation, backfill, and rough grading) in major migration corridors, as identified by the BLM and CDOW, to allow wildlife unimpeded access across the construction workspace.
  - Transport the majority of construction workers to the construction site via mass transit (i.e., buses or vans provided by the contractor or carpooling) to minimize vehicle traffic.
  - Inform all persons associated with the project that vehicle collisions with wildlife will be reported. EnCana will provide weekly reports to the BLM documenting all vehicle/wildlife collisions.
  - Restrict travel on Sunnyside Road to daylight hours only, from December 1 to April 30.
  - Seed disturbed areas with an appropriate seed mix supports of the health of wildlife.
  - Redistribute woody material salvaged during clearing operations over the right-of-way as directed by the Authorized Officer.
  - Prevent public access in big game winter range high value wildlife areas by installing road closure gates as necessary. These locations would be determined by the BLM and COOW, and EnCana would install a locking steel frame gate with welded steel support braces and appropriate fence panels to ensure a defensible closure point. Any additional means necessary to prevent public motorized access such as shoulders or fencing may also be required and installed by EnCana.
  - Complete 500 acres of habitat enhancement by feathering the edges of the right-of-way, roller chopping, or completing alternative vegetation clearing in suitable areas as determined by the BLM and CDOW. If these areas are located outside the corridor analyzed within the Collbran Pipeline Environmental Assessment, Encana will commit the funding to complete required cultural, biological, and environmental analysis Total compensation for roller chopping and environmental analysis would not exceed \$100,000.
  - Place the N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> Section 32, T. 8 S., R., 96 W., 6<sup>th</sup> PM (+1- 160 acres) of EnCana's Sunnyside property into a conservation easement. EnCana would reserve all

rights to develop oil and gas assets and related infrastructure along with the right to construct two residences.

Ips Beetles:

1. In order to minimize the potential for attracting pinyon pine Ips beetles, any pinyon trees that would be removed due to construction activities during the Ips beetle active flight season (late March to early November) shall either be chipped or buried on the site within 24 hours. Grubbed juniper trees would be re-placed back across the project area to inhibit motorized travel and provide micro-sites for site rehabilitation.

National Forest Lands:

On lands managed by the U.S. Forest Service (USFS), Design Criteria given in the following table will also apply:

**Project Design Criteria  
COA No. 21 Project Design Criteria**

<b>Project Design Criteria</b>	<b>Resource Benefits</b>
Install pipelines in existing disturbance corridors where ever practicable.	Soil, water, fish, wildlife, visual resources
Ensure successful re-vegetation (measured by 75% cover of adjacent undisturbed ground after 2 growing seasons) of disturbed ground with native vegetation.	Soil, water, fish, wildlife, visual resources
Surface facilities will be painted a standard environmental color selected by the BLM or USFS to better blend the facilities with their surroundings.	Visual resources
Within water influence zones (WIZ), an adequate vegetative buffer or filter strip will be maintained to filter runoff from the construction area before it reaches the creek, wherever possible.	Soil, water, fish
Sediment traps will be installed in problem locations where insufficient vegetative buffering is available to filter runoff prior to entering Alkali Creek or other tributaries.	Soil, water, fish
Proposed crossing of jurisdictional drainages will follow the permit conditions identified by the COE in the 404 permit.	Soil, water, fish
Holder shall implement of storm water management plan including design, installation, inspection and maintenance of BMPs according to terms of CDPHE storm water permit.	Soil, water, vegetation, fish
Holder shall implement CDPHE discharge permits for hydrostatic test water and trench de-watering.	Soil, water, aquatics

