



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
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CATEGORICAL EXCLUSION DOI-BLM-CO-N040-2011-0106-CX

A. Background

BLM Office:

Colorado River Valley Field Office

Lease/Serial/Case File No:

Temporary Use Permit COC75020(B)

Proposed Action Title/Type: Drilling of Four Vertical Geophysical Test Bores to Assist Bargath/Williams in Designing a Horizontal Bore for a Pipeline beneath the Colorado River.

Location of Proposed Action: Section 33, Lot 4; and Section 34, Lot 3;
Township 6 South, Range 94 West
Sixth Principal Meridian, Garfield County, Colorado.

Description of Proposed Action: Bargath LLC, through its contractors Star Valley Engineering and D.R. Griffin and Associates, Inc., propose to drill four vertical geophysical test bores through terrace alluvium and underlying bedrock to help in designing a planned horizontal bore beneath the Colorado River for the purpose of installing a natural gas pipeline from oil and gas facilities south of the river to processing and pipeline facilities north of the river. Figure 1 shows the project area. The small-diameter vertical test bores are needed to ensure that the large-diameter horizontal bore will be sufficiently stable for drilling and for containing a pipeline.

Drilling will be conducted at four sites, including two locations atop high terraces and two along the floodplain on both sides of the river. Drilling will be accomplished by a truck-mounted rig and can be completed in one to two work days. A BLM geologist will be present to observe the operations. At each bore, cuttings generated by the drilling and removal of test cores—needed for geophysical testing—will be replaced into the bore and the bore then grouted. No surface disturbance will remain except for a small area of disturbed soil approximately 3 to 4 feet in diameter. Grass seed will be hand-broadcast and hand-raked into the disturbed soil before leaving the site.

Inspection of the four drilling sites by BLM personnel and site surveys by a Bargath consultant (WestWater Engineering) indicate no potential for significant adverse impacts to sensitive or other resources. The two terrace locations include one in a pasture of non-native grasses and one in a xeric native grassland that contains multiple existing oil and gas facilities. The two floodplain locations are not located within, nor would they affect either directly or indirectly, any areas of wetland or riparian vegetation.

Land Use Plan Conformance:

The Proposed Action is subject to and has been reviewed for and is in conformance with (43 CFR §1610.5 and § 2800, BLM 1617.3) the following plan:

Name of Plan: Record of Decision and Glenwood Springs Resource Management Plan.

Date Approved: January, 1984; revised in 1988; amended in November 1991 – Oil and Gas Leasing and Development – Final Supplemental Environmental Impact Statement; amended Nov. 1996 – Colorado Standards and Guidelines; amended in August 1997 – Castle Peak Travel Management Plan; amended in March 1999 – Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 – Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: Page 14, Minerals Management

Decision Language: *To maintain the maximum amount of public land available for exploration and development of minerals.* The proposed test bores and planned horizontal pipeline bore would be in conjunction with existing and future oil and gas developments, including Federal oil and gas leases underlying BLM and split-estate lands.

A review of the existing stipulations outlined in the 1999 Oil and Gas Supplemental Environmental Impact Statement (SEIS) reveals that the proposed project would fall within the Major River Corridor buffer zone (0.5 mile from river's edge). Exception criteria for the Major River Corridor No Surface Occupancy (NSO) stipulation states: "the distance from the river may be reduced after the Authorized Officer has considered the habitat values and the species present, the topographical and vegetative characteristics of the area, and the type and amount of surface disturbance proposed." The avoidance of impacts to aquatic, wetland, or riparian plant and animal communities, the small amount of surface disturbance, and the post-disturbance restoration support a decision to grant an exception for the test bores. In addition, the short-term duration of the disturbance supports a determination that the NSO does not apply to the test bores, because it does not constitute "occupancy" within the definition of the NSO.

No special status plant species occur or are potentially present in areas of direct or indirect disturbance. The Colorado River riparian corridor and adjacent floodplain is known to support nesting and winter roosting by the bald eagle (*Haliaeetus leucocephalus*), a species formerly listed as threatened under the Federal Endangered Species Act but recently delisted. However, the species remains protected under the Federal Bald and Golden Eagle Protection Act and the Federal Migratory Bird Treaty Act and is classified by the BLM as a sensitive species. Because of the location of the four test bores relative to suitable nesting or roosting sites, the short duration and seasonal timing of the project, and the timing of the project outside CRVFO's Bald Eagle Winter Roost Timing Limitation (November 16 to April 15), the BLM has concluded, in collaboration with a representative of the U.S. Fish and Wildlife Service (USFWS), that the project would not adversely affect the bald eagle.

