



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652
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CATEGORICAL EXCLUSION

NEPA LOG NUMBER: DOI-BLM-CO-N040-2014-0108-CX

Background

BUREAU OF LAND MANAGEMENT (BLM) OFFICE: Colorado River Valley Field Office (CRVFO), Silt, Colorado

CASEFILE/PROJECT NUMBER: COC62160 (Oil and Gas Lease)

PROPOSED ACTION TITLE/TITLE: Proposal to Conduct Emergency Stabilization Work on DOE 1-M 18 Pad Access Road (Culvert Repair) in the North Rulison Field Northwest of Rifle, Colorado Authorized by Sundry Notice.

LOCATION OF THE PROPOSED ACTION: Township 6 South (T6S), Range 94 West (R94W), Section 18, NE¹/₄NE¹/₄, Sixth Principal Meridian. Emergency stabilization work, involving culvert repair/cleanout and inlet basin re-establishment, would occur at the ephemeral drainage crossing on the DOE 1-M-18 pad access road on Federal lease COC62160 (Figure 1). The site is located approximately 1½ miles north of the terminus of Garfield County Road 246 (CR 246).

APPLICANT: WPX Energy Rocky Mountain LLC (WPX) is the Leasehold Operator.

DESCRIPTION OF PROPOSED ACTION: The unnamed ephemeral stream has been subjected to repeated, periodic debris flows over the years resulting in the 36-inch diameter culvert being plugged with shale sediments forcing the flow across and, at times, down the roadway. The culvert is presently unserviceable with the culvert inlet being filled with sediment and rock. The recent flows from the summer and fall rain storms have resulted in the debris including sediments and rocks being diverted across and down the roadway approximately 175 feet and creating a new headcut along the road's edge.

Repair work on the culvert to re-open the plugged inlet is needed to provide a directed flow under the roadway and avoid the debris buildup on the roadway down gradient from the culvert. A water bar would be constructed across the existing roadway on the west side of the culvert to help deflect and direct any future flows that overrun the culvert across the roadway and not allow sediments to travel down the road. A large sediment basin(s) would be excavated within the existing channel upstream of the culvert to slow down the intermittent flow and catch debris before it impacts the existing culvert. A debris screen could be attached to the culvert inlet to deflect debris and avoid future pluggings. The proposed size of the sediment basin(s) would not be expected to exceed ½ acre. All work would be conducted within the existing channel of the ephemeral drainage. Shale material excavated from the sediment basin work shall be hauled to the Rulison Road Realignment – Clough Bridge Road Bypass project (SCX #DOI-BLM-CO-N040-2014-0016) for use as road base.