### COA No. 21 Project Design Criteria

Project Design Criteria	Resource Benefits
Road watering and/or treatment with dust suppressant will be performed on the access road during the short-term construction and development activities.	Air, visual resources
Holder shall comply with federal, state, and local air quality emission standards and regulations. Ensure that equipment is properly maintained.	Air, visual resources
To the extent feasible, project workers will car pool to and from surrounding cities and towns to minimize vehicle-related emissions and fugitive dust emissions.	Air, visual resources, roads
Locations, application rates, and timing of magnesium chloride placement (if used) will be approved by the BLM or USFS. Placement will not occur when rainfall is forecast. Placement will not occur within 25 feet of project streams.	Water
Topsoil will be handled carefully during stripping, stockpiling, and backfilling operations so that soil horizons are not blended and the fertility of the topsoil layer is not compromised.	Soil, vegetation
Subsurface ripping will be used to reduce compaction prior to replacement of the topsoil and seeding.	Soil, vegetation, water
Re-vegetation of all reclaimed areas will include reapplication of seed (and BLM or USFS recommended fertilizer if necessary) and periodic watering by the operator if re-vegetation is unsuccessful within two growing seasons after construction is completed.	Soil, vegetation, water, visual resources
All construction equipment and vehicles will be power washed prior to the start of construction. Any construction or operational vehicles traveling between the Project Area and outside areas will be power-washed on a weekly basis.	Vegetation, noxious and invasive weeds
Holder will use certified weed-free seed mixes of native plant species indigenous to Project Area as determined by the BLM and USFS.	Soils, vegetation, noxious and invasive weeds

### COA No. 21 Project Design Criteria

Project Design Criteria	Resource Benefits
Weed control will be conducted through an Approved Pesticide Use and Weed Control Plan approved by the AO.	Soils, vegetation, noxious and invasive weeds, visual resources
Weed monitoring and reclamation measures will continue on an annual basis (or as frequently as the AO determines) until reclamation is successful (as determined by BLM and USFS).	Soils, vegetation, noxious and invasive weeds.
Holder shall obtain a road use permit for NFSR 274 use, upgrade, and maintenance	Transportation
The project design has endeavored to minimize vegetation removal as much as possible to avoid vegetation impacts.	Soils, vegetation, noxious and invasive weeds, visual resources
Prior to any construction between March 1 and August 31, all precipitous areas and forested areas within 0.5 miles of the proposed disturbance would be surveyed for the presence of active raptor nests. If active raptor nests were documented, construction would not occur within the species-specific spatial buffer during the species-specific active nesting season. Spatial buffer distances will be determined by the BLM or USFS.	Wildlife
Manage the site to minimize garbage accumulation and no overnight food storage or storage in open containers would be allowed.	Wildlife
Project employees will be prohibited from carrying firearms or bringing dogs to the Project Area.	Wildlife
The pipeline construction area should be closed to the general public. Personnel with access monitored to insure such access is not abused; i.e., no access during non-working hours for purposes unrelated to the project such as hunting or unauthorized vehicle use.	Wildlife, public safety, soils, recreation
Construction activities should be scheduled to minimize to disturbance to migrating elk and nesting birds.	Wildlife
Speed limits on access roads will be strictly enforced to limit collisions with wildlife.	Wildlife, visual resources, air, public safety

### COA No. 21 Project Design Criteria

Project Design Criteria	Resource Benefits
Re-vegetation efforts shall be aimed at returning disturbed areas to the approximate mix of grasses, shrubs, and trees present before the disturbance.	Wildlife, vegetation, visual resources
All equipment, including welding trucks, will be equipped with fire extinguishers and other fire fighting equipment as required by the BLM and USFS and outlined in the Fire Protection Plan.	Public safety, soil, water, air, vegetation
Open flame/welding activities will be conducted in accordance with guides in the Fire Protection Plan.	Public safety, soil, water, air, vegetation
Pipeline crews will follow applicable safety requirements near the power line.	Worker & public safety, and the power line
Prior to the construction process, a Class III cultural resources survey will be completed on all areas proposed for surface disturbance. Should any significant cultural resources be located, the archaeologist will notify the BLM or USFS and make recommendations for impact avoidance or mitigation. Laramie will then coordinate with the BLM or USFS on appropriate measures to be implemented.	Cultural

### STANDARD STIPULATIONS

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the AO. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the AO after consulting with the holder.
2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
3. The Grant holder shall monitor the ROW for the presence of weeds, which are included on the County noxious weed list. After consulting with the AO, the holder shall control weed

infestations which have resulted from the holder's construction, operation, maintenance, or use of the ROW. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the AO written approval of a plan showing the type and quantity of material to be used, the pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to such use.

4. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
5. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.