

**U.S. Department of the Interior  
Bureau of Land Management  
Glenwood Springs Energy Office  
2425 South Grand Avenue, Suite 101  
Glenwood Springs, Colorado 81601**

**STATUTORY CATEGORICAL EXCLUSION**

**NUMBER:** CO140-2008-109sce

**CASEFILE NUMBER:** Right-of-Way Grants COC72903 (Natural Gas Pipeline) and COC72903T (Temporary Use Permit).

**PROJECT NAME:** Proposal for a Right-of-Way (ROW) grant to allow the placement of a buried 24-inch steel gas pipeline and related facilities (i.e. launchers, receivers, block valves, pipeline markers, and CP test stations) along approximately 3.5 miles of BLM land.

**LEGAL DESCRIPTION:** Township 7 South, Range 95 West, Section 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Section 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  ; Section 29, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Section 30, SE $\frac{1}{4}$ ; and Section 31, Lot 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 6<sup>th</sup> Principal Meridian, Garfield County, Colorado.

**APPLICANT:** ETC Canyon Pipeline, LLC, 1600 Broadway, Suite 1900, Denver, Colorado 80202. Contact: Art Smith, Manager of Engineering Projects, 720-225-4011. Consultant: Wagon Wheel Consulting, Inc., 111 East 3<sup>rd</sup> Street, Suite 213, Rifle, Colorado 81650, Jimmy Smith, President, 970-625-8433.

**PROPOSED ACTION:** The ETC Canyon Pipeline, LLC (“ETC”) proposed action is to install, operate, maintain, and terminate approximately 13.9 miles of 24-inch diameter, buried steel natural pipeline and related facilities (i.e. launchers, receivers, block valves, pipeline markers, and CP test stations). The 24-inch pipeline is designed to handle anticipated increases in natural gas production from wells currently being drilled as well as anticipated future wells to be drilled in this area. An existing 8-inch gas pipeline is currently running at full capacity at approximately 20,000 mscf/d. Approximately 3.5 miles of the pipeline would be located within Bureau of Land Management (BLM) managed public lands in Garfield County, Colorado. The remainder, approximate 10.4 miles, would be installed on private lands within Garfield County. The pipeline begins at an existing 12-inch pipeline interconnect located in T7S, R94W, sec. 9, and terminates at a point in T7S, R96W, sec 36. Construction would take approximately 14 to 16 weeks to complete.

The pipeline would require a permanent 30-foot right-of-way width with an additional 30-foot temporary construction width. Three temporary staging areas, located on private surface, have been selected and land owner agreements have been signed. The pipeline would be operated on a year-round basis. Construction would proceed immediately upon receipt of an execute right-of-way grant.

The proposed pipeline route is immediately adjacent to an existing ETC pipeline. Construction of the proposed pipeline would occur in previously disturbed areas to the greatest extent possible. The expected surface disturbance would be approximately 24.73 acres, including the portion previously disturbed.

**BLM CONDITIONS OF APPROVAL:** Stipulations that would be included with the ROW grant for the buried natural gas pipeline and associated surface facilities are attached.

**NEPA COMPLIANCE:** The following category of Statutory Categorical Exclusion pursuant to Section 390 of the Energy Policy Act (Act of 2005) applies to this proposal:

Category #4: *"Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within five (5) years prior to the date of placement of the pipeline."*

The previous pipeline construction (COC 69055) was addressed in EA# CO140-2006-030.

**Prepared by:** Vanessa Bull, Natural Resource Specialist

**Approval:** It is my decision to approve the proposed action with the above referenced terms and conditions:

  
\_\_\_\_\_  
Allen B. Crockett, Ph.D., J.D.  
Supervisory Natural Resource Specialist

