

LITTLE SNAKE FIELD OFFICE
DOCUMENTATION OF LAND USE PLAN AND NEPA ADEQUACY (DNA)
U.S. Department of the Interior Bureau of Land Management

NUMBER: CO-100-2006-012DNA

CASE FILE/PROJECT NUMBER: COC69350

PROJECT NAME: Beckett Well #34-9 Pipeline

LEGAL DESCRIPTION: E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T.9N., R.93W., 6th PM

APPLICANT: Hunter Energy LLC

A. Describe the Proposed Action

The proposed action is to grant a right-of-way (ROW) to Hunter Energy LLC for a gas transportation pipeline on public land from the Beckett Well #34-9 to a tie-in point in Western Gas Resources Inc. existing pipeline in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 9, T.9N., R.93W. The proposed pipeline would be located within two miles of Great Divide, Colorado. The approximate date work would start is November 15, 2005 and the estimated duration of construction is one week. Moffat County Road #7 would be used to access the pipeline corridor.

Hunter Energy plans to install a 4-inch steel natural gas pipeline beginning in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 9 at the Beckett Well #34-9, on private surface, then head in a westerly direction approximately 625 feet to Moffat County Road 7, cross under the road, then traverse northerly, parallel to the road for 524 feet on public land and terminate at a tap on an existing pipeline in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 9. Approximately 524 feet of pipeline would be installed on Federal surface; the remaining 625 feet would be on private surface.

A 90-day temporary surface line is requested to transport natural gas which is anticipated to be flowed during well drilling and immediately after well testing. The proposed surface line is needed for the following reasons:

1. To minimize disturbance and allow for early reclamation by removing the surface pipeline if the well is determined to be uneconomical after flow testing.
2. To minimize air emissions which would result from extended gas flowing during well testing.
3. To minimize waste of natural gas resources on non federal lands.

If the well is deemed to be economic, the pipeline will be buried as a permanent natural gas pipeline.

A 50-foot wide corridor is requested for construction, (approximately 0.60 acre). Upon completion of reclamation, one year for construction and two years for establishment of vegetation, the permanent width requested is 15 feet (0.18 acre). The 50-foot wide corridor would be cleared of vegetation and obstacles. A backhoe or wheel trencher would dig a trench to an average depth of 48 inches, stacking the dirt beside the ditch. The first 6-inches of topsoil would be saved along the edge of the bladed corridor. The pipeline will be hydrostatically tested prior to filling the trench. Water will be placed in a reserve pit located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 9, or to an approved disposal site. During rehabilitation, the topsoil would be evenly spread over the disturbed areas. The trench soil would be kept separate from the topsoil. All disturbed areas would be recontoured and seeded. All permanent above ground facilities, piping, and valving would be painted with a flat, non-contrasting color harmonious with the surrounding landscape (Shale Green). Pipeline markers will be installed. Hunter Energy LLC would be responsible for weed control on the disturbed areas.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

Draft RMP/EIS, February 1986

Final RMP/EIS, September 1986

Colorado Oil and Gas Leasing and Development Final EIS, January 1991

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the LUPs decisions. The proposed action is in Management Unit 2. One of the objectives of Management Unit 2 is to provide for the development of the oil and gas resource. The development of other resource uses/values within this unit is allowed consistent with the management objectives for oil, gas, and forest resources.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

EA CO-016-98-002, Install Pipeline for the Federal Well #1-14-28, December 1997

EA CO-016-98-003 Install Pipeline for the Federal Well #1-23-9, October 15, 1997

EA CO-016-94-054 APD to drill the Federal Well #1-23-9, May 2, 1994

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes, the current proposed action is substantially the same action as previously analyzed. The site was specifically analyzed in an existing NEPA document.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the alternatives analyzed in existing NEPA documents are appropriate for the current proposed action. No new alternatives have been proposed to address additional issues or concerns. No new information has been identified that requires change or consideration of new alternatives.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes. The proposed action would have no disproportionate impacts on minority populations or low-income communities (E.O. 12898) and is in compliance with the President's Executive Order, signed 1/10/01, which mandates evaluation of effects of actions and agency plans on migratory birds.

Resource conditions continue to meet objectives and goals. A condition of approval to avoid surface disturbing activities during the nesting period (March 1 – June 30) is sufficient to insure that there will be no impact on nesting sage grouse. No new, threatened or endangered plant or animal species have been identified on the site. The surface disturbing activities associated with pipeline installation will create an environment and provide a mode of transport for invasive species and other noxious weeds to spread. Required mitigation attached as Exhibit B, stipulations to minimize disturbance, utilize interim reclamation techniques and control noxious weeds will reduce the potential for long- term infestations of annual and noxious weed species. Data reaffirms that the NEPA documentation identified all resource concerns for the affected environment. The proposed action will not adversely affect Public Land Health Standards.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The previous EA’s were written in 1994 and 1997. No new procedural or analytical processes have been adopted since the previous analysis was conducted.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Stipulations have been added to the proposed action to ensure nesting sage grouse are not impacted by construction activities and to reduce the potential to spread invasive weed species. Direct and indirect impacts of the current proposed action are not significantly different from those identified in the existing NEPA documents and the proposed action would not change the previous analysis of impacts.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the actual cumulative impacts are well within the parameters addressed. To date, the amount of surface disturbance on public land has been less than predicted and added to past, present, and reasonably foreseeable actions of BLM and others, the impact prediction remains accurate. Implementing the proposed action will not substantially change the cumulative impact analysis.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Extensive public outreach through scoping and involvement of the public and other agencies occurred in the development of existing NEPA documents. No new, interested parties have been identified that have any concerns with the proposed action