The reach of the Colorado River within the project area and vicinity has been designated by the USFWS as critical habitat for two endangered big-river fishes, the Colorado pikeminnow

(*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*). Based the minimal spatial and temporal scale of the geophysical test-bore drilling program, and because the project would not result in depletions of flows in the river, the BLM has made a determination of “**No Effect**” on these species. Therefore, no consultation with the USFWS pursuant to Section 7 of the ESA is required. A similar conclusion of no effects was reached by the BLM regarding three big-river fishes listed by the BLM as sensitive species, the roundtail chub (*Gila robusta*), bluehead sucker (*Catostomus discobolus*), and flannelmouth sucker (*C. latipinnis*).

The project would be located outside the period of CRVFO’s Big Game Winter Range Timing Limitation (December 1 to April 30) and so would not affect these species adversely.

The project would be in conformance with VRM Class II standards and the CRVFO’s associated Controlled Surface Use (CSU) stipulation. A benefit of the planned pipeline bore, which the project action would help support, is that it would avoid pipeline scars on the adjacent slopes of the high terraces along the river, thereby minimizing impacts to visual resources.

B. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM’s NEPA Handbook 516 DM 11.9, CX J. Other:

- 3. *Conducting preliminary hazardous materials assessments and site investigations, site characterization studies, and environmental monitoring.*

This categorical exclusion is appropriate in this situation because this is a site characterization study, and because no extraordinary circumstances exist that have potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 applies.

EXCLUSIONS	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X

EXCLUSIONS	YES	NO
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

D. Interdisciplinary Review

Name	Title	Area of Responsibility
D.J. Beaupeurt	Realty Specialist	Rights-of-Way
John Brogan	Archaeologist	Cultural Resources and Native American Concerns
Jim Byers	NRS	Project NEPA Lead
Allen Crockett	Supervisory NRS	Vegetation, Special Status Plants, Weeds
Shauna Kocman	Hydrologist	Soil, Air, Surface Water, Waters of the U.S.
Julie McGrew	NRS	Visual Resources
Sylvia Ringer	Wildlife Biologist	Fish and Wildlife, Special Status Species
Todd Sieber	Geologist	Paleontology, Geology, Minerals

REMARKS/MITIGATION: The attached Conditions of Approval (COAs) represent the mitigation measures that would be attached to the Temporary Use Permit.

I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

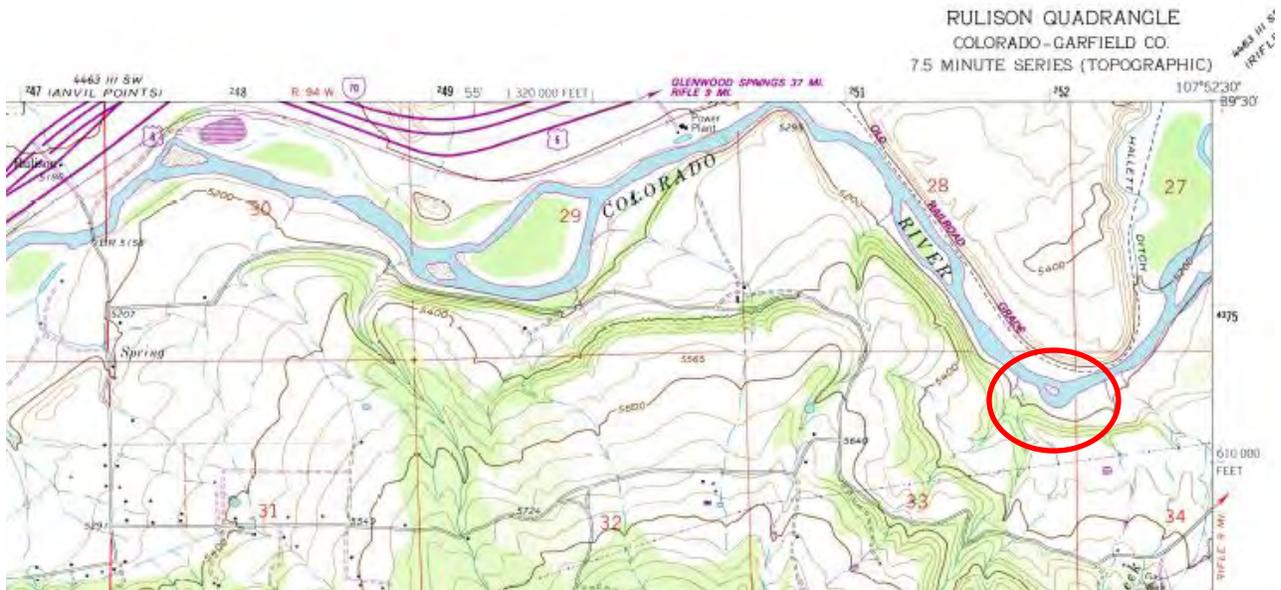
C. Signature

Authorizing Official:  Date: 8-22-11
 Allen B. Crockett, Ph.D., Supervisory NRS

Contact Person

For additional information concerning this CX review, contact Jim Byers, Natural Resource Specialist, Colorado River Valley Field Office, at 970-876-9056.