6-24-08  
Date

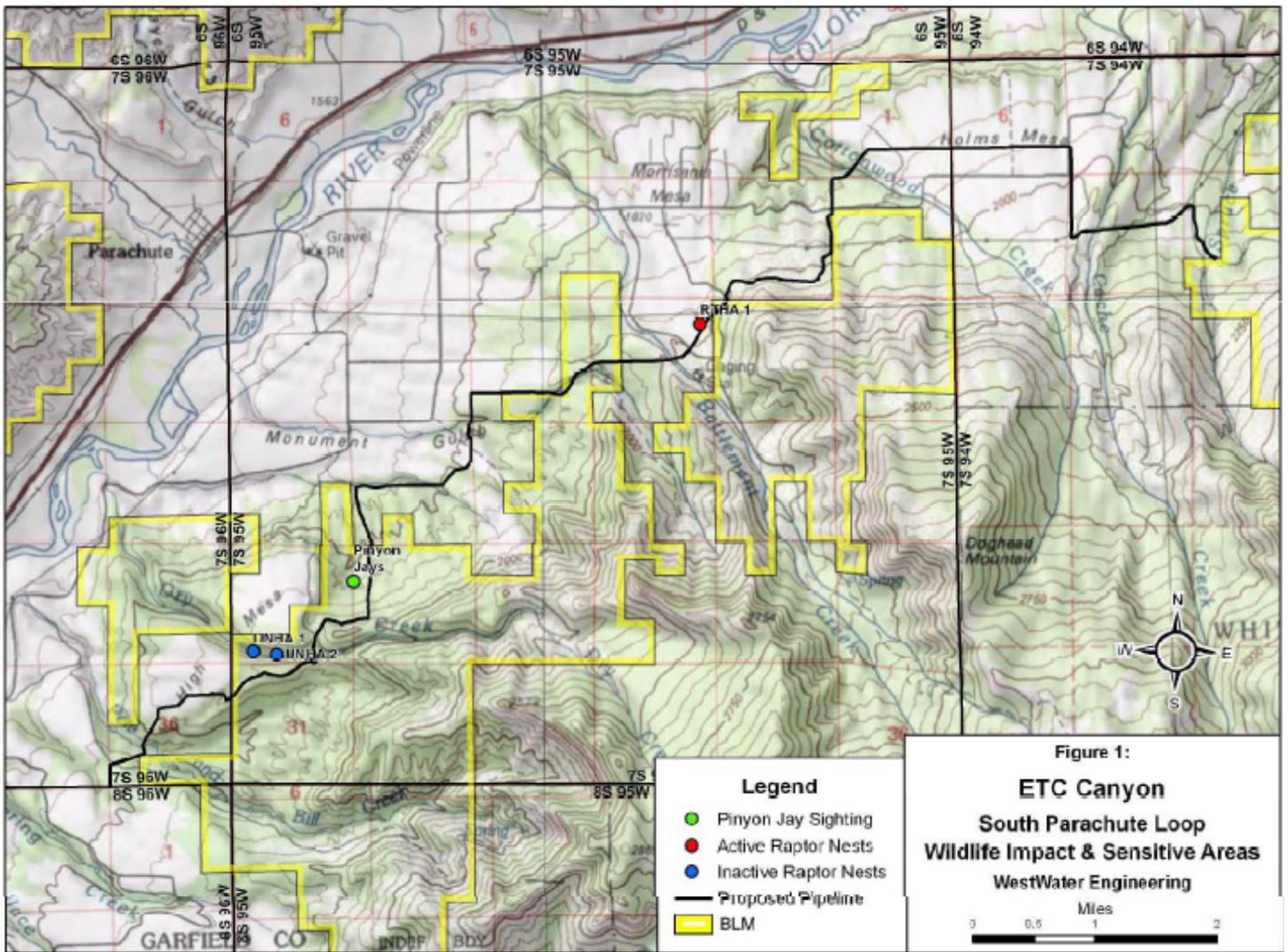


Figure 1. Location Map, Proposed New Pipelines for ETC Canyon Pipeline

**Surface Use Stipulations**  
**Environmental Assessment CO140-2008-109**  
**Right-of-Way Grant COC72903 & COC 72903T**  
**ETC Canyon Pipeline, LLC**

The following stipulations are attached to the right-of-way authorized by this EA:

