

FINDING OF NO SIGNIFICANT IMPACT DOI-BLM-CO-N040-2012-0028-EA

The Environmental Assessment (EA) analyzing the environmental effects of the Proposed Action has been reviewed. Project design and approved mitigation measures result in a Finding of No Significant Impact on the human environment. Therefore, an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) is not necessary to further analyze the environmental effects of the Proposed Action.

AMENDED DECISION

BACKGROUND

On June 18, 2012, the BLM, Colorado River Valley Field Office (CRVFO) issued a Finding of No Significant Impact (FONSI) and Decision Record approving the Environmental Assessment (EA) for the proposed Bargath Kokopelli Phase II Natural Gas Pipeline and WPX Spruce Creek to Beaver Creek Water Pipelines project (DOI-BLM-CO-N040-2012-0028-EA). As specified in the EA, the proposed WPX water pipelines were to be collocated with the Bargath natural gas pipeline along most of its length, including segments in the S½ Section 3 and NE¼ Section 10, Township 7 South, Range 94 West of the Sixth Principal Meridian.

The Decision Record of June 18, 2012, also deferred approval of portions of the pipeline at crossings of four drainages pending completion of consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA) relative to potentially suitable habitat for the Ute ladies'-tresses orchid (*Spiranthes diluvialis*), a species Federally listed as threatened.

This Amended Decision has been prepared to address two changes in the project subsequent to the initial FONSI and Decision Record June 18, 2012:

- The portion of the Bargath gas pipeline in the S½ Section 3 and NE¼ Section 10, T7S, R94W, is to be rerouted to follow an existing Energy Transfer Corporation (ETC) gas pipeline and would no longer be collocated with the WPX water pipelines in that area.
- The WPX pipelines alignment does not cross potentially suitable habitat for the Ute ladies'-tresses, obviating the need for ESA Section 7 consultation.

DECISION

Based on the facts presented above, the FONSI and Decision Record dated June 18, 2012, remain valid relative to the WPX Spruce Creek to Beaver Creek Water Pipelines Project, as proposed and as analyzed in DOI-BLM-CO-N040-2012-0028-EA. The planned reroute by Bargath of a proposed collocated segment of the Kokopelli Phase II Natural Gas Pipeline does not affect the validity of the initial Decision Record as pertains to the WPX pipelines.

However, because of the planned reroute of a portion of the Bargath Kokopelli Phase II Natural Gas Pipeline Project, it is also my Decision to defer approval of that project pending completion by the BLM of NEPA documentation describing the proposed realignment, analyzing and disclosing associated environmental impacts, and specifying appropriate and adequate mitigation to be required as terms and conditions (stipulations) for issuance of a Right-of-Way Grant and Temporary Use Permit for that project. It also continues to be my Decision to defer approval of the Bargath Kokopelli Phase II Natural Gas Pipeline pending completion of ESA Section 7 consultation with the USFWS regarding the Ute ladies'-tresses orchid and of additional surveys for other rare plants along the planned reroute.

RATIONALE

1. This decision will improve operational efficiency of existing and planned future Federal oil and gas developments by improving the management of produced water, fresh water, and other aqueous fluids associated with the development of natural gas resources.
2. Notwithstanding the planned realignment of a portion of the Bargath natural gas pipeline to avoid the S½ Section 3 and NE¼ Section 10, T7S, R94W, large portions of the two pipeline project alignments will follow existing pipeline corridors. Segments where new corridors must be constructed have been located and designed to minimize adverse environmental consequences.
3. This decision does not authorize the initiation of construction activities on BLM lands. Those activities will be authorized by BLM's issuance of a Right-of-Way Grant and Temporary Use Permit for portions of the pipeline on BLM lands.

MITIGATION: Environmental impacts will be avoided, minimized, or mitigated by the following:

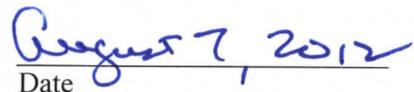
- Construction of the pipeline along an existing pipeline corridor to the extent practicable.
- Project design components (including boring beneath the Colorado River) to protect water quality for downstream users and the Colorado pikeminnow and razorback sucker, Federally protected endangered fish species.
- Reductions in habitat disturbance and implementation of specific mitigation and reclamation practices designed to minimize impact to Harrington's penstemon, a BLM and USFS sensitive plant species.
- Timing limitations to prohibit construction from December 1 through April 30 to protect wintering big game.
- Timing limitations to protect nesting raptors for activities commencing during the nesting season of February 15 to July 15 and Birds of Conservation Concern for activities during the period May 1 to July 1, unless surveys indicate that nests are inactive.
- A variety of additional restrictions applied as stipulations to the BLM Right-of-Way Grant and Temporary Use Permit.

Copies of the Kokopelli Phase II Natural Gas Pipeline and Spruce Creek to Beaver Creek Water Pipelines EA are available for review at the BLM Colorado River Valley Field Office located at 2300 River Frontage Road, Silt, Colorado 81652.

SIGNATURE OF AUTHORIZED OFFICIAL:



Authorized Officer



Date