TOWNSHIP 6 SOUTH RANGE 94 WEST
Sections 33, Lot 4; and 34, Lot 3
6TH Principal Meridian, Garfield County, Colorado



Four borings are proposed for the geotechnical investigation for a proposed pipeline crossing beneath the Colorado River. Red circle (map above) shows the general area of the proposed crossing. Arrow (photo below) shows approximate location of Test Bore #2 to be drilled on BLM immediately north of the river.

BLM Stipulations: No Surface Occupancy (Protect Major River Corridor); Winter Timing Limitation Dec 1 – Apr 30 (Big Game Winter Habitat); Winter Timing Limitation Nov 16 – Apr 15 (Bald Eagle Winter Roost Sites); Controlled Surface Use (VRM Class II).

SURFACE USE CONDITIONS OF APPROVAL
DOI-BLM-CO-N040-2011-0106-CX
Temporary Use Permit COC75020T

1. Administrative Notification. The operator shall notify the BLM Authorized Officer (AO) at least 48 hours prior to initiation of construction. The Colorado River Valley Field Office (CRVFO) Interagency Energy Team Geologist (Todd Sieber, 970 876-9063 or asieber@blm.gov) shall also be contacted before drilling commences.
2. Utilities Locations. All existing pipelines, surface valves, and other utilities shall be field located, clearly marked, and the appropriate Utility Notification Center (www.unc.org) shall be notified before any construction/surface work occurs. All publicly owned underground facilities shall be marked according to the APWA color code.
3. The operator agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the ROW (unless the release or threatened release is wholly unrelated to the operator's activity in the ROW). This agreement applies without regard to whether a release is caused by the operator, its agent, or unrelated third parties.
4. The operator shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the operator 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 of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or state government.
5. Saturated Soils Conditions. When saturated soil conditions exist on or along the ROW construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
6. This grant TUP is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
7. Trash. 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.
8. Visual Resource Management. This is a Class II VRM area. Class II Objective: To retain the existing character of the landscape. The level of change to the characteristic landscape should be low. All efforts shall be made to leave as much existing vegetation as possible.

9. Big Game Winter Range Timing Limitation. To minimize impacts to wintering big game, no construction, drilling or completion activities shall occur during a Timing Limitation (TL) period from **December 1 to April 30** annually on section 33, Lot 4.
10. Bald Eagle Winter Roost Sites. To protect Bald Eagle winter roost sites, no construction, drilling, or completion activities shall occur during a Timing Limitation (TL) period from **November 16 through April 15** annually on section 34, Lot 3.
11. Drilling shall be accomplished by a truck-mounted rig. A BLM geologist shall be present to observe the operations. At each bore, cuttings generated by the drilling and removal of test cores—needed for geophysical testing—shall be replaced into the bore and the bore then grouted.
12. Surface Disturbance. No surface disturbance shall remain except for a small area of disturbed soil approximately 3 to 4 feet in diameter. Grass seed shall be hand-broadcast and hand-raked into the disturbed soil before leaving the site.
13. Water Resources. All bores and soil samples shall occur below the surface groundwater level. No impacts shall occur to surface water. No aquifers shall be penetrated during the bore processes. No impacts shall occur to subsurface water resources.
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.
15. Cultural Education/Discovery. All persons in the area who are associated with this project shall 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 43 CFR 10.4(g), the BLM authorized officer shall 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 authorized officer to proceed.

16. Hazardous Materials. No hazardous materials, chemicals, fuels, lubricating oils, or concrete coating activities shall be stored or used within 200 feet of any water body or dry drainage. If any hazardous material must be temporarily stored or transferred within 200 feet of a water body (i.e. stationary pumps), it shall be placed within a secondary containment structure that is capable of containing 110 percent of the volume of the stored material.
17. Fire Suppression. All precautions shall be taken to ensure fire control measures are in place. Internal combustion engines shall be equipped with approved spark arrestors which meet either (a) the USDA Forest Service Standard 5100-1a or (b) Society of Automotive Engineers (SAE) recommended practices J335(b) and J350(a).
18. Site Security. All equipment and supplies shall be safely secured so no unauthorized use may occur during times when drilling and set up or take down operations are not occurring.

19. Test Bore #2 shall be drilled vertically on the BLM managed lands (location noted above) to an approximate depth of 76.6 feet to determine the feasibility of a directional borehole underneath the Colorado River to accommodate a 16-inch-diameter high-pressure natural gas pipeline. The test bores shall be offset approximately 30 feet from the proposed actual proposed river bore.