**General Stipulations:**

1. Administrative Notification. The operator shall notify the BLM representative at least 48 hours prior to initiation of construction.
2. Road Construction and Maintenance. Roads shall be crowned, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards. Initial gravel application shall be a minimum of 4 inches. The operator shall provide timely year-round road maintenance and cleanup on the access roads. A regular schedule for maintenance shall include, but not be limited to, blading, ditch and culvert cleaning, road surface replacement, and dust abatement. When rutting within the traveled way becomes greater than 6 inches, blading, and/or gravelling shall be conducted as approved by the authorized officer.
3. Dust Abatement. The operator shall implement dust abatement measures as needed or directed by the BLM authorized officer. 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 authorized officer.
4. Drainage Crossings and Culverts. Construction activities at perennial, intermittent, and ephemeral drainage crossings (e.g. burying pipelines, installing culverts) shall be timed to avoid high flow conditions and shall consist of either a piped stream diversion or the use of a coffer dam and pump to divert flow around the disturbed area.

Culverts at drainage crossings shall be designed and installed to pass a 25-year or greater storm event. On perennial and intermittent streams, culverts shall be designed to allow for passage of aquatic biota. The minimum culvert diameter in any installation for a drainage crossing or road drainage shall be 18 inches. Contact Jeff O'Connell, Glenwood Springs Energy Office Hydrologist, at 970-947-5215 or [jeffrey\\_o'connell@blm.gov](mailto:jeffrey_o'connell@blm.gov). Crossings of drainages deemed to be jurisdictional waters of the U.S. pursuant to Section 404 of the Clean Water Act may require additional culvert design capacity. Due to the flashy nature of area drainages and anticipated culvert maintenance, the U.S. Army Corps of Engineers recommends designing drainage crossings for the 100-year event. Contact Sue Nall at 970-243-1199 x16 or [susan.nall@usace.army.mil](mailto:susan.nall@usace.army.mil).

Pipelines installed beneath stream crossings shall be buried at a minimum depth of 4 feet below the channel substrate to avoid exposure by channel scour and degradation. Following burial, the channel grade and substrate composition shall be returned to pre-construction conditions.

5. Jurisdictional Waters of the U.S. The operator shall obtain appropriate permits from the U.S. Army Corps of Engineers prior to discharging fill material into waters of the U.S. in accordance with Section 404 of the Clean Water Act. Waters of the U.S. 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 U.S. may require mitigation. Contact Sue Nall, Regulatory Specialist, Colorado/Gunnison Basin Regulatory Office, U.S. Army Corps of Engineers, at 970-243-1199 x16 or [susan.nall@usace.army.mil](mailto:susan.nall@usace.army.mil).

6. Wetlands and Riparian Zones. The operator shall restore temporarily disturbed wetlands or riparian areas. The operator shall consult with the BLM Glenwood Springs Energy Office to determine appropriate mitigation, including verification of native plant species to be used in restoration. Contact Jeff O'Connell, Glenwood Springs Energy Office Hydrologist, at 970-947-5215 or jeffrey\_o'connell@blm.gov.

7. Reclamation. The goals, objectives, timelines, measures, and monitoring methods for final reclamation of oil and gas disturbances are described in Appendix I (Surface Reclamation) of the 1998 Draft Supplemental EIS (DSEIS). Specific measures to follow during interim and temporary (pre-interim) reclamation are described below.

a. Deadline for Temporary Seeding and Interim Reclamation. Topsoil storage piles, stormwater control features, and cut-and-fill slopes shall undergo temporary seeding to stabilize the material and minimize weed infestations within 30 days following completion of pad construction. Interim reclamation to reduce a well pad to the maximum size needed for production shall be completed within 6 months following completion of the last well planned for the pad.