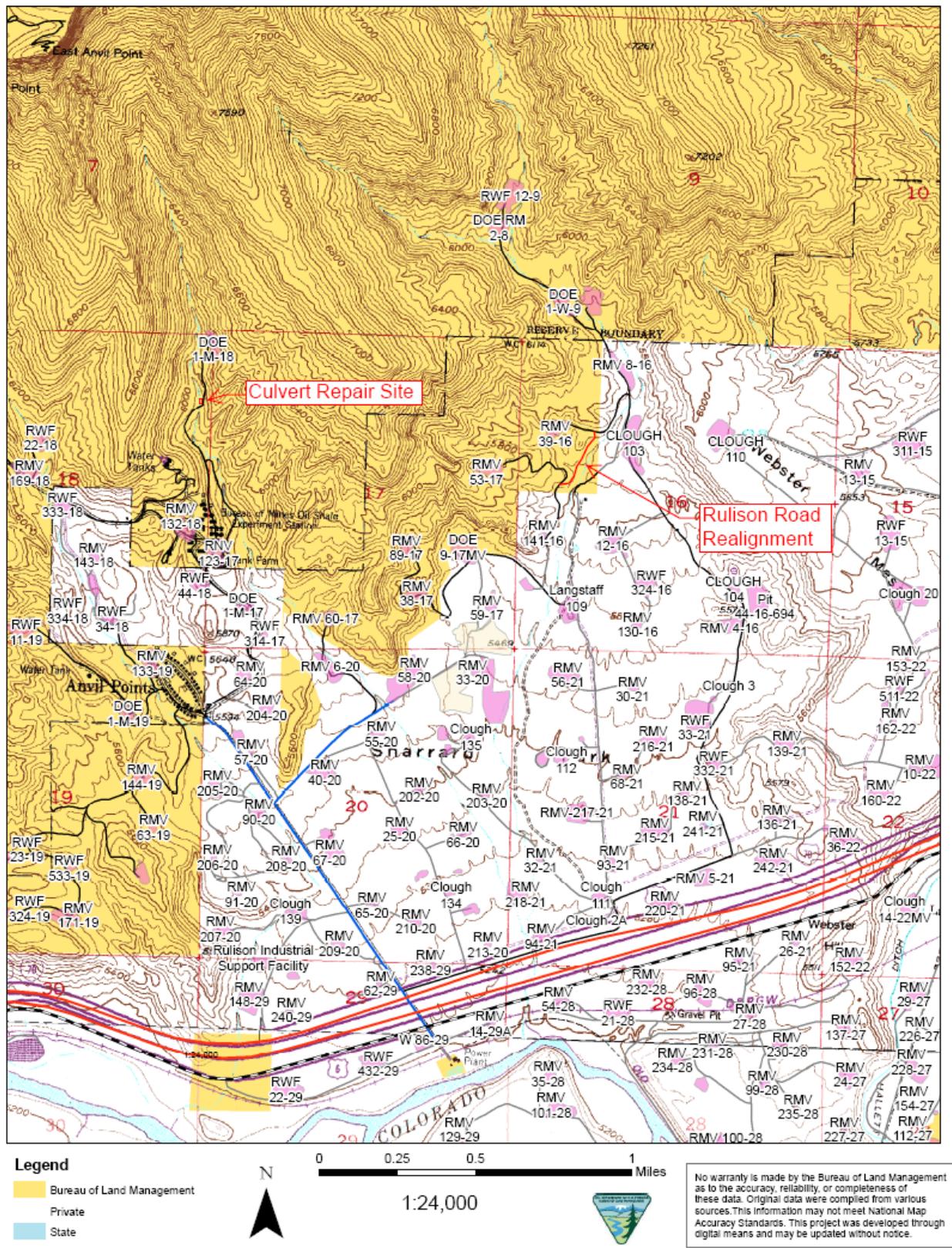


Figure 1. Location of Emergency Stabilization (Culvert), DOE 1-M 18 Pad Access Road

Although the current culvert dimensions may seem inadequate for the periodic debris flows that occur in this drainage, the operator is content with conducting periodic maintenance on this culvert to keep it functioning instead of the expenditure for a large box culvert type structure that would allow debris to pass unabated. Should future wells be planned on the DOE 1-M-18 pad, a likely occurrence since the existing pad is a key location for reaching bottomholes at the north end of the Federal lease, a culvert upgrade would be warranted at the time of that development.

Since material would only be excavated and dredged from the ephemeral channel in order to clean out and maintain the culvert, there is no authorization needed from the US Army Corps of Engineers.

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:

Land Use Plan (LUP) Name: The current land use plan is the *Glenwood Springs Resource Management Plan* (RMP) (BLM 1984, revised 1988). Relevant amendments include the *Oil and Gas Plan Amendment to the Glenwood Springs Resource Management Plan* (BLM 1991) and the *Oil & Gas Leasing & Development Record of Decision and Resource Management Plan Amendment* (BLM 1999).

Date Approved/Amended: *Oil and Gas Plan Amendment to the Glenwood Springs Resource Management Plan* (BLM 1991) – approved November 27, 1991; *Oil & Gas Leasing & Development Record of Decision and Resource Management Plan Amendment* (BLM 1999) – approved March 24, 1999.

Determination of Conformance: The 1991 plan amendment for oil and gas (BLM 1991) included the following at page 3: “697,720 acres of BLM-administered mineral estate within the Glenwood Springs Resource Area (GSRA) are open to oil and gas leasing and development, subject to lease terms and (as applicable) lease stipulations” (BLM 1991, page 3). This decision was carried forward into the 1999 plan amendment for oil and gas. The 1999 plan amendment for oil and gas (BLM 1999) included the following at page 2-4: “The BLM transfers to the lease holder the right to explore and develop all the oil and gas resources, subject to the stipulations attached to the lease” (BLM 1999, page 2-4). Exploration activities are provided for under the current plans and amendments above for the public domain lands involved. The action would not result in land use allocation decisions and would not limit the choice of reasonable alternative actions relative to the land use decisions being examined. Therefore, the project conforms to the current LUP, as amended.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (I) Emergency Stabilization. The specific categorical exclusion narrative is stated as follows:

I. Emergency Stabilization

1. Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of

hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. These activities:

- a. Shall be completed within one year following the event.
- b. Shall not include the use of herbicides or pesticides.
- c. Shall not include the construction of new roads or other new permanent infrastructure.
- d. Shall not exceed 4,200 acres.
- e. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.
- f. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract

This CX is appropriate in this situation because there are no extraordinary circumstances potentially having 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 (Table 1). Any “Yes” answers in Table 1 preclude use of the CX.

| Table 1. Extraordinary Circumstances | | |
|---|-----|------------------|
| 1. May have significant impacts on public health and safety. | Yes | <u>No</u> |
| 2. May have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild and scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 119880; national monument; migratory birds; and other ecologically significant or critical areas. | Yes | <u>No</u> |
| 3. May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102 (2) (E)). | Yes | <u>No</u> |
| 4. May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | Yes | <u>No</u> |
| 5. May establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | Yes | <u>No</u> |
| 6. May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | Yes | <u>No</u> |
| 7. May 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. | Yes | <u>No</u> |
| 8. May 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. | Yes | <u>No</u> |
| 9. May violate a Federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment. | Yes | <u>No</u> |
| 10. May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | Yes | <u>No</u> |

| Table 1. Extraordinary Circumstances | | |
|--|-----|-----------|
| 11. May 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). | Yes | <u>No</u> |
| 12. May contribute to the introduction, continued existence, or spread of noxious weed 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). | Yes | <u>No</u> |

Persons and/or Agencies Consulted

WPX - Eric DeKam, April Mestas, Mike Shoemaker
BC Excavation - Brian Clark

Interdisciplinary Review

BLM staff from the CRVFO listed in Table 2 participated in the preparation of this SCX, including review of survey results submitted by the Operator’s consultants, evaluation of impacts likely to occur from implementation of the Proposed Action, and identification of appropriate COAs.

| Table 2. BLM Interdisciplinary Team Authors and Reviewers | | |
|--|-----------------------------------|---|
| <i>Name</i> | <i>Title</i> | <i>Areas of Participation</i> |
| Jim Byers | Natural Resource Specialist (NRS) | Project Lead, Coordination and Inspection |
| Allen Crockett, Ph.D., J.D. | Supervisory NRS | NEPA Review |

Remarks/Mitigation: Conditions of approval to be attached to the individual NOI are listed in Attachment A.

Name of Preparer: Jim Byers, Natural Resource Specialist

Date: October 1, 2014

Decision and Rationale: I have reviewed this categorical exclusion record and have decided to implement the Proposed Action.

I have reviewed Section B, Land Use Plan Conformance, and Section C, Compliance with NEPA, and have determined that the Proposed Activity is in conformance with the applicable land use plan(s) and referenced NEPA documents. This action is listed in the Department Manual as an action that 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.

Signature of Authorized Official: 
Supervisory Natural Resources Specialist

Date Signed: 10-9-14

**Surface-Use Conditions of Approval
Emergency Stabilization (Culvert)
DOE 1-M-18 Well Pad Access Road
DOI-BLM-CO-N040-2014-0108-CX**

1. Scope of Emergency Work (Culvert Repair). All excavation work shall be conducted within the existing channel and upstream of the existing culvert except for a raised water bar that would be constructed across the existing roadway on the west side of the culvert to help deflect and direct any flows that overrun the culvert across the roadway and not allow sediments to travel down gradient on the road. The full extent of the excavated area shall not exceed ½ acre unless otherwise approved by the Authorized Officer. A fabricated grate or screen shall be installed across the culvert inlet at an angle appropriate to deflect debris away, around or over the culvert inlet. Shale materials excavated from the sediment basin(s) in the drainage shall be hauled to the Rulison Road Realignment-Clough Bridge Bypass Project (SCX #DOI-BLM-CO-N040-2014-0016) for use as road base on the new authorized roadway.
2. 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 would be subject to prosecution.

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the Authorized Officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on Federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the Proposed Action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups.

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).