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented	Name/Date
Barb Blackstun	Natural Resource Specialist	Air Quality & Climate, Floodplains, Prime/Unique Farmlands, Surface Water Quality	BB 11/14/05

Hal Keesling	Archaeologist	Cultural Resources, Native American Concerns	HK 11/15/05
Louise McMinn	Realty Specialist	Environmental Justice	LM 11/08/05
Duane Johnson	Environmental Coord. NEPA	Hazardous Materials	DJ 11/9/05
Curtis Bryan	Rangeland Management Spec.	Invasive Non-native Species	CJB 11/17/05
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS 11/14/05
Desa Ausmus	Wildlife Biologist	T&E Animal	DMA 11/16/05
Fred Conrath	Petroleum Geologist	Ground Water Quality	FC 11/14/05
Desa Ausmus	Wildlife Biologist	Wetlands/Riparian Zones	DMA 11/16/05
Jim McBrayer	Outdoor Recreation Specialist	WSA, WSR, ACEC, VRM	JDM 11/14/05

STANDARDS:

Desa Ausmus	Wildlife Biologist	Animal, Riparian Systems	DMA 11/16/05
Hunter Seim	Rangeland Management Spec	Plant	JHS 11/14/05
Hunter Seim	Rangeland Management Spec	T&E Plant	JHS 11/14/05
Desa Ausmus	Wildlife Biologist	T&E Animal	DMA 11/16/05
Barb Blackstun	Natural Resource Specialist	Water Quality, Upland Soils	BB 11/14/05

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made, this box cannot be checked.

/s/Louise McMinn
Signature of Preparer

/s/Duane Johnson
Signature of Environmental Coordinator

/s/Frederick W. Conrath
Signature of Responsible Official

November 21, 2005
Date

Note: The signed Conclusion is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Exhibit B
Stipulations
COC69350

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the permit in strict conformity with the plan(s) of development identified with the application. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete permit, including all stipulations and approved plan(s) of development, shall be made available on the permit area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. 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 authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer 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 the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
3. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) (970) 826-5087. Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again.
 - If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.
4. Pursuant to 43 CFR 10.4(g) the holder of this authorization 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. 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 authorized officer.
5. If fossils are discovered during construction or other operations, all activity in the area will cease and the Field Office Manager will be notified immediately. An assessment of significance will be made within an agreed time frame. Operations will resume only upon written notification by the Authorized Officer.

6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) 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 right-of-way or on facilities authorized under this right-of-way 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 authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
7. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
8. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.
9. Construction activities will not be allowed to commence if the topsoil cannot be separated from the subsoil during adverse environmental conditions (i.e. when soils are frozen or muddy.)
10. In the event that topsoil cannot be properly distributed during reclamation, additional precautions will be taken to minimize erosion of subsoil. Periodic monitoring to assess site specific environmental conditions, timing of operations and use of mulches and/or barriers may be required to insure that erosion is not significant within the pipeline easement.
11. Precautions will be taken to minimize wind erosion of sandy subsoil. Periodic monitoring to assess site specific environmental conditions, timing of operations and use of mulches and/or barriers may be required to insure that wind erosion is not significant within the pipeline easement.
12. Install pipeline warning signs indicating location of buried pipeline; company name and telephone number will be included on all signs.
13. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
14. Compact backfilled soil material in the first few feet above the pipeline sufficiently to prevent excessive settling of soil and channelization of surface water, but not to the extent to significantly inhibit percolation of water. The backfilled surface soil should be firm and allow good infiltration of water.
15. All construction and maintenance activities will be contained within the 50-foot easement, exception provided only for waterbars and erosion control; vehicular access for reclamation, maintenance and emergencies is authorized, but the easement will not be used as a road after construction is completed.

16. In order to protect nesting sage grouse, surface disturbance activity is restricted from March 1st through June 30th. It is recommended that when the pipeline corridor is seeded, that the seed mix contains forbs to benefit the sage grouse in this area.
17. The temporary surface line is to be buried within 90 days according to the Plan of Development.
18. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.
19. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.
20. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.

21. RECLAMATION:

The lessee/permittee is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: regrading the approximate original contour, effectively controlling noxious weed, separating, storing and protecting topsoil for redistribution during final abandonment, seeding, and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored, and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices which ensure stability will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with exception of vegetative establishment, within one year. If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility (s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects, vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. If it becomes evident prior to the conclusion of the second growing season that establishment will not be achieved, cultural practices will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Resource Area. The first report will be due in January following initiation of reclamation practices and annually thereafter until final reclamation is approved.

There are numerous reclamation practices and techniques which increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the permittee's prerogative to use the methods of reclamation necessary to accomplish the objective. However, it is recommended that the state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved.

- "permanent vegetative cover" will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site (s) for the area.

- "diverse" will be accomplished if at least two(2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three(3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

- "self regenerating" and "adapted to the area" will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

"surface stability" will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestal, is no greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion is greater than two (2) times the allowable amount, correctional action would have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no correctional action would be required at that time. Another check (and measurement) would be performed a year later to determine if the stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase is greater than the allowed standard, corrective action would be required.

- "subsurface stability" (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty-five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and Badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following recontouring to original contour for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

This stipulation, or portions of it, may be waived by the authorized officer. Such waiver will be documented and justified when not applicable or objectives are accomplished through another method.