Both of these deadlines are subject to being extended upon approval of the authorized officer based on season, timing limitations, or other constraints on a case-by-case basis.

b. Topsoil Stripping, Storage, and Replacement. Topsoil shall be stripped following removal of vegetation during construction of well pads, pipelines, roads, or other surface facilities. This shall include, at a minimum, the upper 6 inches of soil. Any additional topsoil present at a site, such as indicated by color or texture, shall also be stripped. The authorized officer may specify a stripping depth during the onsite visit. The stripped topsoil shall be stored separately from subsoil or other excavated material and replaced prior to final seedbed preparation.

c. Seedbed Preparation. For cut-and-fill slopes, initial seedbed preparation shall consist of backfilling and recontouring to achieve the configuration specified in the reclamation plan. For compacted areas, initial seedbed preparation shall include ripping to a minimum depth of 18 inches, with a maximum furrow spacing of 2 feet. Where practicable, ripping shall be conducted in two passes at perpendicular directions. Following final contouring, the backfilled or ripped surfaces shall be covered evenly with topsoil.

Final seedbed preparation shall consist of scarifying (raking or harrowing) the spread topsoil prior to seeding. If more than one season has elapsed between final seedbed preparation and seeding, and if the area is to be broadcast-seeded or hydroseeded, this step shall be repeated no more than 1 day prior to seeding to break up any crust that has formed.

Seedbed preparation is not required for topsoil storage piles or other areas of temporary seeding.

Requests for use of soil amendments, including basic product information, shall be submitted to the BLM for approval.

d. Seed Mixes. A seed mix consistent with BLM standards in terms of species and seeding rate for the specific habitat type shall be used on all BLM lands affected by the project (see Attachments 1 and 2 of the letter provided to operators dated May 1, 2008). Note that temporary seeding allows use of a seed mix containing sterile hybrid non-native species in addition to native perennial species.

For private surfaces, the menu-based seed mixes are recommended, but the surface landowner has ultimate authority over the seed mix to be used in reclamation. The seed shall contain no noxious, prohibited, or restricted weed seeds and shall contain no more than 0.5 percent by

weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight, including the seed of other agronomic crops and native plants; however, a lower percentage of other crop seed is recommended. Seed tags or other official documentation shall be supplied to the BLM Glenwood Springs Energy Office Ecologist (Beth Brenneman, 970-947-5232 or [beth\\_brenneman@blm.gov](mailto:beth_brenneman@blm.gov)) at least 14 days before the date of proposed seeding for acceptance. Seed that does not meet the above criteria shall not be applied to public lands.

- e. Seeding Procedures. Seeding shall be conducted no more than 24 hours following completion of final seedbed preparation.

Where practicable, seed shall be installed by drill-seeding to a depth of 0.25 to 0.5 inch. Where drill-seeding is impracticable, seed may be installed by broadcast-seeding at twice the drill-seeding rate, followed by raking or harrowing to provide 0.25 to 0.5 inch of soil cover. Hydroseeding and hydromulching may be used in temporary seeding or in areas where drill-seeding or broadcast-seeding/raking are impracticable. Hydroseeding and hydromulching must be conducted in two separate applications to ensure adequate contact of seeds with the soil.

If interim revegetation is unsuccessful, the operator shall implement subsequent reseeding until interim reclamation standards are met. Requirements for reseeding of unsuccessful temporary seeding will be considered on a case-by-case basis.

- f. Mulch. Mulch shall be applied within 24 hours following completion of seeding. In areas of interim reclamation that used drill-seeding or broadcast-seeding/raking, mulch shall consist of crimping certified weed-free straw or certified weed-free native grass hay into the soil. Hydromulching may be used in areas of interim reclamation where crimping is impracticable, in areas of interim reclamation that were hydroseeded, and in areas of temporary seeding regardless of seeding method.

NOTE: Mulch is not required in areas where erosion potential mandates use of a biodegradable erosion-control blanket (straw matting).

- g. Erosion Control. Cut-and-fill slopes shall be protected against erosion with the use of water bars, lateral furrows, or other measures approved by the authorized officer. Biodegradable straw matting, bales or wattles of weed-free straw or weed-free native grass hay, or well-anchored fabric silt fence shall be used on cut-and-fill slopes and along drainages to protect against soil erosion. Additional BMPs shall be employed as necessary to reduce erosion and offsite transport of sediment.
- h. Site Protection. The pad shall be fenced to BLM standards to exclude livestock grazing for the first two growing seasons or until seeded species are firmly established, whichever comes later. The seeded species will be considered firmly established when at least 50 percent of the new plants are producing seed. The authorized officer will approve the type of fencing.
- i. Monitoring. The operator shall conduct annual monitoring surveys of reclaimed areas and shall submit an annual monitoring report to the authorized officer by **December 31** of each year. The monitoring program shall use the four Reclamation Categories defined in Appendix I of the 1998 DSEIS to assess progress toward reclamation objectives. The annual report shall document whether attainment of reclamation objectives appears likely. If one or more objectives appear unlikely to be achieved, the report shall identify appropriate corrective actions. Upon review and approval of the report by the BLM, the operator shall be responsible for implementing the corrective actions or other measures specified by the authorized officer.

8. Weed Control. The operator shall regularly monitor and promptly control noxious weeds or other undesirable plant species as set forth in the Glenwood Springs Energy Office *Noxious and Invasive Weed Management Plan for Oil and Gas Operators*, dated March 2007. A Pesticide Use Proposal (PUP) must be approved by the BLM prior to the use of herbicides. Annual weed monitoring reports shall be submitted by **December 31**. Contact Beth Brenneman, Glenwood Springs Energy Office Ecologist, at 970-947-5232 or [beth\\_brenneman@blm.gov](mailto:beth_brenneman@blm.gov).
9. Big Game Winter Range. In conformance with the current land use plan that governs ROW actions, all activities related to pipeline construction on the Federal portion of the pipeline route are prohibited from December 1 to April 30.
10. Raptor Nesting. Raptor nest surveys in the project vicinity resulted in the location of one or more raptor nest structures within 0.125 mile of the pipeline route. To protect nesting raptors, a 60-day Timing Limitation (TL) shall be applied to the initiation of construction, drilling, or completion activities within the buffer width specified above. This TL shall apply during the period March 15 to May 15 annually until project completion. An exception to this TL may be granted for any year in which a subsequent survey determines one of the following: (a) the nest is in a severely dilapidated condition or has been destroyed due to natural causes, (b) the nest is not occupied during the normal nesting period, (c) the nest was occupied but subsequently failed due to natural causes, or (d) the nest was occupied but the nestlings have fledged and dispersed from the nest. In the case of a dilapidated nest or one that was destroyed due to natural causes, the TL shall apply to any alternate or replacement nest within the buffer widths specified above, unless an exception is granted for the alternate or replacement nest for one of the reasons listed. Because the nests were not active during the 2008 nesting survey, the TL does not apply to construction, drilling, or completion activities during 2008. Contact Jeff Cook, Glenwood Springs Energy Office Wildlife Biologist, at 970-947-5231 or [jeffrey\\_cook@blm.gov](mailto:jeffrey_cook@blm.gov).
11. Birds of Conservation Concern: Pursuant to BLM Instruction Memorandum 2008-050, all surface-disturbing activities are prohibited from May 1 to June 30 to reduce impacts to Birds of Conservation Concern (BCC). An exception to this COA will be granted if nesting surveys conducted no more than one week prior to surface-disturbing activities indicate that no BCC species are nesting or otherwise present within 10 meters of the area to be disturbed. Nesting surveys shall include an aural survey for diagnostic vocalizations in conjunction with a visual survey for adults and nests. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 AM under favorable conditions for detecting and identifying a BCC species. Contact Jeff Cook, Glenwood Springs Energy Office Wildlife Biologist, at 970-947-5231 or [jeffrey\\_cook@blm.gov](mailto:jeffrey_cook@blm.gov).
12. Range Management. Range improvements (fences, gates, reservoirs, pipelines, etc) shall be avoided during development of natural gas resources to the maximum extent possible. If range improvements are damaged during exploration and development, the operator will be responsible for repairing or replacing the damaged range improvements. If a new or improved access road bisects an existing livestock fence, steel frame gate(s) or a cattleguard with associated bypass gate shall be installed across the roadway to control grazing livestock.
13. Ips Beetle. To avoid mortality of pinyon pines due to infestations of the *Ips* beetle, any pinyon trees damaged during road, pad, or pipeline construction shall be chipped after being severed from the stump or grubbed from the ground, buried in the toe of fill slopes (if feasible), or cut and removed from the site within 24 hours to a location approved by the Colorado State Forest Service.
14. Paleontological Resources. 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 authorized officer of the findings. The discovery must be protected until notified to proceed by the BLM authorized officer.

Where feasible, the operator shall suspend ground-disturbing activities at the discovery site and immediately notify the BLM authorized officer of any finds. The BLM authorized officer will, as soon as feasible, have a BLM-permitted paleontologist check out the find 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.

## 15. Cultural Resources.

a. Education/Discovery. All persons in the area who are associated with this project must be informed that if anyone is found disturbing historic, archaeological, or scientific resources, including collecting artifacts, the person or persons will be subject to prosecution.

Pursuant to 43CFR10.4(g), the BLM authorized officer 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 43CFR10.4 (c) and (d), activities must stop in the vicinity of the discovery and the discovery must be protected for 30 days or until notified to proceed by the authorized officer.

If in connection with operations under this contract the project proponent, his contractors, subcontractors, or the employees of any of them, discovers, encounters or becomes aware of any objects or sites of cultural or paleontological value or scientific interest such as historic or prehistoric ruins, graves or grave markers, fossils, or artifacts, the proponent shall immediately suspend all operations in the vicinity of the cultural or paleontological resource and shall notify the BLM authorized officer of the findings (16 U.S.C. 470h-3, 36CFR800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer. Approval to proceed will be based upon evaluation of the resource. Evaluation shall be by a qualified professional selected by the authorized officer from a Federal agency insofar as practicable. When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the authorized officer will inform the holder as to:

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

The proponent may relocate activities to avoid the expense of mitigation and/or the 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 proponent will be responsible for mitigation costs. The authorized officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the authorized officer that the required mitigation has been completed, the proponent will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the proponent's cost including Native American consultation cost.

b. Colorado State Statutes CRS 24-80-1301 for Historic, Prehistoric, and Archaeological Resources, and for Unmarked Human Graves.

PART 13 -UNMARKED HUMAN GRAVES OFFICE OF ARCHAEOLOGY & HISTORIC PRESERVATION

24-80-1301. Definitions.

As used in this part 13, unless the context otherwise requires:

- (1) "Commission" means the commission of Indian affairs.
- (2) "Disturb" means to move, open, expose, dig up, disinter, excavate, remove, carry away, damage, injure, deface, desecrate loot, vandalize, mutilate, or destroy.
- (3) "Human remains" means any part of the body of a deceased human being in any stage of decomposition.
- (4) "Land" means all lands, including submerged lands, located within the state of Colorado which are owned by the state or its political subdivisions, agencies, or instrumentality's or by any private person.
- (5) "Person" means an individual, limited liability company, corporation, unincorporated association, partnership, proprietorship, or governmental entity.
- (6) "Unmarked human burial" means any interment of human remains for which there exists no grave marker or any other historical documentation providing information as to the identity of the deceased.

24-80-1302. Discovery of human remains.

- (1) Except as provided in section 24-80-1303 with regard to anthropological investigations, any person who discovers on any land suspected human skeletal remains or who knowingly disturbs such remains shall immediately notify the coroner of the county wherein the remains are located and the sheriff, police chief, or land managing agency official.
- (2) The coroner shall conduct an onsite inquiry within hours of such notification to attempt to determine whether such skeletal remains are human remains and to determine their forensic value. If the coroner is unable to make such determinations, the police chief, the sheriff, the coroner, or the land managing agency official shall request the forensic anthropologist of the Colorado bureau of investigation to assist in making such determinations. If it is confirmed that the remains are human remains but of no forensic value, the coroner shall notify the state archaeologist of the discovery. The state archaeologist shall recommend security measures for the site.
- (3) Prior to further disturbance, the state archaeologist shall cause the human remains to be examined by a qualified archaeologist to determine whether the remains are more than one hundred years old and to evaluate the integrity of their archaeological context. Complete documentation of the archaeological context of the human remains shall be accomplished in a timely manner.
- (4) (a) If the on-site inquiry discloses that the human remains are native American, the state archaeologist shall notify the commission.

- (b) The remains shall be disinterred unless the landowner, the state archaeologist, and the chairman of the commission or his designee unanimously agree to leave the remains in situ.
- (c) Disinterment shall be conducted carefully, respectfully, and in accordance with proper archaeological methods and by an archaeologist who holds a permit issued under sections 24-80-405 and 24-80-406. In the event the remains are left in situ, they shall be covered over.
- (d) Without the landowner's express consent for an extension of time, disinterment shall be accomplished no later than ten consecutive days after the state archaeologist has received notification from the coroner pursuant to subsection (2) of this section.
- (e) The archaeologist who conducts the disinterment will assume temporary custody of the human remains, for a period not to exceed one year from the date of disinterment, for the purpose of study and analysis. In the event that a period in excess of one year is required to complete such study and analysis, the commission shall hold a hearing and may, based upon its findings, grant an extension. During the period that the human remains are in the temporary custody of the archaeologist who conducted the disinterment, an archaeological analysis and report shall be prepared. At the same time, a physical anthropological study shall be conducted to include, but not be limited to, osteometric measurement, pathological analysis, and age, sex, and cause of death determinations. The cost of the disinterment, archaeological analysis, and physical anthropological study shall be borne by the state archaeologist except when the human remains are recovered from private lands. In the latter case, if no party can be identified who will bear the cost of such scientific study; the state archaeologist shall bear such costs.
- (f) Upon completion of the studies pursuant to paragraph (e) of this subsection (4), the state archaeologist shall consult with the commission regarding reinternment.
- (5) Those remains which are verifiably nonnative American and are otherwise unclaimed will be delivered to the county coroner for further conveyance to the Colorado state anatomical board.

24-80-1303. Discovery of human remains during an anthropological investigation.

- (1) Prior to the commencement of an anthropological investigation in which it is probable that skeletal remains will be discovered, the anthropologists conducting such an investigation shall apply to the state archaeologist for an excavation permit issued under the authority of section 24-80-405 (1)(g). Upon receipt of said permit by a qualified applicant, he shall notify the coroner and sheriff of the county in which the investigation shall be conducted.
- (2) When skeletal remains are discovered during such an investigation, the anthropologists shall determine whether such skeletal remains are human remains, and, if such remains are determined to be human remains, the anthropologists shall determine, whenever possible, the age and cultural affiliation of the individual. Based on such determinations, the anthropologists shall proceed as follows:
  - (a) If it is determined that the human remains are of an individual who has been dead less than one hundred years, the anthropologists shall notify the coroner of the discovery and shall offer an opinion as to the forensic significance of the human remains. The coroner shall respond to such notification within 24 hours, during which time all activity which could disturb such human remains shall cease. If, on the basis of the anthropologist's opinion or on an independent onsite inquiry, the coroner determines that the human remains are of no forensic significance, the anthropologists shall notify either the state archaeologist, if the human remains are those of a native American, or the Colorado state anatomical board, if the human remains are those of a human being who was not a native American.

- (b) If it is determined that the skeletal remains are human remains but of an individual who has been dead for more than one hundred years, notwithstanding the provisions of section 30-10-606 (1.2), C.R.S., the anthropologists need not notify the coroner but shall notify either the state archaeologist, if the human remains are those of a Native American, or the Colorado state anatomical board, if the remains are of a nonnative American.
- (3) Upon notification by the anthropologists of the discovery of the human remains of a native American, the state archaeologist shall notify the commission and shall thereafter proceed in accordance with the provisions of section 24-80-1302 (4).

24-80-1305. Violation and penalty

- (1) Any person who knowingly disturbs an unmarked human burial in violation of this part 13 commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106 C.R.S.
- (2) Any person who has knowledge that an unmarked human burial is being unlawfully disturbed and fails to notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106,C.R.S.

c. Cultural Resource Mitigation. An archaeological monitor conducted by a archaeological firm qualified and permitted to do this type of archaeological work within the Glenwood Springs Field Office area is required during all phases of construction of the pipeline. Maps with the exact location of sections of pipeline to be monitored will be provided to the excavation firm by the archaeological contractor.

- No ground-disturbing construction activities (topsoiling, ditching, etc.) will begin prior to the archaeologist's arrival. ETC Canyon Pipeline is responsible for notifying the archaeological firm at least 72 hours in advance of any proposed ground disturbance in the specified areas. ETC Canyon Pipeline is responsible for any and all construction delays and/or damage to cultural manifestations due to insufficient notification of the Archaeological Contractor, and or noncompliance with the procedures.
- Archaeological monitoring will involve on-the-ground visual inspection of all construction for the road/pipeline within the above specified areas. The archaeologists will follow all the ground disturbing equipment at a cautionary distance, allowing time for the construction dust to settle and for visible detection of buried cultural features to occur. If cultural resources are discovered, all ground disturbing activities in the vicinity of identified feature(s) will be halted and a buffer area at least 100 ft from the identified feature(s) will be protected from any additional disturbance until which time as the feature(s) is mitigated via data recovery. Appropriate samples for analysis to determine cultural/temporal affiliation, and subsistence will be collected and analyzed as appropriate. At least one stratigraphic profile will be made for each feature identified, and samples for paleoenvironmental reconstructions will be taken as appropriate. Periodic reporting to the BLM archaeologist of progress and findings will be completed on a weekly or more frequent schedule as deemed necessary by the BLM authorized officer.

Boring, rather than trenching across those historic ditches eligible for the National Register of Historic Places is required. Maps with the exact location of sections of pipeline to be bored under will be provided to the excavation firm by the archaeological contractor.

The extension of Federal protection to cultural resources on affected portions of private land is specified in BLM Manual 8100.07 (Responsibility for Non-Federal Cultural Resources).

16. Native American Religious Concerns. The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM authorized officer, 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)).
17. Visual Resources. Production facilities shall be placed to avoid or minimize visibility from travel corridors, residential areas, and other sensitive observation points—unless directed otherwise by the authorized officer due to other resource concerns—and shall be placed to maximize reshaping of cut-and-fill slopes and interim reclamation of the pad.

To the extent practicable, existing vegetation shall be preserved when clearing and grading for pads, roads, and pipelines. The authorized officer may direct that cleared trees and rocks be salvaged and redistributed over reshaped cut-and-fill slopes or along linear features.

Above-ground facilities shall be painted a natural color selected to minimize contrast with adjacent vegetation or rock outcrops. The color shall be specified by the BLM and attached as a COA to individual APDs.

**Site Specific Stipulations:**

- No ground-disturbing construction activities (topsoiling, grading, ditching, etc.) will begin prior to the archaeologist's arrival. The operator is responsible for notifying the archaeological firm at least 72 hours in advance of any proposed ground disturbance in the specified areas. The operator is responsible for all construction delays and or damage to cultural manifestations due to insufficient notification of the Archaeological Contractor; and or noncompliance with the following procedures.
- Archaeological monitoring will involve visual inspection of all construction for the road/pipeline and well pad within the above specified area. The archaeologists will follow all ground-disturbing equipment at a cautionary distance, allowing time for the construction dust to settle and for visible detection of buried cultural features to occur. If cultural resources are discovered, all ground-disturbing activities in the vicinity of identified feature(s) will be halted, and a buffer area at least 100 ft from the identified feature(s) will be established to protect the discovery from additional disturbance until which time as the feature(s) are mitigated via data recovery. Appropriate samples for analysis to determine cultural/temporal affiliation, and subsistence, will be collected. At least one stratigraphic profile will be made for each feature identified, and samples for paleoenvironmental reconstructions will be taken as appropriate. Periodic reporting to the BLM archaeologist of progress and findings will be completed on a weekly or more frequent schedule as deemed necessary by the BLM authorized officer.
- When all ground-disturbing activity is complete, the archaeological contractor will produce and submit a draft written report to the Glenwood Springs Field Office. Upon acceptance of the report, two final reports will be submitted—one for the BLM and one for the SHPO. This report must be in a contextual framework that is compatible with known archaeological knowledge of the area and the Northern Colorado River Basin Context.